

Jonathan Hough QC

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Silk: 2014

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Very bright and methodical, with a great mastery of the detail. He is also able to think outside the box.

- Chambers & Partners

Jonathan Hough QC has a civil, commercial and public law practice.

Jonathan is ranked by the legal directories as a leading silk in five practice areas: insurance / reinsurance; professional liability; administrative / public law; inquests / inquiries; and consumer law. In all his fields of practice, he has appeared in many reported and important cases.

Shortlisted by Legal 500 for 'Public Law Silk of the Year' 2018.

Recent comments in the directories include the following:

"He is a very strong and shrewd operator whose pleadings are excellent and judgement is very good." "He has an excellent manner with clients, he's very responsive and talks to people at their level." "His ability to take complex arguments and make something clear and forceful from them is impressive." (Chambers & Partners 2021, Insurance)

"Used for the most sensitive and high-profile work. Jonathan is simply outstanding; he is able to grasp huge amounts of detail, and keep a clear view of the key issues and strategy at the same time." (Legal 500 2021, Insurance and Reinsurance)

"He is a brain on a stick - fantastic on insurance coverage, very determined to please you and clients, and very user-friendly." "He's just fantastic, really responsive, really 'on it' and just brilliant all round. We always know we'll get very clear advice." (Chambers & Partners 2021, Professional Negligence)

"Jonathan's attention to detail is second to none. He can assimilate a huge amount of information in a short period. Jonathan's drafting is excellent, he always gets the important points and pitches it just right." (Legal 500 2021, Professional Negligence)

"Incredibly thorough and absolutely great at getting into the detail himself but also at presenting things to clients in a really straightforward and simple way. That sounds like what you expect from any lawyer, but when you encounter someone who is as good at it as he is it's really quite outstanding." (Chambers & Partners 2021, Administrative & Public Law)

"A master of the detail and the strategy." (Legal 500 2021, Administrative & Public Law)

"The perfect example of an advocate who has the ear of the court. When he speaks the chair listens because they know he says reasonable and sensible things." "He is astonishing – he is extraordinarily responsive, prompt, meticulously organised and his attention to detail is superb. Clients find him a joy to work with and the quality of his work is exemplary." "He is still the go-to for coroners across the land as he knows so much about the conduct of inquests." (Chambers & Partners 2021, Inquests & Public)



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Inquiries)

"A leading light for his knowledge and application of inquest law. He works very hard and is a very effective advocate." (Legal 500 2021, Inquests & Inquiries)

"He is top-notch, has impressive legal acumen and is a strong advocate." "His strengths are his depth of knowledge and his clarity of thought and explanation." (Chambers & Partners 2021, Consumer)

"His advice is always clear, concise and commercial. A good communicator. Always prompt with his advice." (Legal 500 2021, Consumer)

"He is incredibly user-friendly and has the brain the size of a planet." "His written work is absolutely superb" (Chambers 2020, Insurance)

"A terrific advocate who has a very good courtroom manner and is very robust and persuasive, which goes down well with judges." "He is approachable, very responsive and extremely bright; he provides sound written advice and was flawless at trial." (Chambers 2020, Professional Negligence)

"He's incredibly bright and the judges respect him enormously." "He's got an immense intellect but can explain things in a very straightforward way." (Chambers 2020, Administrative & Public Law)

"He has an amazing practice; he's a barrister of choice." "He cuts to the heart of a problem, providing detailed analysis and clear advice." (Chambers 2020, Consumer Law)

"The classic example of how it should be done." "He can make fantastic written and oral submissions and is incredibly quick on his feet." (Chambers 2020, Inquiries and Inquests)

"He stands out for his intellect and ability to grasp the issues very quickly." (Legal 500 2020, Insurance and Reinsurance)

"A charming, persuasive and polished advocate." (Legal 500 2020, Professional Negligence)

"Recommended for his intellectual prowess and excellent court skills." (Legal 500 2020 Consumer Law)

"His preparation is meticulous, his advocacy is incisive, his attention to detail is superb and his thought process is unchallengeable." (Legal 500 2020, Inquiries and Inquests)

"A charming and persuasive advocate who is extremely responsive, user-friendly and meticulous in his analysis and preparation of arguments." "Excellent with clients." (Chambers UK 2019, Insurance)

