



Jonathan Davey QC

Call: 2003

QC: 2016

jdavey@wilberforce.co.uk

*“Incredible eloquence,
reassuring client manner
and impressive breadth of
expertise”*

Memberships

- Chancery Bar Association
- Property Bar Association
- Commercial Bar Association
- Commercial Fraud Lawyer's Association
- Association of Pension Lawyers
- Bar Pro Bono Panel

Publications

[Butterworths Property Law Handbook 11th Edition \(2018\)](#)

Practice Overview

Jonathan was appointed Queen's Counsel in 2016 at just 13 years' call. Prior to taking Silk, Jonathan served on the Attorney General's A Panel of Counsel to the Crown, the most senior of the 3 Crown Panels; and was shortlisted for *Chambers & Partners' Junior of the Year* award in the areas of Chancery and Real Estate.

Jonathan is a highly respected litigator with a broad commercial chancery practice encompassing areas including property, commercial, tax and trusts.

Jonathan has considerable experience, in particular, of large-scale and high-value litigation in cases which involve more than one field of law. He is regularly instructed in complex commercial, property and financial/tax litigation, for example, the current high profile £1 billion *Ingenious* litigation. Jonathan has considerable experience of leading large legal teams.

Jonathan is a highly persuasive advocate, with substantial experience both as a trial lawyer and as an appellate advocate. As well as appearing in the higher courts, Jonathan frequently appears across a range of tribunals and other dispute resolution forums.

Jonathan regularly appears in the legal directories (*Chambers & Partners*, *Chambers Global* and/or *The Legal 500*) as a leading practitioner in the following areas:

- Real estate
- Chancery – traditional
- Private client – trusts and probate
- Private client – tax
- Tax
- Private wealth
- Pensions
- Charities

Clerks' Details

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Qualifications and Appointments

- First Class Honours degree, Philosophy, University of Nottingham
- Distinction, International Relations MA, University of Nottingham
- MPhil, Downing College, Cambridge University
- CPE, City University, London
- Denning, Mansfield, Bowen and Hardwicke Scholarships, Lincoln's Inn
- Commercial experience in United Kingdom, Europe and United States prior to being called to the Bar
- Attorney General's Panel of Counsel to the Crown (B Panel)



Practice Overview continued

Comments that have been made of him in the directories include: "a key figure", "hugely respected", "extremely impressive", "phenomenally intelligent", "charming and effective", "user friendly", "a pleasure to work with", "a real team player", "makes things simple", "practical", "an accomplished advocate", "incredibly eloquent", "an excellent draftsman", "reassuring client manner", "very calm", "impressive breadth of expertise", "in massive demand for good reason", and "handles complex litigation matters with aplomb".

Property

Jonathan is an experienced property practitioner. He is the current editor of [Butterworths Property Law Handbook](#) (latest edition November 2018) (with [Ben Faulkner](#)). Prior to taking Silk, Jonathan was shortlisted for the Chambers & Partners' Property Junior of the Year award.

Jonathan is recommended as a leading property practitioner in Chambers & Partners where he is described as "**impressive**", "**phenomenally bright**", "**an accomplished advocate**" and "**user-friendly**" in relation to complex and high value real estate litigation.

He is recommended in The Legal 500 for his real estate work which is described as "**thorough, well judged and impeccable**", and his general approach "**enormously enthusiastic**".

Jonathan's real estate practice extends across the full range of issues that arise in respect of both commercial and residential property, freehold and leasehold. His clients range from individuals to corporate entities to government departments. He acts in disputes resolved through litigation, arbitration and expert determination and also advises transactional lawyers. Jonathan has particular expertise in respect of high value property disputes involving complex financial, including tax, aspects.

Some representative cases include:

- *Project Blue Limited v HM Revenue and Customs* [2018] UKSC 30: Supreme Court case regarding £1 billion sale of Chelsea Barracks by the Ministry of Defence, raising a number of important issues including that of the relationship between English mortgage law and Islamic finance principles.
- *Re real estate portfolio of leading UK University* [2017]: Multi-million pound dispute concerning the basis upon which a major UK University holds its real estate portfolio.
- *Dispute re £1 billion property portfolio* [2016]: High value arbitration regarding interpretation and effect of contractual framework in respect of management of major national commercial property portfolio.
- *Nicholas v Secretary of State for Defence* [2015] EWCA Civ 53: Human rights / property test case concerning compatibility of landlord and tenant legislation in respect of Crown tenancies with European Convention on Human Rights. Jonathan acted successfully for the landlord in the Court of Appeal. The tenant's application for permission to appeal to the Supreme Court was refused.
- *Phillips v Francis* [2014] EWCA Civ 1395: Key landlord and tenant test case concerning the obligations of landlords to consult with tenants in respect of works of repair. Jonathan acted successfully for the Secretary of State for Communities and Local Government in the Court of Appeal.
- *Camden Market Holdings Inc v IBRC* [2014]: Dispute concerning rights under complex mortgage arrangements in respect of assets worth £400m. Jonathan acted for the liquidators of the mortgagees (with Antony Zacaroli QC).
- *Century Projects Limited v Almacantar (Centre Point) Limited* [2014] EWHC 394 (Ch): High-value commercial property dispute between landlord and tenant in respect of iconic central London property, Centre Point Tower on New Oxford Street. Jonathan acted for the tenants (with Jonathan Gaunt QC). Injunction application went to the Court of Appeal.



