



## David Chivers KC

**Call: 1983 Silk: 2002**

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.

[Clerks@erskinechambers.com](mailto:Clerks@erskinechambers.com)

### Corporate

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- 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

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

#### **Globe Capital LLC v Sinovac Biotech Ltd [2025] UKPC 3**

An appeal to the Privy Council on the validity of 'poison pill' agreements in Antigua and Barbuda, and on the applicable procedure at remote meetings of shareholders.

#### **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

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- 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

### **SHANG PENG GAE KE v HEC**

Cayman Court of Appeal hearing to reverse rejection of proof of debt in a subsidiary of the Ascentra Group in relation to a Quistclose type trust.

### **DIGICEL**

Complex restructuring of Bermuda based telecoms company with extensive cross border elements.

### **Re Phoenix Commodities**

Claim by shareholder in insolvent BVI company to be removed from the list of contributories. Validity of redemption of shares

### **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.

### **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.

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### **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

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

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

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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.

### **Globe Capital LLC v Sinovac Biotech Ltd [2025] UKPC 3**

An appeal to the Privy Council on the validity of 'poison pill' agreements in Antigua and Barbuda, and on the applicable procedure at remote meetings of shareholders.

### **Nam Tai Property Inc v West Ridge Investment Limited**

Following the BVI Court setting aside an allotment of shares, the Company is obliged to return the subscription monies or can set off any such obligation against damages for conspiracy to injure, or otherwise has a change of position defence.

### **Re Phoenix Commodities**

Claim by shareholder in insolvent BVI company to be removed from the list of contributories. Validity of redemption of shares

### **Sina Corporation**

Acting for company on “take private” merger assessment in Cayman. The first case in which disclosure of documents was limited by reference to prohibitions imposed by a foreign jurisdiction, specifically whether disclosure of documents should be given in circumstances where PRC authorities have forbidden cross border transfer of documents.

### **Re Global Cord Blood Corporation**

Obtaining the appointment in Cayman of JPLs over NYSE Company following allegations of forgery, improper allotments of shares and a collusive attempted merger. Associated proceedings in BVI concerning forged share charge documents.

### **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

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

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.

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

### Publications

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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

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#### **Chambers & Partners –**

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

#### **Legal 500 –**

Company, Commercial Litigation, Insolvency, Offshore