

## OUR PEOPLE

## Jonathan Hough KC

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## CHAMBERS &amp; PARTNERS

“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.”

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## Deputy Head of Chambers

### Jonathan Hough KC has a leading commercial and public law practice.

Jonathan is listed by both Chambers & Partners and Legal 500 as a Leading Silk in five practice areas: insurance / reinsurance; professional liability; administrative / public law; inquests / inquiries; and banking & finance/consumer finance. In all his fields of practice, he has appeared in many reported and important cases.

He is ranked as a Star Individual in Chambers & Partners. He was nominated by Legal 500 for Professional Negligence Silk of the Year 2023, having previously been nominated for Public Law Silk of the Year for 2018 and for Group Litigation and Consumer Silk of the Year for 2022. His commercial cases have featured in the Lawyer Magazine's Top 20 Cases of the Year for 2018 and 2021.

#### Directory Comments

Recent comments in the directories include the following:

*Chambers & Partners 2024, Insurance: “Jonathan is an excellent silk. He is a joy to work with, attentive and responsive.” “Jonathan’s written work is flawless and he is excellent on his feet. His advice is precise and to the point.”; “provides fantastic written submissions – he is all over the detail”.*

*Legal 500 Bar 2024, Insurance and Reinsurance: “Jonathan is an exceptional barrister, fantastically intelligent and providing opinions of the very highest quality. He is great with clients and gracious with it. It is an absolute pleasure to work with Jonathan.”*

*Chambers & Partners 2024, Professional Negligence: “Clients absolutely love him, he is incredibly intelligent and knows the right points to make. His advocacy is also excellent.”*

*Legal 500 Bar 2024, Professional Negligence: “Jonathan is very easy to work with for solicitors and very clear and reassuring to clients. His written work is clear and precise.”*

*Chambers & Partners 2024, Administrative & Public Law: "He is the person you don't want to be against because he is so good."; "Jonathan has great tactical judgment and client handling skills".*

*Legal 500 Bar 2024, Administrative Law and Human Rights: "Jonathan is completely unflappable. He is extremely user-friendly and a rare combination of robustness and empathy. He has an incredible eye for detail and leaves no stone unturned for clients."*

*Chambers & Partners 2024, Consumer Finance: "an excellent silk, well known for his work in consumer finance law."*

*Legal 500 Bar 2024, Banking and Finance: "He's practical, precise and good with understanding the broader context."*

*Chambers & Partners 2024, Inquests & Public Inquiries: "widely commended for his phenomenally deep knowledge of coronial law"; "regularly called upon to handle the most high-profile cases."*

*Legal 500 Bar 2024, Inquests and Inquiries: "Jonathan has a laser-like focus on every aspect of the case. He is tremendously easy to work with, combining a formidable intellect with tactical nous and approachability. On his feet he commands the room, and the ear of the judge, with a calm and measured gravitas."*

*Chambers & Partners 2023, Insurance: "Jonathan is unbelievably responsive, and the advice he provides is of the highest quality"; "extremely hands-on and is an excellent strategist"; "a rare combination of intellect and business sense".*

*Legal 500 Bar 2023, Insurance and Reinsurance: "He is just outstanding. His written work is consistently flawless, combining rigour with practicality. Without ever getting lost in the detail, he provides advice that is always based on deep analysis."*

*Chambers & Partners 2023, Professional Negligence: "His written work is really good, as are the opinions he produces for clients"; "acts for and against an impressive range of professionals".*

*Legal 500 Bar 2023, Administrative Law and Human Rights: "He is measured and authoritative in his advocacy and meticulous in his preparation. When he speaks, he has the confidence of the court. He is a hugely reassuring presence to have in your corner."*

*Chambers & Partners 2023, Administrative & Public Law: "renowned for his knowledge of public law and human rights issues that overlap with coronial law."*

*Legal 500 Bar 2023, Consumer Law: "He is just outstanding."*

*Chambers & Partners 2023, Consumer Law: "well versed in consumer credit matters"; "an expert on consumer credit agreements and documentation."*

*Legal 500 Bar 2023, Inquests and Inquiries: "Jonathan is the go-to person on matters concerning inquests and inquiries. He knows the law inside-out, and is a leader in the field. He gets to grips with the issues quickly and has the amazing capacity to absorb every detail, no matter how small. His preparation of cases is supremely thorough and you have absolute confidence that when he is on his feet he will not miss a beat."*

*Chambers & Partners 2023, Inquests & Public Inquiries: "regularly called upon to handle the most high-profile cases"; "knows the law inside out and you have absolute confidence in his judgment and ability."*

*Chambers & Partners 2022, Insurance: "He is excellent, thorough and rigorous in his thinking." "He is clear and measured in his advice."*

*Legal 500 Bar 2022, Insurance and Reinsurance: "Jonathan's strengths are his considerable intelligence and his fantastically comprehensive written submissions. He also has a very broad practice and can bring experience in different areas to bear on particular disputes. Very assertive when backing his own judgment, radiates confidence and develops trust with clients."*

*Chambers & Partners 2022, Professional Negligence: "He has a huge intellect but can also explain things clearly so that lay clients understand them. He is also very commercial. This blend of intelligence and commerciality inspires confidence in clients." "Consistently excellent".*

