



Ben Quiney KC



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Ben Quiney KC

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"An absolute star of the Insurance World."
(Legal 500)



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Recommendations

In the recent editions of Chambers and Partners and Legal 500 Ben is identified as a Leading KC in his core areas of work, such as Insurance, Property Damage, Construction and Professional Negligence. He is described in Chambers and Partners and Legal 500 as:

"Ben has a fantastic way of boiling down complex issues in an easy to understand way. His written advices are thorough and digestible. He is also very client friendly and great on his feet."

"Ben has really excellent drafting skills excellent with clients and excellent advocacy skills."

"Brilliant advocate and excellent with clients."

"Ben's written advice is fantastic and his understanding of warranties and indemnities policies is second-to-none."

"Truly excellent advocate. Technically excellent, superb attention to detail, and Ben is able to cut through irrelevance and get to the heart of the issue. A go-to KC."

"Technically excellent, highly responsive and a superb knowledge of insurance law. Commercially astute and a great strategist. Extremely clear and well prepared advocate."

"He is absolutely fantastic – he is so user-friendly and commercially sensible, and provides pragmatic advice."

"An absolute star of the Insurance World."

"He has the rare talent of a razor-sharp intellect combined with the ability to present his point in a user-friendly format."

"Utterly unflappable. Ask any question, no matter how complex or involved, and he will give a wholly considered covers-all-the-bases answer that gets to the real heart of the issue. Also very good at understanding how to get through opponents arguments."



Career Summary

He has practised at Crown Office Chambers since its formation, and 1 Paper Buildings prior to merger and since 1998. Before coming to the Bar he was awarded a first class degree in law and went onto take the BCL postgraduate degree. After University he worked as a tax trainee with Ernst Young. During this period he received intensive training and experience in accounting, finance and corporate tax matters and techniques. He took Silk in 2014.

Practice

Ben practises in all areas of commercial litigation. He specialises in dealing with disputes dealing with all aspects of commercial, insurance, construction, and professional negligence issues. Ben has fought cases in the Commercial Court, Chancery Division, TCC, the Court of Appeal, the Privy Council, the Supreme Court and other jurisdictions such as the BVI. He has a wide range of experience in domestic and international Arbitrations in a variety of jurisdictions.

Construction

Ben has wide experience in construction disputes including trial work in the TCC, Arbitrations (domestic and international), and Adjudications. He has dealt with cases for both employers and contractors. Ben regularly works on insurance issues arising from construction projects, including claims under CAR, PI, Property, and Liability policies.

Ben has wide experience of arbitrations and has acted in ICC, DIA, LCIA, LMAA, ARIAS, SIAC, and ad hoc arbitrations. Ben also acts as an arbitrator and accepts appointments in this and other areas.

Ben has particular experience in cases involving construction professionals. The cases that he has been involved in have included allegations against professionals including architects, engineers, valuers, M&E Consultants, quantity surveyors, and emerging professions. Ben has experience of most standard form contracts, including JCT, ICE, NEC, FIDIC, and professional terms (such as ACE, RIBA, RICS). In the latest edition of Chambers and Partners and Legal 500 he is identified as a Leading KC in Construction Professional Negligence and in Construction.

Selected Cases

Recent cases include:

- Northumbria Healthcare NHS Trust v Lendlease & ors – Ben led team in the TCC acting for architects that were part of a large professional and contractor team involved in the construction of a specialist emergency care hospital. The case is a complex multi party claim for over £100m raising numerous legal and technical issues. It was noted as one of the Top 20 trials of 2022 in the Lawyer as considered in the recent decisions of [2022] EWHC 1266 (TCC) and [2022] EWHC 2116 (TCC) (DACBeachcroft).
- Shepherd Construction v Dunnett Craven and ors – Ben is acting for professional indemnity insurers in a £50m claim brought under the Civil Liability (Contribution) Act 1978 and the Third Parties (Rights against Insurers) Act 2010 arising from alleged remedial works to defective fire safety elements of a

very large residential complex. This case raises complex architectural issues and insurance law defences relating to prior notifications and an absence of fair presentation (Mills & Reeve).

- *ATG v Rise & ors* – Ben is acting for a West End theatre that suffered serious water damage to the fabric of its building causing the collapse of the ceiling. The case raises a number of complex issues relating to the scope of duty and the operation of joint names insurance policies (Kennedys).
- *New Victoria Hospital v CFP* – Ben is acting for architects facing a multi-million pound claim arising from the refurbishment and extension of a private hospital. Various issues in dispute include the extent of the engagement and the methods of procurement that were used (DACB).

Construction Insurance

- Ben frequently advises on insurance disputes arising from construction projects. This includes claims and recoveries. Ben has particular experience with CAR policies (including LEG3 and DE5 wordings) and professional indemnity cover. Recent projects he has acted on include:
- Coverage issues arising from a large PFI Hospital project.
- CAR and PI coverage issues with respect to multiple power stations across Europe.
- Professional Indemnity and CAR claims following the modernisation of a major railway system.
- Coverage issues arising from a prestigious University project including CAR and LEG3 issues.
- Co-insurance problems arising in various projects including the construction of a prestigious development in London and the construction of a landmark office block also in London.
- Coverage issues arising from product liability policies and the failure of products in various large construction projects, such as construction materials, wall systems and marine engineering products.
- Recoveries arising from fires on various projects, including a major National Trust Property and specialist engineering facilities that involved the use of “Hot Works”.
- Claims involving decennial defects liability policies issued for new build developments and high rise buildings.

Adjudications and Enforcements

- Ben has extensive experience in complex and high value adjudications. He deals with adjudications from start to finish, including enforcement. Recent adjudications and enforcements have included:
- A Power Station Project – Ben acted in a multi-million claim arising from the construction of a power station and complex issues of professional negligence (RPC).
- A Large University Project – Ben acted for an architect in a complex and multi-million pound adjudication dealing with the nature and extent of the duties of various professionals and the difficulties arising from works on listed buildings (DWF).
- A Large London Hotel Development – Ben acted for a developer in a series of multi-million pound adjudications arising from a serious fire in a very prestigious London development. The series of adjudications have focused on the cause and culpability for a large fire, operation of a JV agreement, liquidated damages, and the role of project managers (Howard Kennedy).
- A Significant University Accommodation Block – Ben acted for a firm of architects in defending an adjudication arising from alleged defective cladding and fire safety design. The dispute raised questions of the state of the art in cladding claims, the extent of liability in the context of allocated risks and scope of duty, and the effect of allegedly reasonable settlements (Beale & Co).

