

# Ben Lafferty

Year of call 2021

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Ben was called to the bar in March 2021 and runs a thriving business and property practice.

Ben's practice covers four main areas; general commercial litigation, insolvency (both personal and corporate), banking and finance and company. Ben is regularly instructed in each of the aforementioned sectors to provide written advisory and drafting work, and to attend court at all stages of proceedings, from interlocutory hearings to trials (be they single or multi-day).

As well as contentious court work, Ben also has extensive experience of alternative dispute resolution, having successfully represented multiple clients in mediation.

Prior to coming to the bar, Ben worked in the office of general counsel of a "big four" accountancy firm and in the banking and finance team of a major Northern Irish law firm. These experiences have shaped his practice.

## Expertise

### Commercial Litigation

Ben is regularly instructed in complex and high value commercial litigation matters. His instructions commonly come in the form of contract claims, company and partnership disputes and guarantee claims.

Notable cases:

- Appearing on behalf of the respondent to an interim injunction application. This case concerned an application for an injunction to restrain an executor from selling a piece of property. The applicant had sought to aver he had an interest in the property. Ben obtained the dismissal of the application, as totally without merit, and indemnity costs in favour of his client.
- Appearing for a respondent to a summary judgment application brought by the claimant in a claim stated to be valued at £104,000, which successfully resulted in the dismissal of the application.
- Appearing at a 4-day trial (on behalf of a defendant) concerning large scale building works carried out on a farm.
- Appearing at a 2-day trial (on behalf of a defendant) concerning the transportation of goods between Wales and the EU and the consequence of implied terms into the contract between the parties.
- Attending a 1-day trial concerning forfeiture of a large piece of commercial real-estate in London, in which Ben successfully obtained a forfeiture order and the dismissal of various disrepair, nuisance and harassment defences. This resulted in a possession order for his client and a money judgment valued at circa £120k.

## Insolvency

Ben is frequently instructed to handle a variety of Insolvency Act matters and applications, in both the personal and corporate insolvency contexts.

Ben has spoken at insolvency conferences, including the R3 Northern Forum, where he provided a mock-trial demonstration for a wide selection of insolvency practitioner delegates.

Notable cases:

- *Settle v Sandstone Legal Limited and Others* [2025] EWHC 742 (Ch) – where Ben appeared as sole counsel on behalf of proposed administrators, whose appointment was opposed by a body of purported creditors averring to be owed £2-6m. Ben defeated the opposition and had his clients duly appointed. The case received press attention, because of the circumstances surrounding it, as detailed in the Insolvency Insider (<https://insolvency-insider.co.uk/p/sandstone-legal-case-update>).
- *Jones v CEF* [2025] EWHC 414 (Ch) – where Ben appeared (unled) at a High Court appeal concerning section 267 of the Insolvency Act and when a court could make a finding that it had the jurisdiction to make a bankruptcy order in personal guarantee cases. The court found, agreeing with Ben, that if a liability did not sound in debt, it could not found a petition, it did not matter whether any non-debt liability could be easily quantified. This case has been referred to in Muir Hunter on Personal Insolvency.
- Appearing in a trial listed for two days to set aside an IVA for unfair prejudice and material irregularity. Ben was instructed by the applicant and successfully set aside the IVA, which had been instigated by creditors alleging to be owed circa £5.5m from the debtor. Ben also obtained an indemnity cost award against the insolvency practitioners who commissioned the IVA.
- Appearing on a contested winding up petition in pursuit of a debt valued at circa £910k. The debtor company in this case entered into a CVL, immediately prior to the hearing of the contested petition, which was purportedly supported by £2.1m worth of alleged creditors. Ben defeated the purported creditors and obtained a compulsory winding up order, notwithstanding the CVL.
- Successfully obtaining of an order restraining presentation of a winding up petition.
- Successfully obtaining three concurrent bankruptcy orders in a debt claim valued at circa £3.2m. In these actions, Ben provided procedural advice throughout, which ultimately assisted in obtaining the final orders, on issues such as the steps to be taken where capacity of a debtor may be relevant in insolvency proceedings.
- Advising, drafting and appearing in a CVA challenge application valued at circa £1m, concerning the differential treatment of commercial landlords. Ben directly faced a silk in the interlocutory stages of this matter and was latterly led by Giles Maynard-Connor KC.
- Regularly appearing, advising and drafting in relation to antecedent transaction applications in both the personal and corporate insolvency contexts.

## Banking & Finance

Ben, building on his experience, prior to commencing practice, in one of Northern Ireland's largest transactional banking legal teams, is frequently instructed to advise and attend court on matters that have, at their heart, a banking and finance focus.

Notable cases:

- Appearing at a 2 day appeal/trial concerning the enforcement rights of mortgages, in a case concerning a dispute as to whether the underlying finance agreement was a regulated agreement or not for the purposes of the FSMA and the regulated activities order.
- Acting for a range of major domestic and international banks in claims concerning unfair credit relationships under section 140 of the Consumer Credit Act.

## Company

Ben's strong insolvency practice is bolstered by his company practice which runs alongside it.

Notable cases:

- Drafting pleadings in a claim concerning alleged breaches of covenant in a share purchase agreement. In this matter, which was valued at circa £1.3m, Ben was led by a senior barrister at another set of chambers.
- Advising a former shareholder/director of a company in a misrepresentation claim concerning information relied on by the director when selling his shares back to the company. The loss averred to have been incurred was in excess of £1m.

## Significant Cases

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### Settle v Sandstone Legal Limited and Others [2025] EWHC 742 (Ch)

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Ben acted for the proposed administrators of a company in circumstances where the court was faced with a competing choice of office holder. The appointment of Ben's client as administrator was opposed by purported creditors averring to be owed circa £2-6m from the relevant company. Ben ensured the appointment of his client. The case was reported in the insolvency insider, which can be read here (<https://insolvency-insider.co.uk/p/sandstone-legal-case-update>)

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### Jones v CEF [2025] EWHC 414 (Ch)

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Ben acted in a high court appeal to challenge the basis on which the court at first instance found there to be a liquidated debt. Ben argued that the court below had been wrong to transfer a liquidated debt from a primary obligor to a guarantor, where the guarantee itself did not sound in debt. The court agreed Ben was correct as to that proposition of law and the point was conceded by the Respondent. The case has been included in the most recent edition of Muir Hunter on Personal Insolvency.

## Memberships

- Northern Circuit
- The Honourable Society of the Inner Temple

## Qualifications

- Queen's University, Belfast (2015-2018), LLB Law with Politics, First Class Honours
- BPP Manchester (2019-2020), LLM Legal Practice, Distinction