*Legal 500 Bar 2022, Professional Negligence: "Jonathan exudes confidence, which clients love. Frighteningly intelligent and very considered in everything he does."*

*Chambers & Partners 2022, Administrative & Public Law: "Astonishing advocate and a delight to work with." "He is measured and authoritative in his court style."*

*Legal 500 Bar 2022, Administrative & Public Law: "Jonathan has a razor-sharp focus on the key legal as well as practical issues. Jonathan gives you confidence that he is across all of the detail while maintaining focus on the bigger picture for the organisation."*

*Chambers & Partners 2022, Inquests & Public Inquiries: "He is a very good tactician and very good in defending his clients' interests." "A real star who is very diplomatic but forceful when needed."*

*Legal 500 Bar 2022, Inquests and Inquiries: "Supremely intelligent, has impeccable judgment, yet personable and with a human touch. You want him on your team – a calm, authoritative figure who has the respect of his team and the court. Unflappable and sees through problems without hesitation."*

*Chambers & Partners 2022, Consumer Law: "Meticulous, incredibly well prepared and wonderful on his feet."*

*Legal 500 Bar 2022, Consumer Law: "Tremendously intelligent, responsive and hard working. Knows consumer credit law inside out and had the client's confidence instantly. He provided great expertise and value to the litigation process and also the parallel ADR effort."*

## Summary of Practice

Jonathan has a broad commercial practice, with particular expertise in insurance, professional liability, financial regulation and consumer finance.

- In the field of insurance and reinsurance, 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; business interruption; motor; professional indemnity; legal expenses; trade credit; D&O; title insurance; personal accident/disablement; event cancellation; cyber risk; and financial risk. He has been involved in a number of major disputes arising from the COVID-19 pandemic.
- 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 across numerous jurisdictions. In addition, he has particular expertise in financial regulation and consumer credit.

In the field of public and administrative law, Jonathan 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, utility regulation and professional discipline.

He is also well known for his work in major inquests and public inquiries. As well as having acted in about 50 reported cases in the Administrative Court and Court of Appeal, he has appeared as counsel to the inquiry in many of the most important inquests. In recent years, he has been leading counsel to the inquiry in the inquests concerning the terror attacks at Fishmongers' Hall (2021), Streatham Hill (2021), London Bridge (2019) and the Palace of Westminster (2018), as well as in the inquests concerning the Hillsborough Stadium Disaster (2014-16). 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, including for a major insurer in the Independent Inquiry into Child Sexual Abuse and for Ofgem in the Renewable Heat Incentives Inquiry.

## Privacy Policy

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## Expertise

### Commercial

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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.

#### Featured Commercial cases

- **Crypto Open Patent Alliance v Wright**: Acting for the claimant in proceedings brought to resolve the issue whether Dr Wright is Satoshi Nakamoto, the pseudonymous creator of Bitcoin and author of the Bitcoin White Paper – see [2023] EWHC 1894 (Ch) and [2023] EWHC 1894 (Ch).
- **Mulsanne Insurance Co Ltd v Marshmallow Financial Services Ltd** ([2022] EWHC 276 (Ch) (also [2021] EWHC 2478 (Ch)): Acting for the defendants in a major piece of commercial litigation involving claims for £40 million arising out of a business relationship between a Gibraltar insurance company and an insurance intermediary selling motor insurance in the UK market. The great majority of the claims were dismissed following a heavy expedited liability trial, with a substantial costs order for the defendants.
- **Skatteforvaltningen v Solo Capital Partners LLP** (2019-21): Acting for a specialist provider of tax reclaim services in defence of a claim for £1.5 billion brought by the Danish tax administration (one of the Lawyer Magazine's Top Cases of 2021). Jonathan appeared in a series of significant hearings before the claim against his client settled (see notably [2020] 4 WLR 98).
- **LCIA Arbitration for Insurer against Panel Solicitors** (2018-19): Acting for a major retail insurer in an arbitrated dispute with its former panel solicitors, involving eight-figure claims in relation to sums due under various business agreements.
- **PM Law Ltd v Motorplus Ltd** [2016] EWHC 193 (QB), [2017] EWHC 1352 (Comm) and [2018] EWCA Civ 1730: A dispute between a legal expenses underwriting agency and panel solicitors involving claims totalling over £8 million. The case involved a strike-out application raising novel issues of unjust enrichment, a Commercial Court trial and an appeal. Jonathan acted for the underwriting agency, which was successful at all stages.
- **Coles v Hetherington** [2015] 1 WLR 160: This lead case litigation in the Commercial Court and Court of Appeal concerned the commercial model by which Royal and Sun Alliance handled and pursued subrogated motor claims. It raised important issues about the proper legal approach to vehicle damage claims and insurance subrogation, and it had major ramifications in the motor insurance market. Jonathan acted for RSA, which was successful at trial and on appeal.
- **LCIA Arbitrations for Claims Management Company** (2013-14): Acting for a major UK claims management company in multiple seven-figure arbitral claims brought by solicitors arising out of long-standing business relationships.
- **Insurance Distribution Agreement Dispute** (2012-13): 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).
- **Network Rail Infrastructure Ltd v Conarken Group Ltd** [2012] 1 All ER (Comm) 692: An appeal in test litigation concerning whether insurers were obliged to pay very large sums arising from network charges caused by damage to parts of the railway infrastructure. This case is an important decision on the law of remoteness in tort.
- **C v D** [2012] 1 WLR 1962: 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.
- **Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd** [2010] 1 All ER (Comm) 703: An arbitrated dispute between a leading underwriting agency and its capacity provider concerning revocation of binding authority and rights/obligations during a run-off period. 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