"Meticulous, great in conference and on his feet in court. Highly recommended." "Very quietly confident and assured, gets his point across very effectively without bluster." (Chambers UK 2019, Professional Negligence)

"Absolutely brilliant" (Chambers UK 2019, Administrative and Public Law)

"He's incredibly intelligent and knows the law inside and out. He takes a very structured approach and is able to think with absolute clarity." (Chambers UK 2019, Inquiries and Inquests)

"Incredibly intelligent..." (Chambers UK 2019, Consumer Law)

"Very bright, methodical with a great mastery of the detail." (Legal 500 2019, Professional Negligence)

"Simply brilliant in all respects and does everything with personality, wit and charm." (Legal 500 2019, Administrative and Public Law)



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“Simply brilliant in every aspect of his trade.” (Legal 500 2019 Inquiries and Inquests)

“Very concise and prompt.” (Legal 500 2019, Consumer Law)

“Instructing solicitors praise him for his ‘first-class brain’ and his ‘fantastic attention to detail’... ‘Clever and solutions-oriented, he has an ability to present arguments in a clear and concise way, both on paper and on his feet.’ ‘He is extremely thorough, really steeped in insurance law, extremely personable and someone who’s always looking to add value to the client.’” (Chambers UK 2018, Insurance)

“A ferociously clever go-to leader on defence and coverage cases.” (Chambers UK 2018, Professional Negligence)

“Deeply impressive... He is brilliant on the law but also has a strategic way of approaching problems. It is usually impossible to argue against his logic.” (Chambers UK 2018, Administrative and Public Law)

“He very quickly understands any issue you put before him and he can think strategically on any point. He is a rare talent.” (Chambers UK 2018, Inquiries and Inquests)

“He is a tower of strength. He is a formidable cross-examiner and very good to work with.” (Chambers UK 2018, Consumer Law)

“He has excellent commercial awareness and provides advice on how to achieve practical resolutions.” (Legal 500 2018, Professional Negligence)

“Combines clear and persuasive drafting with fearsome advocacy.” (Legal 500 2018, Administrative and Public Law)

“[An] extremely compelling advocate.” (Legal 500 2018, Inquests and Inquiries)

In the area of insurance law, Jonathan acts for and against 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. One of his cases in this field was featured in The Lawyer’s Top 20 Cases of 2018.

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 numerous judicial review claims of many different kinds. His work in this area includes local government law, commercial / financial regulation and professional discipline. He is also well known for his work in major inquests and public inquiries. As well as acting in very many reported cases in the Administrative Court and Court of Appeal, he has appeared as counsel to the inquiry in various important inquests. Recently, he has been leading counsel to the inquiry in the Hillsborough Stadium Disaster Inquests (2014-16) (appointed by Lord Justice Goldring), in the Westminster Bridge Terror Attack Inquests (2018) and in the London Bridge Terror Attack Inquests (2019) (appointed by the Chief Coroner). 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 rail disaster; the Grayrigg rail disaster; and the explosion on HMS Tireless (nuclear submarine). He has appeared and advised in several public inquiries, and is currently acting for a major insurer in the Independent Inquiry into Child Sexual Abuse.

Privacy Policy

Click here for a [Privacy Policy](#) for Jonathan Hough QC.

Areas of Expertise

Commercial

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 experienced in jurisdictional disputes and claims for urgent interim relief.

Cases

- **Business dispute over IT platform**
Acting for an insurance underwriting agency in litigation over its entitlement to continued use of its bespoke IT and claims platform; injunctive proceedings (2015).
- **PM Law Ltd v Motorplus Ltd**
Acting for the defendant insurance underwriting agency in claims by solicitors put at over £8 million and arising from legal expenses insurance schemes. In early 2016, Jonathan appeared successfully in an application to strike out claims of over £3 million. The application raised novel arguments based on agency and unjust enrichment.
- **Arbitrations between Claims Managers and Solicitors**
In 2013-14, Jonathan acted in multiple seven-figure arbitral claims brought by an accident management company against various panel firms of solicitors.
- **Renold Power Transmission Ltd v Holroyd Precision Ltd (2013-14)**
A substantial fire claim arising from allegedly negligent design of a fire suppression system for industrial grinding machines.
- **Insurance Distribution Agreement Dispute**
Acting for one of the UK's largest general insurance companies on an eight-figure claim arising from an insurance distribution agreement with a major retail company (2012-13).
- **C v D**
A dispute over a large property transaction. The appeal concerned the entitlement of a defendant to accept a Part 36 offer. It decided important questions on the provisions of Part 36, including whether it was possible to make a time-limited Part 36 offer.
- **Network Rail Infrastructure Ltd v Conarken Group Ltd**
Appeal in test cases which concerned the obligation of insurers to pay very large claims for the financial consequences of damage to the railway infrastructure. The appeal is an important authority in the law of remoteness of damage in tort.
- **Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd**
A dispute between a leading underwriting agency and its capacity provider concerning revocation of binding authority and the run-off of a Binder. The arbitration was the subject of appeals to the High Court (Beatson J) and the Court of Appeal. Jonathan also acted in separate but similar proceedings for the same agency against a second capacity provider.

