



## Jonathan Chew

Call: 2010

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### Clerks' Details

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### Qualifications and Appointments

- BCL, Brasenose College, Oxford (Distinction) (2008-9)(Restitution, Conflicts of Laws, Advanced Property and Trusts papers)
- MA (Law), Emmanuel College, Cambridge (2004-8)(University prizes awarded for top mark in year in Land Law and Public International Law (both 2006))
- Maitrise en Droit, mention assez bien, Université Paris II Panthéon-Assas (2006-8)(French equivalent of a Master's degree in law)
- Queen Mother Scholarship (Middle Temple) and Outstanding BVC

*“Analytically very strong and as an advocate he is confident, relaxed and assured.”*

Chambers & Partners 2020

## Memberships

- Chancery Bar Association
- COMBAR
- Property Bar Association
- Registered Advocate of the DIFC Courts

## Publications

- [‘Rules of the DIFC Courts’](#) (2018) *Wilberforce Chambers, 5th edition (and 4th and 3rd editions)*
- [‘Phillips v Francis’](#) (2015)
- ‘Wrotham Out’ (2018) *Conveyancer* 386
- ‘The Resurgence of Implied Terms’ (2016) *Conveyancer* 398
- ‘What Price Trespass’ (2013) *Conveyancer* 439

## Practice Overview

Jonathan is a property, pensions and commercial chancery barrister. He has a specialist professional negligence practice on matters arising from his core work.

He has been repeatedly recommended in the directories:

*“Analytically very strong and as an advocate he is confident, relaxed and assured.”* (Chambers and Partners UK Bar 2020)

*“An excellent advocate with an engaging way of putting ideas across.”* (Chambers and Partners UK Bar 2020)

*“A tenacious advocate”* (The Legal 500 2020)

*“Comprehensive in his approach, an impressive and effective advocate.”* (The Legal 500 2019)

*“He is excellent at rolling up his sleeves and getting stuck in, he really knows his stuff and he inspires confidence in both solicitors and clients.”* (Chambers and Partners UK Bar 2018)

*“His opinions and written submissions were excellent”* (Chambers and Partners UK Bar 2017)

*“He’s very hard-working, bright and a really good team player.”* (Chambers and Partners UK Bar 2017)

He has been repeatedly instructed in The Lawyer’s Top 20 cases for 2019, 2015 and 2014, and listed in Who’s Who Legal.

Jonathan is as comfortable acting as sole counsel as being led as part of a wider team. He has particular experience of substantial High Court trials. As sole counsel he has appeared in the Court of Appeal, regularly appears in the High Court (Chancery Division, QBD, Comm Court and TCC), and before various tribunals including the FTT, UT or Pensions Regulator DP, often against silks or senior juniors. He is regularly instructed to appear before the DIFC Courts in Dubai, and acts in mediations and arbitrations.

### Current ongoing matters include:

- *Re Mitchells & Butlers Pension Plan (ongoing)*: a major pensions dispute, led by Michael Tennet QC and Edward Sawyer, on rectification, RPI/CPI, and the validity of amendments.
- Led by Jonathan Seitler QC on a landlord and tenant dispute over a multi-million pound programme of works to a substantial commercial building.



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## Practice Overview continued

- *Britvic PLC v Britvic Pensions Ltd* [2020] 1 WLUK 1113 (Jan 2020): Acting for the Britvic Pension Trustee on a dispute over the meaning and effect of RPI pension increase provisions.
- *Barclays v Kapoor*: Acting as sole counsel in the DIFC Courts for Barclays on a multi-million-dollar guarantee claim.

