



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

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.

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. "*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, 2018 describe him as "*extremely diligent, hardworking and able to spot the opponent's oversights*".

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*".

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

Chambers & Partners



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 Love'](#) (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

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, Senior Courts and the Tribunals. He is frequently instructed in cases under Part II of the Landlord & Tenant Act 1954.

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Ben also has a reputation for dealing with complex, high value property litigation. He was instructed in the complex *Manchester Ship Canal* litigation (led by [Michael Barnes QC](#) and Janet Bignell QC). He has also been instructed in a complex and very high value mortgage possession case (led by Tom Grant QC), which is due for a 2-week trial in 2019.

Recent cases include:

- *S Franses Ltd v Cavendish Hotel (London) Ltd* in the Supreme Court, concerning whether a landlord can rely upon ground (f) of the Landlord & Tenant Act 1954 where the proposed works have no commercial purpose other than to secure vacant possession from the tenant.
- Successfully obtaining an injunction against managing 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).
- 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 Seidler QC](#)); *Gordon Ramsay v Love* [2015] EWHC 65 (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.



Property continued

- 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)).
- *Herrmann v Withers* [2012] EWHC 1492 (Ch) (led by [Jonathan Seitler QC](#)), 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.