

# Ed Jones

## Call 2012



Ed maintains a commercial litigation and international arbitration practice, spanning shipping and shipbuilding, construction and infrastructure, banking and insurance disputes. He regularly appears in the High Court, Court of Appeal, and arbitration, both as sole or co-counsel, and as a junior member of a counsel team.

Ed was appointed as Junior Counsel to the Crown in 2016 (C Panel) and 2021 (B Panel). In this capacity is instructed by UK Government departments in disputes of national significance, particularly in admiralty, defence, and infrastructure disputes.

## International Arbitration

Ed has extensive experience of both domestic and international arbitrations particularly in shipping, construction and energy disputes, under a variety of institutional rules (e.g. ICC; LCIA; LMAA; SIAC; HKIAC; SCMA; ADCACC; DIFC-LCIA). He has considerable experience of acting against parties that are subject to OFAC and other international sanctions, particularly in disputes raising issues of frustration and illegality.

Ed also has a significant experience in advising upon and making applications in the Commercial Court in connection with arbitrations including: freezing / anti-suit injunctions, challenges and appeal under s.67 – 69 of the 1996 Act, and applications to enforce arbitration awards under s.66 of the 1996 Act.

## Featured International Arbitration cases

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**HKIAC Arbitration:** acting (as sole counsel) for a shipyard in relation to the disputes arising from an conversion of an offshore vessel.

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**LCIA Arbitration:** acting for a major commodities house defending a substantial claim brought by an allegedly sanctioned entity relating to the importation of commodities into the EU.

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SIAC Arbitration: acting as junior counsel defending a substantial claim brought by a sanctioned Russian bank concerning stock lending transaction under a GMRA.

LMAA Arbitration: Sole counsel for the successful shipowners, awarded over USD 17m, in a dispute concerning allegations of frustration due to Covid-19, suspension of performance, and the exercise of a lien in respect of unpaid demurrage: London Arbitration 17/21 (2021) 1087 LMLN 2.

LMAA Arbitration(s): acting as sole counsel for the successful shipowners in ten separate arbitrations against a state-owned oil producer, concerning the application of OFAC sanctions, and allegations of frustration and illegality.

SIAC Arbitration: advising on the impact of international sanctions on claims involving Russian state-owned entities.

ICC Arbitration: instructed (with James Leabeater KC) in a dispute about the construction of oil storage terminal facilities in the UAE.

DIFC-LCIA arbitration: Sole counsel for the successful Respondents in a multi-day DIFC-LCIA arbitration concerning a failed joint venture, involving allegations of bad faith and dishonesty.

ICC Arbitration: Junior counsel for the successful contractor in relation to an ICC arbitration arising out of a large infrastructure project in Qatar (with David Streatfield-James KC and Ben Pilling KC).

LCIA arbitration: Appointed as co-counsel in an ongoing nine-figure international arbitration seated in Jordan concerning an EPC contract for a gas power station in the Middle East.

The “Arctic” [2019] 2 Lloyd’s Rep. 603: junior counsel on a s.69 appeal concerning the classification of contractual terms regarding maintenance of class, before both the Commercial Court and Court of Appeal.

SY RORO 1 PTE Ltd & Anor v Onorato Armatori SRL & Ors [2024] EWHC 1283 (Comm): acting for the successful applicant in obtaining anti-suit relief.

Delta Kanaris and Ors. v Elemento Limited [2019] EWHC 2875 (Comm), junior counsel for the successful applicant on a freezing injunction in support of arbitration proceedings (led by Sean O’Sullivan KC).

Backos v WFW Global LLP [2019] EWHC 243 (Ch): sole counsel for the s.67 applicant, in a dispute concerning the interpretation of an arbitration agreement.

In addition, Ed has experience of making applications under the 1996 Act within arbitration including applications to strike out proceedings for want of prosecution under s.41(3), and applications under ss.30 and 32 of the 1996 Act in relation to jurisdiction. He has also been instructed and appointed as an expert to provide English law advice to foreign courts on the enforceability of arbitration awards in this jurisdiction.

