Falcon Chambers

Wayne Clark KC

Called 1982 Silk 2025



Practice Summary

Wayne is known for his vast legal experience and knowledge and has been said to be a “prolific writer” of leading works in his field. He is also known to be very skilled and effective at cross examining experts of any discipline. Wayne provides an immense amount of advisory work in addition to his litigation practice.

His practice embraces all aspects of real property law, although principally relating to commercial property disputes and disputes under the Electronic Communications Code. In particular:

- He is well known for his advice on business tenancies of which he is the co-author with Kirk Reynolds QC of the leading work, Renewal of Business Tenancies Law and Practice 6th ed (Feb 2022)
- Wayne is a leading light on the Electronic Communications Code, his seminal paper as part of the Blundell Lecture series in 2011 on the old telecoms code being cited at length in the Law Commission’s consultation paper which ultimately led to the implementation of the New Code in 2017. He has collaborated with several others in Chambers to author the work on the new Code, The Electronic Communications Code and Property Law (2019). He has spoken on several occasions at the annual RICS Telecoms Forum. Wayne has been in a considerable number of the reported decisions and he has been the only counsel to have appeared in all of the cases (4) under the Code that have gone to the Court of Appeal. Wayne has recently appeared (Feb 2022) in the Supreme Court on 3 co-joined appeals under the Code.
- He also undertakes both mortgage and receivership related work, particularly with respect to priority disputes, being the editor of the well-known and established book on mortgages, Fisher and Lightwood’s Law of Mortgage, 15th ed (2019).
- Wayne’s practice also covers easements (including rights of light disputes) and restrictive covenant disputes with respect to their interpretation, enforcement and their modification or discharge.
- Vendor and purchaser disputes
- Land registration, including: registered dispositions; priorities, notices and restrictions; alteration and rectification of the register rent reviews
- dilapidations
- Tenants’ rights of first refusal (of which, again, Wayne is a co-author of yet another leading work in the field, Tenants’ Rights of First Refusal, with Anthony Radevsky of Chambers) (4th edition 2021)
- He undertakes a substantial amount of work on development, joint venture and overage agreements

Professional

- Professional Called 1982, Middle Temple

Recent Notable Cases

- EE and H3G v AW Wireless [2026] UKUT 45 (LC) (Appeal from FTT. Tenancy at will/periodic tenancy in the context of the Code)
- On Tower v AP Wireless [2026] EWCA Civ 43, CA (Appeal from UT. Extent to which assignee operator under a licence can be treated as a party to a Code agreement for the purposes of Paras 31 and 33).
- On Tower v AP Wireless [2025] UKUT 280 (LC) (Appeal from FTT. Exhaustive consideration of sharing rights under Code agreements).
- Vodafone Ltd v Icon Tower Infrastructure Ltd [2025] UKUT (LC) (claim for termination of Code agreement under Paras 31(4)(a), (c) and (d))
- MVL Properties (2017) Ltd v The Leadmill Ltd [2025] EWHC 349, Ch (successful opposition of tenant's renewal in reliance on s.30(1)(g) of the 1954 Act (intention to carry on business)).
- Icon Tower Infrastructure Ltd v On Tower [2025] FTT 29 October 2025 (resisting imposition of Code agreement under Para 21(5). Landowner held to have a conditional intention dependent on MNOs migrating to new site).
- AP Wireless v On Tower [2025] EWCA Civ 971, CA (question of certainty of term for the creation of a lease).
- On Tower v AP Wireless [2025] FFT(exercise of Code rights for the statutory purposes)
- EE and H3G v AP Wireless [2024] UKUT 216 (LC) (resetting of base value for assessment of consideration under Para 24 of the Code for unexceptional rural greenfield sites)
- Vodafone Ltd v Potting Shed Bar and Gardens Ltd (Gencomp) [2024] 1 WLR 141, CA (overriding lessee is to be treated as a "party to a Code agreement" for the purposes of Paras 31 and 33 albeit not a successor in title).
- S Franses Ltd v Block 6 Ashley Gardens Roof Gardens Ltd [2024]HLR 16, Ch. (Appeal from CC. Successful claim to acquire roof garden roof spaces disposed of without compliance with the 1987 Act).

