



Jack Watson

Call: 2012

Clerks Details

Danny Smillie +44 (0)20 7306 0102
Ben Rippengale tcj@wilberforce.co.uk
Nancy Lee
Jack Barker

Qualifications and Appointments

- BA, Emmanuel College Cambridge
- LLM, Emmanuel College Cambridge, graded First
- MPhil, Emmanuel College Cambridge
- BPTC, BPP, graded Outstanding
- Denning Scholarship (Lincoln's Inn)
- Hardwicke Scholarship (Lincoln's Inn)
- Rodwell Prize (Emmanuel College)
- Bachelor Scholarship (Emmanuel College)
- European and World Masters Cup Debating Champion; winner of a record 28 university level debating competitions

Memberships

- Chancery Bar Association

Publications

- 'Doubt, mistake and risk-taking in restitutionary claims' [2011] *K.L.J.* 22(2), 220-227
- 'Legitimate expectations and the Lisbon Treaty (Case Comment)' [2010] *C.S.L.R.* (1), 330.
- 'Clarity and Ambiguity: A New Approach to the Test of Legitimacy in the Law of Expectations' [2010] *Legal Studies* Vol 30 No. 4

Practice Overview

Jack has a broad commercial and chancery practice covering all areas of chambers work. In particular Jack's practice includes fraud disputes, company and insolvency, trusts, breach of fiduciary duties, professional liability, pensions as well as property-related work. Jack also has experience of acting in high value and complex fund disputes and often acts in cases involving an international dimension.

Jack recently acted as junior counsel in *AHAB v Saad*, one of the largest fraud cases ever litigated, involving a claim for around US\$9bn, a trial lasting over a year and the disclosure of over 5 million documents. In addition to complex issues of fact, the case involved issues relating to tracing and asset recovery, trust and partnership law, attribution of knowledge, *ex turpi causa*, *bona fide* purchase, conflicts of law and the law of Saudi Arabia, Switzerland and Bahrain.

Equally comfortable working on his own or as part of a team, Jack also has significant advocacy experience and has appeared as sole counsel in a wide range of matters in both the county court and the High Court and has appeared on his own against QCs or senior junior barristers.

Jack is a former European Debating Champion and his published written work has been described as 'illuminating' in the Privy Council (*Paponette v A-G of Trinidad and Tobago* [2010] UKPC 32 per Lord Brown) and been cited approvingly by the Court of Appeal for Northern Ireland (*Re Loreto Grammar School* [2012] NICA 1) and again by the Privy Council (*United Policyholders Group v Attorney General of Trinidad and Tobago* [2016] UKPC 17).



Pensions

Jack's pensions experience includes:

- Acting with Jonathan Hilliard in *The Pensions Regulator v. Dalriada, Fellowes et. al.* [2013] EWHC 4346 (Ch) resisting an application to discharge a freezing injunction obtained against pensions trustees which had been obtained under the Regulator's Pensions Liberation provisions and who were alleged to have been engaged in multiple breaches of the duties under the relevant pensions legislation and under the Financial Services and Markets Act 2000.
- Acting for the Pensions Regulator seeking to remove trustees of several occupational pension schemes.
- Advising the trustees of an Occupational Pension Scheme as to the appropriate principles to be applied to the construction and/or rectification of that scheme.
- Bringing and defending complaints to the Financial Ombudsman Service in relation to the sale of Self-Invested Personal Pensions.

Jack also has extensive experience advising and acting in professional negligence disputes arising out of the administration or operation of pension schemes.

Professional Liability

Since joining chambers Jack's professional liability experience includes:

- *Brudenell-Bruce v Moore and Cotton* [2014] EWHC 3679 (Ch): Acting with [Clare Stanley QC](#) in a three-week trial of a claim for breach of trust relating to the alleged negligent mismanagement of trust property raising issues as to (a) the scope of trustees' duties to manage trust property (b) acquiescence and concurrence (c) detailed surveying and accountancy evidence and (d) the measure of damages for losses sustained by trusts.
- Acting with [Andrew Mold](#) for defendant benefit consultants facing professional negligence claims in the administration of the Bloxwich pension scheme.
- Advising the settlor of a trust under the Schedule 1 Children Act as to a potential claim against his former solicitors for failing to settle on more advantageous terms.
- Successfully settling adjudication proceedings relating to negligent construction works.
- Bringing and defending complaints to the Financial Ombudsman Service in relation to the sale of Self-Invested Personal Pensions.
- Defending a claim for payment of solicitor fees on the grounds of negligence having given rise to a right of non-payment.
- Acting in a claim brought by the employers of an occupational pension scheme against the former accountants of that scheme for failing to properly calculate necessary increases to members' benefits.
- Defending a claim for payment of solicitors' fees on the grounds that the solicitors' negligence in explaining a conditional fee arrangement and/or breach of fiduciary duty gave rise to a counterclaim for damages which exceeded any fees payable.

Trusts, Tax, Probate and Estates

Jack has a particular interest in trust work and regularly accepts instructions on a wide range of matters where trusts are involved.