## Shipping & International Trade

Ed practises in all aspects of shipping and regularly appears in both the Admiralty and Commercial Courts, and in LMAA arbitration. He is a supporting member of the LMAA, and accepts appointments as an arbitrator in appropriate cases. As part of his training, Ed was seconded to Nordisk, where he assisted with a wide range of contentious and non-contentious shipping matters.

Ed has been engaged in a range of disputes concerning issues arising from the Ukraine-Russian war, and was involved in

a number of leading cases concerning the interplay between sanctions and termination rights, such as:

- Havila Kystruten AS v STLC Europe [2022] EWHC 1833 (Comm) – obtaining an injunction to prevent the enforcement by bareboat lessors of security against cruise vessels under construction (with Nick Vineall KC and Maria Kennedy).
- Havila Kystruten AS v STLC Europe [2022] EWHC 3166 (Comm) – establishing the charterers' right to purchase vessels following termination events; whether payment of funds into a frozen account is good discharge; election between inconsistent remedies (with Nick Vineall KC and Maria Kennedy)
- Havila Kystruten AS v STLC Europe [2022] EWHC 444 (Comm) – quantification of break costs where a party is sanctioned; construction and measure of indemnities (with Alex Wright KC).
- Gravelor Shipping Limited v GTLK Asia M5 Limited [2023] EWHC 131 (Comm) – acting (With Alex Wright KC) for the successful bareboat charterers, a leading decision on the operation of the EU operations and whether or not a sanctioned counter-party is required to accept payment into a frozen account in discharge of a payment obligation under a finance lease.

Ed has a specific interest in cases concerning bareboat or demise charters, and is one of the lead editors of the forthcoming edition of *Bareboat Charters* (to be published in the Lloyd's Shipping Law Library in 2025).

He has acted in a number of important bareboat cases in recent years, including:

- The Arctic [2019] 2 Lloyd's Rep. 603: junior counsel for the owners on a s.69 appeal in both the Commercial Court and Court of Appeal concerning the termination for failure to maintain class.
- SY Roro 1 PTE Ltd & Anor v Onorato Armatori SRL & Ors [2024] EWHC 611 (Comm) acting (with James Leabeater KC) for the successful shipowners following a termination due to a change of control event, and resisting relief against forfeiture, both in arbitration and in an expedited hearing before the Commercial Court. Ed also conducted a summary judgment application for the owners, obtaining judgment in the sum of USD 76 million plus default interest.

More generally, Ed has developed experience of the whole gamut of shipping disputes, including: shipbuilding, collisions, salvage, unsafe ports; speed and performance claims; stevedore damage; cargo damage; detention; deviation; 'dirty' bunker disputes; redelivery disputes under bareboat charters, and maritime liens.

## Featured Shipping & International Trade cases

HKIAC Arbitration (2024): acting as sole counsel, obtaining a substantial award for a Chinese shipyard in relation to a contract for the conversion of an offshore vessel following an oral hearing.

Acting for shipowners and charterers in various cases concerning e.g. the loss of containers due to mis-declared container weights; fires on board container vessels.

Acting in the Commercial Court for Fincantieri defending high value claims brought in relation to the *Carnival Panorama*.

LMAA Arbitration 2022: sole counsel for the charterers following a fully fought two-week hearing relating to allegedly off-spec bunkers, engine damage, and unseaworthiness. The Charterers succeeded on all issues, including establishing unseaworthiness and a lack of crew competence and superintendency, and obtained an award in excess of USD 2.5m.

Ten LMAA Arbitration(s) – 2021: acting as sole counsel for the successful shipowners in ten separate arbitrations against a state-owned oil producer, concerning the application of OFAC sanctions, allegations of frustration and illegality arising from an alleged inability to make hire and AWRP payments in US dollars.

London Arbitration 17/21 (2021) 1087 LMLN 2: sole counsel for the successful owners in a dispute concerning allegations of frustration due to Covid-19, the exercise of liens other than at the discharge port, and suspension for non-payment under an amended Heavycon form. Following an oral hearing, the owners were awarded over USD 17m by the Tribunal.

