

Year called 2016

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Daniel's practice focuses on commercial and construction disputes, international arbitration, financial services and public and regulatory law. He appears regularly in court and frequently undertakes pleading and advisory work.

Before joining the Bar, Daniel qualified as a solicitor at Allen & Overy where he gained extensive experience of high-value commercial litigation, typically with a significant international element. Daniel has a particular interest in international work, following a secondment to Moscow and recent instructions engaging jurisdictions as diverse as Singapore, Monaco, Moldova and Afghanistan.

PRACTICE AREAS

- Commercial, Construction & International Arbitration
- Banking & Financial Services
- Regulatory & Disciplinary
- Administrative & Public
- Planning & Environment

PRACTICE AREAS

COMMERCIAL, CONSTRUCTION & INTERNATIONAL ARBITRATION

Daniel brings knowledge and experience to a range of contentious commercial, construction, engineering and infrastructure disputes (in both domestic litigation and international arbitration).

Recent matters include:

Commercial Litigation

- Acting (with James Ramsden QC) in the Chancery Division for a creditor in conspiracy proceedings against debtor companies and their directors.

- Acting (with James Ramsden QC) for an industrial group based in Singapore and the Philippines in a multi-million pound claim arising out of the development of a waste-to-energy facility.
- Second junior for the claimants in a multi-million pound fraud claim, involving complex multi-jurisdictional transactions (the UK, Netherlands and Moldova) where it is alleged that the UBO was unlawfully deprived of assets valued at hundreds of millions of dollars.
- Advising on a complex suite of rail contracts (in particular performance regimes) following an incident causing significant damage to infrastructure, delays and cancellations.
- Acting as sole counsel for the claimant in a claim for the disappearance of a large quantity of expensive wine, raising issues of contract, tort, bailment and conversion.
- Acting for the defendant in relation to allegations of serious breaches of warranties and misrepresentation arising out of the Icelandic banking crisis.
- Acting for the claimant on matters of director and shareholder fraud.
- Acting for the claimant in relation to allegations of negligent misstatement following the issuance of loan notes and a share purchase agreement, involving professional negligence and withholding tax considerations.

Daniel's experience at Allen & Overy enabled exposure to a wide range of commercial litigation. Some examples include:

- Acting for the defendants in high-value and widely reported allegations of LIBOR and EURIBOR misrepresentation.
- Rail infrastructure arbitration in disputes between rail network operators and electricity cable maintenance providers.
- Trustee litigation before the High Court and Court of Appeal, arising from credit rating agency downgrading during the financial crisis (CDO products): *Napier Park European Credit Opportunities Fund Ltd v Harbourmaster Pro-rata CLO 2 BV*.
- Capital markets litigation arising out of the Argentina bonds dispute.
- Acting for an investment bank following a Statement of Objections concerning credit derivatives and the alleged prevention of exchange trading.

Construction

- Acting (with Jess Connors) for the contractor in an extension of time dispute arising out of a £15m construction and refurbishment project at a key food manufacturing facility (JCT 2011 Standard Building Contract Without Quantities).
- Acting for the contractor in a multi-million dollar SIAC arbitration arising out of the rehabilitation, design and construction of a road of national significance in the Islamic Republic of Afghanistan (FIDIC Pink Book). Issues include delay and extensions of time, advance payment, early completion, and the enforcement of binding non-final Dispute Board decisions.
- Advising on wide-ranging cladding issues, including by detailed reference to the Building Regulations 2010 and various versions of the guidance in Approved Document B.

- Sole counsel for the contractor in adjudication proceedings (JCT contract).
- Sole counsel for the defendant in a claim concerning a bespoke contract for works valued in excess of £200,000, involving complex issues of contractual interpretation and rectification.
- Sole counsel in a claim for the defective and dangerous construction of a new-build residential development.

