



David Chivers KC

Call: 1983 Silk: 2002

David is currently Head of Chambers.

David is a highly experienced, sought-after Silk who specialises in company law, corporate litigation, financial services and corporate restructuring/insolvency – onshore, offshore and internationally.

He is known for the quality and clarity of his advice as well as his authoritative advocacy.

David spent 3 months in 2018 sitting as an additional judge of the Eastern Caribbean Supreme Court, assigned to the British Virgin Islands Commercial Court.

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Corporate

- Corporate governance
- M&A
- Structured finance
- Shareholder disputes
- Part VII business transfers
- Capital markets
- Takeovers
- Joint Ventures
- Corporate reorganisations
- Cross-border mergers

David is regularly instructed on company reorganisations and schemes of arrangement and other corporate transactions and has been involved in some of the largest and most high-profile transactions of recent years.

William Hill Plc

Aston Martin Lagonda Plc

Inmarsat Plc

Vodafone PLC – Verizon.

Shire PLC.

BHP Billiton PLC.

Dee Valley Group Plc (contested scheme of arrangement).

David also frequently advises on offshore contested M&A work.

Litigation & Arbitration

- Shareholder disputes
- Hostile takeovers
- Warranty claims
- Interim remedies
- Professional negligence
- Joint venture disputes
- Fiduciary obligations
- Fraud and asset recovery
- Commercial litigation
- LLP/funds disputes

William Hill Plc [2021] EWHC 1347 (Ch)

Contested scheme of arrangement

Inmarsat Plc [2019] EWHC 3470 (Ch), [2020] EWHC 776 (Ch)

Contested scheme of arrangement

Ronald Dennis v TAG Group [2017] EWHC (Ch)

Unfair prejudice, jurisdiction, submission.

Dee Valley Group Plc [2017] EWHC 184

Contested scheme of arrangement – class meetings, voting requirements.

Burnden Holdings v Fielding, [2016] EWCA Civ 557, [2018] UKSC 14 (Court of Appeal and Supreme Court)

Limitation of actions in breach of fiduciary duty claim.

Arbuthnott v Bonnyman & Ors [2015] EWCA Civ 536 (Court of Appeal); [2014] EWHC 1410 (Ch)

s.994 petition; expropriation of minority shareholding.

Lombard-Knight v Rainstorm Pictures [2014] EWCA Civ 356 (Court of Appeal)

Requirements of s. 102 of the Arbitration Act 1996, registration of Californian arbitration award.

Re: Liverpool Football Club [2010] EWHC 2579 and [2011] EWHC 287

Disputed take-over; anti-suit injunction.

David has been appointed as an arbitrator in proceedings in the UK, Singapore and BVI.

Restructuring & Insolvency

- Contentious insolvency; cross-border issues
- Administration / special administration
- CVAs
- Winding-up
- Cross-border Insolvency Regulations 2006
- Bondholder litigation
- Receivership
- Schemes of arrangement
- Debt capital markets

Secretary of State for Business, Energy and Industrial Strategy v PAG Asset Preservation Ltd, [2019] EWHC 2890 (Ch) [2020] EWCA Civ 1017

Public interest winding up petition – rates mitigation scheme, trial and appeal.

David Chivers KC

SEB v Weaving Macro Fixed Income Fund [2019] UK PC36 (Privy Council)

Fraudulent preference claim in respect of redemptions out of an open ended investment company.

DD Growth Premium 2X Fund (In Official Liquidation) v RMF Market Neutral Strategies (Master) Limited (Cayman Islands) [2017] UKPC 36 (Privy Council)

Validity of redemption of shares; liability of recipient of an unlawful payment.

Trustees of Olympic Airlines SA Pension & Life Assurance Scheme v Olympic Airlines SA [2013] EWCA Civ 643 (Court of Appeal) [2015] UKSC 27 (Supreme Court);

Meaning of “establishment” under Insolvency Regulation 1346/2000 art.2 (h).

PAG Management Services [2015] EWHC 2404 (Ch)

Public intent winding up, rates mitigation scheme.

Singularis v PwC [2014] UKPC 36 (Privy Council on appeal from the Bermuda Court of Appeal) and [2016] UKPC 33

Extent of the common law power of a court to give assistance to the liquidator of a foreign company. Costs of complying with court order to disclose documents subsequently annulled.

