



## Jonathan Davey QC

Call: 2003

QC: 2016

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*“A thoroughly modern QC who gives very straightforward and to-the-point advice. He’s someone who always provides answers rather than creates problems.”*

Chambers UK 2020

*“A top-class silk. His advocacy is attractive, thoughtful and measured.”*

The Legal 500 UK 2020

## Memberships

- Chancery Bar Association
- Property Bar Association
- Commercial Bar Association
- Commercial Fraud Lawyer's Association

## 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. Since taking Silk, Jonathan's practice has continued to be a broad commercial chancery practice with a particular focus on property, trusts and tax litigation.

Jonathan is a highly respected litigator with considerable experience of complex, large-scale and high-value litigation in cases which involve more than one field of law. An example is the high profile £1 billion *Ingenious* litigation which is currently before the courts. 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 is ranked in the legal directories (*Chambers UK, Chambers Global and/or The Legal 500*) in the areas of real estate, tax and private client. Comments that have been made of him in the most recent directories include:

- **Real estate:** "Very hands-on, user-friendly and accessible." "An absolute pleasure to work with – bright, thorough, well prepared." "An excellent advocate."
- **Private client:** "A brilliant advocate, excellent with clients, diligent, a leader who will go the extra mile for a client and then some." "Responsive, thoughtful, open-minded. He listens to the client; very collaborative in approach."
- **Tax:** "A very, very good and extremely eloquent advocate." "Extremely good at explaining things in terms that a non-specialist can understand. He responds very quickly, which is welcome."



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## Property

Jonathan is an experienced property practitioner. He is the current editor of [Butterworths Property Law Handbook](#) (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 "**very hands-on, user-friendly and accessible**", "**an absolute pleasure to work with – bright, thorough, well prepared**", "**impressive**", "**phenomenally bright**", and "**an accomplished advocate**".

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 aspects.

### Some representative cases include:

- *Dispute re London penthouse luxury apartment* [2020]: High value dispute regarding ownership and rights in respect of luxury residential accommodation overlooking Lord's cricket ground.
- *£150 million property arbitration* [2019]: High value dispute regarding ownership of various elements within major commercial property estate.
- *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.
- *Estate of Lady Hood v HMRC* [2018] EWCA Civ 2405 – High profile Court of Appeal test case concerning the meaning of "property" in the context of leases and estate planning in relation to the family home.
- *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 Zaccaroli 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.
- *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.



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## Property continued

- *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 and respected across the fields of trusts, tax litigation, probate and estates.

Jonathan is ranked in the legal directories (Chambers UK, Chambers Global and/or The Legal 500) in the areas of trusts – private client; chancery – traditional; tax – direct and indirect; private wealth.

Comments that have been made of him in the most recent directories include:

**"A brilliant advocate, excellent with clients, diligent, a leader who will go the extra mile for a client and then some."** (Trusts: Private Client – The Legal 500 2020)

**"A thoroughly modern QC who gives very straightforward and to-the-point advice. He's someone who always provides answers rather than creates problems."** (Tax – Chambers UK 2020)

**"He is responsive, thoughtful and open-minded. He listens to the client and is very collaborative in his approach."** (Chancery: Traditional – Chambers UK 2020)

**"A very, very good and extremely eloquent advocate." "Extremely good at explaining things in terms that a non-specialist can understand. He responds very quickly, which is welcome."** (Tax: Private Client – Chambers UK 2020)

Some representative cases include:

- *Ingenious Film Partners 2 LLP v HMRC* [2019] UKUT 0226 (TCC) – £1.6 billion dispute concerning taxation of creative industry business structure
- *Clark v HMRC* [2019–2020] (Court of Appeal hearing listed for early 2020); [2018] UKUT 397 (TCC) – dispute concerning offshore trust structure used to liberate pension funds
- *Estate of Lady Hood v HMRC* [2018] EWCA Civ 2405 – leading Court of Appeal case on estate planning in relation to the family home and the gift with reservation IHT provisions
- *Andrew v HMRC* [2019] FTT 177 (TC) – dispute in relation to complex gilt strip trust structure and applicable taxation
- *Shelford v HMRC* [2019–2020] (Test case – judgment awaited from the First-tier Tribunal (Tax Chamber)) – dispute concerning inheritance tax home loan arrangements
- *Life Services Ltd v HMRC* [2019–2020] (Court of Appeal hearing listed for early 2020) [2019] UKUT 0002 (TC) – dispute concerning relationship between EU principle of fiscal neutrality and UK devolved legislative structure
- *London Luton BPRA Property Fund LLP v HMRC* [2019] UKFTT 212 (TC) – multi-million pound capital allowances test case regarding hotel development
- *Seven Individuals v HMRC* [2017] UKUT 132 (TCC); *Acornwood LLP v HMRC* [2016] UKUT 36 (TCC) – £400 million dispute concerning taxation of Icebreaker film scheme
- *Charity Commission v Mounstar* [2016] EWHC 876 (Ch) – dispute in respect of charitable trust involved in £45m tax avoidance scheme
- *Freedman v Freedman* [2015] EWHC 1457 (Ch) – dispute in respect of doctrine of equitable mistake in relation to a family trust



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## Commercial

Jonathan has extensive experience of business and commercial litigation across a range of courts and tribunals. His commercial legal expertise is supplemented by his experience in business in the UK, USA and Europe prior to coming to the Bar. Jonathan's commercial practice is broad, reflecting 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 and private wealth. Key elements within Jonathan's commercial practice include:

### Partnership and company disputes including related tax. For example:

- *Ingenious Film Partners 2 LLP v HMRC* [2019] UKUT 0226 (TCC) – £1.6 billion dispute concerning partnerships involved in the film industry
- *Clark v HMRC* [2018] UKUT 397 (TCC) (Court of Appeal hearing listed for early 2020) – dispute concerning offshore corporate and trust structures used to liberate pension funds
- *Seven Individuals v HMRC* [2017] UKUT 132 (TCC) – multi-million pound dispute concerning partners investing in partnerships involved in the creative industries
- *Acornwood LLP v HMRC* [2016] UKUT 36 (TCC) – £400 million dispute concerning creative industry limited liability partnerships

### Commercial property transactions. For example:

- Acting for high profile public body in commercial dispute in respect of multi-million pound option agreement relating to substantial real estate portfolio [2019].
- Multi-million pound commercial dispute resolved by arbitration concerning the construction of complex contractual arrangements in respect of a real estate portfolio comprising over 1000 commercial properties [2018].
- *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.
- *Camden Market Holdings Inc v IBRC* [2015]; Dispute concerning rights under complex security arrangements in respect of assets worth £400m.
- *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.
- *Secretary of State for Justice v Topland Group* [2013]; £23m commercial fraud dispute in respect of a transaction involving substantial central London business premises. Jonathan acted for the Secretary of State for Justice.

### Rare artwork and other cultural items. For example:

- *Sotheby's, Italian Ministry of Culture and others v Mazzaelli*: Interpleader claim concerning disputed ownership of allegedly stolen medieval Italian religious and cultural manuscripts.
- Acting in dispute regarding ownership rights in relation to significant 17th century (post-Ming, pre-Qing dynasty) Chinese porcelain collection.

## 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 commercial 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:



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## Professional Liability continued

- *Accounting*: Acting for defendant accountants in respect of multi-million pound claim for breach of contractual and tortious duties owed to the commercial lender.
- *Estates and probate*: Acting for defendant solicitors in respect of a dispute concerning the administration of a deceased's estate.
- *Financial advice*: Acting for a claimant investor in respect of claim against IFA in respect of property based investments.
- *Investment management*: Acting for claimant investor in respect of a multi-million pound claim against offshore discretionary fund manager.
- *Real Estate and planning*: Acting for defendant architects in respect of dispute concerning planning issues in relation to substantial residential development.
- *Trusts*: Acting for defendant solicitors in respect of a high value dispute regarding drafting of trust documentation.

## 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. He is happy to offer early neutral evaluations to assist parties in resolving their disputes.

### Some representative cases include:

- Acting for high profile public body in expert determination in respect of a multi-million pound option agreement [2019-2020].
- Acting in commercial dispute resolved by arbitration proceedings under the Arbitration Act 1996 concerning the construction of a complex contractual agreement in respect of a real estate portfolio comprising hundreds of commercial properties [2018].
- 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 [2018].
- 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 [2017].
- Acting for principal in multi-million dispute resolved through mediation in respect of breach of an agency contract [2016].