



# Benjamin Channer

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**Year of call: 2008**

## **Areas of Practice**

Business & Commercial, Construction, Professional Negligence & Liability, Local Authorities & Public Law, Direct Public Access Barristers, Property, Landlord & Tenant

## **Introduction**

Ben specialises in commercial and chancery, property and public law. He is an experienced advocate and his clients range from individuals (including under the direct access scheme) and businesses to local authorities and government departments.

Ben has been Standing Civil Crown Counsel to the Government of the British Overseas Territory of St Helena since October 2015.

## **Commercial and Chancery**

Ben provides advice and representation on a wide range of issues concerning contractual and company disputes. He has extensive experience of dealing with insolvency (especially advising and representing trustees in bankruptcy) and trusts and has a particular interest in wills, intestacy and probate. Ben frequently appears in the Company Courts and Chancery Division.

## **Recent Notable Cases**

### **M (deceased); Chancery Division (2017)**

Counsel for the Claimant in an ongoing claim for a *Benjamin Order* to enable the administrator to distribute the estate in the absence of the main beneficiary.

### **Commercial contracts for the St Helena Government (2015 – 2017)**

Advised the public procurement department of the St Helena Government and then drafted its commercial contracts including those for the leasing and purchasing of building machinery, consultant environmental services, medical evacuation services, IT systems, fishing vessels, construction projects and airport facilities.

### **Broadsword Network Ltd v Shah & Lycamobile; Mercantile Court (2016)**

Counsel for the First Defendant in a claim for inducing a breach of an exclusive marketing agreement. The combined costs claimed were in excess of £500,000.

### **Vilvarajah v Sivaruby; Chancery Division (2015)**

Acted for the Claimant in a complex partnership dispute with allegations of fraud. An account of profits in respect of a commercial enterprise was sought requiring multiple reports on current and historic

income and profitability from a number of forensic accountants.

### **Property**

Ben is regularly instructed in all areas of property law. He frequently deals with possession and forfeiture of residential and commercial leases, social housing matters, issues concerning trusts of land, co-ownership and proprietary estoppel, enfranchisement and lease extension, disrepair claims and management and service charge disputes.

### **Recent Notable Cases**

#### **Fairhold Athena v Wise Developments; CLCC Ch list (2016)**

2 day multi track trial of a claim to recover unpaid service charges due under a commercial lease.

#### **London Borough of Haringey v F & D; Edmonton CC and CLCC (2015)**

Counsel for the local authority landlord in a possession claim concerning subletting. Successful at first instance and on appeal when human rights issues were raised.

#### **Hertfordshire County Council v EM, JB, RB & EB; Watford FC (2015)**

Requested by the local authority and the court to advise in a family case as to the housing implications of placing children with their grandparents. Concerns had been raised that to do so would result in overcrowding and adversely affect their position with regards to the housing allocation policy.

### **Public/International**

Ben is instructed in ongoing complex litigation concerning the non-consensual sterilisation of two women.

His other public law work has included drafting the St Helena Government's Highway Inspection Policy and clauses for its Code of Conduct. Additionally, Ben has also advised the same government on national and international agreements concerning fishing, land use, utilities and environmental studies.

### **Recent Notable Cases**

#### **AB AC NK v Attorney General of St Helena; Supreme Court (St Helena) (2017) Reported: WL 12660052**

Sole counsel for the Defendant in the most complex and high value civil claims to have ever been heard on St Helena and described by the Chief Justice as "ground breaking" as they concerned the basis on which general and constitutional damages on St Helena are assessed and awarded.

The Defendant's appeal was heard by the Court of Appeal (St Helena) in September 2017. Now being appealed to the Privy Council where Ben is being led by Caroline Harrison QC.

### **Education**

BA (Hons) (Birm.) (Archaeology and Ancient History), First Class

BVC (Very Competent), GDL (Commendation), LLB (Hons), College of Law

### **Memberships**

Middle Temple (Harmsworth Scholar)

Admitted as an advocate of the Supreme Court of St Helena (2015)

South Eastern Circuit

Property Bar Association

Bar Pro Bono Unit (Case Reviewer)



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