### Other reported cases include:

- *Canary Wharf v European Medicines Agency* [2019] EWHC 335 (Ch): In the much-publicised "Brexit" case, Jonathan acts with Joanne Wicks QC for the landlord Canary Wharf in arguing that Brexit will not frustrate the EMA's lease. Having succeeded at first instance, the case settled before the appeal was heard in Court of Appeal.
- Acting for Barclays in a DIFC guarantee dispute.
- *Reedbase v Fattal* [2018] 2 P&CR 14: Jonathan appeared as sole counsel in the Court of Appeal for the successful landlord on the first appellate case on a landlord's obligations to consult and a change in proposed works, and the first in the Court of Appeal for over 25 years on the obligation to make good.
- *Tavira Securities v Point Ventures FCZO* [2017] CFI 26: acting as sole counsel against a silk in a jurisdiction challenge in the DIFC in litigation relating to an alleged share transaction.
- *Knapper v Francis* [2017] L&TR 20: appearing as sole counsel before the Upper Tribunal on the operation of on-account demands under the terms of the lease and the 1985 Act consultation regime.
- *Matchmove v Dowding* [2017] 1 WLR 749: led by Jonathan Seidler QC on a leading recent case relating to constructive trusts.

## Commercial

Jonathan has a specialised commercial chancery practice with a particular emphasis on fraud and disputes relating to complex structures, particularly with an international element. This specialism is in addition to contractual interpretation, tortious and restitutionary claims that form part of his commercial work.

He has practical experience of advising and obtaining interim relief (freezing injunctions, *Norwich Pharmacal* and Bankers' Trust orders) and of succeeding in hard-fought multi-week trials as part of a wider counsel team.

Jonathan is regularly instructed in matters relating to Dubai, whether in Dubai, where he appears before the DIFC Courts, or in London on matters arising out of the Middle East.

### Current ongoing matters include:

- *Barclays v Kapoor*: Acting as sole counsel in the DIFC Courts for Barclays on a multi-million guarantee claim.
- Acting in a multi-million pound multi-party dispute in relation to the purchase of two helicopters, acting for a co-defendant accused of knowing receipt and the subject of a tracing claim (QBD, ongoing).
- Acting as sole counsel as part of a team in a multi-million-dollar DIFC-LCIA arbitration defending a claim in relation to alleged breaches of a JV agreement.
- *Canary Wharf v EMA* [2019] EWHC 335 (Ch): led by Joanne Wicks QC acting for the landlord in relation to the much-awaited "Brexit" case, in successfully defeating a claim that Brexit will frustrate a lease. The case is listed for appeal by March 2020.
- Acting on potential breaches of warranty of a share sale agreement.
- Acting for the victims of a major property investment fraud relating to development land in central London, including a successful finding of fraud on a summary judgment basis: *Aurora Developments v Delta Holdings* [2018] EWHC 1047 (Ch).



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## Commercial continued

### Other reported cases include:

- *Tavira Securities v Point Ventures FCZO* [2017] CFI 26: acting as sole counsel against a silk in a jurisdiction challenge in the DIFC in litigation relating to an alleged share transaction.
- *Matchmove v Dowding* [2017] 1 WLR 749: led by Jonathan Seitler QC, acting on an appeal relating to constructive trusts.
- *MASNOL v Cripps Harries Hall* [2016] EWHC 2483 (Ch): led by Jonathan Seitler QC, successfully defending two solicitors accused of fraud. After a hard-fought multi-week trial, the individuals involved were wholly exonerated and indemnity costs obtained.
- *Caliendo v Mishcon de Reya* [2016] EWHC 150 (Ch): led by Ian Croxford QC and Clare Stanley QC, successfully defending a firm of solicitors accused of breach of fiduciary duty and negligence arising out of the sale of QPR football club.
- *DAMAC Park Towers Company v Ward* (14 December 2015) CA 006/2015: Acting for the DAMAC Group in the DIFC Court of Appeal on a successful appeal in which the Chief Justice confirmed the contractual validity of property reservation agreements and a commercial approach to the construction of the related credit agreements.
- *Dany Lions v Bristol Cars* [2014] 2 All ER (Comm) 403: a successful High Court trial as sole counsel arguing that a contractual clause was too vague to be binding, alternatively that reasonable endeavours had been used.