

Benjamin Channer

Call Date: 2008



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.

Legal Services

Commercial

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 matters concerning trusts and wills. Ben frequently appears in the Company Courts and Chancery Division.

Notable Commercial 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.

Insolvency

Ben's practice encompasses all areas of insolvency law. His wide ranging experience includes acting for creditors and office holders in relation to breaches of duty by directors, transactions at undervalue, preference claims and orders for sale.

He recently acted for the successful applicant in *Manolete Partners Plc v Matta & Ors* [2020] EWHC 2965 (Ch) securing judgment of over £1.4m against a director for breaches of fiduciary duty.

Property Litigation

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.

Notable Property Litigation cases

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

Two 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 Law

Ben was Standing Civil Crown Counsel to the Government of the British Overseas Territory of St Helena from October 2015 to November 2017. His 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.

Notable Public Law cases

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

Sole counsel for the Defendant in a matter concerning the basis on which general and constitutional damages on St Helena are assessed and awarded. 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".

The Defendant's appeal was heard by the Court of Appeal (St Helena) in September 2017. The Appeal was heard before the Privy Council in 2019 when Ben was led by Caroline Harrison QC.

[Raczkowski v Revenue & Customs \[2018\] UKFTT 671 \(TC\)](#)

An appeal against a decision by HMRC to raise an assessment for excise duty pursuant to s 12(1A) of the Finance Act 1994 ("the 1994 Act") and regulation 13(1) of the Excise Goods (Holding, Movement and Duty Point) Regulations 2010.

Ben Channer acted for the appellant.

Direct Access

Ben is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). He has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Ben on a direct basis, please speak to the clerks.

For more information on public access, please see the Bar Council [website](#).

Memberships

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

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- South Eastern Circuit
- Property Bar Association
- Bar Pro Bono Unit (Case Reviewer)
- Commercial Bar Association (COMBAR)
- London Common Law & Commercial Bar Association (LCLCBA)
- R3

Qualifications

- BA (Hons) (Birm.) (Archaeology and Ancient History), First Class
- BVC (Very Competent), GDL (Commendation), LLB (Hons), College of Law