Other Cases

- Block 6 Ashley Gardens Ltd v Franses and others (2022) CC (1987 Act acquisition by qualifying tenants of roof space leases 12 years after the original disposal)
- On Tower v APW (New Zealand Farm) (2022) Upper Tribunal (approach to determination of rent for renewal of telecommunications site under the 1954 Act)
- On Tower v Gencomp and APW (2022) Upper Tribunal (jurisdiction to make claim under Part 5 of the Code against an overriding lessee)
- On Tower v APW (Pendown) (2022) Upper Tribunal (approach to determination of consideration on renewal under Part 5 of the Code)
- On Tower v APW (Audley House)(2022) Upper Tribunal (rights of access and impact of Health and Safety Act legislation on terms to be incorporated into Code agreement)
- CTIL v Compton Beauchamp, On Tower v APW and CTIL v Ashloch (2022) Supreme Court (three appeals on jurisdictional aspects of the Code and in particular whether operator in occupation can seek Code rights).

- Macey v Pizza Express (2021) High Court Appeal (test for landlord seeking termination on ground that it intends to carry on a business for the purposes of s.30(1)(g) of the 1954 Act)
- S Franses v Cavendish Hotel (2021) CC (renewal of tenancy---assessment of rent during Covid and terms of new lease)
- On Tower v Green (2021) Court of Appeal (upgrading and sharing rights and paragraph 33 renewals under the Code)
- EE Ltd and H3G Ltd v Stephenson (2021) Upper Tribunal (whether operator needs to plead special reason for new agreement on renewal under the Code)
- CTIL v Ashloch (2021) Court of Appeal (claim by Code operator for renewal—whether limited to its rights of renewal under the 1954 Act)
- TFS Stores v Designer Retail Outlet Centres (2021) Court of Appeal (s.38A of the 1954 Act—contracting out of security of tenure)
- TFS Stores v Designer Retail Outlet Centres (2020) Court of Appeal (whether claim under 1954 Act is a claim for possession under PD 51Z)
- EE Ltd and H3G v Edelwind Ltd (2020) Upper Tribunal (service of paragraph 31 notice and termination of Code agreements)
- CTIL v Compton Beauchamp (2020) Court of Appeal (paragraph 20 of the new Code and status of operator seeking imposition of Code agreement)
- University of London v CTIL (2020) Court of Appeal (whether paragraph 26 of the new Code is parasitic on paragraph 20)
- On Tower v APW (2020) Upper Tribunal (whether operator in situ under tenancy at will can make application under paragraph 27 of the Code)
- TFS Stores v Designer Retail Outlet Centres (Mansfield) General Partner [2019] EWHC 1363 (Ch) (Statutory declarations purportedly agreeing to contract a business tenancy out of the protections afforded by the Landlord and Tenant Act 1954 part ll had been validly made.
- Swailes v Cassain (2019) (specific performance obtained of agreement for sale)
- CTIL v Compton Beauchamp Estates (2019) (para 20 and consideration/compensation under paragraph 24 of the New Code)
- CTIL v University of London (2018) (paragraph 20 and 26 of the New Code)
- Royal London Borough of Greenwich v Vofafone (2018) (claim under para 20 of New Code for rooftop space on residential block)
- CTIL v LTH (Praed Street) Ltd (2018)(para 26 claim for interim rights---first case before the Upper Tribunal on the New Code)
- Questpit v Hanson (2018)(successfully resisting enforcement of restrictive covenants)
- UBMG Ltd vA&M Leisure (2018) (summary judgment under s.30(1)(f) in relation to major redevelopment at Southbank, London)
- Morrison Supermarkets v Sainsburys Supermarket (2018) (single or double compensation under 1954 Act—meaning of “successor to business”)

Publications

- The Electronic Communications Code and Property Law (2019)
- Tenants' Right of First Refusal, 4th edition (2021)
- Renewal of Business Tenancies Law and Practice, 6th ed (2022)
- Co-ordinating editor and contributor to Fisher & Lightwood's Law of Mortgage, 15th edition. (2019).

