



Jonathan Hough QC



Education

St Hugh's College, Oxford University (First Class in Classics); City University CPE (Commendation); Inns of Court School of Law (Outstanding); Queen Mother major scholarships for CPE and Bar School.

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Year of Call: 1997

Year of Silk: 2014

Profile



Jonathan has a civil, commercial and public law practice, with a particular focus on insurance / reinsurance; professional liability; commercial and consumer law; and administrative law. He has considerable experience in each of those fields and has appeared in numerous reported and important cases.

He is ranked as a leading silk in the legal directories, in the practice areas of insurance and reinsurance; professional negligence; public inquiries and inquests; and consumer law. Recent comments in the directories include the following:

"He receives strong praise for his advocacy... provides careful, comprehensive advice in a timely manner, is particularly responsive and works in a collaborative manner." (Chambers UK 2017, Insurance)

"[He] is just brilliant. His written submissions are particularly strong, they are so well formulated that they become almost unanswerable. His preparation is meticulous, he thinks like a judge." (Chambers UK 2017, Public Inquiries and Inquests)

"Very incisive, he's a strong advocate who delivers exceptionally prompt and well-thought through advice." (Chambers UK 2017, Consumer Law)

"He displays a thorough approach to litigation." (Legal 500 2016, Professional Negligence)

"There is no one who knows more about coronial law than he does." (Legal 500 2016, Inquests and Inquiries)

"He is an excellent senior barrister in relation to all things insurance and coverage." (Chambers UK 2016, Insurance)

"Urbane and has the confidence of the court. He is a delight to work with and has an encyclopaedic knowledge of the law." "The master of reply when on his feet, he can deal with any oral submissions made..." (Chambers UK 2016, Public Inquiries and Inquests)

"A highly respected silk who is recognised for his abilities in both contentious and non-contentious consumer credit work." "He is absolutely excellent on trading standards work and judicial review claims." (Chambers UK 2016, Consumer Law)

"He is bright and solution-oriented. He has an ability to present arguments in a clear and concise way, both on paper and on his feet, and is a very effective advocate." (Chambers UK 2015, Insurance)

"He's very impressive... strengths are thorough presentation, attention to detail and ability to react quickly to changing circumstances." (Chambers UK 2015, Public Inquiries and Inquests)

"He has an ability to get to the root of issues"; "A steady hand and... incredibly hard working" (Chambers UK 2015, Consumer Law)

“Extremely impressive.” (Legal 500 2014, Administrative and Public Law)

“Very accessible and responsive.” (Legal 500 2014, Insurance and Reinsurance)

In the area of insurance law, he acts for a range of major insurers, reinsurers and underwriting agencies in litigation and arbitration. He also has experience in advising on, and drafting, policy wordings, agency agreements, binding authority agreements, etc. He has particular expertise in the following classes of risk: general commercial liability (EL/PL/Products); property; motor; professional indemnity; legal expenses; trade credit; D&O; title insurance; personal accident / disablement; and financial risk.

His professional liability practice covers a range of professions, including lawyers, insurance professionals, surveyors and financial professionals. He is very experienced in substantial litigation for and against professionals, and in related insurance matters.

He has broad experience of commercial dispute resolution in a wide range of business fields, including international work. In addition, he has particular expertise in consumer law, consumer credit and financial regulation.

In the field of public and administrative law, he has acted for public and private bodies in judicial review claims. His work includes local government, commercial regulation and professional discipline. He is also well known for his work in inquests and public inquiries. As well as appearing in many reported cases in the Administrative Court and Court of Appeal, he has appeared as counsel to the inquiry in various important inquests. He was leading counsel to the inquiry in the Hillsborough Stadium Disaster inquests, appointed by Lord Justice Goldring. He was also counsel to the inquiry in the inquests concerning: the death of Diana, Princess of Wales; the shooting of Jean-Charles de Menezes; the Potters Bar and Grayrigg rail disasters; and the explosion on HMS Tireless (nuclear submarine). He is currently acting for a major insurer in the Independent Inquiry into Child Sexual Abuse.

Jonathan is a member of the Professional Negligence Bar Association, the London Common Law and Commercial Bar Association, COMBAR and the Administrative Law Bar Association. He is an editor of the current edition of Jackson & Powell on Professional Liability.

Professional Liability

Jonathan is ranked by Legal 500 as a leading silk in the field of professional negligence. The latest edition of the directory says that “he displays a through approach to litigation.”

He has considerable experience in professional liability claims against a range of different types of professional, including lawyers, financial services professionals, insurance professionals and surveyors. He also has some experience of acting in litigation against construction professionals and in clinical negligence proceedings.

Professional indemnity insurance disputes concerning a wide range of professionals form a significant part of his insurance practice, and he has drafted professional indemnity policy wordings for insurers.

