



Ben Faulkner

Call: 2008

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Clerks' Details

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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 from Lincoln's Inn.
- Lincoln's Inn Entrance Award
- Buchanan Prize for obtaining an "outstanding" grade in the BVC.

"He combines impressive mental agility with sensitivity to the concerns of the client."

The Legal 500, 2021

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](#)' (ongoing) (sections on Commonhold tenure, and unfair terms in tenancy agreements)
- '[Butterworths Property Law Handbook](#)' 10th Edition (2013) and 11th Edition (2018)
- A Game Changer? S Franses v Cavendish Hotel E.G. 26 August 2017, 1734, 48-50
- An irregular presumption: Is the Scottish approach to the so-called presumption of regularity really "common sense" Practical Law Journal (23 March 2017)
- '[Ramsay v Love](#)' (2015) Wilberforce Property Update (Issue 1) May 2015

Practice Overview

Ben has a commercial Chancery practice with a particular emphasis on property work and related professional negligence, although he also has wide experience in Chambers' other core areas, including pensions, insolvency, company, commercial, trusts, wills and probate, and other private client matters.

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

In consecutive years (2018 and 2019) Ben was one of three nominated by Chambers & Partners as Real Estate Junior of the Year.

Chambers & Partners 2021 describes Ben as "*an excellent junior; he is very personable and strong on the technical detail*". He is "*very bright and enjoys a challenge*" and "*has a personable style*". He "*inspires confidence*" and is "*energetic, responsible and user-friendly*".

The Legal 500 2021 edition says he is "*an excellent communicator and both quick and bright*". "*He combines impressive mental agility with sensitivity to the concerns of the client. He works hard and effectively, makes a point of responding quickly and thoroughly, and is a great comfort to have on the team.*" The guide also notes that he is "*definitely a junior to watch over the next few years and a real superstar in the making*"; an "*extremely bright and hardworking junior with great presence beyond his call*." He is recognised for his "*gravitas and positive and engaging manner*".

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 Supreme Court case which has substantially recast the law relating to 'ground (f)' under the Landlord & Tenant Act 1954. A large part of Ben's practice concerns opposed and unopposed lease renewals.

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*".



Publications continued

- ['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

Professional Liability

Ben regularly accepts instructions in professional negligence matters, particularly those concerning property. He acts both on his own account, or as a junior in more substantial matters. He is ranked as a leading junior in professional negligence. The Legal 500 2021 edition states he is an **"excellent communicator and both quick and bright. Very good in conference, in which he combines impressive mental agility with sensitivity to the concerns of the client. He works hard and effectively, makes a point of responding quickly and thoroughly, and is a great comfort to have on the team"**.

Notable recent instructions include:

- Acting for defendant barristers in a claim relating to a discontinued multi-million pound fraud trial (led by Joanna Smith QC and [Ian Croxford QC](#)).
- Acting for defendant pension actuaries and benefit consultants in respect of alleged failures to effect changes to a pension scheme (led by Ben Hubble QC).
- Acting for the claimant lender in respect of a mortgage fraud, where its solicitors failed to protect it against the risk of fraud.
- Acting for defendant solicitors in a multi-million pound professional negligence claim concerning the alleged grant of rights of light, inhibiting development on neighbouring land (led by [Jonathan Seitler QC](#)).
- Acting unled for trustee services providers in a legally complex claim against them for their failure to detect that their client's emails had been hacked.
- Acting unled in a claim brought against conveyancing solicitors brought by purchasers of property who had been tricked by identity fraudsters.
- 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.
- *Herrmann v Withers* [2012] EWHC 1492 (Ch). A successful claim brought against residential property conveyancers, which raised difficult issues of mitigation of loss (led by Jonathan Seitler QC).