



## David Chivers QC

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)

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### 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.

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.

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### 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

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### **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

### **Jackson v Dear [2013] EWCA Civ 89**

Construction of Shareholders' Agreement, implied term, trial and appeal

### **Re: Danka Business Systems Plc [2013] EWCA Civ 92**

Warranties on sale of shares, foreign law agreement, valuation and distribution in MVL (trial and appeal)

### **Panayatov v Falmouth House [2012] EWCA Civ 1174**

Construction of JVA – appeal

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

Disputed take-over; anti-suit injunction

### **Walbrook Trustees [2009] EWCA Civ 297/ [2010] EWCA Civ 408**

Abuse of process/Joint venture – appeals

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

Scheme – contested leave hearing

## 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

### **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.

### **SEB v Weaving Macro Fixed Income Fund (18 November 2016) Cayman Islands Court of Appeal**

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

### **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)

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### **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

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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 conducted a statutory investigation into an offshore financial services company on behalf of the relevant financial services commission.

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

## 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.

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

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

### **SEB v Weaving Macro Fixed Income Fund (18 November 2016) Cayman Islands Court of Appeal**

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

### **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, COMBAR, Insolvency Lawyers' Association, Recovery and Insolvency Specialists Association (Cayman), Financial Services Lawyers Association.

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

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

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

## Ranked in

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### **Chambers & Partners –**

Company - Star Individual, Commercial Dispute Resolution, Restructuring & Insolvency, Offshore, Chancery Commercial

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### **Legal500 –**

Company & Partnership, Commercial Litigation, Insolvency

### **Who's Who Legal –**

Insolvency & Restructuring, Banking and Finance, Company and Partnership

### **Chambers & Partners UK Bar Top 100 QCs –**

Company, Restructuring & Insolvency