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Jonathan's practice covers insurance and reinsurance of most classes of risk, including general commercial liability (EL/PL/products); professional indemnity; property; business interruption; motor; legal expenses; trade credit; D&O; property title; personal accident/disablement; financial risk/contingency (including major events insurance); cyber risks. He has been involved in a number of major disputes arising from the COVID-19 pandemic.

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 judicial review challenges). He also advises professionals on indemnity insurance issues, including notifications and coverage.

He is recommended by both Chambers UK and Legal 500 as a Leading Silk in this field. Comments in the insurance/reinsurance sections of recent editions include the following:

**“Jonathan is an excellent silk. He is a joy to work with, attentive and responsive.”; “Jonathan’s written work is flawless and he is excellent on his feet. His advice is precise and to the point.”; “provides fantastic written submissions – he is all over the detail”.** (*Chambers & Partners 2024*)

**“Jonathan is an exceptional barrister, fantastically intelligent and providing opinions of the very highest quality. He is great with clients and gracious with it. It is an absolute pleasure to work with Jonathan.”** (*Legal 500 Bar 2024*)

**“Jonathan is unbelievably responsive, and the advice he provides is of the highest quality”; “extremely hands-on and is an excellent strategist”; “a rare combination of intellect and business sense.”** (*Chambers & Partners 2023*)

**“He is just outstanding. His written work is consistently flawless, combining rigour with practicality. Without ever getting lost in the detail, he provides advice that is always based on deep analysis.”** (*Legal 500 Bar 2023*)

**“He is excellent, thorough and rigorous in his thinking.” “He is clear and measured in his advice.”** (*Chambers & Partners 2022*)

**“Jonathan’s strengths are his considerable intelligence and his fantastically comprehensive written submissions. He also has a very broad practice and can bring experience in different areas to bear on particular disputes. Very assertive when backing his own judgment, radiates confidence and develops trust with clients.”** (*Legal 500 Bar 2022*)

**“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*)

**“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 Bar 2021*)

Reported cases in this field include the following:

- *Mulsanne Insurance Co Ltd v Marshmallow Financial Services Ltd* [2022] EWHC 276 (Ch) (also [2021] EWHC 2478 (Ch)): Acting for the defendants in a major piece of commercial litigation involving claims for £40 million arising out of a business relationship between a Gibraltar insurance company and an insurance intermediary selling motor insurance in the UK market. The great majority of the claims were dismissed following a heavy expedited liability trial, with a substantial costs order for the defendants.
- *Euro Pools Plc v Royal and Sun Alliance Insurance Plc* [2020] 2 All ER (Comm) 40 (Court of Appeal): The leading recent case concerning notifications to professional indemnity insurance policies. Jonathan acted for the insurer in its successful appeal to the Court of Appeal, establishing that substantial mitigation costs liabilities were to be allocated to a single policy year and so subject to a single limit of liability.
- *Weir Services Australia Pty Ltd v AXA Corporate Solutions Assurance SA* [2016] Lloyd’s Rep IR 578, [2018] Lloyd’s Rep IR 50: A multi-jurisdictional product liability/professional indemnity coverage dispute under Global Policies and a local Australian liability policy. Jonathan acted for the successful insurers in the London and Sydney Commercial Courts.
- *PM Law Ltd v Motorplus Ltd* [2016] EWHC 193 (QB), [2017] EWHC 1352 (Comm) and [2018] EWCA Civ 1730: A dispute between a legal expenses underwriting agency and panel solicitors involving claims totalling over £8 million. The case involved a strike-out application raising novel issues of unjust enrichment, a Commercial Court trial and an appeal. Jonathan acted for the underwriting agency, which was successful at all stages.
- *Coles v Hetherington* [2015] 1 WLR 160: This lead case litigation in the Commercial Court and Court of Appeal concerned the commercial model by which Royal and Sun Alliance handled and pursued subrogated motor claims. It raised important issues about the proper legal approach to vehicle damage claims and insurance subrogation, and it had major ramifications in the motor insurance market. Jonathan acted for RSA, which was successful at trial and on appeal.
- *Network Rail Infrastructure Ltd v Conarken Group Ltd* [2012] 1 All ER (Comm) 692: An appeal in test litigation concerning whether insurers were obliged to pay very large sums arising from network charges caused by damage to parts of the

railway infrastructure. This case is an important decision on the law of remoteness in tort.