Property continued

- *Secretary of State for Transport v Blake* [2013] EWHC 2495 (Ch): Human rights / property test case concerning compatibility of landlord and tenant legislation in respect of Crown tenancies with European Convention on Human Rights, and the proper construction of contractual notices. Jonathan acted successfully for the landlord.
- *Secretary of State for Justice v Topland Group and others* [2012]: £23m dispute involving alleged fraud in respect of a transaction involving substantial central London commercial premises. Jonathan acted for the Secretary of State for Justice (with Simon Browne-Wilkinson QC and Phillip Brook-Smith QC).

Trusts, Tax, Probate and Estates

Jonathan is highly experienced across the fields of trusts, tax, probate and estates.

He is recommended in Chambers & Partners as a leading private client / personal tax practitioner who is involved in "**numerous high value private client matters**" and is praised for his ability to "**handle complex litigation matters with aplomb**".

He is recommended in The Legal 500 (in both the private client tax and general tax categories) as a "**key figure**" who has considerable experience of large scale and high value litigation in the area.

Jonathan is also recommended in Chambers Global in the field of private wealth.

Some representative cases include:

- *The Estate of Lady Hood v Commissioners for HMRC* [2018] EWCA Civ 2405: Acting successfully for the Respondents in this important inheritance tax dispute, which was significant in testing the scope of a number of key House of Lords and Court of Appeal decisions in this area.
- *Charity Commission v Mounstar and others* [2016] EWHC 876 (Ch): Dispute in respect of charity involved in £45m tax avoidance scheme.
- *Ingenious and Others v HMRC* [2015]: £1bn dispute regarding proper commercial and tax analysis to apply in respect of partnerships involved in the film and games industries (with Malcolm Gammie QC).
- *Freedman v Freedman* [2015] EWHC 1457 (Ch): Dispute in respect of doctrine of equitable mistake in relation to tax planning and family trust.
- *Icebreaker and Others v HMRC* [2014] UKFTT 416 (TC): £400m dispute regarding proper commercial and tax treatment of limited liability partnerships involved in the creative industries.
- *Hanson v HMRC* [2013] UKUT 224 (TCC): Inheritance tax dispute in respect of proper analysis to apply in relation to rural estate.
- *Atkinson v HMRC* [2012] UKUT 506 (TCC): Inheritance tax dispute in respect of agricultural property relief.
- Acting for a trust protector in a multi-party breach of trust claim in respect of Gibraltar based trusts (with Christopher Nugee QC).
- Acting for the defendants in Cayman-based *Re Jahre litigation* involving claims for US\$250m alleged to belong to a Norwegian shipping tycoon. Case described in The Independent as "truly epic litigation" of "mind-numbing complexity" (with Camilla Bingham).

Commercial

Jonathan is greatly experienced in the commercial sphere. This is based both on his commercial dispute practice at the Bar and his time in business in the UK, continental Europe and the USA prior to coming to the Bar.



Commercial continued

Jonathan took silk in 2016, before which he was shortlisted for "Chancery Junior of the Year" at the Chambers Bar Awards 2015 on the basis of his exceptional commercial chancery work.

Jonathan's commercial practice is broad. This reflects his "*impressive breadth of his expertise*" (Chambers & Partners) and the fact that he is recommended in the legal directories across a range of fields (including real estate; private client / tax; private wealth). Jonathan's commercial practice embraces disputes involving partnerships, companies, joint venture agreements and high value property transactions. It also includes disputes involving rare artwork and other cultural items. Many of Jonathan's commercial and business cases involve complex financial and/or tax issues.

