

Rebecca Farrell

Year of Call: 2016
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Overview

Rebecca Farrell's practice encompasses commercial, insolvency, property and estates litigation.

She has expertise in commercial work which encompasses contentious insolvency work; commercial matters (including contractual disputes and litigation concerning guarantees) and company claims (such as shareholder and partnership disputes). She also has good experience seeking urgent interim relief and dealing with enforcement matters.

Rebecca is identified as a "Leading Junior" for Commercial Litigation and Company & Insolvency work in the Legal 500 (South Eastern Circuit). She also features as "up and coming" in Chambers and Partners for Commercial Dispute Resolution (South Eastern (Bar)). See the Recommendations section below for further details.

Rebecca is also a member of 3PB's Property and Estates team and her practice includes probate claims, real property litigation and trust of land disputes. She has acted and advised on numerous landlord and tenant claims, including those governed by the 1954 Act.

In 2026 Rebecca became an advocacy trainer for her Inn (Inner Temple Pupil Trainer).

Outside of work and when time allows, Rebecca enjoys endurance sports; (some) outdoor pursuits and improving her Spanish language skills. In 2022 she completed the Thames Marathon (a 13km swim from Henley to Marlow) in just over three and a half hours. She is currently focused on (less time consuming) middle distance swimming indoors!

Recommendations

Rebecca Farrell is a junior with broad expertise spanning commercial and insolvency litigation. She is particularly noted for her experience in shareholder and breach of contract claims.

"She is very capable. She is thoughtful and considered in her advice."
"Rebecca is a skilled advocate who is thorough in her preparation for the hearing, preparing skeleton arguments which demonstrate her knowledge and understanding of the issues in dispute."
"Rebecca is extremely thorough, super organised and a truly professional advocate. She is always my go-to barrister for complex commercial litigation."
Chambers UK 2027/Commercial Dispute Resolution/South Eastern Circuit/Leading Junior

'Rebecca is an outstanding barrister whose advocacy is both assureed and highly effective. She combines deep subject matter with the ability to distill complex issues into clear, concise submissions, providing clients with pragmatic advice.'
Legal 500 2027/Commercial Litigation/South Eastern Circuit/Leading Junior - Ranked Tier 1

'Rebecca is knowledgeable on both company and contractual disputes in addition to insolvency matters. She grasps the

issues promptly and her drafting is detailed and accurate. Rebecca is a confident and skilled advocate who makes persuasive arguments before the Court.'
Rebecca is well-prepared and seems to know what the other side will be saying before it is presented, allowing for pre-emptive commentary.'
Legal 500 2027/Company and Insolvency/South Eastern Circuit/Leading Junior - Ranked Tier 1

"Her ability to prepare for trial and prepare papers is genuinely exemplary. She is incredibly well-rounded, detail-oriented and an amazing junior."
Chambers UK 2026/Commercial Dispute Resolution/South Eastern Circuit/Up and Coming

`Rebecca provides excellent commercial advice. Her in-depth knowledge of the subject is a key strength. She is very calm under pressure and offers fantastic proactive advice.'
Legal 500 2026/Company and Insolvency/South Eastern Circuit/Leading Junior - Ranked Tier 1

`Rebecca is brilliant at getting straight to the issues of a matter and explaining the solution in terms the client can easily understand. She combines great technical knowledge with her commerciality to provide well-rounded advice. She is always clearly well prepared, knows the matter inside out and her advocacy is robust.'
Legal 500 2026/Commercial Litigation/South Eastern Circuit/Leading Junior - Ranked Tier 1

"Rebecca is very comprehensive and she clearly likes to find answers to things; she's the most thorough barrister."
Chambers UK 2025/Commercial Dispute Resolution/South Eastern Circuit/Up and Coming

"Rebecca is exceptionally thorough and knowledgeable. She has a strong commercial and strategic mind with excellent legal knowledge. She gets to grip with the issues and merits very quickly and will have an honest conversation if she identifies any issues."
Legal 500 2025/Company and Insolvency/ South Eastern Circuit/ Leading Junior - Ranked Tier 1

"Rebecca is very thorough and clear in her advice. She is excellent with clients."
Legal 500 2025/Commercial Litigation/ South Eastern Circuit/Leading Junior - Ranked Tier 1

"Rebecca is extremely diligent. Her preparation for each matter is thorough and focussed, and she applies the same discipline and dedication to low-value, fast-track matters through to complex, high-value claims. She has the ability to get on top of difficult issues quickly."
Legal 500 2024/Commercial Litigation/ South Eastern Circuit/ Rising Stars