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.

Important recent cases in this field include *Euro Pools v Royal & Sun Alliance Insurance plc* [2019] EWCA Civ 808 (professional indemnity insurance notifications); *AXA Corporate Solutions SA v Weir Services Australia Pty Ltd* [2016] Lloyd's Rep 578 (jurisdiction / anti-suit injunction) and [2018] Lloyd's Rep IR 50 (coverage of large product liability claim); *PM Law Ltd v Motorplus Ltd* [2016] EWHC 193 (QB), [2017] EWHC 1352 (QB) and [2018] EWCA Civ 1730 (insurance referral agreement).

He is recommended by Chambers UK and Legal 500 as a leading silk in this field. Comments in recent editions include the following:

“Used for the most sensitive and high-profile work. Jonathan is simply outstanding; he is able to grasp huge amounts of detail, and keep a clear view of the key issues and strategy at the same time.” (*Legal 500 2021 – Insurance and Reinsurance*)

“He is a very strong and shrewd operator whose pleadings are excellent and judgement is very good.” “He has an excellent manner with clients, he’s very responsive and talks to people at their level.” “His ability to take complex arguments and make something clear and forceful from them is impressive.” (*Chambers & Partners 2021 – Insurance*)

“He is incredibly user-friendly and has the brain the size of a planet.” “His written work is absolutely superb.” (*Chambers UK 2020 – Insurance*)

“He stands out for his intellect and ability to grasp the issues very quickly.” (*Legal 500 2020 – Insurance and Reinsurance*)

“A charming and persuasive advocate who is extremely responsive, user-friendly and meticulous in his analysis and preparation of arguments.” “Excellent with clients.” (*Chambers UK 2019 – Insurance*)

“Clever and solutions-oriented, he has an ability to present arguments in a clear and concise way, both on paper and on his feet.” “He is extremely thorough, really steeped in insurance law, extremely personable and someone who’s always looking to add value to the client.” (*Chambers UK 2018 – Insurance*)

“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*)

Cases

- **Weir Services Australia Pty Ltd v AXA Corporate Solutions Assurance SA**
A multi-jurisdictional product liability / professional indemnity coverage dispute under Global Policies and a local Australian liability policy. The case arose out of a claim against the insured in arbitration concerning the failure of a large piece of mining equipment. Jonathan appeared in Commercial Court proceedings concerning jurisdiction / anti-suit injunction: [2016] Lloyd's Rep IR 578. He also appeared successfully in the trial of the action in the Commercial Court in Sydney: [2017] NSWSC 259.
- **PM Law Ltd v Motorplus Ltd**
A dispute between a legal expenses underwriting agency and panel solicitors involving claims totalling over £8 million. Jonathan successfully applied for summary judgment and to strike out a substantial portion of the claims, defeating novel arguments based on unjust enrichment and agency.
- **Coles v Hetherington**
Appearing 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 subrogated motor claims. It raised issues as to the proper analysis of vehicle damage claims and insurance subrogation, and had major financial ramifications in the motor insurance market.



