Radcliffe Chambers



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An "*intellectual heavyweight*" who is "*clever, responsive and good with clients*", **Stuart Benzie** specialises in commercial disputes with a deep expertise in fraud and asset tracing, company law (particularly shareholder disputes), insolvency and restructuring, confidential information/restrictive covenant disputes and international arbitration.

Stuart qualified as a solicitor at Clifford Chance and was subsequently a strategy consultant at McKinsey & Company, and as a senior member of HSBC's European capital markets team. This diverse experience equips him with a unique perspective and the ability to navigate complex legal challenges, making him an invaluable asset to his clients.

Stuart is recommended in Chambers UK, Chambers Global and Legal 500 for commercial dispute resolution, commercial fraud, and sport. Clients' comments include "*Stuart is utterly brilliant – an iron fist in a velvet glove*." (Chambers & Partners 2023); "*an intellectual heavyweight*" (Legal 500 2023); and "*Stuart Benzie is clever, responsive and good with clients*" (Chambers & Partners 2024).

Stuart has been appointed as an arbitrator in the Cyprus Arbitration and Mediation Centre and has appeared in a number of high value arbitrations under the LCIA, ICC, DIAC, UNCITRAL and LMAA rules. He has acted in a range of matters including hearings relating to matters in Russia, the Balkans, Singapore and the GCC Region.

Stuart is a true specialist in dealing with urgent interim applications, including freezing and search orders, springboard injunctions, gardening leave injunctions and other prohibitory and mandatory orders. As a consequence of this specialisation, Stuart has extensive experience of committal applications and has appeared in several applications (primarily for applicants) in cases which resulted in significant prison sentences.

COMMERCIAL DISPUTES

- *Last Bus Ltd (t/a Dublin Coach) v Dawsongroup Bus and Coach Ltd (formerly Dawson Rentals Bus and Coach Ltd)* [2023] 4 W.L.R. 80; Stuart acted for Dawsongroup in a £12m Commercial Court claim brought by a Dublin based coach operator (represented by Nigel Jones KC) in relation to the supply of allegedly defective coaches by Daimler-Benz (the second defendant represented by Daniel Shapiro KC). Stuart acted in successful summary judgment application and acted in the subsequent Court of

Appeal hearing relating to the approach of exclusion clauses in commercial contracts (judgment awaited) (Instructed by Freeths LLP).

- *J Wanstall & Sons v Fridays Ltd* [2022] EWHC 2579 (TCC); Stuart acted for the Defendant in this complex claim relating to outbreaks of a novel strain of salmonella between 2017 and 2020. Stuart acted for Fridays, one of the UK's largest producers and packers of eggs, in a summary judgment/strike-out hearing relating to the existence of a settlement agreement that was said to exist between the parties (Instructed by Freeths LLP).
- *Equitas Ltd v Sande Investments Ltd* [2021] EWHC 631 (Comm); Stuart acted for Equitas in this Commercial Court Claim brought against a Lloyds' Broker in relation to monies that were collected by that broker following the Lloyds Market reconstruction and then not paid over to Equitas. The case was a high-profile and legally complex Commercial Court trial (Instructed by DWF).

INTERNATIONAL ARBITRATION

- *UNCITRAL arbitration* (2024)*;* Stuart acts for a US based investor in an LCIA arbitration relating to investments in telecommunications operators in the Balkan region. This is a complex, high value dispute that involves a major international bank, issues of sovereign immunity and evidence from parties based in a number of European jurisdictions (Instructed by Laytons LLP).
- *LCIA Arbitration* (2024): Stuart acts for a shareholder in a London seated arbitration with issues relating to English, Cypriot and Russian law. The case involved the question of the extent to which unfair prejudice type/oppression disputes were arbitrable following the decision of the Privy Council in *FamilyMart China Holdings v Ying Chuan* [2024] 1 All E.R. (Comm) 697 and involved consideration of the relevant related sanctions issue. Stuart acted for the Respondents at the final hearing held in Moscow. (Instructed by RGD Moscow).
- *English Arbitration* (May 2024 – Commercial Court): Stuart acts for the Respondent in a UK seated *ad hoc* arbitration in relation to the Claimant's challenge to an award under Section 68 Arbitration Act 1996 (Serious Irregularity) (Instructed by Michael Cummins Employment Solicitors).
- *DIAC arbitration* (2023) Stuart acted for the large Middle East based conglomerate in DIAC arbitration relating to the fraudulent preparation of accounts and other fraudulent misrepresentation made in connection with the acquisition a major telecommunications company in the GCC region. Stuart acted at the final hearing of a claim that had a value of in excess of US$30m. (Instructed by Kennedys)