- Contributor to Hill & Redman's Law of Landlord and Tenant.

Published Comments

"Wayne is a superb advocate with truly incisive cross-examination skills." *Legal 500 UK Bar Guide 2027 (Property Litigation)*

"Wayne is exceptional; an absolutely first-rate lawyer." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Wayne is the go-to KC on 1954 Act business tenancy matters." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Wayne Clark is a guru; he knows everything about statutory rights." *Chambers and Partners UK Bar Guide 2027 (Telecommunications)*

"Wayne's knowledge of this complicated technical area is second to none." *Legal 500 UK Bar Guide 2027 (Telecommunications)*

"Wayne Clark is our go-to for complex telecoms work and is the best in this field, in my opinion." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"I have witnessed opposing counsels and judges defer to him on a point on numerous occasions." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Wayne Clark is the Aston Martin of telecoms on the site provider side. He will be front and centre. You think of him for major cases." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"Wayne Clark is unrivalled in expertise and knowledge when it comes to the 1954 Act and the Code. We would not go to anyone else. On top of this, he is easy to work with and is a fantastic team player." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"Wayne is great on his feet, knows the law inside and out and has really been operating at KC level for years." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Wayne Clark is fantastic. He knows the Code encyclopedically." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"Wayne Clark has been around for ages. He has encyclopedic knowledge and is a really lovely guy." *Chambers and Partners UK Bar Guide 2026 (Telecommunications)*

"Wayne has real gravitas as well as being one of the nicest people you could ever work with." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Wayne's knowledge of this complicated technical area is second-to-none." *Legal 500 UK Bar Guide 2026 (Telecoms)*

"Wayne is a superb advocate with truly incisive cross-examination skills." *Legal 500 UK Bar Guide 2026 (Property Litigation)*

"Wayne Clark handles a good deal of commercial property disputes and is an expert on business tenancies. He has extensive experience advising on issues such as valuation, possession and restrictive covenant matters. He is also noted for his knowledge of the telecoms code." *Chambers and Partners UK Bar Guide 2025 (Real Estate*

Litigation)

"Wayne is absolutely meticulous. He is very thorough, academic and produces excellent written work." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Wayne's knowledge of the 1954 Act, as well as landlord and tenant matters, is incredible. He is a walking encyclopedia and it is brilliant to have him on your side." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Wayne is a go-to barrister for telecoms and 1954 Act work." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Wayne Clark is well regarded for his expertise in cases relating to the Electronic Communications Code, and draws praise for his high level of technical knowledge and written contributions on the subject. He provides strategic advice on the Code and frequently acts in tribunal cases for both telecommunications operators and landowners." *Chambers and Partners UK Bar Guide 2025 (Telecommunications)*

"Wayne has an encyclopaedic knowledge of the 1954 Act and it is genuinely impressive seeing him apply his mind." *Chambers and Partners UK Bar Guide 2025 (Telecommunications)*

"Wayne is a brilliant brain and he has been able to pick out the most extraordinary arguments and interpretation on the code." *Chambers and Partners UK Bar Guide 2025 (Telecommunications)*

"Wayne is undoubtedly one of the leading barristers in telecoms code law. His deep knowledge of this specialist field is obvious to anyone either speaking with him, or else reading his work." *Legal 500 UK Bar Guide 2025*

"Wayne is incredibly meticulous in his advice. He often thinks of angles that opponents miss." *Legal 500 UK Bar Guide 2025*

"His knowledge relating to 1954 Act matters is unparalleled and he runs rings around his opponents. Excellent on strategy and looking ahead and picking out the key issues of a case."

