

## Rowan Pennington-Benton

Call Date: 2008

---



Rowan Pennington-Benton has a busy commercial, chancery, and insolvency practice.

He regularly appears in the High Court, as well as advising and appearing in offshore and other overseas jurisdictions.

As part of his international work, he has developed specialist expertise in appeals to the Privy Council, having appeared in over 35 Supreme Court/Privy Council appeals (many as sole counsel).

Rowan has a busy domestic and international practice, appearing in a variety of courts as well as arbitration and adjudication proceedings. He regularly appears in the High Court (Commercial Court/ Chancery (Bus.)) in high value and complex commercial disputes, with specialist experience in civil fraud, development and investment sector disputes, and insurance. Much of his work is multi-jurisdictional and includes conflicts of law, recognition and enforcement and cross-border asset preservation.

Rowan deals with the full spectrum of insolvency matters, both personal and corporate, and in respect of insurance and reinsurance companies. He is on the Attorney General's B Panel of Crown Counsel, with experience of HMRC insolvency and enforcement actions and POCA work.

He has extensive offshore and Privy Council experience, being led and dealing with cases sole counsel. His cases span a broad spectrum of practice areas, including civil /commercial, insolvency, and constitutional and public law.

Rowan is called to the Bar (permanently) in both England and Wales, and in Gibraltar. Rowan practises from 3 Hare Court Chambers in London, and from [Hassans International Law Firm](#) in Gibraltar.

## Legal Services

---

### Arbitration

Notable Arbitration cases

---

---

£200m plus ICC Arbitration (London), concerning diversion of business assets in breach of contract /breach of trust (energy sector –partial state funded JV geothermal project in Africa).

---

---

High value ICC Arbitration (London seat), concerning in state-supply contract dispute in the aluminum fluoride sector (public/private issues of public policy, enforceability and cross-border recognition –acting for the claimant).

---

---

£67m Commercial Arbitration (LCIA, London), involving allegations of State corruption and breach of contract in relation to off-shore development and investment scheme in the Caribbean (public/private law issues combined –acting for the State).

---

---

Acting for the claimants in £27m renewable energy arbitration (LCIA, London) (on-shore run of the river facility in Africa –payment dispute / breach of warranty / output performance).

---

---

Rule K sports arbitrations/ CAS appeals, including FIFA/FA sanctions work –both domestic and overseas (improper conduct, match fixing, side-betting –for individuals and the relevant association).

---

## Commercial and Civil Fraud

### Notable Commercial and Civil Fraud cases

---

Loudmila Bourlakova & ors v. Oleg Bourlakov (BL-2020-001050) (ongoing – 2023) High Court (Ch/Bus)

---

Acting for 4 Panamanian company defendants in alleged conspiracy /multi-jurisdictional fraud claim.

---

Pentacle Disputes Ltd v MoneyPlus Legal (LM-2020-000216) (ongoing - 2023)

---

Commercial Court claim – fees dispute concerning large scale bank miss-selling claims.

---

Gattaz Property Limited and Fortimat Properties S.A. v Versant Homes & Developments Limited and others (CL-2019-000662) (ongoing - 2023)

---

Commercial Court claim (led) – claim arising out of a series of failed development projects, claims including breach of trust/ fraud, negligence. (Interim judgments include: [2023] EWHC 110 (Comm), and [2021] EWHC 3657 (Comm)).

---

## Chancery and Insolvency

### Notable Chancery and Insolvency cases

---

[Infinity Max Ltd v CGI Automotive Consulting Ltd \[2022\] EWHC 1740 \(Ch\)](#)

---

Case concerning scope of declaratory relief in an international claim.

---

[Willow Sports Ltd v SportsLocker24.com Ltd \[2021\] EWHC 2524 \(Ch\)](#)

---

Case concerning pre-action disclosure in a proposed fraud claim.

---

[A v C \[2020\] EWHC 3045 \(Comm\)](#)

---

Challenge to arbitration award on ground of procedural irregularity.

---

[A&A Mechanical Contractors v Petroleum Company of Trinidad and Tobago \[2022\] UKPC 39](#)

---

Privy Council appeal concerning the correct approach to valuation or variations under a construction contract, including application of the without prejudice rule to contractual mediation clauses.

---

[Brelsford v Providence Estate Ltd Privy Council \(Montserrat\) \[2022\] UKPC 46](#)

---

The scope of the power to rectify the land register in cases of fraudulent diversion of property perfected by registration.