The Arctic [2019] 2 Lloyd's Rep. 603: junior counsel for the owners on a s.69 appeal in both the Commercial Court and Court of Appeal concerning the classification of an obligation concerning regarding maintenance of class.

LMAA Arbitration: sole counsel of the owners of offshore support vessels let on bareboat terms, obtaining urgent orders for delivery up following non-payment of hire and abandonment.

LMAA Arbitrations: acting as sole and junior counsel for owners in range of disputes for different owners and charterers concerning cargoes originating in South America, concerning substantial delays, allegations of frustration, illegality, and the exercise of liens.

Ad hoc arbitration (ASG terms): retained to advise the owners of a nuclear submarine involved in a collision off the coast of Gibraltar.

Admiralty dispute: retained as sole counsel to advise the owners of a warship in relation to a salvage claim, involving salvaged values alleged to be in excess of USD 800m and the application of the principle in The "Amerique".

LMAA Arbitration: junior counsel for the successful respondent shipyard in an LMAA arbitration following the termination of a contract for the construction of a self-elevating liftboat following Basic Design delays. Ed also assisted in successfully defending a subsequent s.69 appeal at the permission stage.

SMCA arbitration – acting as sole counsel for the sellers of a vessel, in a case concerning the assertion of maritime liens by bunker suppliers in various jurisdictions and the seller's liability under the Norwegian Saleform.

The "RED OCTOBER" – acting as sole counsel in a multi-million Euro dispute in the Admiralty Court, concerning the development and dredging of Ayia Napa harbour, off-hire, delay and disruption.

LMAA arbitration – junior counsel (with Alex Wright) for the successful Claimant in a dispute concerning the termination of a 15-year time charter for non-payment of hire.

Kestrel v Irfaz (Mercantile Court) – obtained summary judgment in a dangerous cargo claim relating to a fire on board a boxship.

Ed also has substantial experience acting in disputes concerning luxury / superyachts, including sale and purchase disputes under the MYBA form, chartering disputes, and claims against surveyors and underwriters. Ed has obtained judgment on all issues for a yacht owner against hull underwriters under the Pantaenius Superyacht Clauses: ABS Company Ltd v Pantaenius UK Ltd & Ors [2020] EWHC 3720 (Comm).

Ed is regularly instructed by the Ministry of Defence / Royal Navy to provide strategic advice in relation to admiralty matters, including, collisions, disputes concerning the maintenance and operation of Royal Dockyards, shipbuilding and ship-repair contracts concerning Royal Navy vessels.

## Construction, Energy & Infrastructure

Ed Jones is increasingly instructed to assist or handle large-scale energy and infrastructure projects, both domestically

and in the Middle East. His recent work has included a number of substantial adjudications, TCC litigation and international arbitration.

## Featured Construction, Energy & Infrastructure cases

Acting for the sports division of a major construction company regarding the redevelopment of a premier league stadium (with Sean Brannigan KC).

Leading a team acting for the MOD regarding disputes arising during the redevelopment of a UK airbase.

TCC adjudication enforcement: successful enforcement of an adjudicator's award and Tomlin Order for a contractor subject to a CVA: *Fairgrove Homes Ltd v Monument Two Ltd* [2022] 1 BLR 140.

TCC proceedings: instructed by an NHS Trust in a substantial PFI dispute (with Sean Brannigan KC).

Adjudication: acting in a series of substantial adjudications concerned with the construction of a football stadium.

LCIA arbitration: appointed as co-counsel in a nine-figure arbitration seated in Jordan concerning installation works at a gas power station in the Middle East.

ICC Arbitration: acting as junior counsel in two disputes concerning the construction of oil terminals in the Middle East and Europe under EPC contracts (with James Leabeater KC).

Instructed, as sole counsel, by an employer in relation to a number of disputes and adjudications arising from the construction of a nuclear power station in the UK (primarily: FIDIC and NEC3 forms of contract).

Acting as sole counsel for Highways England in an adjudication concerning the operation of payment mechanisms in a substantial long-term contract regarding the maintenance of critical infrastructure (NEC3 TSC).