Cladding and Fire Safety Claims

- Following the tragic fire at Grenfell Tower Ben has advised on a large number of claims, arbitrations and recovery actions for both claimants, insured and insurers. This has included a number of policy issues ranging from coverage, claims issues, and the level of permitted recovery. Ben has advised primary and excess insurers as to the application of coverage clauses, exclusions and aggregation on a number of high profile projects. Claims have included:
- Coverage issues arising from block notifications of sometimes 100s of developments, issues with the standard cladding endorsement (including the International Underwriting Association (IUA) clauses) that have bespoke aggregation, limitation and exclusion wordings.
- Hospital: acting for an architect defending claims arising from the construction of a dedicated A&E Hospital, including alleged defects in the wall system used and internal fire protections (Northumbria Healthcare NHS Trust v Lendlease).
- Student Accommodation: acting for insurers defending claims relating to the monitoring of construction work with respect to internal compartmentation and other elements, as well as coverage issues (Shepherd Construction v Dunnett Craven and ors).
- Large Apartment Complex: advising on multiple claims arising from a class action of claims dealing with alleged defects and decennial insurance products.
- Retirement Complexes: alleged claims arising from multiple developments relating to the construction and design of cavity walls including the operation of exclusions in various layers of insurance cover.
- Professional Indemnity Policies: advising on various PI policies for various construction professionals as to the diverse forms of wording on cladding and fire safety clauses and underlying claims.
- Large Apartment Complex: acting for the Defendant engineers facing multiple claims from flat owners for allegedly defective cladding and fire protection (The 52 Occupiers of the Ceramic Works v Bowmer & Kirkland Ltd).

Property Damage

Ben undertakes all areas of property damage work. He deals with coverage, recoveries and defences. Ben has extensive experience of very large fire claims and disaster litigation. He has been involved in the TCC and Commercial Court multi-million pound litigation arising from major fires.

In the latest edition of Chambers and Partners he is identified as a Leading KC.

Selected Cases

- *Smurfitt Kappa Limited v EKY & BCC* – The claim arises from a large fire in a business park that then alleged to spread to an adjoining recycling business. Ben is acting for the defendant local authority landlord. The claim raises interesting questions of negligence, nuisance and ignis suus (DWF)
- *EDM Group v Olympian Security Services* – Ben is acting for the defendant security company facing a multi-million pound claim arising from a fire at a business park, which includes various allegations of a failure to provide security services and the effect of standard terms and conditions (Kennedys).
- *ATG v Rise & ors* – Ben is acting for a West End theatre that suffered serious water damage to the fabric of its building causing the collapse of the ceiling. The case raises a number of complex issues relating to the scope of duty and the operation of joint names insurance policies (Kennedys).
- *2 Entertain v Sony* [2019] EWHC 1658 (TCC), 190 Con. L.R. 145, [2020] EWHC 1490 (TCC) – Ben is

acting for Sony in defending a multi-million pound bailment claim arising from an arson during the London Riots 2011. The case raises various interesting issues ranging from the effect of limitation and force majeure clauses to the liability of warehousemen/bailment to causation and quantification (DAC Beachcroft).

- *Howmet v EDL & ECS* 157 Con. L.R. 1 & [2016] B.L.R. 555 – Ben acted for a factory owner in a recovery action resulting from a serious fire that caused £20+m losses arising from an alleged failure of fail safe devices. This case dealt with significant arguments relating to scope of duty, causation and novus actus (RPC).
- *Cadbury v ADT* [2011] BLR 661, [2012] BLR 441 & 145 Con. L.R. 147 – Ben acted for the Claimants against Defendant engineers in this £100m+ recovery action involving the destruction by fire of a large popcorn factory in Pontefract, arising from the installation and operation of a CO2 fire suppression system. This case was one of the Lawyers top 20 cases of 2011 (DAC Beachcroft).
- *Gold Care v Axa, Bausor & 4D* – Ben is acting for a property management company in a claim arising from a fire that occurred in a historic street in Glasgow. The fire caused significant property damage and the Claimant's insurer has declined to cover the claim on the basis of an alleged failure of fair presentation. The claim raises various interesting questions of the extent, nature and scope of duties for intermediaries arranging insurance cover and the effect of the 2015 Insurance Act 2015 (Mills & Reeve).
- *National Trust v TFT and Cuffe* – Ben is acting for the Defendant contractor in this case that arises from a serious fire at Clandon House, which is a historic building. The serious fire caused losses claimed to be worth many millions. The case raises complex issues of limitation, duties of care, and quantification (DAC Beachcroft).

Professional Negligence

He has advised upon and dealt with a variety of professional negligence cases, including those involving accountants, tax consultants, lawyers, insurance professionals, construction professionals and emerging professions.

In the latest editions of Chambers and Partners and Legal 500 he is identified as a Leading KC in Professional Negligence. Ben also acts as an arbitrator and accepts appointments in this and other areas.

Recent cases include:

Selected Cases

- *Gold Care v Axa, Bausor & 4D* – Ben is acting for a property management company in a claim arising from a fire that occurred in a historic street in Glasgow. The fire caused significant property damage and the Claimant's insurer has declined to cover the claim on the basis of an alleged failure of fair presentation. The claim raises various interesting questions of the extent, nature and scope of duties for intermediaries arranging insurance cover and the effect of the Insurance Act 2015 (Mills & Reeve)
- *Holyhead Marina v GA* – Ben is acting for a broker facing a significant claim arising from alleged damage to a marina caused by the "Beast from the East" storm and issues that arose in later claims. The case deals with questions of scope of duties, chains of brokers and specialist marine cover (Beale & Co).

