

## Benjamin Channer

Call Date: 2008

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Benjamin Channer has a particular focus on all aspects of insolvency work, company and commercial disputes, property litigation and public law often with an International dimension.

He is an experienced trial and appellate advocate with clients ranging from individuals and businesses to local authorities and government departments. Much of Ben's work has an international element and he has advised on and appeared in cases both at first instance and appeal (including in the Privy Council) in jurisdictions including the Caribbean, Gibraltar and St Helena.

Ben has a particular interest in international arbitration and is increasingly developing his work in this area.

## Legal Services

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### Commercial

Ben provides advice and representation on a wide range of issues concerning contractual and all aspects of company disputes. He frequently appears in the Company Courts and Chancery Division.

### Notable Commercial cases

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Frederiks v Royale Park Estates Limited

Acting in an ad hoc arbitration concerning defective goods and the right to rescind.

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Commercial contracts for the St Helena Government

Advised the public procurement department of the St Helena Government and then drafted its commercial contracts including those for the leasing and purchasing of building machinery, consultant environmental services, medical evacuation services, IT systems, fishing vessels, construction projects and airport facilities.

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Broadsword Network Ltd v Shah & Lycamobile; Mercantile Court

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Counsel for the First Defendant in a claim for inducing a breach of an exclusive marketing agreement. The combined costs claimed were in excess of £500,000.

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Vilvarajah v Sivaruby; Chancery Division

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Acted for the Claimant in a complex partnership dispute with allegations of fraud. An account of profits in respect of a commercial enterprise was sought requiring multiple reports on current and historic income and profitability from a number of forensic accountants.

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## Insolvency

Ben's practice encompasses all areas of insolvency law. His wide ranging experience includes acting for creditors and office holders in relation to breaches of duty by directors, transactions at undervalue, preference claims and orders for sale. He has extensive knowledge and experience of acting in urgent applications for injunctive relief.



## Notable Insolvency cases

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Re Bodystretch (UK) Limited (in liquidation)

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Ben acted in this matter for the director of a clothing company which reiterated and further defined the duties of company directors.

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Re Enterprise Insurance

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Involved in representing the director of an insurance company in one of the longest running and highest value liquidations ever brought before the Supreme Court of Gibraltar.

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Re David Coleman & Co Limited [2022] EWHC 2644 (Ch)

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Ben acted for the assignee of a claim against the two directors of an accountancy firm in a claim which set out important guidance on the requirements for preference payments.

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Manolete Partners Plc v Matta & Ors [2020] EWHC 2965 (Ch)

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Ben acted for the successful applicant securing judgment of over £1.4m against a director for breaches of fiduciary duty.

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## Property Litigation

Ben is regularly instructed in all areas of property law. He frequently deals with possession and forfeiture of residential and commercial leases, social housing matters, issues concerning trusts of land, co-ownership and proprietary estoppel, enfranchisement and lease extension, disrepair claims and management and service charge disputes.

### Notable Property Litigation cases

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Fairhold Athena v Wise Developments; CLCC Ch list

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Two day multi track trial of a claim to recover unpaid service charges due under a commercial lease.

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London Borough of Haringey v F & D; Edmonton CC and CLCC

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Counsel for the local authority landlord in a possession claim concerning subletting. Successful at first instance and on appeal when human rights issues were raised.

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Hertfordshire County Council v EM, JB, RB & EB; Watford FC

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Requested by the local authority and the court to advise in a family case as to the housing implications of placing children with their grandparents. Concerns had been raised that to do so would result in overcrowding and adversely affect their position with regards to the housing allocation policy.

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## Public Law

Ben was Standing Civil Crown Counsel to the Government of the British Overseas Territory of St Helena from October 2015 to November 2017. His public law work has included drafting the St Helena Government's

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Highway Inspection Policy and clauses for its Code of Conduct. Additionally, Ben has also advised the same government on national and international agreements concerning fishing, land use, utilities and environmental studies. Ben also has experience of Judicial Review proceedings.

## Notable Public Law cases

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### Boat Harbour Marina Limited

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Advising on the challenge of awarding licences to operate in designated harbour areas in the Bahamas.

### AB AC NK v Attorney General of St Helena; Supreme Court (St Helena) (2017) Reported: WL 12660052

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Sole counsel for the Defendant in a matter concerning the basis on which general and constitutional damages on St Helena are assessed and awarded. The most complex and high value civil claims to have ever been heard on St Helena and described by the Chief Justice as “ground breaking”.

The Defendant’s appeal was heard by the Court of Appeal (St Helena) in September 2017. The Appeal was heard before the Privy Council in 2019 when Ben was led by Caroline Harrison QC.

### Raczkowski v Revenue & Customs [2018] UKFTT 671 (TC)

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An appeal against a decision by HMRC to raise an assessment for excise duty pursuant to s 12(1A) of the Finance Act 1994 (“the 1994 Act”) and regulation 13(1) of the Excise Goods (Holding, Movement and Duty Point) Regulations 2010.

Ben Channer acted for the appellant.

## Direct Access

Ben is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). He has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Ben on a direct basis, please speak to the practice managers.

For more information on public access, please see the Bar Council [website](#).

## Accreditations

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## Memberships

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- Admitted as an advocate of the Supreme Court of St Helena (2015)
- South Eastern Circuit
- Property Bar Association
- Bar Pro Bono Unit (Case Reviewer)
- Commercial Bar Association (COMBAR)
- London Common Law & Commercial Bar Association (LCLCBA)
- R3
- International Bar Association (IBA)

## Qualifications

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- BA (Hons) (Birm.) (Archaeology and Ancient History), First Class
- BVC (Very Competent), GDL (Commendation), LLB (Hons), College of Law