

Nicholas Dugdale

General Information

A member of the Fast & Multi-Track Advocacy Team at Clerksroom, Nicholas has a wealth of experience. He lives in West Sussex, covering the County Courts and the High Court in London, and the South East across the south coast down to Bournemouth. Nicholas is happy to travel to any UK court for a fast or multi-track hearing.

An advocate for 35 years, Nicholas first qualified in New Zealand where he practised as a barrister and solicitor. In the mid-1980s, he moved to Melbourne where he was admitted to practise and became an Associate in commercial litigation for a large American law firm. In 1988, he arrived in London where he was again admitted as a solicitor and worked in the construction litigation departments of two leading firms before undertaking pupillage and being called to the bar in 1992. Nicholas continued to work in London chambers until 2004 when he joined Clerksroom.

Areas of law

- Transportation
- Employment
- Commercial
- Professional Indemnity
- Property
- Inquests
- Equine

Nicholas has, by design, a wide-ranging general civil and commercial practice. The following is an illustration of his recent experience:

Transportation

- Extensive experience in RTA claims and related matters including, credit hire claims
- Experience in PI claims arising in other contexts, notably occupier's or employer's liability
- Advising, and appearing on behalf of, airlines and their insurers. Most recent claims concerned an alleged aircraft cabin fume incident, including 15 litigated claims and various litigated claims arising from alleged injuries sustained in the course of an emergency evacuation of an aircraft
- Advising and representing airlines and their insurers in respect of personal injury and fatal accident claims, including claims arising out of crashes and catastrophic incidents
- Defending tour operators against claims under the relevant regulations, including a claim of sexual assault by a foreign employee

Employment

Nicholas has regularly appeared in Employment Tribunals and has also appeared at the EAT. He has acted for individuals, companies, and local authorities for claims involving:

- Unfair and unlawful dismissal
- Discrimination
- TUPE

Commercial

- Advising and appearing for the vendor in respect of claims of breach of warranty in a contract for the sale of a business,

- culminating in a 5 day High Court trial (successful), and subsequent applications for costs against non-parties
- Advising in respect of claims arising from the supply of allegedly non-compliant building materials to a large development in Hampshire
- Advising and attending mediation on behalf of a specialist recruitment company about alleged breaches of confidentiality and database rights
- Claims concerning agency commission, mostly concerning real estate agents, but also more generally - Nicholas appeared in a lengthy trial concerning agency commission claims related to the provision of railway equipment in Singapore

Professional Indemnity

Nicholas advised and appeared in numerous cases in the mid-90s arising from allegedly negligent valuations and appraisals by valuers and architects. More recently, he has acted on behalf of a large building society in cases arising from multiple purchases and valuations.

- Acted for individual purchasers in connection with undetected property defects
- Junior counsel in a lengthy trial in the Commercial Court concerning an allegedly negligent valuation of an inner London hotel

Property

Nicholas has considerable experience advising and appearing in (mainly) commercial tenancy disputes, including:

- Landlord claims for dilapidation
- Tenant claims for breaches of covenant
- Boundary disputes, both rural and urban
- Claims in respect of a building erected allegedly in breach of restrictive covenants, in favour of a water utility

Inquests

- Appeared at various inquests, usually on behalf of the deceased's insurer
- Attended inquest on behalf of the family of the deceased (acting pro bono) to avert possible finding of suicide
- Appearance on behalf of an airline in the case of a passenger who died during a flight or shortly after, apparently by asphyxiation

Equine

Nicholas has advised and appeared in cases concerning the ownership of horses and claims about horses under the Sale of Goods Act.

- Appeared at trial in Manchester County Court on behalf of a livery yard owner (and hence a "keeper") under the Animals Act in respect of serious personal injury claims by a person injured by a horse
- Advised and appeared on a claim by a purchaser that the horse sold was defective - buyer had the animal put down

Personal Interests

Nicholas is the organiser of the (BE affiliated) Rackham Horse Trials, and thus has both a personal and professional interest in horses.

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