- *Perry v Raleys Solicitors* [2019] 2 W.L.R. 636 and [2017] P.N.L.R. 27 – Ben is acting as part of the team defending the series of claims arising from the alleged under-settlement of miner's VWF claims by, amongst others, Raleys solicitors. *Perry* is a key Supreme Court decision reviewing important issues for solicitors' negligence. It deals with the test for lost chances and honesty, the principles in *Allied Maples*, and questions of the Court of Appeal's jurisdiction (BLM).
- *The Ingenious Litigation* – Ben is acting for accountants in the *Ingenious Litigation*, which is one of the Lawyers Top Cases of 2018 and 2022. It is a class action of 100s of high net worth individuals arising from a £1.5bn tax management fund. The claims are varied and complex. The Claimants are a number of investors in Ingenious Media's film/game investment partnerships who are seeking recoveries after allegations of tax avoidance by HMRC and adverse findings in the Tax Tribunals. The action centres on the claim that investors were assured that these partnerships were entirely legitimate trading businesses seeking to make profit through financing films and video games, such as *Avatar*. Liabilities that have arisen from the decisions of HMRC and the Tribunals are alleged to exceed £500m. The Defendants include tax advisors, accountants and banks. There have been numerous hearings determining important costs and security for costs issues (see [2019] EWHC 3234 (Ch), [2020] EWHC 235 (Ch), [2020] EWHC 307 (Ch)), [2020] EWHC 1731 (Ch) and [2021] WLR 3189 (Kennedys).

Brokers' Negligence

He regularly acts for and against Insurance Brokers. In addition to the cases above, recent cases have included:

- *British Gymnastics v Zurich, Brit & Perkins Slade* [2017] EWHC 2500 (Comm) – Ben acted for brokers in this long running multi-million pound coverage dispute arising from cover issued to the British Gymnastics Association. Issues arose relating to cover, non-disclosure, claims made policies, the practice in the Lloyds Market, brokers' duties, and causation.
- *NGS v Covea & Riverdale* – Ben is acting for an Insured in a claim arising from a Fire at a Salt Manufacturing plant. It involves complex issues as to the cause of the fire, coverage and professional negligence (Rustem Guardian).
- *Chalfin & ors v PIB* – Ben is acting for brokers in this multi-million claim arising from an avoidance by insurers following a significant fire at a factory, which deals with issues of coverage, professional negligence, causation and post claim valuations (Mills & Reeve).

Accountants' Negligence

Ben is acting for a number of accountants in different large value claims facing allegations ranging from failures to advise with respect to large financial investments for high net worth lottery winners to the management of Inland Revenue investigations (and COP9). This includes various tax management schemes arising from property, film finance, and investment schemes. Before coming to the Bar Ben worked at Ernst & Young.

IFAs and Investment Schemes

He has advised on and acted in various cases involving investment schemes, tax management schemes, and related investment advice. This has included property investments, film finance schemes and various corporate re-structuring issues.



Legal Professionals

Ben is regularly instructed in cases dealing with solicitors and barristers' negligence across all fields of work. Recent cases include:

- BPC Hotels Ltd v Wright Hassall LLP [2016] EWHC 1286 (TCC) – Ben successfully struck out a claim raising allegations of solicitors' and barrister's negligence. This was based on the scope of retainer and issues of causation (BLM).
- Perry v Raleys Solicitors [2019] 2 W.L.R. 636 and [2017] P.N.L.R. 27 – Ben is acting as part of the team defending the series of claims arising from the alleged under-settlement of miner's VWF claims (BLM).
- An Adjudication – a claim involving allegedly negligent legal advice as to the repudiation of contracts on a multi-million construction project.

Construction Professionals

Ben regularly acts for all types of construction professionals. Recent cases have included:

- Services engineers: Carillion Construction Ltd v Woods Bagot Europe Ltd [2016] B.L.R. 382 & [2017] BLR 203);
- Structural engineers: Bloom v Fluid [2018] EWHC 1266 (TCC) & *Mirant Asia-Pacific Construction (Hong Kong) Limited and others v. Ove Arup & Partners International Limited and others* [2005] PNLR 10);
- Fire safety engineers: Howmet v EDL & ECS 157 Con. L.R. 1 & [2016] B.L.R. 555 & Cadbury v ADT [2011] BLR 661, [2012] BLR 441 & 145 Con. L.R. 147);
- Surveyors: Bank of Ireland v Phillip Pank Partnership [2014] EWHC 284 (TCC & Catlin Estates Limited v. Carter Jonas [2006] PNLR 273); and
- Architects: *Maribo v CZL, Shepherd Construction v Dunnett Craven & ors*, and Northumbria Healthcare NHS Trust v Lendlease [2022] EWHC 1266 (TCC) and [2022] EWHC 2116 (TCC).
- Technical Auditors: Liberty v Campagna (2011) 27 Const LJ 275
- Developers: Travis Perkins v Roxhill & ors.

Insurance

He advises upon and litigates all insurance related disputes, including: D&O, PI, PL & EL, product liability, and Warranty and Indemnity policy disputes; dealing with insolvent insureds and insurance companies; subrogated recovery claims (including disaster claims); all coverage issues (including non-disclosure, notification, moral hazard, and warranty cases); and issues of scope of cover, such as business interruption. Insurance issues frequently arise in all other areas of Ben's practice, such as Professional Negligence and Construction.

Ben has wide experience of arbitrations and has acted in ICC, DIA, LCIA, LMAA, ARIAS, SIAC, and ad hoc arbitrations. Ben also acts as an arbitrator and accepts appointments in this and other areas.

In the latest edition of Legal 500 and Chambers and Partners he is identified as a Leading KC in Insurance.

Recent cases include:

Selected Cases

- *Project Angel Bidco v Various Lloyd's Syndicates* [2024] Lloyd's Rep IR 411 & [2024] Lloyd's Rep. IR 289 – Ben is acting for insurers in a significant claim made under a warranty and indemnity policy issued for an acquisition of a large construction company. He was successfully argued on behalf of insurers in the Court of Appeal that the claim should be excluded. Key issues relate to the interpretation of exclusions, the knowledge of the purchaser and the quantification of the claim. Ben successfully defended a preliminary issue trial as to the scope of an Anti-Bribery and Anti-Corruption Exclusion (ABC Liability) under the W&I policy. This is one of the first cases on W&I policy claims litigated and to go to the Court of Appeal. (DACBeachcroft)
- *AIG Europe SA v John Wood Group Plc* [2022] Lloyd's Rep IR 485 and [2022] Lloyd's Rep IR 561 – Ben is acting for insurers under an umbrella policy facing claims arising from a multi million dollar action in Canada following a pipeline failure. The insureds issued claims in Canada and the insurers successfully secured an antisuit injunction based on an exclusive jurisdiction clause in favour of England. Ben successfully argued in the Commercial Court and the Court of Appeal that the anti-suit injunction should be issued in favour of the insurers. (DAC Beachcroft)
- *Propharma v Various Lloyd's Syndicates* – Ben acted for insurers facing a multi-million pound claim under a warranty and indemnity policy arising from the acquisition of a pharmaceutical services. The case deals with issues of policy interpretation, issues of warranty and knowledge and complex quantification arguments (DAC Beachcroft).
- *Clarendon Dental v Zurich* [2025] EWHC 267 (Comm) – Ben acted for the Claimant Insured in successfully striking out key parts of the Defendant Insurer's defence. This was based on the meaning of questions and answers provided by the insured on renewal. The legal points turned on the meaning of a fair presentation under the Insurance Act 2015, the proper interpretation of questions raised as to insolvencies, and waiver by Insurers under the 2015 Act (Fenchurch Law).

