



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

“Comprehensive in his approach, an impressive and effective advocate.”

The Legal 500 2019

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:

“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 is instructed on one of The Lawyer’s Top 20 cases for 2019 (as he was in both 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:

- ***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. Permission to appeal the decision has been granted.
- A major pensions dispute, led by Michael Tennet QC and Edward Sawyer, on rectification, RPI/CPI, and the validity of amendments.
- 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).



Practice Overview continued

- *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.
- Acting as sole counsel in the DIFC Courts for Barclays on a multi-million guarantee claim.

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.
- *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.
- *MASNOL v Cripps Harries Hall* [2016] EWHC 2483 (Ch), led by Jonathan Seidler QC successfully defending two solicitors accused of fraud in a major Chancery Division trial.
- *Pollock v Reed* [2016] Pens LR 129, led by Robert Ham QC, acting for the employer on an attempted scheme restructuring through a bulk transfer without member consent.

Pensions

Jonathan has acted for and advised a range of institutional and pensions professional clients. He has been involved in disputes affecting major schemes such as Nortel and the Sea Containers 1983 schemes. His pensions work includes not only litigation but also advisory work on transactional and regulatory matters. Jonathan's work spans the full range of pensions issues covering both the trusts aspects (including RPI/CPI and equalisation issues) and regulatory matters including section 75 debts and pensions liberation.

He has been recognised in Chambers and Partners for his pensions work.

As well as acting for and against the Pensions Regulator, Jonathan has acted as clerk to the Pensions Regulator's Determination Panel.

Jonathan's ongoing and recent contentious work includes:

- Acting for the trustee on a dispute relating to the ability of an employer to set pension increase levels, leading to disputes over rectification, RPI/CPI, and the validity of amendments, led by Michael Tennet QC and Edward Sawyer.
- Acting as clerk to the DP on a recent regulatory request arising out of alleged pensions liberation and misselling.
- **Re London Quantum Retirement Benefit Scheme** (Determinations Panel, 8 Feb 2016). Acting as sole counsel (against Jonathan Evans QC and Fenner Moeran QC), for the Original Trustee who had been removed by the Regulator facing allegations of misconduct, breach of trust, and pensions liberation.
- *Pollock v Reed* [2016] Pens LR 129. Led by Robert Ham QC in a High Court trial acting for the employer in a proposed scheme restructuring, raising issues of the interpretation of the Preservation of Benefit Regs, the role of the PPF, and non-consensual member transfers.
- Acting with Michael Furness QC for the trustee on a claim to recover a £5m section 75 debt from a former participating employer. The claim, raising issues of trustee decision-making and consultation, settled shortly before trial in 2015.
- Advising in relation to alleged overpayments to members.



Pensions continued

Jonathan's ongoing and recent advisory work includes:

- Advising a successor scheme employer on its liabilities and duties under an existing scheme in the context of a substantial deficit.
- Advising a major product provider on the various rights and duties arising from its obligations under the schemes it offers, including FSMA issues.
- Advising a major insurer on how to structure its internal procedures to avoid potential unwitting participation in pension liberation.
- Advising an employer on a proposed restructuring and covenant issues arising.
- Advising an American scheme employer on scheme amendments and statutory and regulatory best practice in relation to member-nominated trustees.