- *Persimmon Homes Ltd v Great Lakes Reinsurance (UK) plc* [2011] Lloyd's Rep IR 101: A claim under the Third Parties (Rights against Insurers) Act 1930 by a company which had successfully defended a commercial action, by which the company sought to enforce the defeated party's ATE legal expenses insurance. Jonathan's insurer client successfully defended its decision to avoid the insurance.
- *Temple Legal Protection Ltd v QBE Insurance (Europe) Ltd* [2010] 1 All ER (Comm) 703: An arbitrated dispute between a leading underwriting agency and its capacity provider concerning revocation of binding authority and rights / obligations during a run-off period. 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.
- *Bee v Jenson* [2007] Lloyd's Rep IR 451, [2007] RTR 32 and [2007] 4 All ER 791: A lead case in litigation between a legal expenses insurer (DAS) and a motor insurer concerning the entitlement of DAS to pursue subrogated claims for vehicle hire charges without giving credit for commissions and having rejected an open offer of assistance.

Jonathan has been heavily involved in advising and representing insurers in relation to disputes arising from the COVID-19 pandemic. He has advised several major UK and international insurers, and a major international broker, on business interruption, travel and event cancellation insurance / reinsurance disputes resulting from restrictions imposed in response to the pandemic.

Other examples of his recent work in the field of insurance and reinsurance include the following:

- *Novitas Loans Ltd v AmTrust Europe Ltd* (ongoing): Acting for the professional indemnity insurers of the failed law firm, Pure Legal Ltd, defending a Part 20 claim for over £50 million under the Third Parties (Rights against Insurers) Act 2010.
- *Vistra Group Holdings (BVI) Ltd v Zurich Insurance plc* (2022): Acting for the Claimants, companies in a fund administration and corporate services group, in a USD 11 million professional indemnity insurance coverage dispute arising out of US proceedings concerning audit liabilities in relation to a fraudulent investment scheme.
- *World Challenge Expeditions Ltd v Zurich Insurance plc* (ongoing): Acting for the insurer in a business travel insurance coverage dispute arising out of cancellations of trips during the COVID-19 pandemic – see [2022] Costs LR 1039 (security for costs); [2023] EWHC 1696 (Comm) (trial judgment). Now on appeal to the Court of Appeal.
- *Enterprise Rent-a-Car Ltd v Direct Line Insurance Services Ltd* (2019-21): A claim valued at £15-20 million in which a major car rental company argued that Direct Line Group companies were obliged to indemnify it for a catastrophic injury claim, either pursuant to insuring obligations in a business agreement or by virtue of a motor insurance policy. The case settled very shortly before trial.
- *LCIA Arbitration of Trade Credit Insurance Dispute* (2019-20): An insurance coverage arbitration concerning claims for around US\$13 million by second-tier financiers on a trade credit insurance written in the Lloyd's market. The dispute concerned allegations of pre-contractual misrepresentation and non-disclosure, breaches of policy conditions and use of fraudulent devices.
- *LCIA Arbitration of Trade Credit Insurance Dispute* (2018-20): An insurance coverage arbitration concerning claims totalling US\$13 million based on allegations of non-disclosure of business activities and debtor information.
- *Coilcolor v Allianz* (2018-19): A Commercial Court claim for £2.5m by a steel manufacturing company on its property insurance following major flooding damage in 2016. The case involved extensive allegations of material non-disclosure and misrepresentation, raising legal issues about application of the Insurance Act 2015.
- *D&O Insurance Coverage Arbitration* (2017-18): An insurance coverage arbitration concerning whether a senior trader at an investment bank was entitled to defence costs cover under the bank's D&O insurance. The issues included the range of persons covered by the insurance and questions of foreign law.
- *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 FCA-mandated consumer remediation exercise. The case settled after interlocutory hearings.

In addition, Jonathan has acted for major motor insurers in a number of test cases and appeals to the Court of Appeal and House of Lords concerning accident management and credit hire 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* [2017] Lloyd's Rep IR 352; *Hussain v EUJ Ltd* [2020] RTR 7; and *Holt v Allianz Ltd* [2023] EWHC 790 (KB). He also acted for the ABI in proceedings before the OFT and CAT concerning the industry protocol for settlement of credit hire claims. More recently, he advised motor insurers in relation to the CMA investigation into the industry.

## Professional Liability

Jonathan is ranked by both Legal 500 and Chambers & Partners as a leading silk in the field of professional negligence (as a Tier 1

leading silk in Legal 500). He has been nominated by Legal 500 for Professional Negligence Silk of the Year 2023.

Comments in the most recent editions of the directories include:

**“Clients absolutely love him, he is incredibly intelligent and knows the right points to make. His advocacy is also excellent.”** (*Chambers & Partners 2024, Professional Negligence*)

**“Jonathan is very easy to work with for solicitors and very clear and reassuring to clients. His written work is clear and precise.”** (*Legal 500 Bar 2024, Professional Negligence*)

**“His written work is really good, as are the opinions he produces for clients”; “acts for and against an impressive range of professionals”.** (*Chambers & Partners 2023, Professional Negligence*)

**“He has a huge intellect but can also explain things clearly so that lay clients understand them. He is also very commercial. This blend of intelligence and commerciality inspires confidence in clients.” “Consistently excellent”.** (*Chambers & Partners 2022, Professional Negligence*)

**“Jonathan exudes confidence, which clients love. Frighteningly intelligent and very considered in everything he does.”** (*Legal 500 Bar 2022, Professional Negligence*)

**“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 Bar 2021, Professional Negligence*)

**“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 UK 2020, Professional Negligence*)

**“A charming, persuasive and polished advocate.”** (*Legal 500 Bar 2020, Professional Negligence*)

He has considerable experience in professional liability claims against a range of different types of professionals, including lawyers, financial services professionals, insurance professionals and surveyors. He also has some experience of acting in litigation against construction professionals. His professional liability cases are featured in The Lawyer Magazine’s Top Cases of 2018 and 2021.