PwC v Saad [2014] UKPC 35 (Privy Council on appeal from the Bermuda Court of Appeal)

The Bermuda Court had no jurisdiction to wind up a foreign non-permit company.

HMRC v Sunico [2013] EWHC 941

Conspiracy to defraud Revenue, trial of action.

Re Halliwells LLP Ch Div 20 July 2010

Administration Order and approval of pre-pack sales.

Choudary v Bhattar [2009] EWCA Civ 1176

Jurisdiction, EC Regulation 44/2001 art 22 – appeal.

Bluebrook Ltd (IMO Carwash) [2009] EWHC 2114

Contested creditors' scheme – trial.

Re: Amway Ltd [2009] EWCA Civ 32)

Public interest winding up petition – trial and appeal.

David has been appointed an expert assessor in relation to English insolvency law by, and has given evidence to the Icelandic District court in four claims arising out of the insolvency of Kaupthing Bank.

FINANCIAL SERVICES

- Financial regulation and enforcement
- Prospectus liability
- Collective investment schemes
- Market abuse/insider dealing
- Financial promotion

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David regularly advises on both contentious and non-contentious financial services matters and issues of financial regulation and enforcement.

He has twice conducted a statutory investigation into offshore financial services companies on behalf of the relevant financial services commission.

In 2017 and 2019 David gave expert evidence in criminal proceedings in Oslo on the subject of insider trading and market abuse.

INTERNATIONAL & OFFSHORE

David has a significant offshore practice. He has been admitted to the Bars of the following jurisdictions for the purpose of appearing in their courts: Bermuda (Supreme Court and Court of Appeal) Cayman Islands (Court of First Instance and Court of Appeal) and British Virgin Islands (Court of First Instance and Court of Appeal). David has sat as an additional judge of the BVI Commercial Court.

SEB v Weaving Macro Fixed Income Fund [2019] UK PC36 (Privy Council)

Fraudulent preference claim in respect of redemptions out of an open ended investment company.

DD Growth Premium 2X Fund (In Official Liquidation) v RMF Market Neutral Strategies (Master) Limited (Cayman Islands) [2017] UKPC 36 (Privy Council)

Validity of redemption of shares; liability of recipient of an unlawful payment.

Mehta v Viking River Cruises (2015), Bermuda Court of Appeal

Operation of Bermudian statutory squeeze-out provisions.

Singularis v PwC [2014] UKPC 36 (Privy Council on appeal from the Bermuda Court of Appeal)

Extent of the common law power of a court to give assistance to the liquidator of a foreign company.

PwC v Saad [2014] UKPC 35 (Privy Council on appeal from the Bermuda Court of Appeal)

The Bermuda Court had no jurisdiction to wind up a foreign non-permit company.

Validus Holdings v IPC, Supreme Court of Bermuda, 29 May 2009

Scheme – contested leave hearing.

Creque -v- Penn [2007] UKPC 44, (Privy Council on appeal from the Eastern Caribbean Court of Appeal (BVI))

Privy Council Appeal – Rules of evidence – Land Registration Act (BVI).

Memberships

Member of the Bar of England and Wales (Silk 2002) and British Virgin Islands. Called ad hoc to Bar of Bermuda and Cayman Islands.

David Chivers KC

Member of Chancery Bar Association, Insolvency Lawyers' Association, Recovery and Insolvency Specialists Association (Cayman), Financial Services Lawyers Association, International Insolvency Institute.

Member of BVI Arbitration Group.

David was a member of the Chancery Working Group reporting to Lord Woolf on Access to Justice and of the Civil Procedure Rules Committee Working Group on derivative claims procedure.

David is a Bencher of Lincoln's Inn and is Chair of the Lincoln's Inn Audit and Risk Committee.

Publications

Contributor to Co-Operatives that Work (Spokesman 1988); Practice and Procedure in the Companies Court (LLP 1997)

The Companies Act 2006, Directors Duties Guidance (CORE 2007)

The Law of Majority Shareholder Power (OUP 2008), second edition (OUP 2017)

Ranked in

Chambers & Partners –

Company, Commercial Dispute Resolution, Restructuring & Insolvency, Offshore, Chancery: Commercial

Legal 500 –

Company & Partnership, Commercial Litigation, Insolvency, Offshore