He is an editor of the current edition of Jackson & Powell on Professional Liability.

Financial Services Professionals

Jonathan is instructed in relation to disputes concerning a wide range of financial professionals. He is very familiar with the statutory and regulatory framework established under FSMA 2000 and with a range of types of claim. His recent work in this area includes the following:

- Proceedings against insolvency practitioners for allegedly negligent handling of the administration of a manufacturing business: *Parkinson Engineering Services v Swan and Yeldon* [2010] PNLR 17 (CA).
- *Denning v Greenhalgh Financial Services Ltd* [2017] EWHC 143 (QB): successfully striking-out and obtaining summary judgment for the defendant IFAs in claim alleging failure to identify and advise on errors of predecessor IFA in recommending pension transfer.
- Acting for investment introducers / advisers in claims by investors concerning charity shell and film schemes: *Halsall v Champion Consulting Ltd* (2016).
- Advising on issues of legal liability and regulatory obligations of SIPP providers arising from investments introduced through unregulated introducers (2016-17).
- Acting for IFA in extensive and complex claims by wealthy private individual concerning serial errors in execution of trades in unit trusts, investment trusts and equities: *James Hay Pension Trustees Ltd v BFFM* (2012).

- Acting for and advising investment advisers and accountants in claims arising from various forms of tax mitigation and tax-efficient investment scheme (including enterprise zone schemes, film schemes and charity shell schemes).
- Acting for investors and IFAs in mis-selling claims (including, by way of example, claims concerning the AIG Premier Access Bond, Currency Exchange Mortgages, Geared Traded Endowment Policies).
- Acting in proceedings against investment fund managers concerning the structuring of a scheme to exploit a commercial development in Birmingham.
- Advising insurers on US claims against venture capitalists: overlap between coverage issues and substantive merits.

Insurance Brokers & Agents

Jonathan acts for policyholders, brokers and insurers in disputes over the adequacy of cover arranged by brokers, advice given on insurance programmes and notifications of claims. He also acts in disputes between underwriting agents / coverholders and their capacity providers. His work in this field often overlaps with his general insurance/reinsurance practice, in which he is ranked as a leading silk. He is experienced in a wide range of classes of risk and is very familiar with the regulatory framework governing insurance intermediaries.

Examples of work in this area include:

- *Ahli United Bank (UK) Plc v Willis Ltd*: Representing a Middle Eastern bank in a US\$20 million claim against its brokers arising out of the placing of professional indemnity insurance. The bank had been held liable for advice given in relation to an Islamic investment fund. Its insurance claim was rejected on the basis of a retroactive date clause, and it claimed against brokers for failing to procure effective cover and failing to advise about the effect of policy provisions. The case was settled during trial before Hamblen J.
- *Transtek v Aviva and Portishead Insurance Services*: Acting in a seven-figure property and BI coverage dispute arising from a fire claim which raised significant issues as to information passing between brokers and insurers, and as to brokers' duties to advise on disclosure obligations. The claim was abandoned against Jonathan's client at a late stage.
- *Grundon Waste Management Ltd v Hygrade Industrial Plastics Ltd*: Acting for insurers in a litigation arising from a substantial fire at an odour control plant. The litigation involved a professional negligence claim against brokers and multiple issues between insurers and brokers.
- *Williams v Iron Trades Insurance and BPW*: Acting for a motor repair company in litigation against its public liability insurers and its brokers. Issues concerned whether the insurers had been entitled to decline cover for a large fatal accident claim and, if so, whether brokers should have advised on claims notification and/or made a notification. The action was settled at mediation.
- *Re T&C Scaffolding*: Advising a scaffolding company in relation to potential claims against its brokers for failure to advise on claims conditions after insurers had declined cover in respect of a catastrophic injury claim.
- *Harris v Taylor and AA Insurance Services*: Acting for the brokers in a claim based on their alleged failure to add a further named driver to a motor insurance. Succeeded in striking out the claim on a pleading point. The claim was later re-issued but was abandoned following a specific disclosure application and the provision of evidence in response.
- Acting for a corporate policyholder in a claim against a major firm of brokers concerning failure to advise on declared values and average clauses in property insurance.
- *PM Law v Motorplus* [2016] EWHC 904 (Comm): Acting for the defendant underwriting agency in a £7.5 million claim by solicitors for alleged breaches of a legal expenses insurance referral contract.
- *Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd* [2009] Lloyd's Rep IR 544 and *Europ Assistance Ltd v Temple Legal Protection Ltd* [2008] 1 Lloyd's Rep IR 216: Acting for a leading legal expenses underwriting agency in separate commercial court and arbitral proceedings against both its former capacity providers concerning the run-off of a binding authority agreement.
- Advising insurers in a multi-party dispute concerning the insurers having provided cover in error in relation to an eight-figure claim which in fact fell outside the period of insurance. The dispute raised issues as to the responsibility of agents of the insured and agents of the insurer.
- Advising a leading title insurance underwriting agency on multiple commercial disputes arising from declinature of claims and assignment of insurances.