COMMERCIAL FRAUD

- *JSC Mezhdunarodniy Promyshlenniy Bank v. Sergei Victorovich Pugachev* (2024 Ch). Stuart acted for the Claimants in this high-profile fraud in an application to renew the warrant of committal against Mr Pugachev (Instructed by Costigan King).
- *Patel v Parker (and others)* [2023] EWHC 1979 (Ch); Stuart currently acts (with David Turner KC) for the Claimant in relation to an alleged fraud carried out in relation to the construction and establishment of a bariatric hospital in Battersea, south-west London. The case is complex, and Stuart has acted as junior counsel in a series of applications relating to disclosure, joinder, amendment and strike-out. The case is currently proceeding to trial (instructed by Laytons LLP).
- *Coveris Flexibles v Simon Brears and* others [2022] EWHC 1594 QB; Stuart acted for the Claimant in this case concerning a significant alleged fraud committed by a former senior employee. The case commenced with a search order which was frustrated by the First Defendant and following a number of further acts of contempt Stuart acted in committal hearing that resulted in a 14-month prison sentence. The case applied the sentencing guidelines from *F.W Farnsworth Ltd & Anor v. Lacy* &Ors [2013] EWHC 3487 (Ch) a case where Stuart acted for the successful applicant (instructed by Gateley Legal PLC).

SHAREHOLDER DISPUTES / COMPANY LAW

- *Essex and East London Van Services Limited v Van Extras Limited* (2024); Stuart acts for the Petitioner in an unfair prejudice claim between the shareholders in an Essex based commercial vehicle company. The claim involves competing claims made in a Petition and Cross-Petition including allegations of fraud (Instructed by Buss Murton Law LLP).
- *Stephen Smith v JSA Education Group Limited (Companies Court)* (unreported 2023); Stuart acted for one of the founders of a London based fashion college ('JCA Fashion Academy'), founded by a joint venture by investors including the well-known shoe designer Professor Jimmy Choo. The claim involved disputes between the UK education specialists, Professor Choo, and a Chinese investor. The claim was challenging and involved issues relating to the regulation of UK higher education providers and also the extent to which parties to a JV agreement owed each other duties of good faith or fiduciary duties (Instructed by Myerson Solicitors LLP).
- *TT Partnership Limited (and others) v Tanya Field (and others)* (unreported 2022); Stuart acted (leading Will Clerk) for the Petitioner in this unfair prejudice claim against a former LLP partner (represented by Tom Poole KC). Stuart acted at the Companies Court trial that involved extensive cross-examination of a number of witnesses and detailed submissions in relation to the Section 994 Companies Act 2006 jurisdiction (Instructed by Laytons LLP).

INSOLVENCY AND RESTRUCTURING

Stuart started his career as an insolvency and restructuring lawyer at Clifford Chance and has been involved in insolvency disputes and advisory work for over 20 years. Recent cases include:

- *Purple Bricks Members' Voluntary Liquidation of Bricks Newco Limited* (2024). Stuart acts (leading Zachary Kell) in a claim by 192 former Purple Bricks contractors/employees in a dispute as to whether they were creditors of Purple Bricks as employees rather than independent contractors (Instructed by Contractors4Justice).
- *Championship Football Team* (2024): Stuart is advising the owners of a Championship football club in relation to a dispute between the former administrators of the club and an alleged creditor (Instructed by Gateley Legal PLC).
- *Alpha Insurance A/S (In Bankruptcy acting by its court appointed attorney Boris Frederiksen) v. Intercede 2408 Limited* [2022]: Stuart acted for the Danish trustee in bankruptcy of Alpha Insurance A/S in claims to recover unpaid amounts of £4.3m due from an English company than had been struck-off the register. (Instructed by DWF).
- *Alpha Insurance A/S (In Bankruptcy acting by its court appointed attorney Boris Frederiksen) v. J&M Insurance Services UK Limited* [2021]. Stuart acted for the Danish trustee in bankruptcy of Alpha Insurance in claims to recover amounts of £4.5m of premia from a UK agent that had been collected pursuant to a binding authority agreement (Instructed by DWF).

