

KELLY PENNIFER

Year of call: 1994

Clerked by: Gary Young Harry Young

AREAS OF EXPERTISE:

Banking & Finance Civil Fraud Dispute Resolution Professional
Negligence Technology and Construction



Banking & Finance

Kelly is regularly instructed on disputes arising out of secured, unsecured and personally guaranteed lending. A good example of the breadth of matters covered is the case of *RBS v Chandra*, in which she was junior counsel, which raised complex issues as to the duties owed by the bank in relation to its appointment of receivers and the exercise of its “step-in rights” under a deed of warranty, the bank’s liability for acts of the receivers and undue influence.

Significant Reported Cases

Royal Bank of Scotland v Chandra [2011] EWCA Civ 192

Phoenix Recoveries (UK) Ltd v Kotech [2011] EWCA Civ 105

Garside v Black Horse Ltd & Anor [2010] EWHC 190

Profile

Kelly is a senior junior who specialises in commercial and construction law disputes with a particular emphasis on contractual, civil fraud and urgent injunctive relief cases (including search orders, freezing injunctions and injunctions to restrain breaches of confidence, fiduciary duty and restrictive covenants). She has been recommended by Chambers & Partners in these fields in the North since 2004 and 2012 respectively. She has appeared at all levels, including the House of Lords (*Cream v Banerjee* [2004] UKHL 44), and has been instructed on many heavyweight, complex and high value cases. She enjoys a successful practice and has an excellent market standing.

In addition, Kelly specialises in business rates disputes with a particular emphasis on high value rates mitigation scheme cases. She has advised and represented many councils in relation to such matters including Trafford, Preston, Lancaster, Bolton, Basildon, Cardiff and Stockton. She is currently representing Trafford Borough Council in proceedings against Principled Offsite Logistics Ltd on 61 consolidated summonses where the sums directly and indirectly at stake are in excess of £1 million. She has also been instructed by numerous councils wishing to resist claims for substantial refunds following retrospective alterations to the VOA lists.

Her areas of practice include:

- agency & commercial agency
- banking & finance
- breach of fiduciary duty/confidence/restrictive covenants & injunctions restraining the same (including springboard/team move injunctions)
- civil fraud and asset preservation/recovery (including freezing injunctions & search orders)
- construction (commercial/higher value domestic, litigation/arbitration/adjudication)
- credit & suretyship (including higher value consumer credit)
- general business contract disputes
- insurance
- non-domestic business rates
- sale/carriage of goods (international & domestic)
- share purchase/business purchase/shareholder agreement disputes
- supply of goods and services
- professional negligence (building professionals/accountants/solicitors)

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Areas of Expertise

Banking & Finance

Civil Fraud

Dispute Resolution

Professional Negligence

Technology and Construction

Memberships

Northern Circuit Commercial Bar Association (Education Secretary)

British & Irish Commercial Bar Association.

Manchester Technology and Construction Court Users Group

TECBAR

Qualifications

LLB

Maitrise-en-Droit

BVC

Qualified mediator

Recommendations

Chambers UK 2019

"She is technically excellent - she is able to digest and cut through complex facts and legal issues to give practical and commercial advice which is tailored to the client's objectives. She is very user-friendly, extremely responsive and has a very good manner with clients." "Her technical knowledge and drafting skills are exceptional, and she is extremely attentive, turning matters around within relatively short time-frames."

"She is very smart, very responsive and easy to communicate with." "She has strong knowledge of the law."

Legal 500 2019

"A fantastic, persuasive advocate."

Chambers UK 2018

"Impressive counsel. Quick, succinct and always responsive." "Brilliant legal and practical approach."

"She provides very detailed, robust and tactical advice that is very assuring and greatly appreciated by clients." "She is like a silk for the price of a junior."

Legal 500 2018

"A specialist in commercial disputes."

Chambers UK 2017

"She is very tenacious, superb on her feet and intellectually head and shoulders above almost any other counsel I can think of in her field." "She's very strong in court, good with clients and oozes confidence - generally speaking, one of the top barristers in Manchester."

"Rapid and pragmatic with a thorough grasp of the legal issues."

Legal 500 2017

"An analytical genius."

Chambers UK 2016

"Tenacious in court and very bright." "Terrific. She has a great command of the documents."

"She is both a good academic lawyer and a hard fighter on her feet in court." "Her pleadings are to the point, clear and concise."



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