Lawyers

Jonathan has considerable experience in professional liability claims against solicitors and barristers arising in a variety of professional contexts including, for example, lost litigation, conveyancing (including lender claims), commercial drafting. He also regularly advises on lawyers' indemnity insurance, including notifications of circumstances and claims and on policy coverage.

The following is a sample of current and recent work:

- *NRAM v Eversheds (2015-17)*: acting for the defendant firm of solicitors in a £120 million claim based on allegedly negligent advice on credit documentation and the effects of the Consumer Credit Acts and supplementary regulations.
- *Baxendale-Walker v APL (2015-17)*: appearing successfully at a trial concerning the enforceability of a mortgage debt of £6 million (pursuant to the Financial Services and Markets Act 2000, the Consumer Credit Act 1974 and the Unfair Terms in Consumer Contracts Regulations 1999).
- *818 and Inta-Partners v Broadbridge Grimes (2016-17)*: acting for solicitors in defence of £3m claim based on a client allegedly passing the proceeds of a VAT fraud through their client account (2016-17).
- Advising solicitors on a substantial claim by a building society for alleged failure to supply contractual documents to borrowers in numerous remortgage transactions (2016).
- Acting for solicitors in relation to a US\$4.7m lost litigation claim arising from a multi-jurisdictional shipping dispute: *Tavoulaareas v Keates Ferris (2015-16)*.
- Acting for solicitors in litigation relating to their drafting of overage agreements in connection with a property portfolio (2015).
- Acting for solicitors in claim relating to their advice on bridging finance agreements secured on high value properties (2015).
- Acting for an accident management company in multiple, seven-figure arbitral claims against various panel firms of solicitors (2013-14).
- Acting for development companies in £8m claim against solicitors for alleged negligence in advice and drafting of JV agreement (2013-14).
- Acting for a QC in proceedings concerning advice given on limitation periods relating to Council Tax Liability Orders: *Ashfield Nominees v Brook et al. (2013)*.
- Acting for a firm in a dispute with a bank over alleged negligent drafting of consumer agreements: *Conister Bank v Lester Aldridge (2011-13)*.
- Acting for solicitors in £2M lost litigation claim arising from a dispute over the division of spoils from a successful property development in East London (2012-13).
- Acting for solicitors in claims concerning construction of residential lease and obligation to advise on arguable meanings of restrictive covenants: *Platform Funding Ltd v Miller Parris Solicitors [2012] 2 P & CR DG7*.
- Acting for the former President of the Solicitors Disciplinary Tribunal in striking out claims improperly alleging judicial corruption: *Baxendale-Walker v Middleton and ors [2011] EWHC 998 (QB)*.
- Acting for a firm in £4m claim concerning allegedly negligent conduct of professional negligence proceedings which arose from the defective drafting of loan agreements: *Reunion Finance v Richards Solicitors*.
- Acting for solicitors accused of negligently advising that no limitation period applied to an action to enforce a charging order.
- Advising in proceedings concerning allegedly negligent failure to secure option agreements in relation to a property portfolio.
- Acting for a barrister in claims regarding allegedly negligent advice on finance agreements.
- Acting for and against firms in disputes as to their obligations under litigation funding schemes.

Surveyors & Valuers

Jonathan has experience of advising and acting in claims against surveyors and valuers concerning domestic and residential property, including property portfolios. His work in this area has included disputes concerning the accuracy of valuations and the reliability of surveys. He is familiar with surveyors' professional indemnity insurance and issues arising with insurers, such as late notification, allegations of dishonesty and aggregation of claims.

Commercial Dispute Resolution

Jonathan has considerable experience of a wide range of business disputes, from financial and professional services to heavy industry. His work in this area overlaps with his practice in insurance, consumer credit / financial regulation and professional liability. He is familiar with jurisdictional disputes and claims for urgent interim relief.

Current and recent work in this field includes the following:

- Advising owners of a well-known five-star hotel complex in a foreign jurisdiction on disputes with the hotel's operators (2013 to date).
- Acting for an underwriting agency in litigation over its entitlement to continued use of its bespoke IT policy and claims platform; injunctive proceedings (2015).

PM Law Ltd v Motorplus Ltd (2014 to date): Acting for the defendant insurance intermediary in a claim by solicitors pleaded at £7.5m arising from legal expenses insurance schemes. Successful strike-out of part of the case ([2016] EWHC 193 (QB), [2016] 1 Costs LR 143).