Stuart also provides insolvency and restructuring advice including corporate and securities transactions and he has extensive experience of international capital markets, securitisation, covered bonds and other structured capital markets products. Stuart was previously a strategy consultant at McKinsey & Company and brings commercial as well as legal experience to his insolvency and restructuring practice.

TECHNOLOGY, IT AND IP DISPUTES

Stuart has been involved in IT disputes throughout his career and has extensive experience of cases involving various issue relating to both hardware, software, the relationship between developers and freelance coders and, more broadly

disputes relating to large IT projects. More recently Stuart has been involved in cases seeking to protect source code from parties claiming rights to newly developed software.

Such cases often require the obtaining of urgent interim orders including Norwich Pharmacal Orders, imaging orders, and orders prohibiting the use of source code (etc). Stuart has been at the forefront of the development of imaging orders and was counsel for the applicant in two of the leading cases on the test for such orders.

Stuart has extensive experience in intellectual property disputes and developing areas of technology. Stuart has previously advised the Metropolitan Police Fraud Squad in relation to the use of civil proceedings in cryptocurrency frauds.

Recent cases include:

- *Portable Multimedia Limited v. McCavery* (Chancery Division July 2025): a case involving a claim by an employed software developer asserting rights source code developed for a high value software project being developed with Google (Instructed by Herrington Carmichael LLP).
- *Ideagen Limited v Shakkor and others* (Chancery Division July 2023): a case involving a claim against freelance code writers who claimed that the Defendants had incorporated a company and then marketed ESGD software that was based on (or included) source code that was the property of the Claimant (Instructed by Gateley Legal).

TRUSTS

- *Preson v Preson* [2023] EWHC 1486 (Ch); Stuart acted for the Claimants in a claim relating to the purchase of a farm in Leicestershire and the extent to which the Claimants were entitled to a beneficial interest in land owned by the Defendants (represented by Nicholas George). Stuart successfully argued that the land was held subject to a common interest constructive trust following a trial that involved extensive cross-examination relating to the relationship between the parties over a period of 20 years (Instructed by Freeths LLP).
- *Gokani v Gokani* (Unreported 2021); Stuart acted for the Defendants in a dispute as to the ownership of a large portfolio of commercial and residential properties that had been acquired during a period of about 40 years. The case was commenced in the Lands Tribunal as an application to amend the titles to various properties and was (following a successful application) transferred to the Chancery Division to deal with the dispute as to the whether the Defendants held the properties on trust for the Claimants pursuant to a common interest constructive trust or as a consequence of proprietary estoppel. The case settled at mediation (instructed by Freeths LLP).
- *JD Classics Limited (in Administration)* (2020); Stuart acted for a high profile, US based high net worth individual in relation to the ownership of a number of classic vehicles including a Jaguar owned by Clark Gable and a 1965 Ferrari 275 GTB that had a value of several million dollars. The case involved a significant fraud and the extent to which title to the vehicles had been transferred to the alleged fraudster and the extent to which such vehicles were held on trust. Stuart advised and assisted in the drafting of documents that resulted in the administrators (represented by Quinn Emanuel) agreeing to return the vehicles to Stuart's client (Instructed by Laytons LLP).