Covid-19

Ben has advised upon and acted in a number of claims and arbitrations arising from the recent pandemic. He has advised insured, insurers and brokers on a variety of issues including existence and extent of coverage and the quantification of claims. Ben is acting in a series of international arbitrations dealing with business interruption losses in the hospitality industry across multiple jurisdictions. Ben has acted in and advised on cases including:

- An Arbitration arising from a multi-million claim by a major hotel group relating to multiple prestige hotels across the world arising from the effect of Covid-19 on their business and the various response of government across the world.
- A very high value Arbitration brought by various resorts in the Caribbean as a result of the Covid-19 at each of the various islands and the diverse government responses.
- Ben has advised an insurer across its book of business relating to high value Covid-19 claims. This has included advice on various arbitrations and Commercial Court claims, some of which settled and some of which have progressed through the Commercial Court.

Cladding and Fire Safety Claims

Following the tragic fire at Grenfell Tower Ben has advised on a large number of claims, arbitrations and

recovery actions for both claimants, insured and insurers. This has included a number of policy issues ranging from coverage, claims issues, and the level of permitted recovery. Ben has advised primary and excess insurers as to the application of coverage clauses, exclusions and aggregation on a number of high profile projects.

Claims have included:

- Coverage issues arising from block notifications of sometimes 100s of developments, issues with the standard cladding endorsement (including the International Underwriting Association (IUA) clauses) that have bespoke aggregation, limitation and exclusion wordings.
- Hospital: acting for an architect defending claims arising from the construction of a dedicated A&E Hospital, including alleged defects in the wall system used and internal fire protections (Northumbria Healthcare NHS Trust v Lendlease).
- Student Accommodation: acting for insurers defending claims relating to the monitoring of construction work with respect to internal compartmentation and other elements, as well as coverage issues (Shepherd Construction v Dunnett Craven and ors).
- Large Apartment Complex: advising on multiple claims arising from a class action of claims dealing with alleged defects and decennial insurance products.
- Retirement Complexes: alleged claims arising from multiple developments relating to the construction and design of cavity walls including the operation of exclusions in various layers of insurance cover.
- Professional Indemnity Policies: advising on various PI policies for various construction professionals as to the diverse forms of wording on cladding and fire safety clauses and underlying claims.
- Large Apartment Complex: acting for the Defendant engineers facing multiple claims from flat owners for allegedly defective cladding and fire protection (The 52 Occupiers of the Ceramic Works v Bowmer & Kirkland Ltd).

Fire, Flood and other Disaster Claims

Ben has extensive experience of very large fire claims and disaster litigation. These claims often deal with difficult technical evidence and raise complex issues of business interruption and causation. He has been involved in TCC and Commercial Court multi-million pound litigation arising from major fires such as: *Primark v Magna*, *Cadbury v ADT*, *Southwark v Greenacre*, *Howmet v ECS*, *Wheeldon v Millennium Ins*, *CPG v Great Lakes*, *V A Laundry v Sterling Ins*, *Boots v Schneider*, *NGS v Covea & Riverdale*, *2 Entertain v Sony*, and *National Trust v TFT and Cuffe*. He was part of the team of Counsel working on the Buncefield litigation for Total, including dealing with the disclosure dispute in that litigation. He advises on both the coverage and recovery elements of this category of cases.

Warranty and Indemnity Insurance

Ben has extensive experience of advising on and dealing with claims arising from W&I policies that provide cover for the acquisition of enterprises in a variety of business sectors. In the directories it is said that "his understanding of warranties and indemnities policies is second-to-none." His cases include dealing with the purchase of many different businesses, such as in the pharmaceutical, property, energy, construction



and freight sectors. These cases raise a number of complex insurance and commercial law issues arising from both warranties and tax indemnities. Cases include: *Curzon Capital v Pembroke Managing Agency*; *Propharma v Various Lloyd's Syndicates*; and *Project Angel Bidco v Various Lloyd's Syndicates*.

D&O Insurance

Ben is regularly instructed to advise and act on disputes dealing with Directors and Officers policies. Ben has particular expertise in this area as a result of his experience with Directors' Duties cases. Recent cases have included:

- A coverage dispute arising from alleged wrongful trading activities in the green energy market.
 - Issues arising from directors disqualification proceedings and alleged wrongful trading in the running of a major charity.
 - A dispute relating to whether defence costs should be indemnified in a long running financial fraud case.
 - Coverage issues arising from US Securities prosecutions involving Russian nationals in the energy sector.
 - Coverage arising from a major disaster and associated inquiries.
-

Professional Indemnity Claims

Ben regularly advises on all issues connected to professional indemnity disputes. Recent work includes:

- Advice on aggregation of claims arising from various conveyancing transactions.
 - Advice on the inter-relationship between contractual and non-contractual exclusions.
 - Advice on the scope of cover for IFAs.
 - Advice on the effective of a deliberate or reckless act of a professional on cover.
 - Advice on the impact of US claims on the management of the Lloyd's Market and Lloyd's brokers.
-

Construction Insurance

Ben frequently advises on insurance disputes arising from construction projects. This includes claims and recoveries. Ben has particular experience with CAR policies (including LEG3 and DE5 wordings) and professional indemnity cover. Recent projects he has acted on include:

- Coverage issues arising from a large PFI Hospital project.
 - CAR and PI coverage issues with respect to multiple power stations across Europe.
 - Professional Indemnity and CAR claims following the modernisation of a major railway system.
 - Coverage issues arising from landlord's claims following a major fire in a South London nightclub.
 - Coverage issues arising from a prestigious University project including CAR and LEG3 issues.
 - Co-insurance problems arising in various projects including the construction of a prestigious development in London and the construction of a landmark office block also in London.
 - Coverage issues arising from product liability policies and the failure of products in various large construction projects, such as construction materials, wall systems and marine engineering
-

products.

