

Overview

Commercial Disputes
Company
Insolvency
Property
Trusts
Wills and Estates

Profile: Overview

Jonathan joined Radcliffe Chambers in October 2015, after completing pupillage here under the supervision of Elizabeth Ovey, Shantanu Majumdar, Mark Mullen and Marcus Flavin. His practice spans the full range of Radcliffe Chambers' chancery and commercial practice areas, with a particular focus on private client, insolvency, property and commercial work.

Court Experience

Jonathan has been instructed to appear in the High Court, County Court and First-Tier Tribunal, including the following work:

- *Taylor v Taylor* [2017] EWHC 1080 (Ch), [2017] 4 WLR 83, a trial concerning the beneficial ownership of land which is at present authority for the proposition that a declaration of trust in a TR1 form is (or at least can be, in certain circumstances) a binding declaration of trust compliant with section 53 of the Law of Property Act 1925 if signed by the vendors even if not signed by the purchasers.
- A three day trial in the County Court representing an adult child claimant under the Inheritance (Provision for Family and Dependents) Act 1975.
- A two day trial in the County Court, representing one of two defendants, in a breach of contract dispute concerning who authorised restoration works to be carried out to cars.
- Applications for interim injunctions in the High Court, on behalf of a claimant seeking to preserve the assets of an estate on the ground that a grant of letters of administration had been obtained on a false basis, and on behalf of a company director in response to an application for a freezing injunction.
- An application in the High Court to remove a trustee of a discretionary trust under section 41 of the Trustee Act 1925.
- Applications in the High Court to remove caveats entered against wills, placing the onus on the caveator to bring probate proceedings.
- Applications in the Companies Court including to begin, to oppose the beginning of, and to end administration, to restore a dissolved company, for a validation order during winding-up proceedings, for permission to re-use the trading name of a company in liquidation and for the rectification of the register of company charges.
- Defending a mortgage possession claim on behalf of a trustee in bankruptcy, successfully relying on the statutory power to adjourn despite the expiry of the mortgage term.
- High Court proceedings to enforce a Tomlin Order, starting with an application to add parties as defendants to the proceedings to enable enforcement and progressing to an application for charging orders and the questioning of a judgment debtor.
- Successfully representing a bank in defence of a claim concerning the retention of an individual's details on a database of fraudulent activity.
- Court of Protection work including a successful application for appointment of a property and affairs deputy which was contested by the prospective patient and one of her sons.
- Numerous landlord and tenant possession claims, including successfully resisting an appeal in a case concerning the retrospective effect of the Deregulation Act 2015.
- Successfully making a renewed application for permission to appeal the costs decision of a High Court Master.

Advice and Preparation of Documents

Outside court, Jonathan has experience in advising on a range of matters arising before and during litigation, including the following:

Wills and probate

- Making and defending challenges to wills on grounds including revocation by destruction, forgery, undue influence, lack of capacity and want of knowledge and approval.
- Issues of domicile and conflicts of laws where the maker of a will in Scotland had since moved to England and married and purchased property in England.
- Claims for the revocation of a grant, on the ground that letters of administration had been obtained on a false basis and on the ground that a will which had been proved in common form was in fact invalid.

Property and trusts

- The merits of making and resisting applications for a declaration of the beneficial shares in properties owned by cohabitants where the relationship has broken down, and on the appropriate level for settlement offers in these situations.
- The interpretation of trust instruments.
- Professional negligence in the context of the treatment of trusts under the Inheritance Tax Act 1984.
- Leasehold matters including the recoverability of maintenance works through service charges, the extension of long leases, and a tenant's right to require the freeholder to take action against a noisy neighbour.
- An application to release money that had been paid into court on the enfranchisement of a lease, on behalf of the party who had been beneficially entitled to the freehold, where the sole trustee had died abroad and had no personal representative.
- Other property matters including an overage agreement enforceable by a right of re-entry, restrictive covenants, rights of way, easements and the Party Walls etc Act 1996.

Insolvency

- A claim by a trustee in bankruptcy where the bankrupt had previously sought to purchase a property through a company but the company had been dissolved by the time contracts were purportedly exchanged.
- The merits of claims by insolvency practitioners against the former directors of insolvent companies and of possible defences available to a guarantor of an insolvent company's overdraft.
- The interpretation of section 284(4)(a) where a party against whom a petition has been presented pays off the debt of a third party prior to a bankruptcy order being made on that petition.

Contract

- Advising on and drafting an appeal, which was ultimately successful, against a refusal to grant summary judgement on limitation grounds against a claim that construction works had been carried out defectively and that practical completion of the works had never been achieved.
- Contractual disputes including the sale of a car at auction, section 29 of the Sale of Goods Act 1979 regarding the place of delivery of goods, and warranties by the sellers of properties to prospective purchasers regarding disputes with neighbours.
- The right to cancel under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

Procedure

- The enforcement of court orders under section 39 of the Senior Courts Act 1981 and where the order to be enforced was made in the 1980s in Switzerland and concerned land in England.
- The application of the principles of double recovery where a settlement is reached with one of a number of defendants who are jointly and severally liable.

Other Experience

Between October 2016 and March 2017, Jonathan worked on secondment at Dickinson Gleeson in Jersey, gaining experience of company and trusts litigation in that jurisdiction.

Prior to coming to the Bar, Jonathan read Jurisprudence at Balliol College, where he was a Brackenbury Exhibitioner. He later studied for the BCL, writing a dissertation on trusts of the family home.

Jonathan has written a published article on Quistclose trusts: 'Was Lord Wilberforce Right After All?' (Trusts & Trustees 2013. Issue 19, at pages 176-189). He also contributes to chapters in Tolley's Employment Law Service and Tolley's Employment and Personnel Procedures.

Qualifications

2009 - 12: BA in Jurisprudence, Balliol College, University of Oxford (First Class)

2012 - 13: BPTC, Manchester Metropolitan University

2013 - 14: BCL, Balliol College, University of Oxford

Memberships

Chancery Bar Association

Gray's Inn