COMMERCIAL EMPLOYMENT

- *Bibby Foreign Exchange Limited v. Clear Treasury (and others)* (2024 Ch). Stuart acts for the Claimant in a claim relating to the actions of former employees who had moved to a direct competitor. The claim commenced with a 'doorstep delivery-up/imaging order' which was then supplemented by an application for a bench warrant to enforce compliance against one of

the Defendants. The Claim is a claim for breach of contract, breach of confidence, conspiracy and inducing breach of contract (Instructed by Gateley Legal PLC).
- *English Arbitration* (May 2024): Stuart acted for a partner in a major professional services firm (represented by Richard Leiper KC) challenging the enforceability of the restrictive covenants in the firm's Partnership Agreement. Stuart represented the Respondent at the final hearing where the Tribunal found that the restrictions were not enforceable. Stuart continues to act for the Respondent in relation to the Claimant's challenge to the award under Section 68 Arbitration Act 1996 (Instructed by Michael Cummins Employment Solicitors).
- *Aquinas Education Ltd v Miller and others* [2018] IRLR 518; Stuart acted for the new employer of two former employees of the Claimant (represented by Adam Tolley KC and Simon Paul) and the managing director of the new employer. The claim involved the Claimant's attempt to seek a 'springboard injunction' against the two former employees who had commenced employment with a competitor. Stuart was successful in persuading the Judge to discharge a 'springboard injunction' which had been granted at an earlier hearing and the case is now a leading authority on the evidence required to obtain a 'springboard injunction' (Instructed by Freeths LLP).
- *FW Farnsworth Ltd v Lacy and others* [2013] IRLR 2830 (Ch); Stuart acted for the Claimant in a case against a group of former employees (represented by James Laddie KC) who had committed various unlawful acts before going on to join a competing company. Stuart appeared in a committal hearing and in the hearing of a preliminary issue in the Chancery Division which is a leading case on the incorporation of contracts of employment (instructed by Freeths LLP).

PROFESSIONAL NEGLIGENCE

- *Libran Laminations Limited v. Druces* (2023); Stuart acted for Claimant (and another company) in a claim against Druces in relation to alleged negligence in the conduct of the sale and purchase of commercial property shortly before the pandemic. Stuart acted for the Claimant in earlier proceedings against the intended purchaser and has since been instructed in the claim against Druces (Instructed by Freeths).
- *Thompson v Beckingtons* (2022); Stuart acted for the Defendant firm of accountants in relation to allegedly negligent tax advice concerning the Claimant's operations in Italy. Stuart advised the Defendants, drafted pleadings (that involved complex issues of Italian tax law), advised on disclosure and settlement discussions. The matter subsequently settled (Instructed by Phillips Law).
- *Gateley Legal PLC v Clyde & Co;* Stuart acted for the Claimant law firm in a claim against Clyde & Co in relation to allegations of negligence in relation to the conduct of a professional negligence claim against Gateley. Gateley instructed Stuart to advise, draft proceedings and represent Gateley at a mediation where the dispute was settled (Instructed by Gateley Legal)

ADVISORY WORK

Stuart provides advice and drafts documents in relation to a wide range of non-contentious issues, including:

- Advice of finance and banking documents: Stuart drafted all of the finance documents for well-known auction house and has drafted a range of documents in relation to the financing of high value works of art.
- Advice on the drafting of restrictive covenants in commercial agreements and the employment contracts of senior executives.
- Advice provided to a number of law firms (including a Magic Circle law firm) on the extent to which their terms of business were compliant with the Consumer Credit Act 1974.
- Advice in relation to the contractual provisions contained in contracts for

the transfer of footballers, including the standard Premier League contracts and bespoke provisions to deal with players with specific injury issues and illnesses.
- Stuart has extensive experience of securitization, covered bonds and other structured products and can advise on the various issues that arise in relation to such products (including insolvency related issues).

