

DAVID CHIVERS QC

Called: 1983 Silk: 2002

Profile:

David Chivers' practice encompasses both litigation and advisory work in the fields of company law and corporate insolvency. He advises on all aspects of the Companies Acts including questions of financial assistance on acquisitions of shares and other maintenance of capital issues. David has considerable experience of acting on behalf of directors facing disqualification and is author of the chapter on directors' disqualification in "The Practice and Procedure in the Companies Court" published by Lloyds of London Press.



His litigation experience includes section 459 petitions, diversion of corporate opportunities, professional negligence claims and insolvency proceedings. He has experience of multi-party litigation including the Atlantic Computers proceedings where he advised and appeared in court on behalf of Atlantic in various claims and was subsequently part of the core mediation team in the £150m settlement of the litigation.

What the Journals say:

Ranked in: The Legal 500

Company, Commercial Litigation and Insolvency

David Chivers QC has a “*great client manner*”, being “*an intellectual heavyweight*”. (The Legal 500)

Ranked in: Chambers and Partners

Company, Restructuring/Insolvency and Commercial Dispute Resolution

David Chivers QC is “*a fantastic advocate who is both clever and commercial*.” Solicitors appreciate the fact that he “*delivers absolutely spot-on advice*” and is also “*a pleasant, very natural man*.” (Chambers and Partners)

David Chivers QC is recognised as being “*extraordinarily quick on his feet*.” He proves flexible in his advocacy and has “*the gift of seeing where things are going and preparing accordingly*.” He acted for Amway in defeating a contested public interest winding-up petition both at trial and on appeal. (Chambers and Partners)

David Chivers QC also engages in a broad array of work, splitting his practice between advisory work and litigation, (Chambers and Partners)

David Chivers QC is “*unbelievably knowledgeable – any question you put to him receives a immediate answer*.” (Chambers and Partners)

“His ability to understand all the issues of a case straight away is quite remarkable,” enthused one solicitor. (Chambers and Partners)

David Chivers is an *“eye-wateringly bright”* silk. He particularly impresses in court, where peers describe him as *“stunning to watch”* due to his *“clarity of expression, ability to explain complex insolvency points and knack for making the best of his material.”* *“He’s always there with an immediate answer,”* reported one client. (Chambers and Partners)

Education:

David Chivers was educated at Downing College, Cambridge and was called to the Bar in 1983.

Expertise:

He specialises in company law, which he practices from Erskine Chambers. His practice is divided between advisory work and litigation. Non-contentious work includes advice on all aspects of companies' legislation but commonly relates to questions of capital restructuring, financial assistance and corporate governance. A strong litigation practice crosses over from company law to more general commercial work and includes a good deal of corporate insolvency.

Publications:

Publications include contributions to Gore Browne on Companies (Jordans) and Practice and Procedure in the Companies Court (LLP).

Organisations:

David Chivers was also a member of the Chancery Working Group reporting to Lord Woolf on Access to Justice.

Case List:

Re: Amway Ltd

Ref: 2008 EWHC 1054 (ch)

Public interest winding up petition – trial.

Re: Neath Rugby Club Ltd

Ref: 2007 EWHC (ch)

Section 459 Petition – trial.

NBH -v- Hoare

Ref: 2006 EWHC 2999 (ch) 2006 2BCLC 649

Conspiracy to defraud, s320 CA 1985 – trial

Creque -v- Penn

Ref: 2007 UKPC 44

Privy Council Appeal

Re Nottingham Forest Plc

Ref: [2001] 1 All ER 954

Companies Act 1985 s.459 - trial

Philip Morris v. Rothmans

Ref: (C.A.) Times 5/8/2001

Construction of licence agreement - Change of control - City Code - trial and appeal

Taylor Sinclair Capital

Ref: [2001] 2 BCLC 176

Transactions at undervalue; I Act 1986 ss 238, 240, 432. - trial

Lloyd v. Popely

Ref: [2000] 1 BCLC 19 and C.A.

Share transfer - malicious falsehood - trial and appeal

Migration Services International Limited

Ref: [2000] 1 BCLC 666

Directors' disqualification - appeal - scope of Act and length of disqualification

ASRS Establishment Limited

Ref: [2000] 1 BCLC 727, and [2000] 2 BCLC 631 C.A.

Construction of debenture - fixed and floating charges - Preliminary issue and appeal

Benfield Greig

Ref: [2000] BCLC 488

Companies Act 1985 s. 459 - strike out

Brownlow v. Marshall

Ref: [2000] 2 BCLC 655

Companies Act 1985 s.459 - trial

Re Atlantic Computers Plc

Ref: [1998] BCC 200

Insolvency Act 1986 s.236 - exercise of Court's discretion. Discovery - Privilege - Public interest

Secretary of State for Trade & Industry v. Rogers

Ref: [1996] 1 WLR 1569 (C.A.)

Directors' Disqualification - Disqualification proceedings based on agreed facts - findings of dishonesty - whether finding of dishonesty to be set aside

Re Polly Peck International Limited (No.3)

Ref: [1996] 2 All ER 433

Insolvency Act 1986 - Corporate personality - lifting the veil - rule against double proof.

Re Pamstock

Ref: [1996] BCC 341 C.A.

New Bullas Trading Limited

Ref: [1994] BCC 36 C.A.

Re Elgindata (No 2) Ltd

Ref: [1992] WLR 1207 C.A.