- Claims involving decennial defects liability policies issued for new build developments and high rise buildings.
- Recoveries arising from fires on various projects, including a major National Trust Property and specialist engineering facilities that involved the use of “Hot Works”.

Company and Commercial

Ben has a wide experience of commercial matters, including: sale of goods; contractual disputes; civil fraud, company law and insolvency issues; guarantees and indemnities; passing off and intellectual property matters; jurisdictional disputes; and fiduciary obligations and equitable remedies.

Ben has wide experience of arbitrations and has acted in ICC, DIA, LCIA, LMAA, ARIAS, SIAC, and ad hoc arbitrations. Ben has been called to the BVI Bar. Ben also acts as an arbitrator and accepts appointments in this and other areas.

Recent cases include:

Selected Cases

- *NST Worldwide v World Snooker* – Ben is instructed by the Claimant in the Competition Appeals Tribunal. In that action NST alleges that there are breaches of competition law in the regulation and promotion of professional snooker, including that World Snooker has abused its dominant position and been party to anti-competitive behaviour (LLP Solicitors).
- *Howtel v Constantine* – This claim relates to the disputed ownership of a valuable Picasso painting. Ben is acting for the company holding the painting. The claim raises interesting issues of ownership, bailment, standard terms and conditions, and the use of the interpleader/stakeholder procedure under Part 86 of the CPR (Mills & Reeve).
- *Reeves v Frain* [2025] EWHC 185 (SCCO) – This claim arises from a contested will dealing with an very valuable estate and raises issues relating to the enforceability of Damage Based Agreements. In particular, the issue is whether DBAs can be used for claims other than simple claims for monetary sums and the treatment of expenses and disbursements. Costs Judge Brown in the Senior Costs Office ruled against the enforceability of DBAs in this instance, and the case continues (Legal Costs Experts)
- *Sutton & East Surrey Water v Monarch & Muztrans* – Ben is acting for a commercial haulier in a high value claim arising from a chemical explosion allegedly caused by the delivery of certain chemicals. The dispute deals with contractual issues, RHA Conditions, and the application of recent case law on vicarious liability (Clyde & Co).
- *Astra Global v Narayan* – Ben is acting for a senior banking executive in a long running multi-jurisdictional dispute relating to various high value investments around the world. The case raises relating to allegations of civil fraud, tracing and equitable defences.
- *Project Angel Bidco v Various Lloyd's Syndicates* [2024] Lloyd's Rep IR 411 & [2024] Lloyd's Rep. IR 289 – Ben is acting for insurers in a significant claim made under a warranty and indemnity policy issued for an acquisition of a large construction company. He was successfully argued on behalf of insurers in the Court of Appeal that the claim should be excluded. Key issues relate to the interpretation of exclusions, the knowledge of the purchaser and the quantification of the claim. Ben

successfully defended a preliminary issue trial as to the scope of an Anti-Bribery and Anti-Corruption Exclusion (ABC Liability) under the W&I policy. This is one of the first cases on W&I policy claims litigated and to go to the Court of Appeal (DACBeachcroft).

Warranty and Indemnity Claims

Ben has extensive experience of advising on and dealing with claims arising from Share Purchase Agreement disputes, W&I claims (warranties and tax indemnities) and also insurance policies that provide cover for the acquisition of enterprises in a variety of business sectors. This includes cases dealing with the purchase of business in the pharmaceutical, property, energy, construction and freight sectors. These cases raise a number of complex insurance and commercial law issues.

Directors' Duties Cases

Ben has particular expertise in director's cases and has been described in the legal directories as an expert in this field. He regularly advised on Directors & Officers Insurance claims arising from such issue. He successfully argued in the Court of Appeal the novel point that directors owe special and particular duties of disclosure in *Item Software v. Fassihi and others* [2005] 2 B.C.L.C. 91 (CA), which is now a core case in this area. He acts for both companies and directors/employees. These cases often involve allegations relating to breach of fiduciary duty, restrictive covenants, copyright, passing off, economic torts, and accessory liability. He has taken to trial a number of such cases including:

- *Crowson Ltd v Concept Ltd* [2008] F.S.R. 14;
- *Markel & QBE v SGC & ors* [2009] Lloyd's Rep IR 77 & [2008] EWHC 3087 (Comm) & [2009] EWCA Civ 790;
- *Berryland Books v BK Books & ors* [2009] 2 B.C.L.C. 709 & [2010] All ER (D) 209 (Dec);
- *Premier Waste Management Limited v Towers* [2010] EWHC 2440 (Ch) and [2012] BCC 72 ;
- *Templeton Insurance Ltd v Motorcare Warranties Ltd* [2012] All ER (D) 75 (Apr), [2012] EWHC 2309 (QB) and [2013] All ER (D) 32 (Feb); and
- *St Vincent European General Partner Ltd v Robinson* [2018] EWHC 1230 (Comm) & [2018] EWHC 1442 (Comm).

Freezing Injunctions, Search Orders, and other interim remedies

Ben has extensive experience of with and without notice urgent applications, such as:

- *Markel & QBE v SGC* [2009] Lloyd's Rep IR 77 & [2008] EWHC 3087 (Comm) & [2009] EWCA Civ 790 (freezing injunction, surety bonds, civil fraud & directors' duties);
- *RBS Invoice Finance Ltd v Karia* [2008] All ER (D) 131 (May) (civil fraud, freezing injunctions and factoring);
- *Schmid v Fortmann* [2007] All ER (D) 107 (Oct) (property orders, civil fraud and resulting trusts);
- *Templeton Insurance Ltd v Motorcare Warranties Ltd* [2012] All ER (D) 75 (Apr) , [2012] EWHC 2309 (QB) and [2013] All ER (D) 32 (Feb) (contempt of court, freezing injunctions, and civil fraud);
- *St Vincent European General Partner Ltd v Robinson* [2018] EWHC 1230 (Comm) & [2018] EWHC 1442 (Comm) (freezing injunctions and third parties);

- *SDI v Rangers FC* [2018] EWHC 2948 (Comm), [2019] EWHC 207 (Comm) and [2019] EWHC 591 (Comm) (specific performance, declaratory relief and mandatory injunctions).
- *AIG Europe SA v John Wood Group Plc* [2022] Lloyd's Rep IR 485 and [2022] Lloyd's Rep IR 561 – insurance and anti suit injunction.