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, having been an editor for the last several editions.

## Financial Services Professionals

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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 claims. He has experience in various forms of tax mitigation schemes (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.

Recent and reported cases in this field include the following:

- *Skatteforvaltningen v Solo Capital Partners LLP* (2019-21): Acting for a specialist provider of tax reclaim services in defence of a claim for £1.5 billion brought by the Danish tax administration (one of the Lawyer Magazine’s Top Cases of 2021). Jonathan appeared in a series of significant hearings before the claim against his client settled (see notably [2020] 4 WLR 98).

- Various Claimants v St James's Place Wealth Management plc (2018-20): Acting for one of the defendant financial firms in an eight-figure claim arising from alleged mis-selling of pension investments by St James's Place Wealth Management to a number of high network individuals.
- Various Claimants v Liberty SIPP Ltd (2017-20): Acting for and advising a SIPP provider and its professional indemnity insurers in lead case litigation, FOS complaints and FCA regulatory dealings arising out of investments by SIPP members in esoteric investment products
- Denning v Greenhalgh Financial Services Ltd [2017] PNLR 19: 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 [2010] Bus LR 857: A claim against insolvency practitioners for allegedly negligent handling of the administration of a manufacturing business. The appeal to the Court of Appeal raised significant issues about attempts to re-cast the claim after expiry of limitation.

## Insurance Brokers & Agents

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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.

Recent and reported cases in this field include the following:

- Mulsanne Insurance Co Ltd v Marshmallow Financial Services Ltd [2022] EWHC 276 (Ch) (also [2021] EWHC 2478 (Ch)): Acting for the defendants in a major piece of commercial litigation involving claims for £40 million arising out of a business relationship between a Gibraltar insurance company and an insurance intermediary selling motor insurance in the UK market. The great majority of the claims were dismissed following a heavy expedited liability trial, with a substantial costs order for the defendants.
- PM Law Ltd v Motorplus Ltd [2016] EWHC 193 (QB), [2017] EWHC 1352 (Comm) and [2018] EWCA Civ 1730: A dispute between a legal expenses underwriting agency and panel solicitors involving claims totalling over £8 million. The case involved a strike-out application raising novel issues of unjust enrichment, a Commercial Court trial and an appeal. Jonathan acted for the underwriting agency, which was successful at all stages.
- Ramage Transport Ltd v Marsh Ltd (2016-18): A seven-figure claim by a road haulage company against its insurance brokers, based on failure to give proper advice as to sums to be declared at insurance renewals in respect of property and contents.
- Transtek v Aviva and Portishead Insurance Services (2013): Acting in a property and business interruption coverage dispute in the Commercial Court arising from a fire claim. The case raised significant issues (a) as to information passing between brokers and insurers and (b) as to brokers' duties to advise on disclosure obligations. The claim against Jonathan's client was discontinued.
- Ahli United Bank (UK) plc v Willis Ltd (2010): Representing the claimant 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 its 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.

## Lawyers

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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.



Recent and reported cases in this field include the following:

- *Thomas and Taylor v Stewarts Law LLP* (2020-21): Successful strike-out of a claim for £56 million against a major commercial law firm, arising out of its handling of a long-running and complex piece of commercial litigation, *Orb v Ruhan*. The claimants alleged various failures of advice and conduct of the litigation, all of which were strongly contested.
- *NRAM v Eversheds* (2015-18): Acting for the defendant firm of solicitors in a £120 million claim based on allegedly negligent advice about credit documentation and about the effects of consumer credit legislation. The case was featured in *The Lawyer Magazine's* Top 20 Cases of 2018. It was settled shortly before trial.
- *Roskill Advisors (Cayman) Ltd v Rylatt and ors* (2017-18): Acting for the defendant solicitors in a claim for £75 million arising from the failure of Commercial Court litigation concerning the establishment of a property-based investment fund. The case was settled before trial.
- *Accident Exchange Ltd v McLean and others* [2018] 4 WLR 26: A claim for over £100 million brought against a number of firms of solicitors and partners at the firms, arising out of the giving of dishonest evidence by professional experts on a massive scale. Jonathan acted for a major insurance company that intervened in the litigation and successfully defended privilege in relation to the solicitors' files. The case is an important decision on the scope of the iniquity exception to privilege.
- *Baxendale-Walker v APL and Taylors* (2015-17): Acting for a firm of solicitors in proceedings in which a borrower challenged the enforceability of a £6 million secured loan and the lender brought a third party claim against the solicitors. Jonathan appeared successfully at the trial in 2016 after which the claim against his clients was not pursued.
- *Tavouareas v Keates Ferris* (2015-16): Acting for shipping solicitors in a US\$ 4.7 million lost litigation claim in the Commercial Court arising from a multi-jurisdictional shipping dispute. The claim settled at mediation.
- *Baxendale-Walker v Middleton* [2011] EWHC 998 (QB): 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. The case is an important decision on judicial immunity and collateral attack.