- Acting for an accident management company in multiple, seven-figure arbitral claims against various panel firms of solicitors (2013-14).

Renold Power Transmission Ltd v Holroyd Precision Ltd (2013-14): Substantial fire claim arising from allegedly negligent design of fire suppression system for industrial grinding machines.

- Advising one of the UK's largest general insurance companies on an eight-figure claim arising from an insurance distribution agreement with a retailer (2012-13).

Helphire Ltd v Autofocus Ltd (2012): acted for insurer interveners in complex and novel Norwich Pharmacal claim by accident management company arising from allegations that an expert consultancy had given dishonest evidence in thousands of County Court actions.

C v D [2012] 1 WLR 1962: dispute over large property transaction; appeal concerning entitlement of defendant to accept Part 36 offer.

Network Rail Infrastructure Ltd v Conarken Group Ltd [2012] 1 All ER (Comm) 692, [2011] EWCA Civ 644: Acted in the appeals in test cases concerning the obligation of insurers to pay very large claims for the financial consequences of damage to the railway infrastructure.

Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd [2009] Lloyd's Rep IR 544, [2009] EWCA Civ 453. *Europ Assistance Insurance Ltd v Temple Legal Protection Ltd* [2008] 1 Lloyd's Rep IR 216, [2007] EWHC 1785 (Comm): Acting for a leading underwriting agency in separate commercial court and arbitral proceedings against both its former capacity providers concerning the run-off of a binding authority agreement.

Insurance & Reinsurance

Jonathan's practice covers insurance and reinsurance of most classes of risk, including general commercial liability (EL/PL/products); professional indemnity; property; motor; legal expenses; trade credit; D&O; property title; personal accident / disablement; financial risk; cyber risks.

He regularly advises on, and acts in, substantial coverage disputes and in business disputes between insurers, underwriting agencies and reinsurers. He acts for insurers in substantial subrogated actions to recover their outlay. Non-contentious work includes drafting policy wordings and other contractual documents, including binding authority agreements. He is familiar with regulatory obligations of insurers and intermediaries under FSMA 2000 / ICOBS and with advising on the FOS jurisdiction (including challenges). He also advises professionals on indemnity insurance issues, including notifications and coverage.

He is recommended by Chambers UK as a leading silk in this field. Comments in recent editions include the following:

"Takes on the full spectrum of coverage disputes, handling both litigation and arbitration cases, and is also regularly instructed in disputes between insurers and reinsurers. He receives strong praise for his advocacy skills and his ability to remain contactable despite his heavy workload.... 'He provides careful, comprehensive advice in a timely manner, is particularly responsive and works in a collaborative manner.' 'He just makes everything easy for you. You ask him something and you get chapter and verse action points – it's amazing.'" (Chambers UK 2017 – Insurance)

"He is an excellent senior barrister in relation to all things insurance and coverage." "Frequently acts in both litigation and arbitration concerning coverage issues, as well as in disputes between insurers and reinsurers." (Chambers UK 2016, Insurance)

"Has a highly focused insurance practice that one solicitor described as being 'consistently outstanding.' Interviewees highlighted the excellence of his advice, and his responsiveness in the face of a heavy caseload." (Chambers UK 2015)

"Receives praise across the board for his insurance and reinsurance knowledge, responsiveness and versatility." (Chambers UK 2014)

"Very accessible and responsive." (Legal 500 2014)

"Very effective advocate." (Legal 500 2013)

Examples of his current and recent work include the following:

- *AXA Corporate Solutions Assurance SA v Weir Services Australia Pty Ltd*: Acting for AXA in multi-jurisdictional coverage disputes under global and local Australian liability policies. Appeared in Commercial Court in London on jurisdictional issues / anti-suit injunction: [2016] Lloyd's Rep IR 578. Appeared successfully at trial in Commercial Court in Sydney: [2017] NSWSC 259.
- *PM Law Ltd v Motorplus Ltd* [2016] EWHC 193 (QB), [2016] 1 Costs LR 143: Successfully striking out, and obtaining summary dismissal of, a novel claim by a firm of solicitors against an insurance intermediary which arose from an ATE legal expenses insurance scheme.
- *Coles v Hetherington* [2015] 1 WLR 160: Appeared successfully for Royal & Sun Alliance in lead case litigation in the Commercial Court and Court of Appeal. The dispute concerned the commercial model by which RSA handled and pursued motor claims.
- *Network Rail Infrastructure Ltd v Conarken Group Ltd* [2012] 1 All ER (Comm) 692, [2011] EWCA Civ 644: Acted in the appeals in test cases concerning the obligation of insurers to pay very large claims for the financial consequences of damage to the railway infrastructure.
- *Persimmon Homes Ltd v Great Lakes Reinsurance (UK) Plc* [2010] Lloyd's Rep IR 101, [2010] EWHC 1705 (Comm): Coverage dispute in which a litigant challenged the decision of a legal expenses insurer to avoid an ATE policy based upon allegations and findings of dishonesty in the underlying litigation.
- *Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd* [2009] Lloyd's Rep IR 544, [2009] EWCA Civ 453. *Europ Assistance Insurance Ltd v Temple Legal Protection Ltd* [2008] 1 Lloyd's Rep IR 216, [2007] EWHC 1785

