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Ross Fentem

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Year of Call: 2003

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Clerk: Justin Emmett

PRACTICE AREAS

Commercial

Banking and Finance

Property

PROFILE

Ross practices in commercial, banking / financial services, property and company law. He has been ranked as a leading individual on the Western Circuit in his main practice areas by both Chambers & Partners and the Legal 500 since 2010.

PRACTICE AREAS

Commercial

Ross has a wealth of expertise in commercial dispute resolution and litigation. His client base ranges from large institutional bodies, including banks and governmental bodies, to individuals and sole traders. His commercial practice encompasses disputes about the sale of goods, commercial fraud, agency, franchising, restrictive covenants and insurance coverage. Recent instructions include claims against various entities arising out of the development of the A30 service station in Cornwall and an underlying contractual nexus, and arbitrating a multi-million pound fraud claim arising out of a share sale agreement.

Although principally a litigator, Ross takes the view that many commercial disputes are susceptible to sensible resolution out of court, and often acts for his clients at mediations and round-table negotiations. Ross is happy to advise on and appear in arbitrations and associated arbitration claims relating to all the main subjects of Ross' commercial experience.

Banking and Finance

Ross is a banking and finance specialist, who is often called on to act for lenders and borrowers in complex security-realisation cases. In recent years he has also successfully taken on cases of professional negligence against financial advisors, security valuers and others. Recent instructions include a £2 million claim by a

Lithuanian entity in the FinTech sector against a UK-based agent for misappropriation of funds.

His vast experience in this area includes:

Commercial credit and banking

- Enforcement of loans and other facilities
- Guarantees and bond enforcement and coverage
- Cheques, bills of exchange and other payment instruments
- Regulation and authorization
- Inter-bank disputes
- Financial Services and Markets Act 2000

Asset finance and leasing

- Commercial leasing and lease-purchasing
- Default and enforcement
- Quality and fitness issues
- Fraud

Consumer credit and finance

- Consumer credit and hire
- Regulation
- Unfair relationships and other Consumer Credit Act 1974 challenges

All aspects of mortgage and securities law

- Priorities and land registration
- Subrogation
- Appointment, powers and duties of receivers
- Marshalling
- Undue influence
- Mortgage fraud

Financial services / products and advice

- Brining and defending claims against financial advisors

Property

Ross' practice encompasses the full range of property disputes, covering both commercial and residential premises. He is particularly known for his specialist knowledge of land registration, and has often appeared before the Adjudicator to the Land Registry (now the First-Tier Tribunal and Upper Tribunal). His experience covers all matters of real property and landlord and tenant, including easements, restrictive covenants, renewals under the Landlord and Tenant Act 1954 and the sale of land.

Company

Ross practices in the litigious aspects of corporate law, and receives many instructions in disputes involving shareholders (particularly unfair prejudice petitions) and former shareholders (particularly arising out of share purchase agreements). Recent experience includes arbitrating a multi-million pound fraud claim arising out of a share sale agreement.

Professional Negligence and Disciplinary

Ross often acts for claimants and defendants in professional negligence claims within the scope of his main practice areas, including in particular claims against conveyancers, litigators, financial advisors and valuers. Recent instructions include a legally and factually complex claim by residual beneficiaries under a will in which they allege that a financial advisor owed them a *White v Jones* duty of care when advising the testators on inheritance tax mitigation.

Grenke Leasing Ltd v various Defendants [2019 to Date]

Ross has acted for and continues to act for Grenke Leasing in a series of claims arising out of the asset leases for audio-visual equipment supplied to small businesses by Viewble Media. The matter is the subject of significant press attention across the UK

Osteopathic Education and Research Ltd v NCS Ltd [2010]

EWHC 1801 (QB)

Significant claim against an office equipment supplier which concerned pyramid financing and fraudulent 'cashback' schemes in the equipment leasing industry. Ross acted for the successful Claimant, which had been defrauded in a multi-year, million-pound pyramid finance scheme.

CAREER AND ASSOCIATIONS

Christ's College, Cambridge (double first)

City University, London (distinction)

Inns of Court School of Law (outstanding)

Called to the Bar (Lincolns Inn) 2003

Member of the Chancery Bar Association

2022 Certificate in Advanced Mediation Advocacy (SCMA, ADR Group)

PUBLICATIONS

McMee & Viner: Financial Products and Financial Advice (QIP), Consumer Credit



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