



## Jonathan Edwards

Call: 2014

### Barrister

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**Jonathan Edwards** has a busy practice spanning the full range of Radcliffe Chambers' practice areas. He specialises in contested probate, claims to trust and estate assets, claims for partnership and estate accounts, property litigation including landlord and tenant, and insolvency and commercial disputes. He is regularly instructed to represent clients in the High Court and County Court, and has been instructed to assist with proceedings in Jersey.

#### WILLS AND ESTATES

Jonathan has been instructed in contentious probate disputes involving a range of matters, including the following:

- Wills challenged on the grounds of forgery, duress, undue influence, lack of capacity and want of knowledge and approval
- A will which was held to be invalid for failure to comply with the formality requirements, on the ground that the will did not include an additional page purporting to bear the signature of a second witness
- A claim to prove a will that had been lost or destroyed, in circumstances where a family member alleged she had witnessed the deceased dispose of it deliberately
- The entitlement of claimants to an intestate estate, whose entitlement was disputed on the ground that their biological father was, unknown to the claimants, not the deceased but instead the deceased's similarly named brother
- Issues of domicile and conflicts of laws governing whether a will had been revoked or should be treated as having been revoked for the purpose of determining the entitlement to land in England, in circumstances where the deceased had made a will while living in Scotland before relocating to England and marrying.

Jonathan is also familiar with procedural issues relating to contentious probate disputes, and has been instructed on applications to remove caveats and both making and responding to applications for interim injunctions to preserve the assets of an estate where a grant has already been made.

Jonathan is regularly instructed in claims involving the Inheritance (Provision for Family and Dependents) Act 1975. His experience includes a 3 day trial on behalf of an adult child, and a 4 day trial on behalf of a person maintained by the

deceased which also involved a claim asserting a constructive trust.

Other disputes in which Jonathan has been instructed include in particular disputes about the ownership of assets such as joint bank accounts and life insurance policies, and disputes where a relative asserts an interest in land on the basis of proprietary estoppel or a constructive trust. In 2018, Jonathan represented the claimant in a 3 day trial in the Birmingham District Registry of the High Court heard by HHJ Patrick McCahill KC.

He has also been instructed in disputes where a beneficiary of an estate seeks the removal of a personal representative and seeks that a (former) personal representative who is suspected of wrong-doing produce estate accounts.

Jonathan's non-contentious experience has included advising on and drafting trust deeds involving will trusts, and a successful application for a *Re Benjamin* order in favour of the deceased's nephews, where efforts to trace possible grandchildren in Ghana had been fruitless.

## **PROPERTY**

Jonathan is regularly instructed to represent clients in and advise on the merits of disputes concerning real property, which may arise in a number of contexts:

- Disputes involving co-ownership, typically following relationship breakdown or the bankruptcy or death of one co-owner and involving express declarations of trust, constructive trusts and proprietary estoppel claims
- Disputes between sellers and purchasers, including overage agreements, misrepresentation and breach of warranty, and whether the court should exercise its statutory discretion so that a deposit is not forfeited on failing to complete
- Disputes between neighbours involving restrictive covenants, rights of way, and party walls. In the context of leasehold property
- Disputes between landlords and tenants about matters such as forfeiture claims and relief from forfeiture (including interim relief), 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
- Possession claims for mortgage arrears.

Notable cases include:

- *Taylor v Taylor* [2017] EWHC 1080 (Ch), [2017] 4 WLR 83 – Acting in a trial concerning the beneficial ownership of land. The judgment is 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.

## **TRUSTS**

Jonathan's experience of trust disputes has included the following:

- The taking of a trust account where the beneficiary had been imprisoned and had entrusted the sale proceeds of his home to a friend, who had paid the money into their own bank account in breach of trust and then died during the account proceedings
- Successful applications to replace trustees and for vesting orders
- Advancing and resisting claims by co-owners of land for declarations of their beneficial interests, orders for sale and equitable accounting
- Advising on and drafting a claim based on trust principles to be brought 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.

