



Tim Bennett LLB (Hons)

CEDR Accredited Commercial Mediator

**Solicitor, Partner, Litigation & Dispute Resolution
Head of Department**

Qualifications

- Diploma in Environment Health
- London University LLB (Hons)
- Law Society Final Examination
- CEDR Accredited Commercial Mediator 2016

Experience Overview

- Environmental Health Officer – Nottingham City Council 1981 - 1990
- Articled - Actons Solicitors, Nottingham 1991 - 1993
- Solicitor -Thomas Solicitors, Loughborough 1993 - 1995
- Solicitor - Wooley Beardsly & Bosworth, Loughborough 1995 - 1999
- Solicitor - (Appointed Partner 2005) Spearing Waite, Leicester 2000 - 2008
- Partner - Head of Dispute Resolution – Bray & Bray, Leicester 2008 to date

Initially qualified as an Environmental Health Officer. Employed by Nottingham City Council as a specialist pollution Control Officer and subsequently as a Food Safety Officer. Now a solicitor with over 20 years extensive experience in litigating commercial and business law disputes, disputes between private individuals, and disputes between private individuals and businesses.

Tim regularly represents clients in mediation. Recent mediations include; a claim against executors by tenants of the deceased's commercial property, a neighbour dispute relating to a boundary between properties, a dispute between company directors and shareholders relating to an allegation of unfair prejudice and breach of fiduciary duty, a claim by a company liquidator in respect of alleged unlawful dividends taken by the directors of the company, a family dispute arising on the dissolution of a family partnership.

Tim's work experience includes:

- Commercial contract disputes involving the sale of goods and businesses. Taking and defending claims for the wholesale supply of goods including knitwear and shoes. Disputes regarding food manufacture/processing. Claims arising out of the sale of businesses for breach of warranty and misrepresentation. Injunction applications to preserve assets associated with such disputes and to enforce contractual rights. International / cross border contractual disputes for example acting for an Italian engineering company in respect of a claim made against it in England whilst court proceedings were underway in Italy and successfully challenging the jurisdiction of the English courts.
- Company and partnership business disputes between directors, shareholder and partners. Claims relating to minority shareholder rights, and unfair prejudice, injunction applications to preserve assets associated with such disputes.
- Insolvency. Acting both for Insolvency Practitioners and directors of liquidated companies and bankrupts. Including setting aside preference, claims in respect of unlawful payment of dividends
- Professional negligence including solicitor's negligence (for example negligent administration of an estate, negligent conduct of litigation), accountant's negligence (for example failure to advise on VAT liability, failure to advise regarding directors' remuneration), architect's negligence (failure to properly value construction costs) estate agent's negligence(failure to submit a rating valuation appeal in time)
- Construction disputes. Acting both for contractors and both commercial and domestic employers.
- Employment disputes acting both for employers and employees relating to contractual claims and enforcement of restrictive covenants including injunction applications to enforce employer's rights. Disputes relating to the Commercial Agents Regulations. Claims relating to discrimination and the Equality Act.
- Consumer claims - Sale of Goods Act, Supply of Goods and Services Act for example relating to the sale of motor vehicles
- Banking and finance. Claims for miss selling of interest rate hedge products, misrepresentation. Claims relating to pensions and administrations of pension funds. Complaints to the Pensions Ombudsman and to the Financial Service Ombudsman.
- Common law and tort based disputes in a wide variety of corporate and personal matters. Defamation including both libel and slander. Civil claims for fraud. Economic torts, including inducement of breach of contract and conspiracy. Injunction application to enforce rights. Claims relating to bailment, restitution and estoppel.
- Intellectual property disputes including passing off, infringement of copyright and design rights.

- Property disputes including those relating to boundaries, restrictive covenants and easements including rights of way. Application to the Lands Tribunal. Disputes relating to the Party Wall Act and Access to Neighbouring Land Act. Claims arising out of the adverse possession of land.
- Landlord and tenant both commercial and residential. Disputes relating to lease renewals, possession, dilapidations
- Family disputes in the Court of Protection relating to the health and welfare and finances of relatives.
- Family disputes relating to the ownership of land and other property, claims bought under the Trustees of Land Act.
- Contested wills, probate and trusts. Including claims made under the Inheritance (Provision for Family and Dependants) Act 1975, disputed wills, disputes between executors, disputes between beneficiaries and executors and disputes between beneficiaries. Court applications for Beddoes Orders, applications for the removal of executors.
- Neighbour disputes. Harassment, boundary disputes, disputes regarding rights of way. Disputes arising from Party Wall Act matters, including injunction applications.
- Agricultural Law. Disputes relating to adverse possession, boundary disputes, rights of way, fly grazing and the Control of Horses Act
- Disputes regarding legal costs and cost budgeting for multi track Court proceedings. Extensive experience in cost claims arising out of all types of litigation referred to above.
- Personal injury (including industrial disease) and medical negligence

Professional Membership

Member, Professional Negligence Lawyers Association

Member, Association of Contentious Trust and Probate Specialists

Mediation style

Tim brings his extensive knowledge of dispute resolution of a varied and diverse case load over a broad practice area together with a comprehensive knowledge of litigation procedure to the mediation process.

Contact

For further information, please contact Tim on 0800 6341 777 or email

enquiries@fairleadmediation.co.uk

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