

Commercial Dispute

The success of a business depends upon numerous elements which are brought together to maximise the profit and productivity for the business. Even if one element takes more time and energy than what is actually profitable, then the overall productivity of the business starts to suffer.

Commercial Disputes include all the disputes that may occur within the business, between businesses and also between present or ex-business colleagues. It also includes the disputes between the business and the different parties it comes in contact with, like the contractors, suppliers and customers.

Commercial disputes usually occur due to breach of contract and include a wide range of disputes right from high profile disputes related to partnership, to a simple dispute regarding enterprise debt recovery of small and medium size.

Which rights you will have in case of a dispute with a supplier?

You will have the rights according to the terms and conditions included in the contract that was signed by your company or yourself, and the suppliers. In case of a breach of contract, you, as well as, your supplier can take legal actions for recovering the goods or the money. In such cases, it is always possible to stay away from the court proceedings and solve the disputes by referring to the terms and conditions of the contract. It will also help to remind all the parties of the terms, which were actually agreed upon.

What if a written contract does not exist?

The terms of a contract can be written, oral or both. The contract can be in the form of a simple document and can even be a complex one, which is formed over a given period of time. Some of the terms included in the contract, like the ones for sale of goods or related to the delayed payment of commercial debts, are implied by law. The terms of any given contract are business relationship specific.

How much can be claimed from a contractor if he breaches the contract?

The amount which you can claim from a contractor in case he breaches the contract depends on the terms of the contract and also whether a provision for similar breach of contract is included in the contract or not. We at 'NotJustLaw' can help you in reviewing the terms and conditions included in your contract and also offer advice regarding specific circumstances.

What if a customer refuses to make the payment?

In case a customer refuses to make the payment, the options available with you will depend upon the factors responsible for the dispute and also on the provision whether the customer has any right to refuse to make the payment. If payments are due and are delayed due to

suspension of breach of contract, late payment interest and other charges can be levied on the pending payment and can be claimed from a debtor, along with all the legal costs incurred.

What if disputes occur among business partners or fellow directors?

Disputes between the business partners or fellow directors can lead to a stressful situation. It can also have a devastating effect on the business. We at 'NotJustLaw' can work with you as your legal representative and help to form an agreement between all the parties, without any hassles of legal proceedings. We obtain solutions for disputes through arbitration and hence there is no need to get the court involved.

What is the cost of going to a Court?

It is often possible to get disputes resolved harmoniously with the help of a solicitor. In such cases, there is no need to go to the court or go for the legal proceedings. However, sometimes there is no other choice, but to go to the court to get a dispute resolved. Disputes that reach the court are dealt in the County Court. A court fee has to be paid against the issued proceedings. This can be added to the total that is to be claimed, along with compensation and interest. If claims are more than £5,000, then the legal costs are usually beard by the party that win the case. However, the totals vary depending on the complexity of the case.

We at 'NotJustLaw' can help you to stay updated with the latest and estimated future costs of a dispute that you are involved in and will also offer advise accordingly to the progress of the case.

After the proceedings are issued, how long does it take a matter to reach the Court?

The time needed for a matter to reach the court after the issue of proceedings, depends on the case, the facts related to it and also the issues that are involved in the case. A claim that is straightforward takes around 6 months to reach trial, other claims take longer, especially if the dispute issues are complex and require expert evidence.

What if you want to avoid going to Court?

Ideally, it is possible to resolve all disputes without heading to the court. However, at times, there are certain disputes which have to be taken to the court. Whenever possible, you must try to solve your disputes through mediation or arbitration, instead of going to the court. It proves to be a more effective way of resolving disputes.

What does 'Mediation' mean?

Mediation is a type of Alternative Dispute Resolution, also known as "ADR", which is an effective way of resolving business disputes without going for court proceedings. All parties involved in a dispute go for Mediation in an unbiased venue for a single day. The parties may or may not be accompanied by legal representatives. The parties come together and discuss

the matter with an impartial Mediator. The mediator then provides a solution to the matter, which is agreed upon by everyone. The process of mediation is completely confidential and proves to be cost effective and less time consuming for the individuals, as well as, for the business.

Will mediation prove right for resolving your business dispute or will it be better for you to go to Court?

It can be best answered after we work with you and thoroughly understand the situation. We will provide the most appropriate advice related to the options you have and will also tell you about the best way to get your dispute resolved quickly and efficiently.