Adjudication: Appointed by Highways England as sole counsel to advise in relation to issues arising from a final account in a £1.5bn project (NEC3 ECC).

Adjudication: Acting as sole counsel for Environment Agency in a multi-million pound dispute concerning a flood relief scheme (NEC3 ECC).

Adjudication: Acting as sole counsel for Environment Agency in a multi-million pound dispute concerning the recovery of overpayments made under NEC3 in relation to electrical works carried out to a pumping station (NEC3 ECC).

Adjudication: Acting (with Jessica Stephens KC) for Environment Agency in a claim for specific performance of a contractor's obligation to provide a parent company guarantee (NEC3 ECC).

Commercial Court proceedings: Acting as sole counsel in a multi-million Euro dispute in the High Court, concerning the dredging of Ayia Napa harbour, raising issues of delay and disruption.

Adjudication: Instructed, as sole counsel, by the Environment Agency in a sequence of adjudications with Prime Contractors concerning the interpretation of framework contract (NCF2).

LMAA Arbitration: Junior counsel for the successful respondent shipyard in an LMAA arbitration following the termination of a contract for the construction of a self-elevating liftboat following Basic Design delays.

ICC Arbitration: Instructed as junior counsel for a large contractor in relation to ICC arbitration proceedings arising out of the construction of Lusail City, Qatar (with David Streatfield-James KC and Ben Pilling KC). Ed primarily worked on the

delay aspects of the case (both windows and TIA) and also quantum evidence (prolongation).

ICC Arbitration: Instructed as junior counsel in two \$multi-million ICC arbitrations concerning the design and construction of offshore wind farms. Ed worked closely with technical experts, and gained in-depth knowledge of the engineering principles applicable to offshore construction.

Ad hoc arbitration: Instructed by the Ministry of Defence as junior counsel in a high value dispute concerning the construction of operational facilities at a nuclear submarine base.

Advice in relation to contractor liability in a £multi-million PFI scheme, including the interpretation of output specifications, payment mechanisms, and indemnity provisions.

Given his shipping and shipbuilding experience, Ed is particularly sought after in cases with marine element including:

- Construction and development of on shore oil-storage facilities and terminals;
- Construction of off-shore facilities, including windfarms and berthing dolphins;
- Construction, development and repair of ports and harbours, including naval bases, facilities and dry docks.
- Harbour or marina development cases, including those with large dredging or earthworks packages.

## Banking & Financial Services

Ed has developed a comprehensive banking and finance practice. Ed has completed secondments in the Banking and Finance Litigation departments of two major UK firms and in the litigation department of Barclays Bank. He has broad experience of a wide range of banking disputes and an in-depth understanding of the environment in which major financial institutions operate.

Ed also acts for and advises a variety of financial institutions in relation to the alleged mis-sale of investment products, mortgages (including Shared Appreciation Mortgages) and pension products. Ed is well-acquainted with the regulatory framework in which these cases exist (e.g. COBS, MCOBS), and also acts in negligence claims against financial services professionals.

### Featured Banking & Financial Services cases

SIAC Arbitration: An ongoing a dispute with an investment fund and a Russian state-owned entity concerning the close out of positions under a GMRA following the imposition of US / OFAC sanctions.

Numerous claims relating to guarantees and performance bonds. Ed is regularly instructed by financial institutions to advise on and make applications for summary judgment in the County and High Court.

The 'close out' of positions under various master agreements (e.g. ISDA, GMR, and GMSLA forms) following events of default. In particular, through working closely with experts, Ed has developed a detailed understanding of the principles governing the close-out of positions by calculation agents, and the mechanics of valuing complex derivative products. Ed acted as junior counsel in LB I v Raiffeisen – a dispute relating to the construction and application of the valuation provisions of the leading international 'repo' agreement, the GMRA, both in the Commercial Court [2017] EWHC 522 (Comm) and the Court of Appeal [2018] EWCA Civ 719.

The alleged mis-sale of financial derivatives. He is regularly instructed (both as sole counsel and with a leader) to draft

pleadings, advise, and appear in Court with and without a leader. Ed has advised on strike out / summary judgment applications in a number of 'swaps' claims.

