

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)



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)



“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

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*)

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“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.
- **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 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.
- **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.



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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 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.

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.