"Rebecca consistently provides the necessary mix of technical excellence. Her advocacy is robust and thoughtful and has a reliable ability to persuade judges to the logic of her arguments."
Legal 500 2024/Company and Insolvency/ South Eastern Circuit/ Rising Stars

"Rebecca has assisted [X client] on various occasions during the past 18 months. Rebecca is always professional, courteous and diligent in her analysis of cases. She is always responsive to emails or telephone calls and she is a delight to work with"
Instructing solicitor

"Counsel was nothing short of fantastic, Rebecca had a very good handle on the numbers and the file in general she was impressive and did her utmost"
Client

Academic qualifications

- Law (LLB), The University of Durham: First Class Honours
- BPTC, The University of Law: Very Competent

Scholarships

- Exhibition Award – Inner Temple
- Advocacy Scholarship – The University of Law
- Quarter-finalist at the National Rounds of the Phillip C. Jessup International Law Moot Court Competition 2014

Professional qualifications & appointments

- Inner Temple Pupil Trainer

Professional bodies

- Chancery Bar Association
- Property Bar Association
- London Common Law & Commercial Bar Association
- R3

Expertise

Commercial

Rebecca Farrell advises on insolvency and company matters including partnership and shareholder disputes, financial services litigation and general commercial disputes.

Insolvency

Rebecca advises and acts for insolvency practitioners; creditors and debtors on matters concerning personal and corporate insolvency law. She has been instructed to appear on bankruptcy petitions, winding-up petitions and other substantive applications in both the High Court and County Court. 'Other substantive applications' include:

- urgent applications/injunctions to restrain presentation or advertisement of a winding up petition;
- applications concerning transactions at an undervalue;
- preference claims;
- misfeasance claims;
- applications to remove liquidators and other applications which challenge a liquidator's decision making;
- applications to set aside statutory demands; and
- applications for delivery up of documentation and summonses.

Rebecca has some experience of disputes which have a dimension outside of this jurisdiction and associated challenges to the court's jurisdiction.

Examples of recent work include:

- **Tanfield (as executor of the Estate of Paul Watkins) and another company v Meadowbrook Montessori Ltd [2024] EWHC 1759 (Ch)** – Assisted a company incorporated to run a school, by securing the dismissal of a winding up petition for £167,593.41. The court accepted that the company had raised a strongly arguable case that the purported forfeiture of the lease by physical re-entry between the first and second hearing of the petition (causing the abrupt closure of the school) was unlawful. The court was persuaded to quantify the potential cross claim in the sum of at least £546,000 for general damages for trespass, with potential exemplary damages in addition to said sum.
- **Brown v Ulrick (as the liquidator of S.A.L. Holdings Ltd) S.A.L. Holdings Ltd (in members' voluntary liquidation) [2024] EWHC 2041 (Ch)** – successfully applied to set aside a liquidator's decision to reject a proof of debt. The court approved over 70% of the sums in the proof claimed, with costs recoverable under the lease to be assessed at a further hearing. The proof of debt related to a claim for breach of covenants not to alter, by a creditor ("Landlord") against a former tenant (the company in liquidation). In its decision, the court accepted that the Landlord was entitled to the cost of restoring the property to the condition that it was in when it was first let. The court also found that it was entitled to award the Landlord the costs of proving for the debt under the lease, where Insolvency Rule 14.5(a) would otherwise require the creditor to bear the costs of proving for its debt.
- **Jackson v Ayles [2021] EWHC 995 (Ch)** - Successfully supported a trustee's application for a declaration that the first legal charge over the bankrupt's matrimonial home was unenforceable in accordance with Section 26 of the Financial Services and Markets Act 2000 ("FSMA 2000"). The application was heard over the course of two days and Chief ICC Judge Briggs' decision provides useful analysis concerning Section 19 FSMA 2000 (was the loan advanced 'by way of business') and Section 28 FSMA 2000 (was it just and equitable to enforce the loan in the circumstances, having regard to whether the person who is carrying on the regulated activity reasonably believed that he was not contravening the general prohibition).
- Successfully acted on behalf of a Trustee in Bankruptcy and resisted an application to set aside a Section 283A notice which would have placed a (previously undisclosed and valuable) property beyond the reach of creditors.

- Successfully obtained urgent injunctive relief to restrain presentation of various winding-up petitions in the High Court and recently appealed a cost order associated with one such urgent application which did not provide for the Petitioner's costs of certain subsequent hearings. On appeal, a High Court Judge unusually set aside the cost decision of the lower court and granted the Petitioner its full costs on the indemnity basis.
- Obtained declarations from the court that certain payments from a pension provider to the wife of a bankrupt were void dispositions

Company Work

Rebecca acts and advises on matters which arise in the lifecycle of a business including:

- internal disputes between stakeholders of a business such as shareholder and partnership disputes including unfair prejudice proceedings and derivative claims;
- misconduct by employees; directors and shareholders for example breach of director and fiduciary duty matters; issues associated with fraudulent conduct and breach of restrictive covenant claims; and
- issues associated with companies in financial distress and director disqualification claims.