"Wayne provides excellent advice, always turns around work quickly and is really responsive and happy to work on complex issues." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Wayne is the go-to senior junior for complex telecoms work for landowner clients. He is hugely knowledgeable, very experienced and easy to work with."

"He understands cases inside out and astonishes with the breadth of his knowledge; he really is incredible and has so much experience." *Chambers and Partners UK Bar Guide 2024 (Telecommunications)*

'An absolute master of telecoms law, he easily outperforms silks in the courtroom, a fantastic advocate and so easy to work with.' *Legal 500 2024*

'A pragmatic, realistic and diligent junior.' *Legal 500 UK Bar Guide 2024*

"Wayne Clark is a fantastic advocate who has a lot of experience." *Chambers and Partners UK Guide 2023*

"Wayne is very user-friendly, very thorough and can read a courtroom and push matters." *Chambers and Partners UK Guide 2023*

"What he does not know about 1954 Act cases and leasehold enfranchisement is not worth knowing about." *Chambers and Partners UK Guide 2023*

"Wayne Clark is very good on his feet." *Chambers and Partners UK Guide 2023*

Wayne Clark handles a good deal of commercial property disputes and is an expert on business tenancies. He has extensive experience advising on issues such as valuation, possession and restrictive covenant matters. He is also noted for his knowledge of the telecoms code. "He was impressive, thorough and provided us with some very helpful and incisive input to move things to a successful commercial outcome." "He has excellent all-round expertise in the Landlord and Tenant Act 1954." "A counsel with wide and vast experience and a strong reputation in telecommunications." *Chambers and Partners Guide 2022 (Real Estate Litigation)*

'Wayne has an encyclopedic knowledge of the law and installs absolute confidence in the client. He is always three steps ahead of his opponent. ' *Legal 500 UK Bar Guide 2022*

Peers say the "amazing" Wayne Clark is "extremely clever and very courteous to boot" earning acclaim for his expertise in valuation, possession and restrictive covenant matters. *Who's Who Legal UK Bar Report 2022*

Handles a good deal of commercial property disputes and is an expert on business tenancies. He also advises on development, joint venture agreements and overage provisions. He is also noted for his knowledge of the telecoms code. Strengths: "The leader in his field and yet entirely user-friendly, pragmatic and approachable." "He has the highest level of technical expertise in relation to his specialist areas of work." "A veteran of the Property Bar, Wayne is as good as most QCs." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

Well-regarded for his expertise in cases relating to the Electronic Communications Code, Clark draws praise for his high level of technical knowledge and written contributions on the subject. He provides strategic advice on the code and frequently acts in tribunal cases for both telecoms operators and landowners. Strengths: "He knows everything about the code, and is very experienced." *Chambers and Partners UK Guide 2021 (Telecommunications)*

"Excellent on Landlord and Tenant matters, particularly the Telecoms Code." *Legal 500 UK Bar Guide 2021*

Handles a good deal of commercial property disputes and is an expert on business tenancies. He also advises on development, joint venture agreements and overage provisions. He is also noted for his knowledge of the telecoms code. Strengths: "He demonstrates incredible attention to detail, giving clients and instructing solicitors great confidence." "He can explain complex issues clearly and puts a client's mind at ease." "He is a silk in junior's clothes." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

Rated first Junior Barrister, Real Estate *Who's Who Legal UK Bar 2019 Guide*

"Excellent property junior" with "great all-round knowledge of the field." *Who's Who Legal UK Bar 2019 Guide*

"Handles a good deal of commercial property disputes, and is an expert on business tenancies. He also advises on development, joint venture agreements and overage provisions. Strengths: 'Extremely approachable and has a very good client manner.' 'Excellent grasp of the legal and commercial issues.' 'Very detailed, thorough and a good advocate.' Recent work: Acted for Sainsbury's in proceedings for lease renewal of premises and in related claims for compensation." *Chambers UK Guide 2019 (Real Estate Litigation)*

Winner - Real Estate Junior of the Year 2016

Chambers UK Bar Awards