BANKING & FINANCIAL SERVICES

Daniel has experience of banking and financial services disputes as a former associate at the Financial Conduct Authority, where he advised on a range of contentious regulatory matters. In particular, he has significant exposure to the Regulatory Decisions Committee and Upper Tribunal (Tax and Chancery Chamber).

Recent instructions include:

- Standing counsel to the FCA on the regulation and authorisation of peer-to-peer lending, with a particular focus on Article 36H of the Regulated Activities Order, collective investment schemes and alternative investment funds.
- Advising the FOS regularly across a wide range of disputes, including as sole counsel before the High Court.
- Advising the Prudential Regulation Authority on an investigation arising out of a major financial institution's regulatory reporting.

Daniel brings a transactional appreciation to banking and financial disputes following experience at Allen & Overy on:

- Structuring and negotiating derivative products, credit default swaps and advising on alleged anti-competitive prevention of exchange traded platforms.
- Negotiating leveraged and asset finance products, such as cross-jurisdictional securitisation of shipping loan portfolios, aircraft (including under the Cape Town Convention), helicopter and shipping leasing arrangements.
- Debt and equity capital markets, including loan participation notes, corporate bonds and rights issuances. A specific focus has been on emerging markets, involving issuers incorporated in jurisdictions such as Russia, Cyprus, Romania, Greece and Turkey.

REGULATORY & DISCIPLINARY

Daniel has an extensive and fast-growing regulatory practice, frequently advising and representing (including before the High Court) a diverse range of regulators such as the Financial Conduct Authority, the Financial Ombudsman Service, Ofgem, the Office for Students, the Solicitors Regulation Authority, the Bar Standards Board, the Health and Care Professions Council and the Prudential Regulation Authority.

Recent matters include:

- Representing the FOS as sole counsel in judicial review proceedings before the High Court, and advising it on a wide range of issues.
- Acting as sole counsel in the High Court for the Bar Standards Board on the regulation of pupillage

(Ekperigin v Bar Standards Board [2019] EWHC 1292).

- Acting as sole counsel in the High Court for the Solicitors Regulation Authority on the regulation of higher rights of audience (*R (on the application of Ogun) v Solicitors Regulation Authority*).
- Advising the FCA on the regulation and authorisation of peer-to-peer lending.
- Consultant counsel to Ofgem on highly topical and widely reported matters, including the retail price restriction for domestic customers supplied under default tariffs, smart metering, consumer engagement, back-billing and warrants.
- Consultant counsel to the newly-formed Office for Students.
- Consultant counsel to the Prudential Regulation Authority on an investigation arising out of a major financial institution's regulatory reporting.
- Sole counsel for the Health and Care Professions Council in matters before the High Court.

In the Enforcement & Market Oversight division of the FCA, Daniel:

- Worked on contentious authorisations matters, including in relation to market significant high-profile firms.
- Prepared representation before the Regulatory Decisions Committee (akin to the First-tier Tribunal in other jurisdictions) and the Upper Tribunal.
- Advised the FCA on structural questions relating to its authorisations procedures, requiring an extensive understanding of the FCA Handbook.

ADMINISTRATIVE & PUBLIC

Daniel is comfortable appearing before the High Court in judicial review proceedings, and has particular public law experience in the context of regulatory disputes.

Recent instructions include a confidential child sexual abuse investigation.

At Allen & Overy he advised organisations such as Liberty, Reprieve, the Law Centres Network and Interrights on the death penalty, protection of children in warzones and discrimination. He has also advised on matters such as the court's approach to national security and political donations.

PLANNING & ENVIRONMENT

Daniel's recent instructions include issues such as street trading and new markets.

His regulatory work, particularly with Ofgem, has raised a range of environmental issues.

QUALIFICATIONS

2015: Solicitor (England and Wales)

2013: Legal Practice Course (Distinction)

2011: De Hart Prize in Law (Christ's College, University of Cambridge)

2011: BA, Law, Christ's College, University of Cambridge (First Class)

ADDITIONAL INFORMATION

Languages:

Daniel has basic knowledge of French and German.

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