Examples of recent work include:

- Succeeded in a trial listed for four days concerning the ownership of a seventeen-acre hotel. Rebecca ensured the client was recognised as the sole shareholder of the hotel and persuaded the court to compel the defendant to resign as director. The case was complex since it concerned the interpretation of a nominee agreement; various company law issues (including reflective loss principles) and insolvency law. The court was persuaded to hear the matter despite the defendant's absence and the hotel's administration (which occurred during the course of the litigation).
- Successfully obtained an urgent injunction to prevent members of an LLP from closing a hotel arguably in breach of an LLP agreement and fiduciary duties owed.
- Assisted senior counsel settle a seven-figure long-standing partnership dispute. The dispute concerned matters such as equitable accounting issues associated with company property and a counterclaim for time expended on partnership affairs and retention of monies belonging to the partnership.
- Drafted the Points of Defence in unfair prejudice proceedings issued in the High Court. The unfair prejudice proceedings were subsequently consolidated with intellectual property claims and the petition ultimately failed (see **Minim v Rahman and others [2022] EWHC 2870 (Ch))**.
- Instructed to represent a director in an unfair prejudice petition presented by a former director where allegations included wrongful exclusion from management. This claim was listed to be heard at a seven-day trial alongside a claim the company pursued against the former director for retention of company money. The matter settled shortly before trial.
- Successfully defended a breach of contract and misrepresentation claim at trial arising from and in connection with an allotment of shares purchased in a Single Enterprise Investment Scheme ("SEIS") qualifying company.
- Provided urgent advice on the merits of seeking a freezing order and other potential relief against a former director and employee accused of wrongdoing including allegations of bribery.
- Provided advice to an executor in a High Court claim which was wrongly commenced against a deceased director accused of defrauding a company of significant sums and successfully enabled the client to favourably exit the litigation.
- Provided advice on a number of director disqualification matters.

Commercial litigation and contractual disputes

Prior to qualifying as a Barrister, Rebecca worked as a paralegal in an international law firm on a reinsurance matter. Subsequently Rebecca worked as a Legal Editor at FromCounsel, a publishing company that provides an excellent online resource for corporate lawyers.

Rebecca has acted for a range of clients including national and international companies; lenders; education organisations; a European Institution; law firms; and individuals on a range of commercial issues including:

- claims relating to the various forms of misrepresentation;
- construction and enforceability of guarantee and indemnity provisions;
- breach of contract claims including breach of warranty issues;
- agency;
- breach of trust issues;
- the Sale of Goods Act 1979 and associated legislation including acceptance/rejection issues;
- consumer regulations;
- data protection disputes;
- disputes concerning the regulation of financial services and the conduct of investors; and
- see also `company law' section above for further examples of work undertaken which may also fall into that category.

Recent matters include:

- Succeeded in a three-day trial concerning a disputed commercial agreement and purported breaches of obligations owed.
- Succeeded in a summary judgment application concerning the enforcement of a property development loan worth £1.2 million, tackling issues concerned with an alleged unfair relationship and other consumer rights legislation.
- Acted in a high value dispute arising from the pandemic concerning masks and compliance with European legislation and domestic PPE Regulations.

Property and Estates

Rebecca is a member of 3PB's Property and Estates team and her practice covers disputes including ToLATA matters including contentious probate cases; real property litigation and landlord and tenant claims (both residential and commercial).

Property

Rebecca acts and advises on trust of land and proprietary estoppel claims, including those which involve Estates.

Rebecca's experience of real property litigation includes cases concerning trespass, nuisance, harassment; breach of covenants (including restrictive covenants); adverse possession; proprietary estoppel; rights of way claims and boundary disputes, as well as the associated claims for injunctive and declaratory relief.

Rebecca likewise has acted and advised on numerous landlord and tenant claims involving both residential and commercial tenancies, including those governed by the 1954 Act.

Rebecca also has experience appearing in the First Tier Tribunal (Property) Chamber on applications to the Tribunal including those for determinations regarding service charges; administration charges; rent repayment orders and the appointment of managers.

Recent work includes

- Successfully obtained possession and defended a Landlord accused of harassment by tenant. The trial was heard over 5 days in total.
- Assisted senior counsel in providing advice on the Building Safety Act 2022 in a potential claim against the developer of a block of prestigious flats.

