



Nigel Frost

Consultant Lawyer

Jurisdiction: England & Wales

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Overview

Nigel is a skilled commercial litigator with an impressive career spanning three decades. He works across a variety of sectors but focuses his practice on the construction industry, with a client base largely consisting of major plant hire, and scaffolding and crane companies. In addition to his extensive experience in the courts with many reported cases he is also an accredited commercial mediator with particular experience in winding up and bankruptcy petitions.

Nigel is also a member and registered mediator of the Civil Mediation Council, the Australian Mediation Council, and Clerksroom chambers.

Expertise

- Construction disputes including groundworks building regulations, Housing Grants Act issues, pay less notices, demolition issues, adjudications and arbitrations, and scaffolding plant and crane hire
- Personal guarantee bank securities and trading guarantee disputes (particularly duress and undue influence)
- Commercial contracts and torts (particularly conversion and negligence) and debts (pre- and post- judgment)
- Debt recovery
- Partnership disputes and shareholder disputes
- Disputed winding up and bankruptcy petitions, and statutory demands at short notice
- All forms of insolvency disputes, including preference claims, pension claims, Sec 127 claims, director disqualification, and office holder CFA cases considered on merits
- Corporate and personal defamation
- Boundary disputes
- Insurance-related cases
- Terms and conditions relating to the hire industry
- Debt collection and all related enforcement and insolvency procedures
- Facilitative and evaluative mediation where necessary
- Alternative dispute resolution (ADR)

Cases

- Successfully advising Panther Platform Rentals Ltd in issuing a winding up petition against Access Rentals, without a statutory demand
- Advising Ainscough Crane Hire Ltd and other leading plant suppliers on the mediation of the Vauxhall helicopter disaster
- Successfully setting aside, on appeal, a bankruptcy statutory demand in respect of a £10m+ personal guarantee where the creditor failed to use correct names on the demand
- Successfully acting for Trad Hire & Sales Ltd to establish that damages are not an adequate remedy in scaffolding conversion claims in a dispute with Holbrook regarding the recovery of scaffolding and other hired equipment
- Acting for Generation (UK) Limited on recovery of debt owed and damages in conversion in relation to the failure to return hired equipment following the burning down of a premises
- Successfully securing an award of costs in Henry Construction Projects Ltd v Linton Fuel Oils Ltd as a direct result of Linton Fuel Oil's failure to accept an offer to mediate in insolvency proceedings
- Acting in Party A v Party B, High Court in camera injunction and damages for defamation caused by the wrong registration of an irregular judgment
- Representing UPR Services Ltd in insolvency proceedings against Lakehouse Contracts Limited, establishing the relevance of mediation in winding up proceedings
- Represented Baldwins Industrial Services Limited in the aftermath of crane provision to the Paddington rail disaster, including the successful mediation of the dispute with Railtrack Plc
- Acting in and settling one of London's largest and most complex mediations as mediator on an international share and exit dispute involving a multimillion figure in a range of international currencies and securities

REPORTED CASES

Deborah Building Equipment Ltd v Scaffco Ltd and another (1986)

Panther Platform Rentals Ltd v Access Rentals Ltd [2004] All ER (D) 35

Ainscough Crane Hire Ltd v Atwood

Henry v Aglio Ltd [2010] EWHC 2045

Trad Hire & Sales Ltd v Holbrook Investments Ltd [2010] EWHC 90 (Ch)

Aglio Ltd v William Henry and another [2012] EWHC 2717 (Ch) [2011] BP IR 297

Generation (UK) Ltd v SL Dower [2011] EWHC 3547 (Ch)

Generation (UK) Ltd v Gaynord [2012] EWHC 2344 (QB)

Generation UK Ltd v Advance Scaffolding Services [2013] All ER (d) 259 (Jan)

Henry Construction Projects Ltd v Linton Fuel Oils Ltd [2012] EWHC 4158 (Ch)

Recognition

Recognised as an Elite Mediator by Clerksroom and a preferred mediator by Ombudsman Services

“Nigel Frost has shown outstanding commitment to Mediation over the past few years and developed mediation skills and practice within many of his major clients. A recent £1bn business implementing a ‘smart clause’ for mediation in all contract disputes. Highly recommended in the building, scaffolding and plant hire sector, Nigel continues to have an almost 100% success rate at mediation.”

Career

- 2015** **Keystone Law** | *Consultant Lawyer*
- 2000-2009** **Jeffrey Green Russell** | *Director*
- 1987-2002** **Kershaw Abbot** | *Head of Department*
- 1979-1987** **Rowleys & Blewitts** | *Fee Earner*