Jonathan's experience of non-contentious trust matters has involved drafting trust deeds, advising on the interpretation of trust instruments, and an application to release money that had been paid into court on the enfranchisement of a lease, on behalf of a party who had been beneficially entitled to the freehold, where the sole trustee had died abroad and had no personal representative.

## **COMMERCIAL DISPUTES**

Jonathan's experience in commercial disputes has typically been instructions on behalf of consumers, involving issues of misrepresentation and claims under the Sale of Goods Act 1979, the Consumer Rights Act 2015 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013. Jonathan has also been instructed on behalf of a company specialising in the provision of private aircraft and to advise on issues of agency law where the means to add an individual's signature to letters are entrusted to a business associate.

Notable cases include:

- *Burki v Seventy Thirty* [2018] EWHC 2151 (QB) - Acting in a 4.5 day trial before HHJ Richard Parkes KC in the Royal Courts of Justice in a claim for damages for fraudulent misrepresentation (including damages for injury to feelings) and to defend its claim for damages for defamation and malicious falsehood. Procedural issues which arose included an application for specific inspection of documents from the agency's database, applications to admit documents disclosed late, a witness summons for a witness subject to an injunction enforcing a duty of confidentiality, and an application for the trial to be heard in private.
- *Burki v Seventy Thirty* [2018] EWHC 1570 (QB) - Appearing in the same proceedings, Jonathan was instructed to resist an application for part of the case to be struck out or summarily disposed of. The application was heard by Mr Justice Julian Knowles.

## **INSOLVENCY**

In the context of personal insolvency, Jonathan has been regularly instructed in contested applications to set aside statutory demands, contested bankruptcy petitions and applications to annul bankruptcy. These instructions typically involve advising on underlying issues such as the enforceability of personal guarantees of company debts and contractual penalties.

Jonathan has also been instructed in disputes concerning the consequences of bankruptcy, such as the operation of section 284(4)(a) of the Insolvency Act 1986, and the vesting of a personal injury claim which was not purely personal.

In the context of corporate insolvency, Jonathan has been instructed on contested winding-up petitions (including relating to an overseas company) and to oppose an application for a company to be placed in administration. He has been instructed in claims for breach of directors' duties and for the setting aside of preferential payments and transactions at an undervalue, including experience acting for liquidators and for defendants.

Jonathan is also familiar with applications for validation orders, to extend company administration, and for permission to re-use the trading name of a company in liquidation.

## **COMPANY**

Jonathan has been instructed in disputes involving unfair prejudice petitions and the rectification of the register of shareholders following a transfer purportedly effected in accordance with a shareholders' agreement. Jonathan is also familiar with applications to restore dissolved companies to the register and for rectification of the register of company charges.

## RECOGNITION

- *“Jonathan Edwards’ level of knowledge is impressive and he has a very approachable manner, which works well with clients. He also provides a number of training courses which are extremely clear and well-explained and showcase his capabilities.”* (Chancery: Traditional, Chambers UK Bar 2024)
- *“Jonathan is an excellent advocate, who is strong on technical points.”* (Chancery: Traditional, Chambers UK Bar 2024)
- *“Jonathan is an excellent barrister whose advice and approach are always well received.”* (Chancery: Traditional, Chambers UK Bar 2024)
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## PUBLICATIONS AND SPEAKING

Jonathan is a contributor to “Insolvency Litigation: A Practical Guide”, and has given talks on subjects including mutual wills, constructive trusts of the family home, the forfeiture of leases, and the frustration of contracts. He has also written an article on Quistclose trusts: ‘Was Lord Wilberforce Right After All?’ published in *Trusts & Trustees* 2013. Issue 19, at pages 176-189.

## 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

## POLICIES AND OTHER DETAILS

- Read Jonathan’s [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).