



## Benjamin Tankel

Year of call: 2009

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*"A most impressive lawyer with a penetrating and subtle mind"* The Legal 500, 2022

Benjamin Tankel practises in public law, regulatory law, professional discipline, financial services, and procurement.

Ben always strives to understand the needs and wishes of his clients, to give pragmatic and practical advice, and to achieve the best possible outcome in the most cost-effective way. He enjoys working collaboratively as part of a team.

He represents central government, local authorities, NHS bodies, regulators, education bodies, and claimants. He has been involved in some of the most significant public law cases of recent times, including the Charlie Gard case and challenges to the prohibition against assisted dying.

He regularly appears in all levels of court and tribunal, including six appearances in the Supreme Court.

Ben graduated with a double first in History from Sidney Sussex College at Cambridge University, where he came top of his year in a number of papers and won several prizes and scholarships.

## Areas of expertise

Administrative and Public

Disciplinary

Regulatory

Banking and Financial Services

Procurement

Healthcare

Court of Protection - Welfare

Community Care and Mental Health

Medical Treatment Cases

Education

## Court of Protection - Welfare

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Ben acts regularly for the Official Solicitor, local authorities, health trusts, and Integrated Care Systems in all manner of health and welfare cases in the Court of Protection including serious medical treatment, section 16 welfare decisions, and s.21A challenges.

Ben aims to take a pragmatic and balanced approach to Court of Protection proceedings.

Ben's diverse experience in the related areas of public law, healthcare, medical treatment, education and community care mean that he is able to provide full-service advice and representation in complex cases with cross-cutting issues.

### Cases of note

- ***WA v North Bristol NHS Trust [2021]*** - Ben acted for the ICS in the latest instalment of this ongoing case about the mental capacity of a Palestinian refugee on prolonged hunger strike because of a refusal by the UK government to accept his claimed date of birth.
- ***Re NRA [2015] EWCOP 59*** - Acted (with Sir Robert Francis KC) for the Official Solicitor in ten joined cases concerning the procedural requirements of s.21A deprivation of liberty challenges.
- ***Re X (Deprivation of Liberty) [2015] EWCA Civ 599*** - Acted (with Alex Ruck Keene and Richard Gordon KC) for the Official Solicitor in litigation in the Court of Protection and Court of Appeal about the Court's attempt to create a streamlined procedure for managing applications to the court to deprive mentally incapacitated adults of their liberty.
- ***P&Q v Cheshire West and Chester District Council [2014] UKSC 19*** - Acted (with Richard Gordon KC, Brick Court Chambers, and Fenella Morris KC) for the Official Solicitor in this leading case on the definition of "deprivation of liberty" in the case of mentally incapacitated adults.

## Recommendations

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- *"A most impressive lawyer with a penetrating and subtle mind"* (*The Legal 500, Administrative Law and Human Rights, 2023*)
- *"balances clear legal advice with thoughtfulness about the impact of a case"* (*The Legal 500, Professional Disciplinary and Regulatory Law, 2023*)
- *"demonstrates a strong level of commercial vision"* (*Chambers, Administrative & Public Law 2023*)

## Qualifications

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### Education

- 2007: BA (History), Double First, Sidney Sussex College, University of Cambridge.
- 2008: Graduate Diploma in Law, City University.
- 2009: Bar Vocational Course, BPP.

### Prizes & Scholarships

- 2008: Astbury Scholarship (Middle Temple).
- 2007: Diplock Scholarship (Middle Temple).
- 2007: Peachey History Prize for highest first in College.
- 2006: Peachey History Prize for highest first in College.
- 2006: Parry Dutton Scholarship for North American History.

## Memberships

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- Constitutional and Administrative Law Bar Association (ALBA)

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