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- **Network Rail Infrastructure Ltd v Conarken Group Ltd**
Appeal in test cases which concerned the obligation of insurers to pay very large claims for the financial consequences of damage to the railway infrastructure. The appeal is an important authority in the law of remoteness of damage in tort.
- **Persimmon Homes Ltd v Great Lakes Reinsurance (UK) plc**
A coverage dispute in which a commercial litigant challenged the decision of a legal expenses insurer to avoid an ATE policy based on allegations and findings of dishonesty in the underlying litigation.
- **Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd**
A dispute between a leading underwriting agency and its capacity provider concerning revocation of binding authority and the run-off of a Binder. The arbitration was the subject of appeals to the High Court (Beatson J) and the Court of Appeal. Jonathan also acted in separate but similar proceedings for the same agency against a second capacity provider.
- **Coverage Dispute concerning Cyber Attack**
Jonathan acted for a large consumer electronics company in multiple claims against insurers arising out of a major cyber intrusion. First, he acted in 2015 in a coverage arbitration concerning litigation costs of foreign group litigation. Secondly, he acted in a seven-figure claim under business interruption insurance (2016-17).
- **HomeServe plc v Royal & Sun Alliance Insurance plc (2013-14)**
A £16 million professional indemnity insurance coverage dispute in Commercial Court proceedings. The dispute concerned coverage for mitigation costs arising out of an FSA-mandated consumer remediation exercise.
- **West Ham United FC v QBE Insurance**
A Commercial Court claim in 2011 for £6 million under a personal disablement insurance relating to a training injury of an England first team football player. Jonathan acted for the insurance market in the litigation.
- **Mopani Copper Mines plc v Emerald Insurance Ltd**
Acting for a Glencore subsidiary in a US\$ 6 million dispute with South African and Mauritian insurers relating to a property risk in Zambia. The case raised complex issues of enforceability of a cut-through agreement with reinsurers. In Commercial Court proceedings, reinsurers initially raised jurisdictional challenges which they abandoned at the last moment. The dispute was settled before trial.
- **Acting for Insurers in Credit Hire Litigation**
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 EUI* [2017] EWCA Civ 144. Also acted for the ABI in proceedings before the OFT and CAT concerning the industry protocol for settlement of credit hire claims. Recently, advised motor insurers in relation to the CMA investigation into the industry.
- **Norwich Union v Joyce**
A claim by Norwich Union / Aviva to recover substantial sums paid many years previously to a third party claimant in a personal injury claim, based on discovery of evidence that the claim had been dishonest. Jonathan successfully acted for Aviva in the trial and resisted permission to appeal. He then also acted in successful enforcement proceedings involving tracing claims in relation to various investment properties.
- **Thakerar v Lloyds TSB Insurance**
A successful strike-out application in claims by an individual to be indemnified by various legal expenses insurers in respect of multiple unsuccessful professional liability claims against solicitors.
- **Euro Pools plc v Royal and Sun Alliance Insurance plc [2019] EWCA Civ 808**
A dispute worth several million pounds between insurer and insured under professional indemnity policies. The case raised the question to which of two consecutive policies certain substantial claims for mitigation costs cover should relate, which in turn raised issues of the scope and legal effects of notifications of circumstances. Further issues concerned alleged free-standing



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agreements by a loss adjuster; limitation and attribution of payments; and cover for litigation costs. Jonathan acted for the defendant insurer, which was successful on appeal.

- **D&O Dispute: LCIA Arbitration (2017-18)**

A substantial arbitrated dispute under a D&O insurance as to whether the policy covered defence costs in important foreign proceedings.

- **Trade Credit Dispute: LCIA Arbitration (ongoing)**

A substantial arbitrated dispute concerning the right of trade credit insurers to avoid a policy for alleged non-disclosure.

Professional Liability

Jonathan is ranked by both Legal 500 and Chambers & Partners as a leading silk in the field of professional negligence. Comments in the latest directories include:

“He is a brain on a stick – fantastic on insurance coverage, very determined to please you and clients, and very user-friendly.” “He’s just fantastic, really responsive, really ‘on it’ and just brilliant all round. We always know we’ll get very clear advice.” (*Chambers & Partners 2021, Professional Negligence*)

“Jonathan’s attention to detail is second to none. He can assimilate a huge amount of information in a short period. Jonathan’s drafting is excellent, he always gets the important points and pitches it just right.” (*Legal 500 2021, Professional Negligence*)

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“Very bright, methodical with a great mastery of the detail.” (*Legal 500 2019, Professional Negligence*)

“A ferociously clever go-to leader on defence and coverage cases.” (*Chambers & Partners, 2018, Professional Negligence*)

“He has excellent commercial awareness and provides advice on how to achieve practical resolutions.” (*Legal 500 2017, Professional Negligence*)

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

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 (including IFAs, pension providers, SIPP providers, fund managers, financial risk insurers). He is very familiar with the statutory and regulatory framework established



under FSMA 2000 and with numerous products and types of claim. He has experience of various forms of tax mitigation scheme (e.g. film schemes, enterprise zone schemes, tech schemes and charity shell schemes). He regularly advises PI insurers of financial professionals on coverage and liability.