SIGNIFICANT CASES

- *LCIA Arbitration* (2024) – Shareholder/Contractual dispute in Russia/Cyprus
- *Ad Hoc Arbitration* (2024) – Arbitration in London relating to dispute between a major professional services firm and a former partner.
- *Last Bus Ltd (t/a Dublin Coach) v Dawsongroup Bus and Coach Ltd (formerly Dawson Rentals Bus and Coach Ltd)* [2023] 4 WLR 80 (CA) – Court of Appeal
- *Patel v Parker* [2023] EWHC 1979 (Ch)
- *Preson v Preson* [2023] EWHC 1486 (Ch)
- *Last Bus Ltd (t/a Dublin Coach) v Dawsongroup Bus and Coach Ltd (formerly Dawson Rentals Bus and Coach Ltd)* [2022] EWHC 2971 (Comm)
- *J Wanstall & Sons v Fridays Ltd* [2022] EWHC 2579 (TCC)
- *DIAC arbitration* (2022)
- *Coveris Flexibles v Simon Brears and others* [2022] EWHC 1594 QB
- *Stephen Smith v JSA Education Group Limited* (Companies Court) (unreported 2022)
- *TT Partnership Limited (and others) v Tanya Field* (and others) (unreported 2022)
- *Equitas Ltd v Sande Investments Ltd* [2021] EWHC 631 (Comm)
- *Freeths LLP v Revolut Limited* (unreported 2021)
- *Aquinas Education Ltd v Miller and others* [2018] IRLR 518
- *LMAA Arbitration* (LMAA – Mexico/Singapore)
- *F.W Farnsworth Ltd & Anor v Lacy & Ors* [2013] EWHC 3487 (Ch)
- *FW Farnsworth Ltd v Lacy and others* [2013] IRLR 2830 (Ch)

RECOGNITION

- *"Stuart is a robust advocate. He is a street fighter always working hard to think outside the box and find good angles."* (*Legal 500 UK Bar 2026*)
- *"Stuart Benzie delivered an innovative, creative argument. In court, he kept his cool and ran all his arguments beautifully."* (*Chambers UK Bar 2026*)
- *"Stuart is an extremely impressive senior junior who operates at the level of most silks."* (*Chambers UK Bar 2026*)
- *"A robust cross-examiner whose bread and butter is cases where there's an element of fraud or misbehaviour."* (*Chambers UK Bar 2025*)
- *"Good with clients, bullish and commercial."* (*Chambers UK Bar 2025*)
- *"Stuart is an excellent senior junior. He is very responsive, very commercial and popular with clients."* "*Stuart is utterly brilliant – an iron fist in a velvet glove.*" (*Chambers UK Bar 2023*)
- "*Stuart has tremendous attention to detail, prepares thoroughly for all hearings and clients like his commercial approach.*" "*An intellectual heavyweight, but not one who sits in an ivory tower, making him go-to counsel.*" "*Silk quality for junior money*." (*Legal 500 2023*)
- "*Bright, sharp of mind and someone with a nice demeanour.*" (*Chambers UK Bar 2022*)
- "*Responsive and practical, gives sensible commercial advice and always available and on hand to deal with queries.*" "*Stuart is a proper fighter – excellent for those difficult cases. He knows freezing orders inside out.*" "*Stuart brings incredible commercial nous and skill to every sports case. He is especially good at urgent, challenging injunctive work.*" (*Legal 500 2022*)
- "*Stuart is a creative, persuasive and forceful advocate who always thinks outside the box to achieve the desired result.*" "*His greatest asset is his commercial awareness, and he is very good at navigating legal*

complexity." "He is commercial, tactically astute and creative." (*Chambers UK Bar 2021*)

- "*He is an excellent team player who knows his way round the commercial court." "Incredibly commercially-minded, he has great expertise in sports law."* (*Legal 500 2021*)
- "*Stuart is a creative, persuasive and forceful advocate who always thinks outside the box to achieve the desired result" "His greatest asset is his commercial awareness, and he is very good at navigating legal complexity*" (*Chambers UK Bar 2020*)
  "*Bright, authoritative and great on his feet*" (*Legal 500 2020*)
  "*Stuart Benzie is very commercial and creative*" "*He is not afraid to think outside the box*" "*He's very personable, and he interacts well with clients*"
  "*Clients like his tough but pragmatic approach*" (*Chambers UK Bar 2019*)
  "*A very persuasive and tenacious cross-examiner*" (*Legal 500 2018*)
  "*He always helps to overcome difficult issues*" (*Legal 500 2017*)
  "*He is responsive, attentive to detail and generous with his time*" (*Legal 500 2016*)

QUALIFICATIONS

- 1996 Queen Mary, University of London, Bachelor of Laws (First Class)

MEMBERSHIPS

- Chancery Bar Association
- COMBAR
- Insolvency Lawyers Association