Jack's recent instructions include:

- Advising the administrator of a Cayman Islands trust in relation to an allegedly fraudulent appointment.
- *Brudenell-Bruce v Moore and Cotton* [2014] EWHC 3679 (Ch): Acting with [Clare Stanley QC](#) in a three-week trial of a claim for breach of trust and the removal of trustees issues as to (a) the scope of trustees' powers and duties to manage trust property (b) trustee



remuneration (c) acquiescence and concurrence by beneficiaries (d) the relevant principles to be applied when considering whether to remove trustees and (e) the measure of damages for losses sustained by trusts.

- Acting for the settlor of several property trusts in seeking a declaration that certain of those properties are held on trust for his children as part of ongoing ancillary relief proceedings.
- Advising the trustees of several London properties as to the scope of their duties to carry out works to trust property and their ability to recover expenses from the fund.
- Advising the executors of a deceased's estate as to the merits of an intimated claim in Jersey under the Inheritance (Provision for Family and Dependents) Act 1982.
- Advising the settlor of a trust under the Schedule 1 Children Act as to a potential claim against his former solicitors for failing to settle on more advantageous terms.
- Acting for the beneficiary under a trust in seeking to have monies paid into court.
- Providing advice as to the scope of trustees' powers and acting in respect of Inheritance Act Claims.

Property

Jack regularly advises in both commercial and residential property related matters and appears in court at the interlocutory stage and in final hearings. Jack's recent property related experience:

- *Brudenell-Bruce v Moore and Cotton* [2014] EWHC 3679 (Ch): Acting with [Clare Stanley QC](#) in a three-week trial of a claim for breach of trust centring largely on an alleged failure by the trustees to rent out certain properties (raising issues of proprietary estoppel) and an alleged failure to keep properties in repair (involving significant expert surveying and valuation evidence and raising issues as to the scope of trustees' powers and duties to manage trust property and the measure of damages for losses sustained by trusts).
- Acting for the tenant of business premises in relation to a claim for damages resulting from the landlord's failure to keep the property in repair.
- A contested application for an injunction to allow a business tenant back onto property, raising issues of the scope of the 1954 Act, unlawful eviction, estoppel by convention and proprietary estoppel.
- An injunction to allow a licensee back onto business premises raising issues of proprietary estoppel and fraud.
- Advising on the scope of rights of way acquired by prescription.
- Numerous applications for possession of business and residential premises including applications against the Crown for repossession of leases held as bona vacantia.
- Acting for a claimant mother in appealing a local authority's determination that it had discharged its duty under s.193(7) Housing Act 1996 raising issues relating to public law and legitimate expectations.
- Acting for a mortgage company in successfully resisting an application to set aside default judgment on the grounds of a sale at an undervalue.
- Acting for a mortgage company in seeking recovery of moneys due under a guarantee despite the service of a defective statutory demand.

Jack also has experience of acting in relation to and advising on the scope of option agreements, restrictive covenants, guarantee agreements, business tenancy renewals and the recovery of service charges.



Business & Commercial

Much of Jack's work concerns business and commercial disputes, particularly those relating to:

- Civil fraud
- Asset tracing
- Insolvency
- Financial services
- Regulatory issues
- Company and partnership issues

Jack's work often has an international element involving fraud and breach of fiduciary duty, often with a heavy factual dispute.

Jack's recent experience of civil fraud/insolvency work includes:

- Acting with [Tom Lowe QC](#) as junior counsel in AHAB v Saad, one of the largest fraud cases ever litigated, involving a claim for around US\$9bn, a trial lasting over a year and the disclosure of over 5 million documents. In addition to complex issues of fact, the case involved issues relating to tracing and asset recovery, trust and partnership law, attribution of knowledge, ex turpi causa, bona fide purchase, conflicts of law and the law of Saudi Arabia, Switzerland and Bahrain.
- Acting for a group of funds in a claim for deceit and conspiracy arising from the liquidation of the main feeder funds involved in the SU\$10 billion Petters fraud.
- Acting with [Jonathan Hilliard QC](#) in *The Pensions Regulator v. Dalriada, Fellowes et al.* [2013] EWHC 4346 (Ch) resisting an application to discharge a freezing injunction obtained against pensions trustees who were alleged to have been engaged in multiple breaches of the Financial Services and Markets Act 2000.
- Acting for in an application to discharge a receivership over assets held in a number of jurisdictions as part of the litigation arising from the largest fraud in recent Latvian history (reported variously as Antonio Gramsci Shipping, Recoletos and Lembergs) being litigated out in the Commercial Court.
- *PCA v NatWest* (unreported): Acting for a defendant bank in an application for pre-action disclosure in a purported claim involving restitution, liability to account as a constructive trustee and liability under the Payment Services Regulations 2009.
- Acting in an arbitration in relation to alleged non-payment of solicitors' fees which raises issues of breach of fiduciary duty, the self-dealing rule, solicitors' negligence/regulatory compliance and Wrotham Park damages.

Jack also has considerable advocacy experience in a fraud/insolvency context. His recent experience include cross examining an expert accountant in relation to a claim to trace over US\$150m (as part of AHAB v Saad).

He has frequently been instructed to act in a range of commercial matters:

- Financial conduct and financial regulation.
- Hedge fund disputes
- LLP disputes
- Commercial fraud
- Restitution
- Freezing injunctions and proprietary remedies/tracing

Jack also has an interest in tracing/restitution issues and has been published on the issue of when a mistake will enable parties to obtain restitution of payments made pursuant to defective swap transactions (K.L.J. 2011, 22(2), 220–227).