Product Liability

Ben regularly works on technical cases involving defective products. His main focus is on disputes where products have failed causing financial losses. For example, he often deals with claims in a sale of goods context or where defective products cause damage to buildings and plant, such as by fire or flood. Ben has dealt with cases covered by most standard form contracts and often has to deal with issues relating to limitations and exclusions.

Selected Cases

- *Boots v Schneider* – Ben is acting for Schneider, manufacturer of a component that is alleged to have caused an electrical fire. The fire is alleged to have caused £20m of damage (Zelle).
- *Sutton & East Surry Water v Monarch & Muztrans* – Ben is acting for a commercial haulier in a high value claim arising from a chemical explosion allegedly caused by the delivery of certain chemicals. The dispute deals with contractual issues, RHA Conditions, and the application of recent case law on vicarious liability (Clyde & Co).
- *Scottish Arbitration* – Ben acted in a multi-million pound claim made against a large engineering company involved in a project to rehabilitate a large part of the main water system in Scotland. Allegations of breach of contract arising from the design and issues of defective products arose, requiring the examination of a number of complex scientific, chemical and technical matters, as well as matters of arbitration law and practice; as considered in Arbitration Appeal No 1 of 2021 [2021] CSOH 41. (Beale & Co)
- *Howmet v EDL & ECS* 157 Con. L.R. 1 & [2016] B.L.R. 555, Ben acted for a factory owner in a recovery action resulting from a serious fire that caused £20+m losses arising from an alleged failure of fail safe devices. This case dealt with significant arguments relating to scope of duty, causation and novus actus (RPC).
- *Bembridge Marine v Allen & ors* [2012] EWHC 2213 (TCC), Ben defended the supplier of bolts and gratings in a £7m sale of goods claim in the TCC. The case raised issues of contractual formation, sale of goods, and limitations of liability. He succeeded in enforcing ASD's limitation of liability clause in its standard contract terms, which was found to cap the recoverable damages at £705 rather than £7million (DAC Beachcroft).
- *Cadbury v ADT* [2011] BLR 661, [2012] BLR 441 & 145 Con. L.R. 147 Ben acted for the Claimants against Defendant engineers in this £100m+ recovery action involving the destruction by fire of a large popcorn factory in Pontefract, arising from the installation and operation of a CO2 fire suppression system. This case was one of the Lawyers top 20 cases of 2011 (DAC Beachcroft).
- *An Arbitration* – Ben acted for a contractor on a very large PFI hospital project involving the installation of many miles of pipework. Amongst the complex issues in the dispute was the manufacture and quality of the pipework.
- *An Arbitration* – Ben is acting for a large engineering multi-national with respect to a dispute as to the construction of various power stations. Numerous complex disputes have arisen, including the manufacture and construction of key elements of each of the power stations and the necessary

mitigation works.

Product Liability Insurance

Ben frequently advises on coverage matters that arise from product liability claims for both insureds and insurers. Recent work includes claims arising from:

- Contaminated supermarket products and questions of whether or not a voluntary recall triggers cover.
- Construction products, including fire safety issues and cladding.
- Concrete used in the course of constructing various developments and questions of what qualifies as a defect.
- Products used in coastal defence products.
- Various food products and resultant claims arising from contamination and illness.
- Electrical products, recalls and property damage (fires and explosions).
- Mechanical products and material failures.

Arbitration

Ben has wide experience of arbitrations, both domestically and internationally. This is in all his core areas, with particular emphasis on Insurance and Construction arbitrations. This has included acting in ICC, LCIA, LMAA, ARIAS, DIA, SIAC, and ad hoc arbitrations. Ben has also acted on Arbitration appeals and enforcement actions in different jurisdictions, such as in the BVI.

Ben accepts appointments as an Arbitrator and has been appointed to deal with claims involving his areas of expertise.

Examples of arbitrations he has acted in include:

Selected Cases

- A DIA arbitration dealing with multiple insurance claims arising out of five significant energy projects being heard in Denmark.
- A LCIA arbitration dealing with a Warranty and Indemnity insurance claim arising from the purchase of a large construction business.
- Defending a professional indemnity insurance claim arising from various claims against accountants brought by high net individuals.
- An ICC arbitration dealing with a claim under a D&O Policy connected to the various LIBOR actions arising from the recent financial crash.
- A SIAC arbitration dealing with an insurance claim arising from a significant transport network collapse.
- A series of LMAA arbitrations arising from significant commodities transactions and international trade issues.
- An ad hoc arbitration insurance claim arising from the collapse of a bridge in Russia.
- An ARIAS arbitration under a D&O Policy arising from proceedings in the USA and allegations of multi-billion tax fraud in Russia.
- An ICE Arbitration arising from a large water project in Scotland and extensive allegations relating to

engineering issues.

- Claims made under insurance policies relating to the provision of professional design services on multiple construction projects.
- Claims made under a D&O Policy relating to the provision of services on a large construction project.
- LCIA arbitrations arising from high value Covid-19 insurance claims including reinsurance issues.

