

## Nicholas Berry

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### General Information

Nicholas Berry is a commercial and chancery barrister working mainly for medium-sized companies and businesses and local authorities in the South West of England. For many years, he has also been instructed in multi-jurisdictional commercial disputes here and abroad.

Nicholas commenced his practice in a common law set in Gray's Inn and continues to carry out a substantial amount of work in London. He is generally instructed by long-standing solicitor and professional clients, by recommendation. As well as being instructed in company and partnership disputes, he is often instructed to directly represent firms of solicitors, barristers, surveyors, architects, doctors and veterinarians on their own commercial issues and on private and sensitive matters.

### Areas of law

- Property Law
- Wills & Trusts
- Companies & Partnerships
- Intellectual Property
- Landlord & Tenant
- Construction
- Arbitration & International Disputes
- Defamation
- Professional Negligence

### Property Law (including non-contentious)

Conveyancing:

- Drafting and advising, including overage, restrictive covenants and development schemes
- Advising on issues arising from developments including pre-1925 conveyances and settlements and land rights arising under complex trust and settlements under Church and Education trusts

Boundary, easements and other land rights:

- Rights of way, easements of all descriptions, highways, drainage issues, fishing and water rights
- Advising public providers on issues arising under the Telecommunication Acts, wayleaves and power installations
- Advising on restrictive and positive covenants affecting land

Planning Law:

- Representing private persons and companies, parish councils and local authorities in many substantial public inquiries as well as in planning appeals on specific matters
- Advising on planning issues in respect of disputed land rights, planned developments and commercial enterprises

### Wills and Trusts

- Drafting wills and Trust of Land deeds and settlements
- Advising on the interpretation of wills, tax implications (in complex cases in conjunction with an accountant or tax planner) and on care home charges and powers of attorney
- Advising on trustee's powers and duties and beneficial interests
- Contentious probate; challenging wills including capacity and undue influence grounds and Court of Protection issues

### Companies and Partnership

- Drafting Shareholder's Agreements and Articles for long term enterprises and SPVs including setting up and advising on company restructuring and subsidiaries
- Advising on director's powers and duties under Company legislation and on minority interests
- Drafting Partnership deeds and advising on disputes, dissolution and termination

- Advising on bankruptcy and insolvency.

#### **Intellectual Property**

Intellectual property (e.g., copyright and database law not including patents) is a significant part of Nicholas' practice. The internet has spawned a large number of disputes about ownership rights of the names, ideas, produce, assets and advertising of people and their businesses online with increasingly multi-national dimensions.

#### **Landlord and Tenant**

Mainly commercial landlord and tenant drafting and advising on leases for both landlords and tenants, disputes arising under the LTA 1984, dilapidations, lease enfranchisement and extensions.

#### **Construction**

Advising on all types of construction disputes on large and small developments.

#### **Arbitration and International Disputes**

Advising multinational persons and companies in pursuing claims relating to assets and disputes both here and abroad including settlements and trusts of property and businesses in Hong Kong, India, offshore trusts, Italy, France, Switzerland and Germany.

#### **Defamation**

Nicholas has dealt with the ever-rising tide of defamation claims as a result of online activities by rivals in business, love, and religion.

#### **Professional Negligence**

Nicholas maintains the utmost privacy and confidentiality when dealing with these issues for all types of clients.

#### **Languages**

- German
- French
- Italian
- Afrikaans
- Swahili

#### **Personal Interests**

Nicholas lives in Exmoor on a small farm holding with Exmoor horn sheep and Red Devon cattle. He also enjoys sailing.

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