

Ben Archer

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Ben Archer is currently undertaking a third six, having previously worked as an employed barrister at the Government Legal Department. He is keen to develop a broad practice across Chambers' core areas of work.

In his time at GLD, Ben moved across a number of government departments, dealing with a wide range of contentious and advisory matters. During pupillage he regularly appeared in judicial review proceedings for the Secretary of State for the Home Department, in both the Upper Tribunal and the High Court. He later joined the commercial law group within the Department for Work and Pensions, before moving to the insolvency team at the Department for Business, Energy and Industrial Strategy.

Ben holds a PhD in insolvency law, for which he was awarded Geoff Pillar and Peel Trust scholarships. His thesis, completed under the supervision of leading insolvency academic Professor David Milman, considers the effectiveness of the legal mechanisms by which directors of insolvent companies can be held personally accountable for their misconduct, with a particular focus on directors' disqualification and wrongful trading proceedings. Throughout his doctoral studies, Ben regularly led tutorials in a range of undergraduate modules including torts, contracts, trusts, and public law.

Ben has experience of assisting in high value commercial disputes and in the areas of professional liability, civil fraud and sports law. He retains his interest in insolvency law (including cross-border work) and, stemming from his government background, also has a strong interest in public law and human rights related matters.

Before coming to the Bar, Ben graduated with a first class degree in law from Lancaster University. He was called by Lincoln's Inn, from whom he has received Lord Denning, Megarry and Hardwicke Entrance scholarships. Ben was also the recipient of a BPTC Excellence Award.

Publications

Wife's guarantee to bank unenforceable due to husband's undue influence (Syndicate Bank v Dansingani)

7 February 2020

Wife's guarantee to bank unenforceable due to husband's undue influence (Syndicate Bank v Dansingani) Banking & Finance analysis: Ben Archer, barrister, at 4 New Square, examines a High Court decision that a guarantee given by the first defendant company director to secure the company's liabilities to the claimant bank was enforceable but a similar guarantee given by the second defendant company director, who was the first defendant's wife, was not enforceable as her execution of it had resulted from his undue influence.

The impact of foreign insolvency proceedings on English law bank guarantees: ascertaining foreign law, the scope of the European Insolvency Regulation and the effect of pending



actions

28 October 2019

Shail Patel acted for the successful defendants at trial in *Bank of Baroda v Maniar* [2019] EWHC 2463 Comm, in resisting claims by the bank on personal guarantees. The case raised a number of important points of European cross border insolvency law under the European Insolvency Regulation, and the English Court's exercise of a foreign law judicial power. Ben Archer explains the facts, the court's rulings and the implications of the decision.