Cases

- **Denning v Greenhalgh Financial Services**
Successful strike-out and summary judgment for the defendant IFAs in a claim alleging failure to identify and advise upon errors of predecessor IFA in recommending pension transfer (DB-DC). The case raised significant issues about the duty of care of an IFA and the ambit of a standard retainer.
- **Parkinson Engineering Services v Swan and Yeldon**
A claim against insolvency practitioners for allegedly negligent handling of the administration of a manufacturing business. The appeal raised significant issues concerning attempts to re-cast the claim after expiry of limitation.
- **Advising PI Insurers of SIPP Providers (2016-2018)**
Advising the PI insurance market on issues of legal liability and regulatory obligations of SIPP providers arising from investments introduced through unregulated introducers (as well as advice on coverage and attachment).
- **James Hay Pension Trustees Ltd v BFFM (2012)**
Acting for an IFA in extensive and complex claims by a wealthy private individual concerning serial errors (and fraudulent concealment of those errors) in execution of trades in unit trusts, investment trusts and equities.

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.

Cases

- **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 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 in 2010 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.
- **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 failing to advise on claims conditions after insurers had declined cover in respect of a catastrophic injury claim.

- **PM Law Ltd v Motorplus Ltd**

A dispute between a legal expenses underwriting agency and panel solicitors involving claims totalling over £8 million. Jonathan successfully applied for summary judgment and to strike out a substantial portion of the claims, defeating novel arguments based on unjust enrichment and agency.

- **Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd**

A dispute between a leading underwriting agency and its capacity provider concerning revocation of binding authority and the run-off of a Binder. The arbitration was the subject of appeals to the High Court (Beatson J) and the Court of Appeal. Jonathan also acted in separate but similar proceedings for the same agency against a second capacity provider.

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.

Cases

- **NRAM v Eversheds (2015-2018)**

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. This case featured in The Lawyer's Top 20 Cases of 2018.

- **Baxendale-Walker v APL and Taylors (2015-17)**

Proceedings brought by the claimant borrower challenging the enforceability of a £6 million debt under a secured loan. Jonathan is acting for the solicitors in third party proceedings brought by the lender for an indemnity in respect of their drafting of loan documentation. He appeared successfully at the trial of the action in 2016.

- **Tavoulareas v Keates Ferris (2015-16)**

Acting for commercial solicitors in a US\$4.7 million lost litigation claim arising from a multi-jurisdictional shipping dispute. The claim settled in mediation.

- **Ashfield Nominees v Brook et al (2013)**

Acting for a QC in professional negligence proceedings concerning advice given on limitation periods relating to Council Tax Liability Orders. The claim was ultimately abandoned as against Jonathan's client.

- **Platform Funding Ltd v Miller Parris Solicitors**

A claim by lenders against solicitors for negligent failure to advise on arguable meanings of restrictive covenants in a residential lease. Jonathan acted for the solicitors.

- **Baxendale-Walker v Middleton and ors**

A claim by a former solicitor and successful businessman alleging conspiracy and fraud against regulators. Jonathan acted for the Solicitors Disciplinary Tribunal and its former President in a substantial and successful strike-out application.

- **Reunion Finance v Richards Solicitors (2009)**

A £4 million claim against solicitors concerning allegedly negligent conduct of professional negligence proceedings which arose (indirectly) from the defective drafting of standard-form loan agreements.

- **Accident Exchange v McLean [2018] 4 WLR 26**

An important judgment on the scope of the "iniquity exception" to legal professional privilege, in particular the circumstances in which privilege can be lost due to the wrongdoing of somebody other than the lawyer's client. The dispute arose in the context



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of a conspiracy claim against lawyers pleaded at over £100 million. Jonathan acted for insurers intervening successfully to protect their privilege in numerous related cases.

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.

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. His broader public law experience extends to matters of local government finance, transport regulation, illegal trading, financial and professional regulation.

He is recommended by both Chambers UK and the Legal 500 as a leading silk in both administrative and public law and public inquiries and inquests. Shortlisted by Legal 500 for Public Law Silk of the Year 2018.

