

Omar Ensaff

Call: 2000

"Omar is very knowledgeable and is clearly an expert in his field. He is very user friendly, quickly gets to the keys issues and gives very good advice. He is also an extremely good advocate."

Legal 500 2025



Omar Ensaff is a member of the Business & Property group at No5, and undertakes a range of cases in that field.

Omar began his practice and joined No5 in June 2004. Before joining chambers he was the Judicial Assistant to the Vice-Chancellor and Lord Justice Buxton at the Civil Division of the Court of Appeal.

Expertise

Business & Property

Omar practices the following areas:

Insolvency

Omar Ensaff began his practice and joined No5 in June 2004. Before joining chambers he was the Judicial Assistant to the Vice-Chancellor and Lord Justice Buxton at the Civil Division of the Court of Appeal.

Since joining chambers Omar has developed a general commercial practice which includes a significant amount of insolvency work, including, and in particular, directors' disqualification matters.

Omar, together with Stephen Whittaker of No5, was commissioned, by Lexis Nexis, to author the new Corporate and Personal Insolvency Volumes of the Encyclopaedia of Forms and Precedents (i.e. Volumes 3(2) and 3(3)). The volumes were substantially rewritten to reflect the extensive changes that were brought about by the Insolvency (England and Wales) Rules 2016 and the abolition of the statutory forms

Omar has been regularly listed in either the Legal 500 or Chambers UK for Insolvency matters in the Midlands.

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Experience

Examples of the type of dispute that Omar can assist with (and this is not an exhaustive list) are set out below:

Personal Insolvency:

- Applications to set aside statutory demands
- Bankruptcy petitions
- Applications to annul
- Applications by trustees in bankruptcy during course of bankruptcy
- Transaction avoidance disputes
- Transactions at an undervalue (i.e. s.339 disputes)
- Preference claims (i.e. s.340 disputes)
- Void disposition claims (i.e. s.284 claims)
- Transactions defrauding creditors (i.e. s.423 claims)
- Matters involving IVAs
- Disputes regarding trustee's remuneration.

Corporate Insolvency:

- Applications to restrain presentation of winding up petition
- Applications to restrain advertisement
- Contested winding up petitions
- Applications by liquidator during course of liquidation
- Transaction avoidance disputes
- Transactions at an undervalue (i.e. s.238 disputes)
- Preference claims (i.e. s.239 claims)
- Void disposition claims (i.e. s.127 disputes)
- Validation orders
- Transactions defrauding creditors (i.e. s.423 claims)
- Matters involving CVAs
- Administration orders
- Matters involving companies in administration.

Directors' Disqualification:

- Defending and advising in respect of disqualification proceedings
- Section 17 (permission to act) applications.

Omar has also provided lectures to R3 members in both the Midlands and London in respect of claims by insolvency practitioners and creditors against directors.

He also has particular expertise in insolvency procedures involving companies in the building and engineering industries (please see Omar's Technology and Construction Profile).

Omar accepts direct professional access and direct public access in appropriate cases.

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Notable Cases

In the matter of Flexi Containers Ltd sub nom Kate Elizabeth Breese (liquidator of Flexi Containers Ltd) v (1) Alison Helen Hiley (by her litigation friend Herbert Hiley) (2) Abby Hiley (3) Alexander Philip Hiley (2018) [2018] EWHC 12 (Ch)

Multi-day trial before HHJ Davis-White QC in Leeds defending preference and transaction at an undervalue claims.

In the matter of (1) Liberty Holdings Unltd (2) Copperidge Developments Ltd sub nom Keith Owen v Secretary of State for Business, Innovation and Skills (2015) LTL

Permission to act application by disqualified director to be involved in the management of two companies where he had been disqualified under s.2 of the Act. Gives guidance as to the correct approach where there has been a s.2 disqualification.

Re Care People Limited (In Administration) [2013] BCC 466

Decision in respect of the valid appointment of an administrator by a qualifying floating charge holder.

Gilbert Deya Ministries v Kashmir Broadcasting [2010] EWHC 3015 (Ch)

Application to restrain advertisement of winding up petition. Establishes that a creditor cannot use the unregistered company winding up procedures (under Part V of the Insolvency Act 1986) to wind up a trust.

