

## NIGEL DOUGHERTY

*Called: 1993*

### **Profile:**

Main practice areas are company law, corporate insolvency, general commercial law and professional negligence.

### **What the Journals say:**

**Ranked in: Chambers and Partners  
Company**

*“an absolute rock, no matter what pressure he is under.”* He has an excellent reputation throughout the market for shareholder disputes and is commended for the rapport he builds up with clients. (Chambers and Partners)

Nigel Dougherty, who is credited for his *“vivacity even when handling the most arduous of cases.”* (Chambers and Partners)

**Ranked in: The Legal 500  
Company and Insolvency**

Nigel Dougherty stands out as *“really good, really hard-working.”* (The Legal 500)

Nigel Dougherty comes highly recommended... (Insolvency, Legal 500)

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### **Education:**

University of Cambridge

BA (Hons), 1991 - Class 1 (Law Tripos);

Master of Laws, 1992 - Class 1 (highest in year) - papers taken in Corporate Finance, Securities Regulation, Carriage of Goods by Sea and International Sale of Goods.

### **Professional Qualifications:**

Called to the Bar 1993 (Gray's Inn);

Junior and Senior Scholarships from Gray's Inn;

Lee Essay Prize; and

Inns of Court Scholarship.

### **Main Practice Areas:**

Company and corporate insolvency advice and litigation. in particular, minority shareholder disputes, directors' duties, takeovers and mergers, directors service contracts, shareholder



agreements and business/share acquisition agreements and claims;

General Commercial Law particularly banking and sale of goods; and

Professional negligence - in particular, involving solicitors and accountants/auditors.

Such matters will often involve a considerable amount of documentation and/or a substantial international element.

**Publications:**

Contributor to "Company Directors Law and Liability" (1997) - Chapter on "Directors' Authority As Agents and Ultra Vires"

Regularly lectures to solicitors or commercial conferences on topics such as "Minority Shareholder Remedies", "Directors' Duties" and "Difficult Company Meetings".

## Case List:

Irvine v. Irvine

*Ref: [2007] 1 BCLC 445*

Acted for successful majority shareholder in establishing that a minority shareholder's interest in a non quasi-partnership company was to be valued on a discounted basis for the purposes of an order under section 461 of the Companies Act 1985.

Re Servacomm Redhall Ltd, Cunningham v. Secretary of State for Trade and Industry

*Ref: [2006] 1BCLC 1*

Acted for successful applicant on a complicated application for permission to act as a director of two companies notwithstanding the making of a disqualification order.

Ultraframe (UK) Limited v. Fielding

*Ref: [2005] EWHC 1638 (Ch); [2006] EWCA Civ 1133*

Successfully acted for the defendants in a 7-month trial involving allegations of breach of directors' duties, the alleged misappropriation of businesses and the question of an alleged knowing assister's liability to account for profits made by another.

BWE International Ltd v. Jones

*Ref: [2004] 1BCLC 406 (Court of Appeal)*

Successfully acted on an appeal concerning the proper construction of pre-emption articles.

Rose v. Lynx Express Limited

*Ref: [2004] 1 BCLC 455 (Court of Appeal)*

Successfully acted on an appeal concerning the appropriate test for a Court to order pre-action disclosure.

Sutton v. GE Capital Finance Limited

*Ref: [2004] 2 BCLC 662 (Court of Appeal)*

Successfully acted on an appeal concerning the duties of a receiver to his appointor and the proper exercise of powers under Section 236 of the Insolvency Act 1986.

Item Software (UK) Limited v. Fassihi

*Ref: [2004] BCC 994*

Acted for the defendant director on an appeal concerning the extent of a director's fiduciary duties.

Folkes Group plc v. Alexander

*Ref: [2002] 2 BCLC 254*

Acted for a company on the construction and effect of a resolution seeking to alter its Articles of Association.

## Re Pimlico Capital Limited

*Ref: [2002] 2 BCLC 544*

Acted for the company on a successful strike-out application concerning the entitlement of a contributory to maintain a winding-up petition in respect of a company incorporated abroad.

## Cadbury Schweppes v. Somji

*Ref: [2001] 1 WLR 615*

Acted for a bankrupt on an appeal against the setting aside of a voluntary arrangement on the basis of alleged non-disclosure of collateral arrangements that had been entered into with certain creditors.

## Scotto v. Petch: Re Sedgefield Steeplechase Company (1927) Limited

*Ref: [2000] 2 BCLC 211 (Lord Hoffmann at first instance); [2001] BCC 889 (Court of Appeal)*

Acted for the company at first instance and on appeal in a case concerning questions of whether the entry by shareholders into agreements concerning their shares activated pre-emption provisions in the company's Articles of Association.

## Re Howglen Limited

*Ref: [2001] 1 All ER 376*

Acted for the successful clearing bank in responding to an application for the production of documents under the Bankers' Books Evidence Act 1879. The case also considered the principles to be applied by the Court in ordering the production of documents by third parties under the Civil Procedure Rules.

## Platt v. Platt

*Ref: [1999] 2 BCLC 745 (first instance); [2001] 1 BCLC 698 (Court of Appeal)*

Acted at first instance and on appeal for the successful former shareholders in an action against a director who purchased their shares on the basis of misrepresentations and/or non-disclosure and/or in breach of his fiduciary duty.

## Vision Express (UK) Ltd v. Wilson

*Ref: [1998] BCC 173*

Acted for successful applicant to enforce terms of a Tomlin Order involving a company's purchase of its own shares not previously authorised in accordance with the Companies Act 1985.

## Secretary of State for Trade and Industry v. Cleland

*Ref: [1997] BCC 473*

Acted for successful second respondent in proceedings to resist the issue of directors' disqualification proceedings out of time.

Tam Wing Cheun v. Bank of Credit and Commerce Hong Kong Ltd

*Ref: [1996] BCC 388*

Acted for successful respondents to Privy Council appeal raising issues of insolvency set-off and the effect of a charge over a bank deposit by a depositor in respect of a company's indebtedness.