## Surveyors & Valuers

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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

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Jonathan is ranked by Chambers UK and the Legal 500 as a Leading Silk both for public law and for public inquiries/inquests. He was shortlisted by Legal 500 for Public Law Silk of the Year 2018. For inquiries and inquests, he is ranked as a Star Individual by Chambers UK and as a Tier 1 Leading Silk by Legal 500.

He 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. His public law experience extends to matters of local government finance, energy regulation, transport regulation, illegal trading, financial and professional regulation. He has almost unrivalled experience and expertise in the law relating to inquests and public inquiries. He has appeared in a large number of important inquests and inquiries, both as counsel to the inquiry and as counsel for interested persons/core participants. He is an editor of *Jervis on Coroners* (14<sup>th</sup> ed.), has acted for every holder of the office of Chief Coroner and has been credited with contributions to multiple Chief Coroner Guidance documents.

Comments in recent editions of the directories include the following:

**“He is the person you don’t want to be against because he is so good.”; “Jonathan has great tactical judgment and client handling skills”.** (*Chambers UK 2024, Administrative & Public Law*)

**“Jonathan Hough KC is widely commended for his phenomenally deep knowledge of coronial law”; “regularly called upon to**

handle the most high-profile cases". (*Chambers UK 2024, Inquests & Inquiries*)

"Jonathan is completely unflappable. He is extremely user-friendly and a rare combination of robustness and empathy. He has an incredible eye for detail and leaves no stone unturned for clients." (*Legal 500 Bar 2024, Administrative & Public Law*)

"Jonathan has a laser-like focus on every aspect of the case. He is tremendously easy to work with, combining a formidable intellect with tactical nous and approachability. On his feet he commands the room, and the ear of the judge, with a calm and measured gravitas." (*Legal 500 Bar 2024, Inquests and Inquiries*)

"He is measured and authoritative in his advocacy and meticulous in his preparation. When he speaks, he has the confidence of the court. He is a hugely reassuring presence to have in your corner." (*Legal 500 Bar 2023, Administrative & Public Law*)

"Jonathan is the go-to person on matters concerning inquests and inquiries. He knows the law inside-out, and is a leader in the field. He gets to grips with the issues quickly and has the amazing capacity to absorb every detail, no matter how small. His preparation of cases is supremely thorough and you have absolute confidence that when he is on his feet he will not miss a beat." (*Legal 500 Bar 2023, Inquests and Inquiries*)

"Renowned for his knowledge of public law and human rights issues that overlap with coronial law." (*Chambers UK 2023, Administrative & Public Law*)

"Widely commended for his phenomenally deep knowledge of coronial law"; "regularly called upon to handle the most high-profile cases"; "knows the law inside out and you have absolute confidence in his judgment and ability." (*Chambers UK 2023, Inquests & Inquiries*)

"Astonishing advocate and a delight to work with." "He is measured and authoritative in his court style." (*Chambers UK 2022, Administrative & Public Law*)

"He is a very good tactician and very good in defending his clients' interests." "A real star who is very diplomatic but forceful when needed." (*Chambers UK 2022, Inquests & Public Inquiries*)

"Jonathan has a razor-sharp focus on the key legal as well as practical issues. Jonathan gives you confidence that he is across all of the detail while maintaining focus on the bigger picture for the organization." (*Legal 500 UK Bar 2022, Administrative and Public Law*)

"Supremely intelligent, has impeccable judgment, yet personable and with a human touch. You want him on your team - a calm, authoritative figure who has the respect of his team and the court. Unflappable and sees through problems without hesitation." (*Legal 500 UK Bar 2022, Inquests and Inquiries*)

Recent and ongoing public law cases include the following:

- R (Morahan) v HM Asst Coroner for West London [2023] KB 81: Appeal concerning whether the state's procedural obligation under Article 2, ECHR, was automatically engaged or engaged on the basis of arguable breach of operational duties, where a voluntary mental patient died through a drug overdose in her home. Jonathan acted for the coroner, whose ruling was endorsed by the Court of Appeal.
- R (ScottishPower Energy Retail Ltd) v The Gas and Electricity Markets Authority (2022-23): A judicial review claim in which the claimant energy company sought to challenge a decision of the defendant regulator on changes to the methodology for setting the retail energy price cap. Jonathan acted for the defendant.
- R (Options UK Personal Pensions LLP) v Financial Ombudsman Service Ltd [2022] EWHC 3325 (Admin) (proceedings ongoing in the Court of Appeal): Judicial review proceedings concerning the approach of the FOS to decisions on complaints against SIPP pension operators. Jonathan is acting for the claimant, whose judicial review claim has been retained by the Court of Appeal on grounds of importance.
- Dove v HM Asst Coroner for Teesside [2021] ACD 121, [2023] EWCA Civ 289: Statutory review claim in relation to an inquest into death by suicide of a woman with a personality disorder whose state benefits had been wrongly withdrawn. The case raised issues as to Article 2 duties owed by state benefits agencies. Jonathan acted for the Coroner in the Divisional Court and Court of Appeal.
- R (Boyce) v HM Senior Coroner for Teesside [2022] 4 WLR 15: A judicial review claim arising out of an inquest into the death by suicide of a child in care. The case addressed whether the state's procedural obligation under Article 2, ECHR, was automatically engaged or was engaged due to deficiencies in the care system. The court also dealt with the effect of Article 2 engagement on the scope of an inquest. Jonathan acted for the coroner, whose decisions were upheld.
- R (Grice) v HM Senior Coroner for Brighton [2021] ACD 33: Jonathan appeared for the coroner in this judicial review

