



## Ben Faulkner

Call: 2008

bfaulkner@wilberforce.co.uk

### Clerks' Details

+44 (0)20 7306 0102  
tcj@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.

### 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.

Having acted in the high-profile IBM pensions litigation, the recent 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. *"He is a very bright guy who is very hard-working and very easy to deal with."* *"He is exceedingly user-friendly and charming to work with."* Chambers & Partners, 2016

The Legal 500, 2015 describe him as *"an excellent, hardworking and personable pensions junior."*

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 had *"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

- *'Ramsay v Love'* (2015) Wilberforce Property Update (Issue 1) May 2015
- 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

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

Chambers & Partners



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## Property

Ben's practice encompasses all aspects of real property and landlord and tenant related litigation and advice. He is regularly instructed on disputes in the County Court, High Court and the Tribunals.

Ben's landlord and tenant practice includes residential and business tenancies, possession claims, service charge disputes, possession claims and claims arising from the appointment of LPA receivers. Ben also advises frequently on non-domestic business rates.

Real property related cases in which he has been involved cover a broad spectrum including:

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

### Recent cases include:

- Successfully obtaining an injunction against manning agents of a residential building, who were withholding records and funds from the right to manage company.
- Acting for owners of the Manchester Ship Canal in their claim against United Utilities for trespass in respect of numerous outfalls discharging treated and untreated sewage into the water (led by Michael Barnes QC and Janet Bignell QC); *The Manchester Ship Canal Company Limited v United Utilities Water Limited* [2016] EWHC 259 (Ch).
- 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); *R (Church Commissioners for England) v Hampshire CC* [2014] EWCA Civ 634.
- Acting for a famous chef against the landlord of one of his restaurants, who claimed he was entitled to a personal guarantee from the chef. The chef argued that the personal guarantee was not executed either by him, or with his authority (led by [Jonathan Seitler QC](#)); *Gordon Ramsay v Love* [2015] EWHC 65 (Ch)
- 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 sections on unfair terms in tenancy agreements and on Commonhold tenure in Hill and Redman