

BEN HARDING

Year of call: 2005

Clerked by: Harry Young Brandon Singh

AREAS OF EXPERTISE:

Arbitration Banking & Finance Commercial Litigation
Company Insolvency International & Offshore Partnership
Professional Negligence Sport Technology and Construction



Banking & Finance

Chancery

- All aspects of insolvency work (corporate and personal)
- Appears regularly in the Chancery Applications lists in Manchester and Leeds
- Mortgage possession (including claims for undue influence and overriding interests)
- Partnership and company disputes (including unfair prejudice petitions and directors' disqualification)

Significant Reported Cases

Bank of Baroda v. Maniar (2017) – Manchester Mercantile Court – guarantee claim for €425k against former directors of ROI cash-and-carry company, defended on grounds that guarantee unenforceable by reason of Examinership proceedings in ROI

Mullins v. (1) Hunt (2) Twinn (2017) – Birmingham Business and Property Courts – obtained judgment for £280k in misfeasance claim against former directors of liquidated recruitment company following 4-day trial

Parr v. Mosca Ltd (2017) – claim for £40k of pre-action costs where no substantive financial relief claimed

Promontoria v. Walker (2017) – Liverpool County Court – claim by mortgage assignee for possession of £1.5M property portfolio, defended on grounds of unfair relationship connected with IRH mis-selling; settled after 4-day trial in Dec 2017

Davies v. GE Money (2017) – claim by mortgagee for sale at £400k undervalue of farmhouse outside Bolton, alleging failure to take care of the property and failure to repair before selling

Kotak v. Kotak (2016) – RCJ Chancery Division – complex partnership dispute between two brothers regarding a property investment and development business worth up to £15M, involving allegations that one brother 'milked' the partnership and burdened the properties with borrowing without the other's consent

Integra Compliance Ltd v. SWS Compak Ltd & Ors (2016) – RCJ Queen's Bench Division – claim for springboard relief, freezing injunctions, damages alleging fraud and diversion of Packaging Recovery Note business

Triangle Infotech v. Ambidect (2016) – Manchester County Court (Chancery list) – springboard dispute involving allegations that defendant software company took confidential information and proprietary software / tool kits

Red Ventures Recruitment v. Gostelow (2016) – Manchester Chancery District Registry – £100k preference claim against parents of director who had ‘propped up’ the company with their credit cards

Taylor v. Giovanni Developers Ltd [2015] EWHC 328 (Comm) – Commercial Court - effect of acknowledgment of service filed late

Lakeminster Park litigation (2014) – park homes mis-selling group action involving 100+ claimants and claims worth over £10M; Ben advised on consumer credit aspects

Walker v. AIB Group (2014) – claim by borrowers in respect of £1.5M BTL property portfolio loan alleging improper execution and unfair relationship under CCA 1974

Secretary of State for Business, Innovation and Skills v. Oasis Limousines (Bradford) Ltd [2014] EWHC 2432 (Ch) – Manchester Chancery District Registry - application for appointment of a provisional liquidator

Profile

Ben joined chambers in April 2008 after pupillage at 8 King Street Chambers, Manchester.

Ben practises in all aspects of commercial dispute resolution. Most of his work is in the Business and Property Courts and he regularly appears across the Northern, North-Eastern and Midlands Circuits and in London.

Within his broad commercial practice Ben has developed specialisms (detailed further below) in insurance, insolvency, professional negligence and construction. He also has a growing sports law practice, having acted for a number of football clubs.

Ben approaches every instruction with intellectual rigour, attention to detail, commercial pragmatism and speed. His attitude is that cases are won on the facts and lost on the law, so that it is essential to identify and analyse the key issues early to achieve the best result for his client. He is also aware of the ever-pressing need to give a firm, clear view on prospects, for the benefit of client and insurer/funder.

Ben acts predominantly as sole Counsel and has been led by chambers’ silks on a number of occasions. His clients span the range from large corporations and institutions to private individuals; and the subject matter ranges from multi-million pound claims and injunctions to his client’s home.

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Areas of Expertise

Arbitration

Banking & Finance

Commercial Litigation

Company

Insolvency

International & Offshore

Partnership

Professional Negligence

Sport

Technology and Construction

Memberships

Northern Commercial Bar Association (committee member since 2015)

Chancery Bar Association

Northern Chancery Bar Association

Publications

Articles

- Calling time: the law of limitation directions – Counsel Magazine June 2017; <https://www.counselmagazine.co.uk/articles/calling-time>

Seminars

- Online payment fraud: a case study – in-house seminar Nov 2017 for Addleshaw Goddard LLP
- Misrepresentation: statements of opinion and reliance – NCCBA seminar June 2016
- Company Restoration: the Third Parties (Rights Against Insurers) Act 2010 and limitation – in-house seminar Feb 2016 for DWF LLP
- “Professional negligence – Jackson and the litigator” – Kings Chambers conference series 2014
- Third party costs orders, including orders against legal representatives – in-house seminar September 2013 for Berryman Luce Mawer LLP

Qualifications and awards

BA (Hons) Literae Humaniores – first class (Balliol College Oxford)

GDL (City University, London)

BVC (BPP Law School, London)

Major Scholar (Inner Temple)

Recommendations

"He is excellent - very good with clients, very thorough and always takes time to prepare for conferences." "He is hard-working and his written work is a delight. His advice is succinct and easy for clients to understand." - **Chambers UK 2020**

'A brilliant barrister.' - **Legal 500 2018**

"He is an exceptional intellect and a skilled advocate." - **Chambers UK 2015**

"He is as bright as a button; he has a great delivery and a good courtroom presence." - **Chambers UK 2014**

