

Nigel Brockley

Call: 1992

"Nigel has been Counsel of first choice for me for the past 10 years. His deep subject knowledge, attention to detail, pragmatic advice, willingness to fight when required and superb cross examining skills has made him a firm favourite with many clients."

Alasdair Hobbs, Employment Partner - FBC Manby Bowdler LLP



Nigel Brockley is part of the Business & Property and Employment groups at No5 barristers chambers.

Expertise

Business & Property

Nigel accepts direct access instructions.

Banking, Finance & Financial Regulation

Pupilled in banking and insurance, Nigel has appeared in disputes relating to the enforcement of security, priority of charges, factoring, matrimonial claims asserted by mortgagors in defence of possession actions and credit hire claims. Nigel has also acted on behalf of Claimants in relation to claims in negligence and in relation to mortgage shortfall claims.

Commercial Litigation

Has been instructed in multi-jurisdictional contractual disputes since commencing practice and has acted in claims necessitating world wide injunctive relief. Nigel has advised in relation to claims brought against receivers in relation to disputed retention of title clauses and ensuing admixture claims. Commercial landlord and tenant claims of varying complexity. Nigel also undertakes non-contentious drafting.

Birmingham

103 Colmore Row
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B3 3AG

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Telephone: +44 (0) 121 606 0500

London

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7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
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DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

Company & Partnership

Nigel's experience within the field of employment law has led to instructions being received from senior employees seeking clarification of their employment status and entitlement to bring minority shareholder claims. Directors' Disqualification and fraudulent trading claims. Corporate insolvency.

Credit Hire

Experience of advisory work and litigation in this field (through to appeal) since the decision in Dimond v Lovell having acted for numerous Claimants and Defendants in claims allocated to all tracks.

Insolvency

Nigel has experience of advising both in relation to personal and corporate insolvency. This has ranged from winding-up petitions and disputing statutory demands, to disputes relating to the exercise of the role of the liquidator or receiver and allegations of trading whilst insolvent.

Insurance Disputes

Nigel has been instructed by Claimants in relation to claims based upon contractual interpretation (amenable to Part 8 CPR claims) and repudiation due to allegations of dishonesty and failure to disclose. He has undertaken advisory work in relation to credit hire schemes.

Professional Negligence

Nigel has received a wide range of instructions to act in claims against solicitors, accountants, architects and other professionals. In addition to such claims he has also acted for solicitors whose practices have been intervened in and has conducted cases before the Solicitors' Disciplinary Tribunal.

Real Estate

A practice encompassing both residential and commercial property, home ownership disputes involving trusts of land and business tenancies, dilapidations claims easements, rights of way and boundary disputes. Nigel has acted both for tenants and local authorities in possession claims, he has also defended many mortgagee possession claims.

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Employment

Nigel has acted for a diverse range of clients both within the UK and other jurisdictions, including individual Claimants, Charities, Trade Unions and businesses operating within the NHS and retail, banking and property sectors for more than 20 years. His practice is both advisory and representational.

Nigel has enjoyed and maintained long term relationships with his clients and his work demonstrates a commitment to a high level of service and a consistent commercial approach.

Instructions received from solicitors, direct and public access clients (including HR Professionals)

- Fixed Fee structures
- Retained client arrangements
- Pre-litigation work and advice.

Practice areas: unfair dismissal, employment status, claims by company directors as employees, trans jurisdictional claims, discrimination, bullying and harassment claims, whistle blowing, TUPE transfers, collective consultation, commercial drafting, restrictive covenants, specific performance, costs.

Standing Counsel to a large international card retailer having successfully defended dozens of cases

Representation before a range of professional bodies including the Nursing and Midwifery Council, General Social Care Council, Health Professions Council and Solicitors Disciplinary Tribunal. In the case of solicitors including related interventions by the Law Society

Experienced in conducting complex multi-faceted Employment Tribunal claims

Practices in employment, chancery and personal injury litigation, giving breadth seamlessly in commercially related areas such as unfair prejudice claims and disputes regarding company ownership

Nigel has lectured for ACAS, various local authorities including the London Boroughs of Haringey and Camden and learning providers such as Central Law Training.

Nigel regularly conducts cases for the Bar Pro Bono Unit.

Nigel trained at drama school in London and has appeared in fringe festivals.

Notable Cases

Salt-v-Mears UKEAT/0522/11

Unlawful deductions from wages- historic travel allowance- section 27(2)(b) ERA

Williams-v-Guardian Care Homes Ltd UKEAT/0551/10

Sufficiency of Tribunal's reasoning and identity of Respondent

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Read-v- Members of the Llanyrafon Community Association UKEAT/0530/05

Strike out-constructive unfair dismissal- false allegations to the police

Myers-v-Dunlop Latex Foam Ltd UKEAT/0752/04

Propriety of a costs' order

France-v-Westminster City Council UKEAT/0214/02

Constructive dismissal (home working provision)- adducing of new evidence on appeal

Memberships

- Nigel has been a member of the Free Representation Unit since 1992.

Qualifications

- BA (Hons) ECON
- PGCL
- Approved for direct public access

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