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BIOGRAPHY

Ben is a partner who deals with a wide range of complex and high value commercial disputes with a particular emphasis on competition litigation and finance litigation. He has a Postgraduate Diploma in EU Competition Law and has acted on cases in the High Court, the Competition Appeal Tribunal and the Court of Appeal in England and the Grand Court and Court of Appeal of the Cayman Islands where he recently acted on a three month trial.

Ben was part of the team which acted for National Grid in its claim against global suppliers of Gas Insulated Switchgear following a European Commission finding of a breach of Article 101 TFEU. The team was recognised with a number of awards including Competition Team of the Year at the Lawyer Awards in 2015, Global Competition Review's Cartel Prosecution Litigation of the Year 2015

and Competition and Regulation Team of the Year at the British Legal awards in 2014. He subsequently acted for National Grid in its claims against global suppliers of power cables following the European Commission's infringement decision. He recently secured a major win for clients Royal Mail and BT in their follow-on cartel damages actions against truck manufacturer group DAF. This landmark case is now the leading cartel damages judgment in the UK and will be influential across Europe. Ben has worked on a separate major cartel investigation by the European Commission and the related leniency applications that were submitted in respect of this investigation.

Ben's work on finance litigation has included acting on a number of disputes regarding the interpretation of ISDA Master Agreements in the freight forwarding sector. He has also acted for a UK subsidiary of an overseas bank on its internal investigation into allegations of bribery and misconduct, and its subsequent reporting to the FCA. His work in the Cayman Islands included acting for a fund in its defence of a just and equitable winding up Petition and in its cross claims.

THE GROWTH OF CLASS ACTIONS: WHAT'S NEXT?

We explore the rapidly changing legal landscape

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- England and Wales

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RELATED INSIGHTS

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Feb 06, 2025

Court of Appeal considers the test for CPR 19.8 representative actions in Prismall v Google

The Court of Appeal has handed down its judgment in the case of Prismall v Google UK Ltd and DeepMind Technologies Ltd [2024] EWCA Civ 1516. Finding for Google, the Court of Appeal upheld the lower Court's decision to strike out the claim, and offered some further guidance on the threshold to be met for a claim to proceed as a representative action under CPR 19.8, particularly in relation to claims for the misuse of private information. The Court of Appeal explained that "a representative class claim for misuse of private information is always going to be very difficult to bring". This is because the circumstances of individual claimants will affect the determination as to whether any particular claimant has a reasonable expectation of privacy. This will in turn affect whether all members of the represented class can meet the required "same interest" test in order to found a representative action under CPR 19.8 (see our ...

Insights

Nov 19, 2024

No minority discount for quasi-partnerships

In Gibbins v Tierney [2024] EWHC 2004 (Ch), the High Court reaffirmed the principles that apply when deciding whether there has been unfair prejudice, within the meaning of section 994 of the Companies Act 2006, in a quasi-partnership. This case is a good example of how unfair prejudice rules are applied by the Courts to quasi-partnerships in circumstances where one party has allegedly sought to shut out another from management decisions.

Insights

Aug 15, 2024

Navigating representative proceedings in the High Court

With the rise of litigation funding of group actions, there has been an increasing use of representative actions by Claimants in recent years.

Awards

Aug 13, 2024

Seven BCLP Competition Lawyers Ranked in 'Who's Who Legal' 2024

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Nov 06, 2023

Can multiple claimants use the same claim form in group actions?

A recent decision in the Birmingham County Court has added to the body of case law growing around the test for listing multiple claimants on the same claim form. In Angel and others v Black Horse Limited, unreported, 8 September 2023, County Court at Birmingham, a case involving over 5,000 claimants bringing claims against 8

finance companies, the claimants had issued proceedings using 8 claim forms (one against each defendant). HHJ Worster held that in this case it was impermissible under CPR 7.3 to use a single claim form for all the claims against the same defendant. The judge therefore ordered the claimants to sever their claims from the common claim forms. HHJ Worster relied heavily on the guidance given by the High Court in *Abbott v Ministry of Defence* [2023] EWHC 1475 (KB) on the CPR 7.3 “convenience test”, which concerns whether multiple claimants may use a single claim form. These cases ...

Insights

Oct 31, 2023

Disputes in Focus: Quick Q&A on group claims

There are various ways in the English High Court to bring a claim, including as a group or representative action. Historically they have been underused but that is changing. Businesses are becoming increasingly interested in this ability to bring group actions and mass claims in the English High Court. In this blog, Clare Reeve Curatola outlines different ways to bring a civil commercial claim in the English High Court and asks fellow Litigation and Investigations partner, Ben Blacklock, to share his insights into the changing approach to group or class actions and mass claims in the English courts. Ben shares his thoughts on the key developments and changes that may be driving an increase in group actions, the challenges and the important considerations for Claimants and Defendants to consider in this area. Short on time? Jump to our key considerations.

Insights

Sep 14, 2023

Raising the stakes in activist shareholder claims

The High Court has ordered that ClientEarth pay Shell's costs in connection with all aspects of ClientEarth's unsuccessful application for permission to continue a derivative claim against Shell and its directors. This is a departure from the default position in derivative proceedings. Usually, the company will not be awarded any costs incurred in making submissions in opposition to, or attending any hearing of, a shareholder's application at the permission stage. This judgment therefore raises the stakes for activist shareholders who are considering bringing a derivative claim.