---

## Insurance

### Notable Insurance cases

---

[Enterprise Insurance v EIG et al](#)

---

Acting, first, for the finance director then further directors in the claim and on appeal. Complex claim (£54m) by liquidators of insurance company for breach of fiduciary duty, financial assistance, and negligence.

---

MCE Insurance Ltd

---

Acting in various respects for the joint administrators of insolvent insurance company (private examinations, fiduciary duties, reserving practice, SCR and solvency issues).

---

[McPhee v Colina Insurance Ltd Privy Council \(Bahamas\) \[2023\] UKPC 8](#)

---

Appeal concerning the correct interpretation and application of premium-linked renewal clauses, and the question of burden of proof in missing clause cases.

---

## Privy Council and Public Law

### Notable Privy Council and Public Law cases

---

[R v Pierre \(Rodriguez\) \[2023\] UKPC 15](#)

---

Appeal from The Bahamas concerning the correct approach to applications to extend time to appeal against conviction or sentence.

---

[Responsible Development for Abaco \(RDA\) Ltd v Christie & Ors \(Bahamas\) \[2023\] UKPC 2](#)

---

Appeal from The Bahamas, supported by intervenors, challenging the courts' approach to security for costs in environmental judicial review challenges.

---

[Attorney General of Trinidad and Tobago v Charles Privy Council \(Trinidad and Tobago\) \[2023\] 1 WLR 177](#)

---

Constitutional claim concerning the award of vindictory damages for breach of the right to "protection of the law" (delay caused by promotion of the judge without completing cases).

---

[Deonarine v Ramcharan Privy Council \(Trinidad and Tobago\) \[2022\] UKPC 57](#)

---

Appeal concerning the Court of Appeal's failure to determine a pleading of fraud raised in the context of a claim for declaratory relief as to the validity of a compromise agreement.

# 3 HARE COURT

---

---

[Carriacou Devcor Ltd v Corion Privy Council \(Grenada\) \[2023\] UKPC 1](#)

---

Appeal concerning delineation of the boundaries of a grand estate in Grenada.

---

[Commissioner of Prisons v Seepersad Privy Council \(Trinidad and Tobago\) \[2021\] 1 WLR](#)

---

Declaratory relief that the executive was in breach of the right to protection of the law in detaining minors in an adult prisons.

---

[Silly Creek Estate v Attorney General of Turks and Caicos Islands Privy Council \(Turks and Caicos Islands\) \[2021\] UKPC 9](#)

---

Grant of a Crown lease did not amount impliedly to a grant of development permission in respect of a private residential and marine development.

---

[Dass v Marchand Privy Council \(Trinidad and Tobago\) \[2021\] 1 WLR 1788](#)

---

Appeal concerning the Board's approach to concurrent finding of fact including in the context of a fraud claim.

---

[Crick v Brown \[2020\] UKPC 32](#)

---

Appeal from Trinidad and Tobago concerning the correct approach to be followed by the Court of Appeal where parties fail to file submissions in breach of directions, including appropriate use of strike out powers.

## Direct Access

Rowan is a Public Access trained barrister and available for instruction on that basis (also known as direct access). This means that he can receive instructions, in appropriate cases, directly from members of the public or on behalf of companies, partnerships or other entities. Please speak with our clerks for further information. For guidance on Public Access please visit the [Bar Council website](#).

## Accreditations

---



## Publications

---

- Rowan has taught administrative law/ public law at the Queen Mary University, London and at the University of Essex where he previously taught contract law. He also taught at the London School of Economics.
- Rowan has had several articles published in the New Law Journal and other publications. For a time he was research assistant to Professor Paul Craig QC, author of the standard textbooks on EU law and administrative law.
- [Corporate Identity and Liability in the Modern World](#) (Barbados Bar Association, 2019)
- [Recent Developments in Commercial and Public Law](#) (Barbados Bar Association, 2018)
- [The Judicial Committee of the Privy Council -contribution to judicial review and public law](#) (Judicial Review, 2018)
- [Legitimate expectations as a ground for judicial review](#) ('Outlaw' by Pinsent Masons, 2017)
- 'Not all that glitters is gold' (Solicitors Journal, 2016)

## Memberships

---

- Commercial Bar Association (COMBAR)
- ICBC
- R3

## Qualifications

---

- LLB (hons), (First Class), University of Essex;
- BCL, (Distinction), St Edmund Hall, Oxford