



Benjamin Tankel

Year of call: 2009

Email: benjamin.tankel@39essex.com

Phone: +44 (0)20 7832 1111

"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

Administrative and Public

Ben is ranked as a leading junior in Administrative and Public Law in both The Legal 500 and Chambers.

He has a wide public law practice covering healthcare, community care, freedom of information, education and higher education, immigration, mental health and mental capacity, medical treatment, housing, and human rights. He also frequently appears in commercial judicial review matters. Ben is on the Attorney General's B-Panel of Counsel. He is "Developed" vetted, the highest level of government security clearance

Ben acts for both claimants and defendants. On the defendant side, his clients include local authorities, NHS bodies, regulators, and central government departments. For claimants, he has acted for aggrieved individuals, commercial entities, and public bodies.

Cases of note:

- **R(CN) v Secretary of State for Health and Social Care [2022] EWCA Civ 86; R(Challis) v Secretary of State for Health and Social Care [2022] EWHC 2269 (Admin)** - Representing the Secretary of State in claims seeking to extend the England Infected Blood Scheme to include compensation for those infected with (a) Hepatitis B and (b) Hepatitis C, but before the introduction of blood screening.
- **R(Aviva and Swiss Re) v Secretary of State for Work and Pensions [2022] EWCA Civ 15** - Ben represented the claimant insurance companies who claimed that they were having to pay £millions more "CRU" than they ought to each year. "CRU" ("Compensation Recovery Unit") is the amount of state benefits that an insurer is required to reimburse the government whenever it pays compensation to the victim of an accident or industrial disease.
- **R(Fair Play for Women Ltd) v UK Statistics Authority [2021] EWHC 940 (Admin)** - Representing the UK Statistics Authority in a challenge to the "What is your sex?" question in the 2021 Census, which permitted respondents to answer in a way that did not accord with a person's sex as recognised on their birth certificate or gender recognition certificate. Led by James Eadie KC and Cecilia Ivimy.
- **R(Basma) v (1) Manchester University Hospitals NHS Foundation Trust; (2) Great Ormond Street Hospital for Children NHS Foundation Trust [2021] EWCA Civ 278** - Representing two hospital trusts in a claim on behalf of a young girl with progressive neuromuscular disease who sought access to a new drug treatment for which she was initially found to be ineligible.
- **R(Conway) v Secretary of State for Justice [2020] QB 1 (CA); R(Newby) v Secretary of State for Justice [2019] EWHC 3118 (Admin); R(T) v Secretary of State for Justice [2018] EWHC 2615 (Admin)** - Representing the Secretary of State in a long-running series of claims in the Divisional Court and Court of Appeal about whether physician assisted dying should be legalised. Led by James Strachan KC.
- **R(A) v South Kent Coastal Clinical Commissioning Group [2020] EWHC 372 (Admin)** - Representing a consortium of CCGs in a major challenge to their decision to consolidate stroke provision in the Kent area, resulting in the closure of a number of more local stroke units.
- **Great Ormond Street Hospital for Children NHS Foundation Trust v Yates [2018] 4 WLR 5 (the "Charlie Gard" case)** - Representing the Children's Guardian, via CAFCASS, in this case concerning whether Charlie Gard should be transferred to the USA for experimental treatment. The case received international press attention. Led by Victoria Butler Cole KC.
- **R(Adath Yisroel Burial Society) v HM Senior Coroner for Inner North London [2018] EWHC 969 (Admin)** - Representing the claimants in a challenge to the coroner's adoption of a "cab-rank rule" policy for issuing death certificates, which did not take account of the need in some religions to bury the deceased with utmost speed. Led by Sam Grodzinski KC

- *R(Forge Care Homes) v Cardiff and Vale University Health Board and others [2017] UKSC 56* - Represented all seven local health boards in Wales in this Supreme Court case about the social care / healthcare funding divide, estimated to be worth around £250 million per year nationally. Led by Fenella Morris KC.
- *R (Justice for Health) vs Secretary of State for Health [2016] EWHC 2338 (Admin)* - Representing junior doctors in their challenge to the Secretary of State's decision to impose a new contract on them. Led by Jenni Richards KC

Recommendations

- *"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

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

- Constitutional and Administrative Law Bar Association (ALBA)

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com