- Successfully obtained judgment for a Landlord where a tenant failed to validly exercise a break clause and there had been no surrender of the lease. The trial was heard over two days.
- Assisted with successful applications associated with the possession of a valuable property located in central London which had become a high-profile matter for a well-known lender.
- Successfully struck out an application in the FTT for a rent repayment order based on an alleged unlawful eviction; harassment and control or management of an unlicensed home by a landlord where the Applicant/tenant failed to participate in the hearing.
- Successfully persuaded the Tribunal on the papers not to set aside its original decision in the aforementioned matter on appeal.

Probate and Estates

Rebecca has advised and acted on a number of contentious probate disputes for example Inheritance Act claims (including adult children claims); disputes over testamentary capacity and undue influence and applications to remove personal representatives.

She has also dealt with matters in the interface between this practice area and others, such as proprietary estoppel and constructive trust claims in the context of Estates and the administration Estates involving insolvent beneficiaries. She has advised an executor tasked with managing a fraud claim associated with a deceased company director and employee.

Articles

Rebecca Farrell, specialist commercial and insolvency barrister at 3PB, has written an article exploring three recent Insolvency Appeals and their potential impact.

View Article

3PB insolvency, commercial and property litigation barrister Rebecca Farrell has written an article for Lexis Nexis about Brown v Ulrick (as the liquidator of S.A.L. Holdings Ltd) S.A.L. Holdings Ltd (in members' voluntary liquidation)) [2024] EWHC 2041 (Ch).

Rebecca assisted the landlord in setting aside the liquidator's decision to reject proof of debt raising interesting points including (a) the appropriate measure of damages for a breach of covenant claim and (b) whether a landlord can seek its costs of proving for a debt within the proof of debt in the circumstances.

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Rebecca Farrell has written an article for LexisNexis regarding a landlord's winding-up petition for £167,593.41 against a company incorporated to run a school which was dismissed. The court found there was a strongly arguable case that the bulk of the petition debt did not represent rent arrears payable, but rather a purchase price payable for shares in the company. The court also accepted that there was a cross-clam with a real prospect of success in a sum of at least £546,000 in general damages and potentially exemplary damages as well. The company had raised a strongly arguable case that the purported forfeiture of the lease by physical re-entry between the first and second hearing of the petition (causing the abrupt closure of the school) was unlawful, amongst other arguments in the cross claim.

This article was first published by LexisNexis on 23 July 2024.

View Article

To order or not to order compulsory ADR: there is no question

Specialist commercial law barristers David Parratt QC and Rebecca Farrell review the Civil Justice Council's Report, 'Compulsory ADR'.

View Article

No duty to exercise option reasonably or in good faith in engine maintenance agreement

Rebecca Farrell analyses Cathay Pacific Airways Ltd v Lufthansa Technik AG, in which the High Court found that there was no duty of good faith or duty to act reasonably in respect of an option to withdraw engines from a maintenance agreement.

This article was first published by Lexis®PSL on 21 July 2020.

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Following the introduction of the Corporate Governance and Insolvency Act 2020 ("the CIGA 2020") and the associated Insolvency Practice Direction, 3PB's specialist commercial law barristers Charles Irvine and Rebecca Farrell consider winding up petitions in this context.

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3PB's specialist commercial law barristers David Parratt QC and Rebecca Farrell review the cost consequences for lawyers and their clients of a refusal to engage in ADR.

The article includes a recent case law review which demonstrates a particular trend whereby Courts will examine closely the actions of the parties in relation to offers of ADR as to whether they are 'reasonable' or not. Even the failure to respond to a Part 36 Offer alongside an offer to mediate, can of itself potentially signify an unreasonable refusal to engage with ADR.

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Following the recent decision of Re Debenhams Retail Ltd (In Administration) [2020] EWHC 921 (Ch) which applied Re Carluccio's Limited [2020] EWHC 886 (Ch), 3PB's specialist Employment and Commercial Barristers Daniel Brown and Rebecca Farrell join forces to review the Carluccio's decision.

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Commercial update: Substituted service of bankruptcy petitions

The High Court has ruled that permission to serve a bankruptcy petition by a substituted means cannot be given retrospectively. Rebecca Farrell analyses the decision Ardawa v. Uppal and Jordan [2019] EWHC 456 (Ch) and considers how it changes the law.

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Articles

3PB's specialist Property and Estates Barristers Charles Irvine and Rebecca Farrell have issued an updated guide on the rights of commercial landlords and their tenants during the Coronavirus pandemic.

The guide reviews the existing position for commercial landlords and their tenants as well as an update on the latest Government's announcement on 23rd April 2020.

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3PB's Charles Irvine and Rebecca Farrell discuss Changing the locks during lockdown: The Coronavirus Act 2020, Commercial Property and Forfeiture

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