Comments in recent editions of the directories include the following:

"A master of the detail and the strategy." (*Legal 500 2021, Administrative & Public Law*)

"Incredibly thorough and absolutely great at getting into the detail himself but also at presenting things to clients in a really straightforward and simple way. That sounds like what you expect from any lawyer, but when you encounter someone who is as good at it as he is it's really quite outstanding." (*Chambers & Partners 2021, Administrative & Public Law*)

"The perfect example of an advocate who has the ear of the court. When he speaks the chair listens because they know he says reasonable and sensible things." "He is astonishing – he is extraordinarily responsive, prompt, meticulously organised and his attention to detail is superb. Clients find him a joy to work with and the quality of his work is exemplary." "He is still the go-to for coroners across the land as he knows so much about the conduct of inquests." (*Chambers & Partners 2021, Inquests & Public Inquiries*)

"A leading light for his knowledge and application of inquest law. He works very hard and is a very effective advocate." (*Legal 500 2021, Inquests & Inquiries*)

"He's incredibly bright and the judges respect him enormously. For things that require high levels of intellect, he's your man." "He's got an immense intellect but can explain things in a very straightforward way. He almost knows what the other side's next steps will be: he's already got his contingency plans in hand and a proper strategy around the case you're running." (*Chambers UK 2020, Administrative and Public Law*)

"An exceptional inquest expert. He's ideal as counsel to the inquest because he's very measured, balanced and well suited to holding the reins in the right way." "The classic example of how it should be done." "He has the reputation as the go-to leading counsel on all inquest matters and is quite rightly the trusted adviser to coroners up and down the country. He can make fantastic written and oral submissions and is incredibly quick on his feet." (*Chambers UK 2020, Inquests and Inquiries*)

"His preparation is meticulous, his advocacy is incisive, his attention to detail is superb and his thought process is unchallengeable." (*Legal 500 2020, Inquests and Inquiries*)

"Simply brilliant in all respects and does everything with personality, wit and charm." (*Legal 500 2019, Administrative and Public Law*)

"He's incredibly intelligent and knows the law inside and out. He takes a very structured approach and is able to think with



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absolute clarity.” (*Chambers UK 2019, Inquests and Inquiries*)

“Simply brilliant in every aspect of his trade. He is the coronial law expert at the Bar.”(*Legal 500 2019, Inquests and Inquiries*)

“Deeply impressive... He is brilliant on the law but also has a strategic way of approaching problems. It is usually impossible to argue against his logic.” (*Chambers UK 2018, Administrative and Public Law*)

“A true expert in coronial proceedings. He is a barrister who has extensive experience of acting as counsel to the inquests. His written and oral submissions are impeccable. He’s the man most coroners would want in their corner.” “He very quickly understands any issue you put before him and he can think strategically on any point. He is a rare talent.” (*Chambers UK 2018, Public Inquiries and Inquests*)

“Combines clear and persuasive drafting with fearsome advocacy.” (*Legal 500 2017, Administrative and Public Law*)

“A leader in coronial law and an extremely compelling advocate.” (*Legal 500 2017, Public Inquiries and Inquests*)

“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*)

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

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 acted 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 Inner South London Coroner (Intensive Care Society and others intervening)* [2017] 3 WLR 382. He appeared for the Chief Coroner of England and Wales in the important case of *R (Adaya Yisroel Burial Society) v HM Senior Coroner for Inner North London* [2019] QB 251, which concerned the circumstances in which coroners could prioritise consideration of deaths on religious grounds and raised various issues under Articles 9 and 14.

Jonathan is top-ranked by Chambers directory in the field of inquiries and inquests. He has acted as counsel to the inquiry in the inquests concerning: the Hillsborough Disaster (Lord Justice Goldring); the death of Princess Diana (Lord Justice Scott Baker); the shooting of Jean-Charles de Menezes (Sir Michael Wright); the Potters Bar Rail Disaster (HH Judge Baker QC); the Grayrigg Derailment; the explosion on HMS Tireless (nuclear submarine); the fatal shooting of PC Terry in firearms training; the killing of Sabina Akhtar; the death of Dale Burns (following designer drug use and police Taser applications). He appeared for the MOD in the Bloody Sunday Inquiry. He is now appearing for a major insurer in the Independent Inquiry into Child Sexual Abuse. He acted as counsel to the inquiry both in the Westminster Bridge Terror Attack Inquests and in the London Bridge Terror Attack Inquests, having been appointed by the Chief Coroner.