Some representative cases include:

- A number of high value arbitrations concerning complex contractual disputes between well-known UK business entities [2015–2016].
- *Ingenious and Others v HMRC* [2015]: £1bn dispute regarding proper commercial and tax analysis to apply in respect of partnerships involved in the film and games industries (with Malcolm Gammie QC).
- *Camden Market Holdings Inc v IBRC* [2014]: Dispute concerning rights under complex security arrangements in respect of assets worth £400m. Jonathan acted for the liquidators of the mortgagees (with Antony Zacaroli QC).
- *Icebreaker and Others v HMRC* [2014] UKFTT 416 (TC): £400m dispute regarding proper commercial and tax treatment of limited liability partnerships involved in the creative industries. Huge press interest. Reported in The Times under the headlines "Taxman versus Take That" and "Take That, Barlow" (with Peter Blair QC).
- *Century Projects Limited v Almacantar (Centre Point) Limited* [2014] EWHC 394 (Ch): High value commercial property dispute in respect of rights relating to iconic central London property, Centre Point Tower on New Oxford Street (with Jonathan Gaunt QC).
- *Secretary of State for Justice v Topland Group and others* [2012]: £23m commercial fraud dispute in respect of a transaction involving substantial central London business premises. Jonathan acted for the Secretary of State for Justice (with Simon Browne-Wilkinson QC and Philip Brook-Smith QC).
- Acting for the defendants in Cayman-based *Re Jahre* litigation involving claims for US\$250m alleged to belong to Norwegian shipping tycoon. Case described in The Independent as 'truly epic litigation' of "mind-numbing complexity" (with Camilla Bingham).
- *Re Mazarelli*: High value international dispute concerning rights of ownership in respect of allegedly stolen medieval Italian literature and artwork.

Pensions

Jonathan has extensive experience of dealing with cases in the pensions field, including complaints to and appeals from the Pensions Ombudsman. Jonathan regularly acts for the Cabinet Office and the Department of Work and Pensions in relation to pensions disputes. Jonathan is a member of the Association of Pension Lawyers.

Some representative cases include:

- *Gareth Clark v HMRC* [2016] FTT: Acting for HMRC in tax appeal regarding fiscal implications of pensions liberation structure.
- *Ellis v Cabinet Office* [2015] EWCA Civ 252: Acting in the Court of Appeal (with Paul Newman QC) for the Cabinet Office in dispute concerning the meaning of the term "resignation" within the Principal Civil Service Pension Scheme.
- *Webber v Department for Education* [2014] EWHC 4240: Appeal in the High Court from the Pension Ombudsman in respect of limitation regarding recovery of pension overpayments



Pensions continued

- Acting for scheme trustee in respect of dispute regarding the proper tax treatment of scheme investments (with Michael Furness QC).
- Acting for scheme trustee in proceedings to recover assets transferred out of scheme to former trustee (with Robert Ham QC).
- Acting for the Pensions Ombudsman in judicial review claim.
- Acting for scheme member in respect of a breach of trust claim against scheme trustee.

Professional Liability

Jonathan has extensive experience of professional liability disputes, including claims for negligence, breach of contract, breach of fiduciary duty and breach of statutory and regulatory obligations.

Jonathan acts for claimants and defendants, and across a wide variety of different professions.

Jonathan's "*impressive breadth of expertise*" (Chambers & Partners) over a range of fields of law including property, trusts, tax and financial gives him a sound understanding, and practical experience, of the substantive issues underlying the claim of professional negligence or other breach of duty.

Some representative cases include:

- Acting for defendant accountants in respect of a £20m claim for breach of contractual and tortious duties owed to the commercial lender (with [James Ayliffe QC](#)).
- Acting for defendant solicitors in respect of a high-value dispute regarding drafting of trust documentation.
- Acting for claimant a investor in respect of a multi-million pound claim against an offshore discretionary fund manager.
- Acting for a claimant investor in respect of claim against IFA in respect of property based investments.
- Acting for defendant solicitors in respect of a dispute concerning the administration of a deceased's estate.
- Acting for defendant architects in respect of dispute concerning planning issues in relation to substantial residential development.

Domestic Arbitration & ADR

Jonathan has extensive experience of arbitration, expert determination and other forms of ADR. He routinely advises and acts as an advocate in cases resolved by these means, and is willing to offer early neutral evaluations to assist parties in resolving their disputes.

Some representative cases include:

- Acting for well-known FTSE 100 company in multi-million pound damages claim decided through expert determination following one party's termination of a development agreement.
- Acting for high profile public body in multi-million pound arbitration proceedings concerning the construction of a complex contractual agreement in respect of a real estate portfolio comprising hundreds of commercial properties.
- Acting for vendor in multi-million pound dispute resolved through mediation concerning breach of a contract for the sale of land in respect of a substantial central London residence.
- Acting for principal in multi-million dispute resolved through mediation in respect of breach of an agency contract.