Reported Cases

- *Clarendon Dental v Zurich* [2025] EWHC 267 (Comm) – Fair presentation under the Insurance Act 2015, the proper interpretation of questions raised as to insolvencies, and waiver by Insurers under the 2015 Act.
- *Reeves v Frain* [2025] EWHC 185 (SCCO) – Damage Based Agreements, statutory interpretation, the enforceability of DBAs, and non-monetary claims.
- *Project Angel Bidco v Various Lloyd's Syndicates* [2024] Lloyd's Rep IR 411 & [2024] Lloyd's Rep. IR 289 – insurance, warranties and indemnity insurance, and the application of exclusions.
- *Northumbria Healthcare NHS Trust v Lendlease & ors* [2022] EWHC 2116 (TCC) – construction and disclosure.
- *AIG Europe SA v John Wood Group Plc* [2022] Lloyd's Rep IR 561 – insurance, anti suit injunction and comity.
- *Northumbria Healthcare NHS Trust v Lendlease & ors* [2022] EWHC 1266 (TCC) – construction and architects negligence, and split trials.
- *AIG Europe SA v John Wood Group Plc* [2022] Lloyd's Rep IR 485 – insurance and anti suit injunction.
- *Arbitration Appeal No 1 of 2021* [2021] CSOH 41 – International Arbitration, arbitral practice, errors of law, and engineering disputes.
- *Rowe v Ingenious Media Holdings PLC* [2021] WLR 3189 – security for costs, the appropriateness of cross-undertakings, and the particular issues arising from litigation funding in class actions.
- *The 52 Occupiers of the Ceramic Works v Bowmer & Kirkland Ltd & Anor* [2021] EWHC 17 (TCC) – cladding, service and amendments.
- *2 Entertain v Sony* [2020] EWHC 972 (TCC) – Bailment, warehouse duties, contractual limitations, force majeure, and causation.
- *Ingenious Litigation* [2020] EWHC 307 (Ch) – class action case management and interim applications.
- *Ingenious Litigation* [2019] EWHC 3234 (Ch) and [2020] EWHC 235 (Ch) – costs, third party funding and security for costs.
- *SDI v Rangers FC* [2019] EWHC 591 (Comm) and [2019] EWHC 1929 (Comm) – Football Contracts, contractual interpretation, and the mechanics of renewal rights.
- *Perry v Raleys Solicitors* [2019] 2 W.L.R. 636 – solicitors negligence, causation and the application of *Allied Maples*.
- *SDI v Rangers FC* [2019] EWHC 207 (Comm) – Amendments of Particulars of Claim, Football Contracts, and contractual interpretation.
- *Wheeldon v Millennium Insurance* [2019] 4 WLR 56 – Appeals from TCC, Fires and Waste Management, and Property Insurance.
- *SDI v Rangers FC* [2018] EWHC 2948 (Comm) – Football Contracts, freezing injunctions, interpretation of a distribution agreement, and the appropriateness of injunctive relief.
- *St Vincent European General Partner Ltd v Robinson* [2018] EWHC 1230 (Comm) & [2018] EWHC 1442 (Comm) – Economic Torts, Company law, the calculation of damages, Banking and finance, freezing injunctions, and the late addition of parties.

- *Broom v Fluid* [2018] EWHC 1266 (TCC) – engineering dispute, iceberg house on “Grand Designs”, and case management procedure.
- *Wheeldon v Millennium Insurance* [2018] Lloyd’s Rep. I.R. 693 – Fires and Waste Management, Property Insurance, and the interpretation of conditions precedent and warranties.
- *Manta Port Authority v Terminales Internacionales De Ecuador SA (Eno liquidacion); Hutchinson Port Investments Limited Hutchinson Port Holdings Limited* [2017] BVIHC(COM) 191 of 2016 – International Arbitration, breach of contract, and the construction of international ports.
- *British Gymnastics v Zurich, Brit & Perkins Slade* [2017] EWHC 2500 (Comm) – Gymnastics, Liability Policies, and the late Addition of Parties.
- *Perry v Raleys Solicitors* [2017] P.N.L.R. 27 – solicitors negligence, causation and the application of *Allied Maples*.
- *Dawnus Construction Holdings v Amey LG Ltd* [2017] EWHC B13 (TCC) – adjudication and dispute resolution procedure.
- *Wheeldon v Millennium Insurance* [2017] B.L.R. 234 – Fire claim, experts and conflicts of interest.
- *Carillion Construction Ltd v Woods Bagot Europe Ltd* [2017] BLR 203 – Construction contracts and extensions of time.
- *Howmet Ltd v Economy Devices Ltd* [2016] B.L.R. 555 – Fire claim, product liability, corporate knowledge and causation.
- *BPC Hotels Ltd v Wright Hassall LLP* [2016] EWHC 1286 (TCC) – solicitors’ and barrister’s negligence, strike out and scope of retainer.
- *Carillion Construction Ltd v Woods Bagot Europe Ltd* [2016] B.L.R. 382; 166 Con. L.R. 52 – Construction contracts, completion dates and liquidated damages.
- *Howmet Ltd v Economy Devices Ltd* 157 Con. L.R. 1 – Fire claim and product liability.
- *Genesis v Allianz* [2014] EWHC 3676 (QB) – Insurance declinature when arson by an insured.
- *Bank of Ireland v Phillip Pank Partnership* [2014] EWHC 284 (TCC) – Post-Mitchell decision on defects in cost budgeting.
- *Daniel v Mode* [2013] EWHC 3614 (TCC) – strike out/summary judgment on a fire claim at a very early stage.
- *Templeton Insurance Ltd v Motorcare Warranties Ltd* [2013] All ER (D) 32 (Feb) – Court of Appeal on contempt of court for breach of freezing injunctions and sentencing; reduced to suspended sentence.
- *Cadbury v ADT* (No.2) 145 Con. L.R. 147 – interim payments on account and “no loss” arguments.
- *Rivercove v Euro Rubberlines* [2012] EWHC 2593 (TCC); *Environmental Law Monthly Volume 21 Issue 11* – oil pollution.
- *Ram Recycling v DRC and ors* [2012] EWHC 2757 (Comm) – insurance brokers, security for costs, and re-opening decisions.
- *Cadbury v ADT* [2012] BLR 441 – Engineer’s negligence, contract formation, sale of goods, and contributory negligence.
- *Ram Recycling v DRC & ors* [2012] EWHC 2464 (Comm) – insurance brokers, coverage and security for costs.
- *Templeton Insurance Ltd v Motorcare Warranties Ltd* [2012] EWHC 2309 (QB) – contempt of court for breach of freezing injunctions and sentencing.
- *Bembridge Marine v Allen & ors* [2012] EWHC 2213 (TCC) – sale of goods and limitation of liability clauses.
- *Ram Recycling v DRC & ors* [2012] EWHC 1736 Comm – insurance brokers, coverage and summary judgment.
- *Templeton Insurance Ltd v Motorcare Warranties Ltd* [2012] All ER (D) 75 (Apr) – contempt of court, freezing injunctions, civil fraud and breach of insurance binders.