- (Comm): Acting for a leading underwriting agency in separate commercial court and arbitral proceedings against both its former capacity providers concerning the run-off of a binding authority agreement.
- *Bee v Jenson* [2008] Lloyd's Rep IR 221, [2007] EWCA Civ 923: Test litigation to determine whether an insurer needed to give credit for a rebate or commission payment when pursuing a subrogated claim.
 - Acting for a large company in multiple claims against insurers arising out of a major cyber attack: (a) a coverage arbitration concerning litigation costs in foreign group litigation (2015); and (b) a second, seven-figure claim concerning business interruption losses (2016-17).
 - Advising ATE legal expenses insurers on coverage in relation to trial and appeal of eight-figure commercial claim (2016-17).
 - Advising excess layer professional indemnity insurers on coverage, liability and regulatory issues arising from complaints and claims against SIPP providers (2016-17).
 - Acting for RSA in a public liability insurance coverage dispute arising from failures of moveable floors of swimming pools: *Euro Pools v RSA* (2016-17).
 - Advising professional indemnity insurers on attachment and aggregation in the context of bulk PPI mis-selling claims (2016).
 - Advising various professional indemnity insurers on coverage of accountants and investment advisers for liabilities and defence costs arising from tax mitigation schemes of various kinds (including film schemes, technology schemes and charity shells) (2016).
 - Acting for the claimant underwriting agency in litigation over its entitlement to continued use of its IT policy and claims platform; injunctive proceedings (2015).
 - Advising and acting for major insurers on their response to the CMA's investigation into private motor insurance (2014).
 - Advising critical illness insurers on regulatory aspects of proposed novel insurance product (2014).
 - Advising professional indemnity insurers on group claims arising from common surgical procedures (2014).
 - *HomeServe Plc v Royal & Sun Alliance Insurance Plc* (2013-14): Acting for the claimant in a £16M coverage dispute against PI insurers. Dispute concerned coverage for mitigation costs arising from FSA-mandated remediation exercise.
 - *Transtek Services Ltd v Aviva Insurance UK and anor* (2012-13): Acting for property insurer in coverage dispute over fire at commercial premises.
 - *Grundon Waste Management Ltd v Hygrade Industrial Plastics Ltd* (2012): Coverage dispute over notification issues, relating to substantial claim for fire in an odour control plant.
 - *West Ham Utd FC v QBE Insurance and ors* (2011): Representing the underwriting market in a £6M coverage dispute relating to an injury which disabled an England first team footballer.
 - *Mopani Copper Mines Plc v Emerald Insurance Ltd* (2008-10): Acting for a Glencore subsidiary in a US\$6M dispute with South African and Mauritian insurers relating to a property risk in Zambia. Issues included jurisdiction and enforceability of a cut-through agreement.
 - Acting for motor insurers in a series of appeals in the Court of Appeal and House of Lords concerning accident management and credit hire / repair schemes. Reported cases include: *Burdis v Livsey* [2003] QB 36; *Lagden v O'Connor* [2004] AC 1067; *Thew v Cole* [2004] RTR 25; *Purushothaman v Malik* [2012] RTR 21; *Singh v Yaqubi* [2013] Lloyd's Rep IR 398; *Opoku v Tintas* [2013] EWCA Civ 1299; *McBride v UK Insurance / Clayton v EUJ* [2017] EWCA Civ 144. Also acted for the ABI in proceedings before the OFT and CAT concerning the GTA settlement protocol.
 - Acting for Norwich Union / Aviva in successfully recovering sums paid many years previously to a third party claimant on the basis that his claim was fraudulent, and successfully enforcing by tracing claims: *Norwich Union v Joyce* [2011] EWCA Civ 1031.
 - Acting for the major trade credit insurer, Atradius, in two Commercial Court actions of 2010-11 regarding its entitlement to reject substantial claims arising from insolvency/default.
 - Litigation over the entitlement of an insurer to rely upon a 'reasonable precautions' exclusion where grossly

