

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



Insolvency

All aspects of corporate and personal insolvency.

Ben frequently acts for office holders in relation to claims against former directors for misfeasance, transactions at undervalue, preferences and transactions defrauding creditors. He acts for directors in relation to disqualification and permission to act proceedings. He is also experienced in a wide range of insolvency applications.

Significant Recent 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

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

Bibby Financial Services v. Bal (2016) – Manchester Mercantile Court – defending £350k personal guarantee claim by liquidator against former director of recruitment company, after successfully resisting 2014 bankruptcy proceedings

Re Rowellian Social Club (2016) – Northampton District Registry – application for directions in the administration of a sports social club

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

British Irish Commercial 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's Lace 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**