- Premier Waste Management Limited v Towers [2012] BCC 72 – director’s duties and fiduciaries (CA).
- Cadbury v ADT [2011] BLR 661 – Engineer’s negligence, contract formation, sale of goods, and contributory negligence.
- Liberty v Campagna (2011) 27 Const LJ 275 – Latent Defects insurance and the duties of technical auditors.
- *Berryland Books v BK Books & ors* [2010] All ER (D) 209 (Dec) – Torts of conspiracy and breach of fiduciary duty (CA).
- Premier Waste Management Limited v Towers [2010] EWHC 2440 (Ch) – Directors’ duties and fiduciaries.
- *Berryland Books v BK Books & ors* [2009] 2 B.C.L.C. 709 – directors’ duties, civil fraud, publishing and copyright, and accessory liability.
- Markel & QBE v SGC & ors [2009] Lloyd’s Rep IR 77 – Surety bonds, insurance binders, civil fraud & directors’ duties (also [2008] EWHC 3087 (Comm) & [2009] EWCA Civ 790).
- *Buncefield* [2008] EWHC 2218 (Comm) – disclosure obligations, specific disclosure and pre-action reports.
- *RBS Invoice Finance Ltd v Karia* [2008] All ER (D) 131 (May) – civil fraud, freezing injunctions and factoring.
- *Crowson Ltd v Concept Ltd* [2008] F.S.R. 17 – civil fraud, directors’ duties, confidential information, and database rights.
- *Hart v Larchpark & Fidler* [2008] 1 BCLC 589 – security for costs.
- *Schmid v Fortmann* [2007] All ER (D) 107 (Oct) – civil fraud and resulting trusts.
- *Hart v Larchpark & Fidler* [2007] BLR 30 – Adjudicator’s jurisdiction under the 1996 Act (written contracts and time limits), stays under the insolvency rules and default judgments.
- *Bennett (Electrical) Services v Inviron* [2007] EWHC 49 (QB) – Adjudicator’s jurisdiction under the 1996 Act (written contracts).
- *ALE v MSD* [2006] EWHC 2080 (TCC) – Adjudicator’s jurisdiction under the 1996 Act (written contracts and estoppel) and insolvency.
- *Catlin Estates Limited v. Carter Jonas* [2006] PNLR 273 – Building surveyors, title to sue, and professional negligence.
- *Margate Theatre Trust v. White (t/a A1 Moling Services) & AXA* [2006] Lloyd’s Rep IR 93 – scope of insurance and deemed knowledge of insurer on specialist business.
- *Mirant Asia-Pacific Construction (Hong Kong) Limited and others v. Ove Arup & Partners International Limited and others* [2005] PNLR 10 – Engineers professional negligence, assumption of responsibility and concurrent contractual and tortious duties.
- *Item Software v. Fassihi and others* [2003] 2 B.C.L.C. 1 (Ch Div) & [2005] 2 B.C.L.C. 9 – Directors’ duties, confidential information, and theft of database (CA).
- *Re Cooling Equipment Wholesale Ltd* [2002] 2 B.C.L.C. 745 – Compulsory winding up petition and sale of goods.

Qualifications

- Birkdale School, Sheffield.
- University College, Oxford. BA (Hons) in Law – First Class.
- Tax Trainee with Ernst & Young
- University College, Oxford. BCL.
- Admitted to Gray’s Inn. Awarded the Lord Birkenhead Scholarship.
- Inns of Court School of Law.



- Called to the Bar of the Eastern Caribbean Supreme Court, Virgin Islands Circuit.

Seminars

Ben regularly gives seminars in his areas of expertise. He is happy to do so as part of in-house training. In the past few years he has given seminars on the following topics: Insurance Act 2015; liquidated damages; fire and disaster claims; bonds & guarantees; conflicts of interest; privilege and the law of evidence; damages; fiduciary and directors' duties; interim commercial remedies; restrictive covenants; the impact of Covid 19 and insurance claims; loss of a chance in professional negligence claims; the Law Commission reform of Insurance Law; D&O claims and Artificial Intelligence risks; and valuation and causation issues in W&I claims.

Memberships

- LCLCBA
- TECBAR
- COMBAR
- PNBA

Recommendations

"Ben is very easy to work with, client-friendly and highly personable."

Chambers & Partners, 2025

"Ben has a fantastic way of boiling down complex issues in an easy to understand way. His written advices are thorough and digestible. He is also very client friendly and great on his feet."... "Ben has really excellent drafting skills excellent with clients and excellent advocacy skills."

Legal 500, 2025

"Ben Quiney is somebody with intellect. He knows how to present arguments in court - judges trust him because he puts things in a sensible manner and he is always massively prepped."... "Ben has a good ability to take things back to first principles and does it in a way that is really clear and really coherent. He is also brilliant at keeping things focused and clients and solicitors on track."

Chambers & Partners, 2024

"A brilliant advocate and excellent with clients."... "Ben's written advice is fantastic and his understanding of warranties and indemnities policies is second-to-none."

Legal 500, 2024

"He is absolutely fantastic - he is so user-friendly and commercially sensible, and provides pragmatic advice."... "Clever, organised, smooth and on top of the detail. He is charming, caring, reasonable and hard-working."

Chambers & Partners, 2023

"He is very commercial and will always have thought of everything."

Chambers & Partners, 2022

"Utterly unflappable. Ask any question, no matter how complex or involved, and he will give a wholly considered covers-all-the-bases answer that gets to the real heart of the issue. Also very good at understanding how to get through opponents arguments."

Legal 500, 2022

"Ben is incredibly calm, incredibly assured and measured."

Chambers & Partners, 2022

"His advice is clear, measured and commercial and his mind is incredibly well organised." "He's good at structuring arguments methodically and impressive on his feet."

Chambers & Partners, 2021

"His advocacy is sharp and incisive. Technically brilliant and happy to roll up his sleeves."... "He is always fully read in, prepared and very organised. There is no better man in a crisis."

Legal 500, 2021

"He is structured and clear, and has a great knack for putting the client at ease. He's very skilled at advocacy and advising in conference, and judges immediately warm to him."; "He is calm and measured, puts his written arguments in an attractive way and is helpfully understated in court."

Chambers & Partners, 2020