- negligent repair of a helicopter resulted in a crash with multiple fatalities.
- Advising a major professional indemnity insurer on legal expenses cover and statutory obligations to provide freedom of choice of legal representative.
 - Successful strike-out of claims to be indemnified by legal expenses insurers in respect of professional liability claims: *Thakerar v Lloyds TSB Insurance* [2012] EWHC 1875 Comm.
 - Acting for wealthy private individual in action against insurers to recover sums for valuable jewellery stolen (dispute concerning limits of indemnity).
 - Acting for aviation premises insurer in dispute over public liability coverage with insured and a second insurer.
 - Disputes over the applicable policy year for claims against successive solicitors' indemnity policies.
 - Advice on the effect of a security system warranty in property insurance.
 - Advice on whether an insurer could allege late notification in relation to a venture capitalists' indemnity cover, in the context of a large 'pump and dump' claim in the US.
 - Advice on whether contamination with Para Red dye constituted physical damage for the purposes of product liability insurance.
 - Acting for a large insurer in a £3M dispute with a local authority over a claims handling agreement.

Public Law and Human Rights

Jonathan has a wide range of experience in public and administrative law, advising and acting for public bodies, companies and private individuals in judicial review claims. He has almost unrivalled experience and expertise in the law relating to coroners and inquests.

He is recommended by both Chambers UK and the Legal 500 as a leading silk in the field of public inquiries and inquests.

Comments in recent editions of the directories include the following:

"Recommended for his phenomenally deep knowledge of coronial law. He offers expert advice to coroners on all aspects of inquests and is regularly called upon to handle the most high-profile cases... 'He is the oracle for inquest work, he is just brilliant. His written submissions are particularly strong, they are so well formulated that they become almost unanswerable. His preparation is meticulous, he thinks like a judge.'" (Chambers UK 2017, Public Inquiries and Inquests – band 1 leading silk)

"Urbane and has the confidence of the court. He is a delight to work with and has an encyclopaedic knowledge of the law." "The master of reply when on his feet, he can deal with any oral submissions made..." (Chambers UK 2016, Public Inquiries and Inquests)

"He's very impressive, partly because he applies the law in a practical way"; "His strengths are his thorough preparation, attention to detail and ability to react quickly to changing circumstances"; "Has a strong reputation for his consummate expertise in coronial law" (Chambers UK 2015, Inquiries)

"He is assiduous, covers every angle and looks out for the client's interests at every turn." (Chambers UK 2014, Inquiries)

"There is no one who knows more about coronial law than him" (Legal 500 2016, Public Inquiries and Inquests)

"Experienced in acting as counsel to the inquiry in high-profile inquests" (Legal 500 2015, Public Inquiries and Inquests) "Extremely impressive." (Legal 500 2014, Administrative and Public Law)

He has appeared in several important cases on the scope and application of Convention Rights. For example, he appeared for the successful intervening insurers in the House of Lords in *Wilson v First County Trust* [2004] AC 816, the leading case on the compatibility of domestic consumer credit law with the ECHR. He also appeared in the case which decided that domestic law of self defence is compatible with Article 2 of the ECHR (*R (Bennett) v HM Coroner for Inner South London* [2006] HRLR 22) and in the case which set the balance between a news organisation's source protection rights and the need for thorough public inquiry by a tribunal.

He is acting in landmark proceedings concerning the circumstances in which a person in hospital intensive care is "deprived of liberty" under Article 5 of the ECHR.: *R (Ferreira) v HM Senior Coroner for Inner South London* [2016] 1

WLR 2385 (Div. Ct.); [2017] EWCA Civ 31 (CA). He appeared in the Divisional Court and Court of Appeal for the coroner whose decision was upheld at both levels. This is the first case to consider deprivation of liberty in the ICU setting, and been widely reported.

His current and recent work includes the following:

- He is currently acting for Royal & Sun Alliance plc in the Independent Inquiry into Child Sexual Abuse. RSA has been designated a core participant in the Accountability and Reparations Investigation, in which an inquiry hearing is to be held.
- He was leading counsel to the inquiry in the inquests concerning the Hillsborough Stadium Disaster from 2014 to 2016, having been appointed in 2013 by Lord Justice Goldring. He was responsible for legal argument on behalf of the inquiry team, and examined around half the key witnesses. He advised the Judge on public law issues and acted for him as interested party in a claim by police officers against a PCC's funding decision (*R (Duckenfield) v SYPC* [2015] EWHC 3149 (Admin)).
- He was counsel to the inquiry in the inquests into the deaths of Diana, Princess of Wales and Dodi Al Fayed, and examined a large number of the witnesses. He appeared for the coroners (Lord Justice Scott Baker and Lady Butler-Sloss) in all the satellite litigation: *R (Paul) v HM Coroner for the Queen's Household* [2008] QB 172; *HM Asst Deputy Coroner v Channel 4 TV Corp.* [2008] 1 WLR 945; *R (Paul) v HM Asst Deputy Coroner for Inner South London* [2008] 1 WLR 1335; *R (Al Fayed) v HM Asst Deputy Coroner for Inner West London* [2008] EWHC 713 Admin.
- He was counsel to the inquiry in the inquest into the shooting of Jean-Charles de Menezes in Stockwell station. He successfully resisted the challenge to the coroner's initial decision to adjourn that inquest pending criminal proceedings. He also successfully resisted a judicial review of Sir Michael Wright's narrative verdict directions. See: *R (Pereira) v HM Coroner for Inner South London* [2007] 1 WLR 3256; *R (de Menezes) v Assistant Deputy Coroner* [2008] EWHC 3356 Admin.
- Acting as counsel to the inquiry in the Potters Bar Rail Crash inquests (June/July 2010) and as sole counsel to the inquiry in the Grayrigg rail crash inquest (November 2011).
- Acting as sole counsel to the inquiry in four other important inquests: that concerning an explosion on HMS Tireless, a nuclear submarine on under-ice exercises; that concerning the fatal shooting of a police firearms officer in role-play training; that concerning the death of Sabina Akhtar, a young woman murdered after an escalating and reported history of domestic violence; that concerning Dale Burns, who died as a result of 'designer drug' toxicity and following police restraint and Taser applications. Successfully resisted judicial review of Coroner's decision on police anonymity in the Dale Burns inquest.
- He appeared successfully in the case which established a coroner's right to obtain from a Local Safeguarding Children Board the reports prepared in the course of a Serious Case Review into the death of a child: *Worcs. CC v HM Coroner for Worcestershire* [2013] PTSR D41, EWHC 1711 (QB).
- Successfully resisting the appeal in *R (Lewis) v HM Coroner for Shropshire* [2010] 1 WLR 1836, which decided that the state's procedural obligation under Article 2, ECHR, does not require a coroner's inquest to make findings on matters which were not causally relevant to death.
- He advised the Wiltshire coroner on the inquest concerning nerve agent experiments at Porton Down in the 1950s, and he appeared in both judicial review challenges to the inquest proceedings. See: *R (MOD) v HM Coroner for Wiltshire and Swindon* [2006] 1 WLR 134, [2006] Inquest LR 32.
- He acted for HH Judge Gerald Butler QC in two sets of judicial review proceedings arising from the New Cross Fire Inquest. See: *R (Francis) v HM Asst. Deputy Coroner for Inner London South* [2005] EWHC 980 Admin.
- He has appeared in many of the other leading cases in recent years on inquests in the Court of Appeal and the Administrative Court, including the following:
 - *McDonnell v HM Assistant Coroner for West London* [2017] ACD 1;
 - *R (T) v HM Coroner for West Yorkshire* [2016] EWHC 1630 (Admin);
 - *R (Trivedi) v HM Coroner for Inner South London* [2015] EWHC 4166 (Admin);
 - *R (Lagos) v HM Coroner for the City of London* [2013] EWHC 423 (Admin);
 - *R (Secretary of State for Justice) v HM Deputy Coroner for Eastern District of West Yorkshire* [2012] ACD 88;
 - *R (Sreedharan) v HM Coroner for City of Manchester* [2012] EWHC 1386 Admin;
 - *R (Medihani) v HM Coroner for Inner South London* [2012] ACD 63;
 - *R (Cairns) v HM Deputy Coroner for Inner West London* [2012] ACD 22;
 - *R (Mack) v HM Coroner for Birmingham* [2011] EWCA Civ 712;
 - *R (Evans) v HM Coroner for Cardiff* [2010] EWHC 3478 Admin;
 - *Connah v Plymouth Hospitals NHS Trust and ors* [2010] EWHC 1727 Admin;
 - *Fraser v HM Coroner for NW Wales* [2010] EWHC 1165 Admin;