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Payment services, particularly the regime under the PSRs and the Card Scheme. Ed was instructed by one of the UK's largest merchant acquiring businesses to advise on its standard terms and conditions, particularly exclusion clauses. He has been in claims relating to disputed chargebacks and termination events.

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Retail banking disputes, including claims for breach of mandate, knowing receipt, and restitutionary claims. Ed has a developing practice relating to push-payment or social engineering fraud. Ed has appeared in a number of cases which involve allegations of fraud or dishonesty, including claims concerning 'cheque kiting'.

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In addition, Ed maintains a niche practice of obtaining civil restraint orders (CROs) for financial institutions, including an extended CRO for Bank of Scotland in Velupillai v Bank of Scotland [2017] EWHC 1693 (Mostyn J) and a limited CRO Vidler v Halifax Bank of Scotland [2015] 1 WLUK 99 (Andrews J).

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## Insurance

Ed has a broad marine and non-marine insurance practice.

### Featured Insurance cases

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Advising shipowners in relation to claims arising from the ongoing detention of a vessel in a Ukrainian port, payment of additional war risk premiums, and abandonment.

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Advising lead underwriters on the allocation of a subrogation fund following the total loss of an oil rig.

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Advising superyacht owners in relation to potential denial of coverage following an actual total loss caused by a fire, leading to acceptance of cover by underwriters.

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Sole counsel for the successful yacht owner against underwriters in a claim concerning grounding damage and challenges to the costs of repairs: ABS Company Ltd v Pantaenius UK Ltd & Ors [2020] EWHC 3720 (Comm).

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Advising an international insurance brokerage on the impact of the Supreme Court's decision in the FCA Business Interruption Test case across an entire book of policies under different wordings.

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Acting for underwriters in a claim involving the deployment of fraudulent devices.

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## Appointments

- Junior Counsel to the Crown (Attorney General's B Panel)

## Memberships

- COMBAR
- TECBAR
- LSLC
- YMP
- Youngship (Oslo)
- SCL
- FSLA
- LMAA Supporting Member

## Education

- BA History, First Class (New College, Oxford University)
- Dip. Law (City Law School) (Commendation)
- BTPC (Outstanding)

## Recommendations

Ed is ranked as a Leading Junior for Shipping and Construction in the Legal 500 and Chambers and Partners. Comments include:

*“... an excellent all-rounder and is very user-friendly. He is quick to respond and staggeringly intelligent.” (Chambers and Partners 2024)*

*“... very responsive and has a calm authority about him. He provides a reassuring, confident and calming presence on clients, and is very user-friendly.” (Chambers and Partners 2024)*

*“... outstanding drafting skills. He is very knowledgeable and extremely user-friendly.” (Chambers and Partners 2024)*

*“... a pleasure to work with and extremely knowledgeable.” (Chambers and Partners 2024)*

*“... really understands the client’s needs and always makes himself available at short notice to assist.” (Chambers and Partners 2024)*

*“... sound technical ability and excellent strategic instincts. Hard-working, intelligent and quick-thinking.” Legal 500 (2024)*

*“... articulate, an excellent critical thinker and brilliant on his feet.” Legal 500 (2023)*

*“His written advocacy is excellent, and we’re always really impressed at how quickly he turns things around to an incredibly high standard.” (Chambers and Partners 2023)*

*“... very well prepared and detail orientated. His oral advocacy is eloquent, and he performs well under pressure.” Legal*

500 (2023)

*"... an excellent ability to get the nub of an issue quickly and provides clear, practical, and pragmatic advice. The quality of his drafting is first-rate." Legal 500 (2022)*

*"... an excellent ability to get the nub of an issue quickly and provides clear, practical, and pragmatic advice. The quality of his drafting is first-rate." Legal 500 (2022)*

*"... the perfect junior – a safe pair of hands, with great knowledge of the law and gravitas beyond his years, which goes down well with judges." Legal 500 (2022)*

*"... very user-friendly and his written work is excellent."*

*"Sound technical ability and excellent strategic instincts. