



Ben Faulkner

Call: 2008

bfaulkner@wilberforce.co.uk

Clerks' Details

+44 (0)20 7306 0102
practicemanagers@wilberforce.co.uk

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

Practice Overview

Ben has a 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, 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.

Chambers & Partners 2019 describes Ben as **"very bright"**, **"energetic, responsible and user-friendly"**. **"He is incredibly thorough and leaves no stone unturned. He provides really good commercial advice."** It also notes that **"he is very hard-working and gets on top of technical stuff very quickly"**.

The Legal 500 2019 edition says **"he has an incredible legal brain and a keen eye for detail."** **He is very thoughtful and always prepares fully"**.

In 2018 Ben was one of three nominated by Chambers & Partners as Real Estate Junior of the Year. Chambers & Partners 2018 recognises his reputation for acting in **"high-profile, complex property litigation"**, for his **"user-friendly approach and attention to detail"** and for his **"commercially minded"** approach to cases. In 2018, led by [Joanne Wicks QC](#), he successfully acted for the tenant in *S Franses Ltd v Cavendish Hotel (London) Ltd* [2018] UKSC 62, a case which has substantially recast the law relating to 'ground (f)' under the Landlord & Tenant Act 1954.

In pensions work, having acted in the high-profile IBM pensions litigation, the legal directories describe Ben as a recognised junior building a solid reputation in the area, who is as likely to appear in cases as sole counsel as he is to appear led by a silk.

Ben has been recommended in Chambers & Partners since 2013, and Legal 500 since 2015. Other comments from clients include that he is **"A strong and confident advocate who is well regarded by peers and clients"**, **"Bright, commercial, easy to work with and responsive"**, **"recognised for his diligence and client-focused approach"** and that he has **"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

- ['Butterworths Property Law Handbook'](#) 10th Edition (2013) and 11th Edition (2018)
- Editor of ['Hill and Redman's Law of Landlord and Tenant'](#) (2014) (sections on Commonhold tenure, and unfair terms in tenancy agreements)
- Contributor to the Pension Scheme Actuaries chapter in Professional Negligence and Liability loose-leaf
- *A Game Changer? S Franses v Cavendish Hotel E.G.* 26 August 2017 2017, 1734, 48-50
- An irregular presumption: Is the Schottish approach to the so-called presumption of regularity really 'common sense' Practical Law Journal (23 March 2017)
- ['Ramsay v Loue'](#) (2015) Wilberforce Property Update (Issue 1) May 2015
- ['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

Pensions

A substantial part of Ben's practice relates to pensions work and associated professional negligence.

Notable recent instructions include:

- Successfully acting for the Trustee in the *Box Clever* litigation, the first substantive determination by the Upper Tribunal to issue a Financial Support Direction (*Granada UK Rental and Retail Ltd v Pensions Regulator* [2018] UKUT 164 (TCC)).
- Acting for the Representative Beneficiaries of the Scheme in *IBM United Kingdom Holdings Limited v Dalgleish* [2014] EWHC 980 (Ch) and in the Court of Appeal [2018] Pens LR 1 (led by [Michael Tennet QC](#), John Cavanagh QC and Nicholas Stallworthy QC). A substantial claim (and 10 day appeal) concerning an employer's duties of good faith in deciding to cease accrual of defined benefit UK schemes and to withdraw early retirement rights.
- Acting unled for Trustees in a complex failed equalisation case.
- Acting for representative beneficiaries in a failed equalisation and rectification case.
- Acting for the trustee in successful proceedings for a Financial Support Direction in *Re Nortel Networks* (led by [Michael Tennet QC](#)).
- Acting for an IFA in a claim brought against him by an ex-professional footballer, for allegedly failing to preserve his favourable retirement age.
- Acting for solicitors in defending a claim brought against them for their alleged failure to equalise a pension scheme effectively.
- Ben has also acted in claims concerning s 75 debts, scheme administrators' negligence, and complaints to the ombudsman relating to maladministration by pension scheme trustees and administrators.

Ben has been recommended in Chambers and Partners since 2013 in the pensions field. The 2019 edition states "**he is very hard-working and gets on top of technical stuff very quickly**"; also noting that he is "**very bright**".

The Legal 500 2019 pensions category describes Ben as having "**an incredible legal brain and a keen eye for detail**".