challenge to her decision not to resume an inquest into a high-profile homicide of a young woman by her former boyfriend. The challenge was rejected.

- R (Omooba) v Secretary of State for Health and Social Care (2020-21): A major challenge to lockdown restrictions applying to places of worship during the Covid-19 pandemic. Jonathan acted for a group of religious leaders taking issue with regulations based on Article 9 rights to freedom of religious practice and based on breach of the public law duty of inquiry. The claim was discontinued on terms after lockdown restrictions were removed.
- R (Doctors Association UK) v Secretary of State for Health and Social Care (2020-21): A challenge by which the claimant organization sought to require a public inquiry to be set up into the handling of the Covid-19 pandemic by the central government. Jonathan acted for the Chief Coroner of England and Wales, who was an interested party by virtue of guidance he had produced on inquests into deaths from the virus.
- Chief Constable of West Yorkshire v Dyer [2021] 1 WLR 1233 (CA) and [2020] ACD 24 (Admin Ct): A judicial review challenge raising important issues over anonymity and special measures for police officers in the context of a death of a black detainee following restraint. Jonathan acted for the Defendant, whose decision was upheld on appeal.
- R (Maughan) v HM Senior Coroner for Oxfordshire [2021] AC 454 (SC) and [2019] QB 1218 (CA): A landmark Supreme Court case in which it was decided that the civil standard of proof should apply to all inquest conclusions, including suicide and unlawful killing. Jonathan acted for the Chief Coroner as an intervenor, and his submissions were cited extensively in both the Court of Appeal and Supreme Court.
- R (Lee) v HM Asst Coroner for Sunderland [2020] ACD 1: A judicial review challenge concerning a decision by a coroner that the Article 2 procedural obligation was not engaged in a case concerning death by suicide of a person subject to a mental health care plan but living in the community.
- R (Adath Yisroel Burial Society) v HM Senior Coroner for Inner North London [2019] QB 251: An important decision on whether and to what extent a coroner may prioritise handling of deaths in order to ensure the release of bodies for early burial on religious grounds. Jonathan acted for the Chief Coroner, who was an interested party and whose submissions were accepted.
- R (Ferreira) v HM Senior Coroner for Inner South London [2018] QB 487 (CA) and [2016] 1 WLR 2385 (Div Ct): A judicial review claim which resolved the important issue of whether a person without mental capacity receiving life-saving treatment in an ICU (and subject to some restraint) should be regarded as deprived of liberty for the purposes of Article 5 of the ECHR. Jonathan acted for the coroner, whose decision was upheld.
- R (T) v West Yorkshire (Western Area) Senior Coroner (2016-18): A judicial review claim raising issues of (a) whether a coroner has jurisdiction to hold an inquest to determine whether an infant was still-born and (b) anonymity for a young woman whose infant died shortly after birth. Jonathan acted for the coroner, whose rulings were upheld.
- McDonnell v HM Asst Coroner for West London [2017] ACD 1: A statutory review claim in which a coroner's decision on complex medical issues was challenged. Jonathan acted for the coroner, whose decision was upheld.
- R (Green Transport Co Ltd) v West Midlands Integrated Transport Authority [2013] EWHC 2526 (Admin): A judicial review challenge to regulatory decisions concerning provision and funding of bus services for school children in the West Midlands.
- Worcestershire CC v HM Coroner for Worcestershire [2013] PTSR D41: An important decision on whether a coroner is entitled to obtain reports from the Serious Case Review carried out by a local authority into the death of a child in care. Jonathan acted for the coroner, whose application was successful. The case also reviewed the law concerning disclosure by public authorities to coroners and gave rise to guidance from the Chief Coroner.

Overall, Jonathan has appeared in about 50 reported judicial and statutory review cases in the Administrative Court and Court of Appeal. He appeared for the successful intervenor insurers 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 criminal law of self-defence is compatible with Article 2 of the ECHR: *R (Bennett) v HM Coroner for Inner South London* [2006] HRLR 22.

