



Ben Faulkner

Call: 2008

bfaulkner@wilberforce.co.uk

Clerks' Details

Danny Smillie +44 (0)20 7306 0102
Andrew Barnes tcj@wilberforce.co.uk
Billie Poppy

Qualifications and Appointments

- Law Scholar at Gonville and Caius College, Cambridge. Graduated in 2007 with a first class degree, finishing fifth in the year.
- William McNair Prize in 2006 and 2007 for the top first at Gonville and Caius College in both years.
- Denning Scholarship and Hardwicke Entrance award from Lincoln's Inn.
- Buchanan Prize for obtaining an "outstanding" grade in the BVC.

"A strong and confident advocate... Bright, commercial, easy to work with and responsive"

Chambers & Partners, 2015

Practice Overview

Ben has a broad-based commercial Chancery practice, with a particular emphasis on property and pensions work, and related professional negligence, although he also has wide experience in all of Chambers' other core areas, including insolvency, company, contractual disputes, trusts, wills and probate and other private client matters, civil fraud and general commercial disputes.

He enjoys acting on his own account, or as a junior as part of a large team.

Ben joined Chambers in 2009 following the completion of his pupillage.

Ben is recommended in *Chambers & Partners* 2015 in the pension field, which states that he is *"A strong and confident advocate who is well regarded by peers and clients"* and describes him as *"Bright, commercial, easy to work with and responsive"*.

He was also recommended in the 2014 and 2013 editions, where it was said that he is *"recognised for his diligence and client-focused approach"* and *"impressed solicitors with his tremendous work ethic and mastery of the facts"*.

Memberships

- Chancery Bar Association
- Association of Pension Lawyers (Associate member)
- Property Bar Association
- Bar Pro Bono panel

Publications

- Editor of *'Hill and Redman's Law of Landlord and Tenant'* (2014) (sections on Commonhold tenure, and unfair terms in tenancy agreements)
- *'Butterworths Property Law Handbook'* (2013) 10th Edition
- *'Quantification of release fees: principle and practice'* (2012) *Development Disputes: current issues for property litigators*
- *'A room with a view'* (2010) *New Law Journal* vol 160, No 7405
- Contributor to the Pension Scheme Actuaries chapter in *Professional Negligence and Liability* looseleaf



Property

A substantial part of Ben's practice concerns a broad range of property work and associated professional negligence.

His real property practice includes:

- Boundary disputes
- Easements
- Market and fair rights
- Party walls
- Town or Village Greens
- Restrictive covenants
- Adverse possession
- Mortgages
- Nuisance
- Land registration issues

Ben's landlord and tenant practice includes both residential and commercial disputes, including claims arising following the appointment of LPA receivers, claims arising under the Landlord and Tenant Act 1954, and service charge disputes.

Ben also advises frequently on non-domestic business rates.

Recent cases include:

- Appearing in the Court of Appeal in a case concerning the time limits within which to make an application to register land as a town or village green (led by Jonathan Karas QC).
- Acting for a famous chef against the landlord of one of his restaurants, who claims he is entitled to a personal guarantee from the chef. The chef says that the personal guarantee was not executed either by him, or with his authority (led by Jonathan Seitler QC).
- Resisting an application to the land registry adjudicator to amend the title plan in a boundary dispute, involving complex issues of land registration (led by Jonathan Seitler QC and John Martin QC).
- Resisting an application to amend an order concerning a right of way (*Johnsen v Wilson* [2011] EWHC 2623 (Ch)).
- Advising in relation to market and fair rights.
- He was led by Jonathan Seitler QC in *Herrmann v Withers* [2012] EWHC 1492 (Ch), a successful claim brought against residential property conveyancers, which raised difficult issues of mitigation of loss.
- Ben is the co-editor of the current edition of *Butterworths Property Handbook*. He is also the co-editor of the Wilberforce Chambers book *Development Disputes: current issues for property litigators*, and the editor of the upcoming section on Commonhold tenure in *Hill and Redman*.