Jonathan has appeared in over 30 reported judicial review claims against coroners in the Administrative Court and Court of Appeal.

Cases

- **R (Ferreira) v HM Senior Coroner for Inner South London**
Landmark case concerning Article 5 rights in the context of hospital intensive care. The first case to consider the circumstances in which a person is “deprived of liberty” in an ICU. Jonathan appeared in the Divisional Court and Court of Appeal for the coroner whose decision on the issue was upheld at both levels.
- **Hillsborough Disaster Inquests and related litigation**
Acting as counsel to the inquiry, appointed by Lord Justice Goldring, in these historic inquests from 2013 to 2016. Jonathan was responsible for the legal argument on behalf of the inquiry team and examined half the key witnesses. He advised the Judge on public law issues and acted for him as an interested party in a JR claim by police officers against a PCC’s funding decision: R (Duckenfield) v SYPCC [2015] EWHC 3149 (Admin).
- **Inquest into the Death of Diana, Princess of Wales, and related litigation**
Acting as counsel to the inquiry in the inquests into the deaths of Diana, Princess of Wales, and Dodi Al Fayed. 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 West London [2008] 1 WLR 1335; R (Al Fayed) v HM Asst Deputy Coroner for Inner West London [2008] EWHC 713 (Admin).
- **Inquest into the death of Jean-Charles de Menezes and related litigation**
Acting as counsel to the inquiry in the inquest into the shooting of Jean-Charles de Menezes by firearms officers. Jonathan successfully resisted the challenge to the coroner’s initial decision to adjourn the inquest pending criminal proceedings: R (Pereira) v HM Coroner for Inner South London [2007] 1 WLR 3256. He also successfully resisted an urgent judicial review challenge to Sir Michael Wright’s jury directions: R (de Menezes) v Asst Deputy Coroner [2008] EWHC 3356 (Admin).
- **Inquests into the Potters Bar Rail Disaster**
Acting as counsel to the inquiry in these major inquests into one of the worst rail disasters in recent UK history. Over the two-month inquests hearing, Jonathan examined a large number of the key witnesses.
- **Worcestershire CC v HM Coroner for Worcestershire**
Appearing successfully in this case which established a coroner’s right to obtain from a Local Safeguarding Children Board the reports prepared in a Serious Case Review into the death of a child. The case was of such importance as to result in a Chief Coroner’s Law Sheet being published about it.
- **R (The Green Transport Co Ltd) v West Midlands Integrated Transport Authority**
A judicial review challenge by a West Midlands bus company to a concessionary reimbursement scheme and decisions of an Integrated Transport Authority. The judgement is the leading authority on the interpretation and application of important provisions of the statutory scheme for concessionary reimbursement of bus operators.
- **R (Crookenden) v ICAEW**
Judicial review claim against the national professional association for accountants, raising serious issues of substantive and procedural unfairness in professional disciplinary proceedings.
- **R (Lewis) v HM Coroner for Shropshire**
Leading case on standards of causation in coroners’ narrative verdicts in Article 2 inquests. Jonathan successfully resisted the claim and appeal, the Court of Appeal holding that the state’s procedural obligation under Article 2 does not require a coroner’s inquests to make findings on matters which were not causally relevant to death.
- **London Borough of Southwark v Sanli and Bankside Catering Ltd**
Acting successfully for a local authority in proceedings to claim injunctions prohibiting illegal street trading by an organised group in the Bankside area of London. Jonathan later acted successfully in a similar claim by another local authority against the same group, which had by then moved to a different part of London: Lambeth LBC v Sanli and Meli [2012] EWHC 1623 (QB).
- **Judicial Reviews of Porton Down Nerve Agent Experiments Inquests**

Jonathan advised the Wiltshire coroner on the inquest concerning the nerve agents experiments at the MOD Porton Down facility in the 1950s. He appeared for the coroner in both judicial review challenges to the inquest. See *R (MOD) v HM Coroner for Wiltshire and Swindon* [2006] 1 WLR 134 and [2006] Inquest LR 32.