Wynnstay v R and R Pigs and others

A four day trial in the Chancery Division at the Birmingham District Registry before HHJ Simon Brown QC defending a s.423 IA 1986 application made by a creditor against the debtor company and the debtor company's directors.

Jackson v HMRC

Judicial review claim of decision by HMRC to vote against an IVA proposal by Mr Jackson.

Cropaid v Bimas

Application to restrain presentation of petition involving cross-border insolvency matters.

Secretary of State for Business, Innovation and Skills v Akhtar

3 day trial defending director disqualification proceedings (led by Michael Booth QC)

Multiple applications to restrain presentation of / advertisement of winding up petition

Multiple applications to set aside statutory demands

Multiple s.17 CDDA86 applications

Multiple defending of director disqualification cases

Professional Negligence

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Chancellor and Lord Justice Buxton at the Civil Division of the Court of Appeal.

Since joining chambers Omar has developed a general commercial practice encompassing a variety of professional negligence disputes.

Omar has extensive experience in construction and engineering disputes (please see his separate Technology and Construction CV). As a result he has particular experience in relation to professional negligence matters in respect of the following professionals:

- Architects
- Engineers
- Quantity Surveyors
- Contract Administrators

Besides construction professionals' negligence, Omar also has experience of professional negligence disputes involving the following:

- Solicitors
- Accountants
- Financial Advisors
- Insurance agents / brokers
- Valuers

Omar also has significant insolvency dispute experience (please see his separate Insolvency cv) and has experience of claims against insolvency practitioners and LPA receivers etc.

Omar accepts direct professional access and public access in appropriate cases.

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Saint Gobain v CA Blackwell and Tencate: Multi-party Birmingham TCC

Claim regarding the design and construction of access roads at a wind farm. Settled at mediation.

Robert Steer t/a Senate Grand Prix v Grand Prix Adventures Limited 13 Aug 12 Nominet reference D00010482

Nominet domain name dispute over right to use certain website names in motor racing industry.

Aida Cruises – German Branch of Costa Crociere S.p.A. v. Farhad Khamissa; 16 Sep 13. WIPO Arbitration and Mediation Center

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domain name dispute – case number. DME2013-0009

WIPO domain name dispute between German cruise company (Aida Cruises) and an individual who had registered his daughter's name as a domain (www.aida.me).

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Application to restrain advertisement of winding up petition. Establishes that a creditor cannot use the unregistered company winding up procedures (under Part V of the Insolvency Act 1986) to wind up a trust.

Aceramais Holding Limited v Hadleigh Partnership Limited [2009] EWHC 1664 (TCC)

Defending Part 8 claim concerned with declaratory relief in respect of an ongoing adjudication (3 day trial).

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SABTI v Various defendants

Claim by fried chicken takeaway franchisor against various renegade franchisees including claims of trade mark infringement.

MDG Automation v The Greenbox

Claim in respect of sale and supply of bespoke piece of laser welding machinery.

McKenzie O'Brien Butcher v Smith [2009] Lawtel 7/12/2009

Trial in respect of dispute over the supply of meat products by wholesaler to retailer.

Venture v South West

Acted for franchisees in respect of claim brought against them by franchisor.

Nationwide Legal Services v various defendants

Dispute between will writing franchisor and various disgruntled franchisees. Over 10 trials in a 12 month period.

Venture Finance v Tucker

Claim by factoring company against guarantor. Claim pleaded at over 700 000.

IGF v Hughes

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Blair v Danesh

An undue influence claim, in excess of 300 000, which culminated in a fourteen day trial.

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Technology & Construction

Omar Ensaff began his practice and joined No5 in June 2004. Before joining chambers he was the Judicial Assistant to the Vice-Chancellor and Lord Justice Buxton at the Civil Division of the Court of Appeal.

Since joining chambers Omar has developed a general commercial practice which includes a significant amount of work in the construction and technology fields. In particular, he is the only junior in the Midlands with extensive experience in technology and construction disputes. He is also a former committee member of TECBAR.

In addition to his construction disputes practice, Omar has significant experience of general commercial disputes including insolvency matters.

Omar has been regularly listed in either the Legal 500 or Chambers UK for Construction matters in the Midlands.

