



Nicholas Stewart QC

Call date: 1971 (QC 1987)

Email: nstewart@elyplace.com

Telephone number: 0207 400 9600

Practice areas

Business

Media and sport

Property
& private client

Employment

Public &
regulatory

After 45 years in practice as a Chancery/Commercial barrister – the last 30 years as a QC – I now mainly work as an arbitrator or in a wide range of business and sporting disputes. I have been a CEDR Accredited Mediator since 1996 and a Fellow of the Chartered Institute of Arbitrators since 2000.

There are few types of case where I have not had direct experience as counsel and since 1992 as a Deputy High Court Judge (mainly in the Chancery Division). While arbitration and mediation are now my main focus, I also do advisory work and appeal cases as a barrister and may also take on trial cases suitable for working with a junior.

My international experience includes court appearances in Ankara, Singapore, Strasbourg and Trinidad and work on cases involving Argentina, Cambodia, France, Germany, Hong Kong, Iraq, Ireland, Libya, Malaysia, Russia, Saudi Arabia, Spain, Switzerland, the United States and Venezuela.

As well as my 1968 Oxford University MA in Philosophy, Politics and Economics, in 2015 I obtained a First Class degree in German and Spanish from Birkbeck College, London University. I also read French quite comfortably. I have a Certified Diploma in Accounting & Finance (1975) from the Association of Chartered Certified Accountants; and am a main author of Stewart, Campbell & Baughen: The Law of Unincorporated Associations (2011, Oxford University Press).

Business



My practice as a barrister and now as an arbitrator and mediator has covered mainly contentious matters in areas including company law disputes (including unfair prejudice petitions under s.994 and its predecessors), commercial contracts, constructive trusts, investors' claims, joint ventures, partnership disputes, pension litigation, restraint of trade and wrongful dismissal of senior executives.

Media & sport



Cases include: Migration Solutions Holdings Ltd [2016] EWHC 523 (s.994 petition); Graham v Every [2014] EWCA 191 (s.994 petition); Valley Grown Salads v Bassini [2013] EWHC 1304 (recovery of £3.5m loan in connection with Watford FC); OJSC TNK-BP v Lazurenko [2013] 4 Costs LO 552; [2012] EWHC 2781 (conflict of laws England/Russia, I have been very active in sports law for most of my career, as counsel, tribunal chair, arbitrator or mediator.

I acted as counsel for the clubs in two significant restraint of trade cases Newport AFC v The FA of Wales [1995] 2 All ER 87; Stevenage Borough FC v The Football League [1997] 9 Admin LR 169; and for the club in a season-ticket holders' action Duffy v Newcastle United FC Ltd [2000] WL 824026.

In 2012 I was a panel member on a major Scottish Premier League inquiry into Glasgow Rangers FC. Since 2015 I have been an active arbitrator at the Court of Arbitration for Sport in Lausanne and have recently joined the World Rugby Anti-Doping Panel.

I have chaired disciplinary and appeal panels or acted as arbitrator in over 100 sporting cases involving association and rugby football, athletics, clay pigeon shooting, cricket, cross-country skiing, equestrianism, horse-racing, ice-skating, rowing, snooker, swimming (including Paralympics), tennis, wakeboarding.

In 2007 I chaired the British Olympic Association appeal panel which restored Olympic eligibility to Christine Ohuruogu (after a doping offence) before she went on to win 400m gold at the Beijing Olympics in 2008.

Property & private client



Most of my work from 1972 until I was appointed a QC in 1987, and a good part of it since then, has been in the Chancery Division. My cases there have included many and varied commercial and private property disputes, including landlord and tenant issues, partnership disputes, breach of trust claims, probate actions and disputes over wills (and in my early years the dreaded but valuable experience of boundary disputes).

Significant cases are Guy v Barclays Bank plc [2011] 1 WLR 681; Royal Bank of Scotland v Etridge [1999] 31 HLR 575; Midland Bank v Cox McQueen [1999] PNLR 593; Penn v Bristol & West BS [1997] 1 WLR 1356; Domb v Isoz [1980] 1 WLR 548 (seminal Court of Appeal decision on telephonic exchange of contracts).

Employment



I have never been an employment specialist but have done a number of High Court cases of wrongful dismissal of senior executives and cases of restraint of trade and restrictive covenants in employment contracts:

see e.g. OJSC TNK-BP v Lazurenko [2013] 4 Costs LO 552; [2012] EWHC 2781 (conflict of laws England/Russia, employment contract of Head of Department of New Business, Development and Processing for a leading Russian oil company).

Public and regulatory



While I am not a specialist in this field, my other work has taken me into these areas from time to time, including a number of High Court judicial review cases, e.g. R (on the application of Crouch) v Secretary of State for Health [2009] ICR 461, concerning the National Health Service (Personal Dental Services Agreements) Regulations 2005.

Nicolas Stewart QC

Memberships

Fellow of Chartered Institute of Arbitrators, CEDR Accredited Mediator, member of Swiss Arbitration Association.

Deputy High Court Judge, Chancery & Queen's Bench Divisions (retired 2017).

Arbitrator at Court of Arbitration for Sport;

World Rugby Anti-Doping Panel;

FA Appeal Board Chairmen Panel; and Sport Resolutions Panel of Arbitrators & Mediators.

Panel member of Bar Council Arbitration & Mediation Service.

Past President of Union Internationale des Avocats (2001-2).

Former Chair of Bar Human Rights Committee of England & Wales (1994-98).

Regulatory information

Vat number: 233 247 778

<https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers'-register/?ProfileID=31020>