- **McDonnell v HM Assistant Coroner for West London**
Successfully resisting a challenge to the conclusions of a coroner in a complex death in hospital inquest.
- **R (Adath Yisroel Burial Society) v Senior Coroner for Inner North London** [2019] QB 251
In this widely-reported case, the Divisional Court considered the lawfulness of a policy adopted by the Defendant Coroner that she would not prioritise the handling of any death for religious reasons. The Court's conclusion was that the policy was an unlawful fetter on discretion and unreasonable; infringed Article 9 and Article 14 rights; and was discriminatory. Jonathan acted for the Chief Coroner of England and Wales, who was an interested party, and he made submissions critical of the policy which were accepted by the Court.
- **R (Maughan) v HM Senior Coroner for Oxfordshire** [2019] EWCA Civ 809
Important Court of Appeal decision in which the Court concluded that the standard of proof for findings of suicide in coroners' courts should be the civil standard, rather than the criminal standard (which had been generally thought to apply before this case). The Court also addressed the standard of proof for findings of unlawful killing, holding that it remained the criminal standard. Jonathan appeared for the Chief Coroner, intervening to assist the Court.

Consumer Credit

Jonathan has special expertise in consumer credit law and has appeared in a number of important reported cases (in the Court of Appeal and House of Lords) 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 and the Legal 500 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:

“He is top-notch, has impressive legal acumen and is a strong advocate.” “His strengths are his depth of knowledge and his clarity of thought and explanation.” (*Chambers & Partners 2021, Consumer*)

“His advice is always clear, concise and commercial. A good communicator. Always prompt with his advice.” (*Legal 500 2021, Consumer*)

“He has an amazing practice; he’s a barrister of choice.” “He cuts to the heart of a problem, providing detailed analysis and clear advice.” (*Chambers UK 2020, Consumer Law*)

“Recommended for his intellectual prowess and excellent court skills.” (*Legal 500 2020, Consumer*)

“Incredibly intelligent, knows the law inside and out and is a man with a very structured mind.” (*Chambers UK 2019, Consumer*)

“He is a tower of strength. He is a formidable cross-examiner and very good to work with.” (*Chambers UK 2018, Consumer Law*)

“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*)

Cases

- **Wilson v First County Trust**

One of the most important House of Lords authorities in the field of consumer credit, and the case which decided that UK domestic consumer credit law was compatible with the ECHR (Article 6 and A1P1). The case also raised important issues of restitutionary remedies being sought to circumvent statutory bars on enforcement. Jonathan appeared for intervening insurers, whose arguments were accepted on all issues.

- **Southern Pacific Mortgage Ltd v Heath**

Leading Court of Appeal authority on the enforceability of “top up” mortgage agreements and on “multiple agreements” under the CCA 1974. Jonathan appeared for the successful mortgage lender in the appeal.

- **Advising Specialist Lender on Consumer Credit Act Issues**

Advising a large specialist lender on commercial issues concerning consumer credit legislation, including potential liabilities for defaults of third party introducers under section 75, CCA 1974; and credit brokerage licensing under the FSMA Regulated Activities Order.

- **Acting for Insurers in Credit Hire Litigation**

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 industry protocol for settlement of credit hire claims. Recently, advised motor insurers in relation to the CMA investigation into the industry.

- **NRAM v Eversheds (2015-2018)**

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 and Taylors (2015-17)**

Appearing successfully at the trial concerning enforceability of a mortgage debt of £6 million. The case raised issues under the CCA 1974, the FSMA 2000 and the Unfair Terms in Consumer Contracts Regulations 1999.

Qualifications & Memberships

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.

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.

Insights

The Court of Appeal clarifies the law on Part 36 offers of settlement: C v D [2011] EWCA Civ 646

31 May 2011

In *C v D* [2011] EWCA Civ 646 the Court of Appeal (composed of Rix, Rimer and Stanley Burnton LJ) held that a Part 36 offer was not capable of being time limited and that, against that background, a reasonable interpretation of an offer expressed to be a Part 36 offer and to be “open for 21 days” was that the offer would not be withdrawn during such a period, not that it would automatically lapse thereafter.



Hillsborough and the recent history of high-profile inquests

11 May 2016

Corporate Crime analysis: Jonathan Hough QC, barrister at 4 New Square Chambers, explores the history of high-profile inquests and suggests dramatic changes in recent times with large-scale inquests, such as Hillsborough, starting to resemble major public inquiries or pieces of litigation.