- *R (Pounder) v HM Coroner for Durham* [2010] ACD 52;
- *R (IPCC) v HM Coroner for Inner North London* [2009] EWHC 1974 Admin;
- *R (Bennett) v HM Coroner for Inner South London* [2007] EWCA Civ 617;
- *R (Coker) v HM Coroner for Inner South London* [2006] EWHC 614 Admin;
- *R (Longfield Care Homes Ltd) v HM Coroner for Blackburn* [2004] EWHC 2467 Admin;
- *Terry v HM Coroner for East Sussex* [2002] QB 312.
- Acting for a West Midlands bus company in an important judicial review challenge to concessionary reimbursement by Integrated Transport Authority: *R (The Green Transport Co Ltd) v WMITA and WMPTE* [2013] EWHC 2834 Admin.
- Advising a local authority on a potential challenge to funding provision made by central government under public service agreements.
- Advising a local authority on challenge by a community association to disposition of council property.
- Advising on, and acting in, judicial review of disciplinary proceedings against solicitors and accountants (including, recently, *R (Crookenden) v ICAEW* [2013] EWHC 1909 Admin).
- Advising insurers on potential judicial review challenges to FOS decisions under the compulsory jurisdiction.
- Acting for local authorities in proceedings to claim injunctions prohibiting illegal trading activities. See, for example: *London Borough of Southwark v Sanli and Bankside Catering Ltd* [2011] EWHC 3085 QB; *Lambeth LBC v Sanli and Meli* [2012] EWHC 1623 QB. Advising local authorities on trading and markets regulation.
- Advising a limited partnership on a challenge to public bodies concerning its date of registration.
- Appearing in the Bloody Sunday Inquiry to represent the MOD in response to the specific criticism of failing to assist the tribunal.

Consumer Credit

Jonathan has special expertise in consumer credit law and has appeared in a number of important reported cases in this field. He regularly advises on consumer credit agreements and credit schemes in various commercial contexts.

He is one of very few ranked by Chambers UK Bar directory as a leading silk in the field of consumer law, and is recommended with particular reference to consumer credit. Recent comments in the directory include:

"Well versed in consumer credit matters, he provides representation for financial entities and their clients, and is an expert on consumer credit agreements and documentation... 'He has an excellent way of making the complicated understandable.' 'Very incisive, he's a strong advocate who delivers exceptionally prompt and well thought-through advice.'" (Chambers UK 2017, Consumer Law)

"A highly respected silk who is recognised for his abilities in both contentious and non-contentious consumer credit work." (Chambers UK 2016, Consumer Law)

"An expert in consumer credit and credit hire matters"; "If anything is a bit out of the ordinary, he is the man to go to. He has an ability to get to the root of issues"; "A steady hand and someone who is incredibly hard-working" (Chambers UK 2015, Consumer Law)

"[C]omes to greatest market attention for his command of consumer law, in which role he often advises financial institutions"; "A highly responsive barrister who gives clear, succinct advice... a methodical and persuasive advocate" (Chambers UK 2014, Consumer Law)

Important cases in which Jonathan has appeared include:

- *Wilson v First County Trust* [2004] AC 816: appearing successfully for insurance companies intervening on the compatibility of UK domestic consumer credit legislation with the ECHR and on restitutionary remedies.
- *Southern Pacific Mortgage Ltd v Heath* [2010] 2 WLR 1081: appeared for the successful mortgage lender in this leading case concerning the enforceability of 'top up' mortgage loan agreements.
- Test litigation concerning 'credit hire' agreements, including *Burdis v Livsey* [2003] QB 36 and *King v Daltray* [2003] EWCA Civ 1828, which determined the construction of credit agreements and of key provisions in consumer credit legislation. Continued appearances in important cases in this field, for example: *Singh v Yaqubi* [2013] Lloyd's Rep IR 398; *Opoku v Tintas* [2013] EWCA Civ 1299, [2013] All ER (D) 81; *Purushothaman v Malik* [2011] EWCA Civ 1734.
- *McBride v UK Insurance / Clayton v EUJ* [2017] EWCA Civ 144: appearing for the successful respondent in Clayton, one of two cases addressing the commercially critical question of assessment of the benchmark basic hire rate in

'credit hire' cases.

Other examples of current and recent work include:

- *NRAM v Eversheds*: acting for the defendant firm of solicitors in a £120 million claim based on allegedly negligent advice on credit documentation and the effects of the Consumer Credit Acts and supplementary regulations.
 - *Baxendale-Walker v APL*: appearing successfully at a trial concerning the enforceability of a mortgage debt of £6 million (pursuant to the Financial Services and Markets Act 2000, the Consumer Credit Act 1974 and the Unfair Terms in Consumer Contracts Regulations 1999).
 - Advising large specialist lender on commercial issues concerning consumer credit legislation, including potential liabilities for defaults of third party introducers under section 75, Consumer Credit Act 1974; and credit brokerage licensing under the FSMA Regulated Activities Order.
 - Acting for a firm of solicitors in a dispute with a finance company over the firm's obligation to indemnify its clients for large debts arising under multiple consumer credit agreements of questionable validity.
 - Acting for a firm of solicitors in a large claim arising out of allegedly negligent drafting of standard-form consumer credit agreements and notices: *Conister Bank v Lester Aldridge*.
 - Advising a major credit hire company on an insurance scheme for customers, and on effect of the effect of Doorstep Selling Regulations in that context.
 - Advising on potential challenges to a substantial litigation funding scheme.
 - Advising a medical agency on consumer credit agreements to be used in rehabilitation scheme.
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