EXPERIENCE

- Regularly appears in the Technology and Construction Court
- Familiar with construction industry standard terms
- Experienced in a wide range of building and engineering disputes, including: those concerned with residential development, commercial premises development, civil engineering projects (including bridges and motorways), HVAC matters, electrical and mechanical matters, manufacturing machinery issues, and many other cases which have a building, engineering or any type of technical subject matter
- Familiar with adjudication – in respect of not only representing parties in an adjudication but also the enforcement of adjudicators' decisions
- Experienced in Part 8 claims regarding jurisdiction of adjudicators and declarations in respect of the same
- Extensive trial experience in matters concerned with building disputes
- Experienced in information technology disputes, including those concerned with website development and the provision of computer hardware and software
- Familiar with the type of issues that are frequently encountered in construction cases, for instance, delay and disruption, liquidated damages, extensions of time, quantum meruit claims, defect claims, variations/additional work etc
- Experienced in professional negligence cases, including, valuers', surveyors', architects', engineers' and contract administrators' negligence
- Has detailed knowledge of insolvency procedures and how they impact upon companies and businesses in the building and engineering industry, Unlike others who specialise solely in the construction field, Omar has experience in general commercial litigation and insolvency matters. These are crucial in being able to give rounded commercial advice to clients involved in construction disputes.

Omar accepts direct professional access and public access in appropriate cases.

Notable Cases

Omar has experience of adjudications, arbitrations and trials. Below is just a sample of the cases he has been involved in;

Niken Construction Limited v Trigram Carver Street Limited [2016] EWHC 2232 (TCC)

Adjudication enforcement proceedings.

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Defending Part 8 claim concerned with declaratory relief in respect of an ongoing adjudication (3-day trial).

Saint Gobain v CA Blackwell and Tencate: Multi-party Birmingham TCC

Claim regarding the design and construction of access roads at a wind farm. Settled at mediation.

"X" Local Authority (name cannot be disclosed)

Advising local authority regarding asbestos contamination during refurbishment works at a primary school

Heran v Jaswal: Birmingham TCC

Claim. Final account/defects claim. Settled just before 5-day trial.

X v Y (names cannot be disclosed)

Multi-day arbitration regarding a claim for payment for additional / varied work

Paragon v Construction Industry Training Board

Appeal against training board regarding an assessment to levy.

Trustees of Sidh Baba Balak Nath Ji Society v Magnum Security

Muti day trial regarding a CCTV installation contract at a temple

"X" Local Authority (name cannot be disclosed)

Advising local authority regarding the delay in the construction of a railway bridge.

Blair v Danesh

300, 000 claim which was an unusual case, as it involved allegations of undue influence regarding a building project and project management contract. Culminated in a 14-day trial.

Onny v Thomson

A five-day trial acting for developer in respect of his final account. Counterclaim by homeowner for defects.

Aceramais Holding Limited v Hadleigh Partnership Limited [2009] EWHC 1664 (TCC)

Defending Part 8 claim concerned with declaratory relief in respect of an ongoing adjudication (3-day trial).

Hadleigh Partnership Limited v Aceramais

Acting for builder in enforcing an award of 800 000 against a BVI company developer, including obtaining a freezing injunction.

X v Y [2008] (names cannot be disclosed)

Acted for one of Britain's largest private house builder in arbitration involving issues of misrepresentation, non-reliance clauses, breach of contract and limitation of liability issues.

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Multiple cases between homeowners and builders

Multiple adjudications acting for employer, main contractor or subcontractor etc.

Commercial Litigation

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Since joining chambers Omar has developed a general commercial practice encompassing a variety of commercial litigation disputes both in the High Court and in the County Courts.

Examples of the type of dispute that Omar can assist with (and this is not an exhaustive list) are set out below:

- Civil fraud claims
- Contract disputes
- Misrepresentation claims
- Disputes between franchisors and franchisees
- Supply of services disputes
- Supply of goods disputes
- Business sale disputes
- Share sale agreement disputes
- Breach of warranty claims
- Nominet disputes
- Insurance disputes
- Agency matters
- Restraint of trade
- Passing off
- Economic torts
- Shareholder disputes
- Freezing injunctions
- Search orders
- Arbitrations
- Disputes involving lenders, enforcement of security etc.
- Technology and Construction disputes – please see separate Technology and Construction CV
- Insolvency disputes – please see separate Insolvency CV

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Awards



Memberships

- MCCBA

Qualifications

- LLB (London School of Economics)
- Cardiff High School

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