#### Recent public inquiry and major inquest work includes the following:

- Inquest arising from the Streatham Hill Terrorist Attack (2021): Leading counsel to the inquiry, appointed by Mr Justice Hilliard.
- Inquests arising from the Fishmongers' Hall Terrorist Attack (2021): Leading counsel to the inquiry, appointed by the Recorder of London, HH Judge Lucreft KC.
- Inquests arising from the sinking of the Bugaled Breizh trawler (2021): Leading counsel to the inquiry, appointed by HH Judge Lickley KC.
- Independent Inquiry into Child Sexual Abuse (2016-2022): Leading counsel for Royal & Sun Alliance in the Accountability and Reparations Investigation.
- Renewable Heat Incentives Inquiry (Northern Ireland) (2018-20): Leading counsel for Ofgem.
- Grenfell Tower Inquiry (ongoing): Advising in relation to insurance coverage of core participants.

- Inquests arising from the London Bridge and Borough Market Terrorist Attack (2019): Leading counsel to the inquiry, appointed by the Chief Coroner.
- Inquests arising from the Westminster Bridge and Palace of Westminster Terrorist Attack (2018): Leading counsel to the inquiry, appointed by the Chief Coroner.
- Inquests arising from the Hillsborough Stadium Disaster (2013-2016): Leading counsel to the inquiry (alongside Christina Lambert KC), appointed by Lord Justice Goldring.

Jonathan also acted as counsel to the inquiry in the inquests concerning: 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 KC); the Grayrigg derailment; the explosion on HMS Tireless (nuclear submarine); and the death of PC Ian Terry in police firearms training. He appeared for the MOD in the Bloody Sunday Inquiry.

## Consumer Credit

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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 ranked by both the main legal directories in this field: by Chambers UK in consumer law and by Legal 500 in banking and finance (including consumer credit). He was nominated by Legal 500 for Group Litigation and Consumer Law Silk of the Year 2022.

Recent comments in the directories include the following:

**“Jonathan Hough KC of 4 New Square Chambers is an excellent silk, well known for his work on consumer finance law. He regularly advises on financial mis-selling, unfair relationship matters, consumer credit agreements and credit schemes.”** (*Chambers UK 2024, Consumer Finance*)

**“He’s practical, precise and good with understanding the broader context.”** (*Legal 500 UK Bar 2024, Banking and Finance*)

**“Well versed in consumer credit matters”; “an expert on consumer credit agreements and documentation.”** (*Chambers UK 2023, Consumer Law*)

**“He is just outstanding.”** (*Legal 500 UK Bar 2023, Consumer Law*)

**“Meticulous, incredibly well prepared and wonderful on his feet.”** (*Chambers UK 2022, Consumer Law*)

**“Tremendously intelligent, responsive and hard-working. Knows consumer credit law inside out and had the client’s confidence instantly. He provided great expertise and value to the litigation process and also the parallel ADR effort.”** (*Legal 500 UK Bar 2022, Consumer Law*)

**“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 UK 2021, Consumer Law*)

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

Recent work and reported cases in this area include:

- Advice to lenders concerning PPI claims (2020-21): Advising a number of retail lenders which have provided credit by way of payment cards and secured loans in relation to numerous claims by customers who purchased PPI, notably on claims by customers who have agreed to settle complaints under the FCA’s DISP Rules.
- Advice to lenders on unfair relationships claims (2019-21): Advising specialist lenders on claims based on the unfair relationships jurisdiction in the CCA 1974 arising out of representations by sales companies whose products were funded by loans.
- *Allsop v Barclays Bank plc* (2019): Acting for the defendant retail bank in a claim for £4-5 million arising from loan agreements and alleged further credit facilities associated with share dealing arrangements for a high net worth

individual. The claim involved a complex set of allegations of unfair relationships based on the Consumer Credit Acts jurisdiction. The case settled at mediation.

- *NRAM v Eversheds LLP* (2015-18): 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. The case settled shortly before trial.
- *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.
- *Heath v Southern Pacific Mortgage Ltd* [2010] Ch 254: 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.
- *Wilson v First County Trust* [2004] AC 816: One of the most important 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.

In addition, Jonathan has acted in most of the appellate cases in relation to credit hire litigation, which has shaped aspects of consumer law, over the last 25 years. Over the same period, he has regularly given strategic advice to the motor insurance industry and to major accident management companies in the UK and overseas. He has appeared in proceedings before the OFT and CAT, and has advised insurers in relation to the CMA Market Investigation into private motor insurance. His principal cases in this area include the following: *Burdis v Livsey* [2003] QB 36 (CA); *Lagden v O'Connor* [2004] AC 1067 (HL); *Thew v Cole* [2004] RTR 25 (CA); *Bee v Jenson* [2007] RTR 9 (Comm Ct), [2007] RTR 32 (Comm Ct) and [2007] 4 All ER 791 (CA); *Purushothaman v Malik* [2012] RTR 21 (CA); *Singh v Yaqubi* [2013] Lloyd's Rep IR 398 (CA); *Opoku v Tintas* [2013] EWCA Civ 1299 (CA); *McBride v UK Insurance / Clayton v EUI* [2017] Lloyd's Rep IR 352 (CA); *EUI v Charles* [2018] 9 WLUK 269; *Hussain v EUI Ltd* [2020] RTR 7; *Holt v Allianz Ltd* [2023] EWHC 790 (KB).

## Awards



## Qualifications

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.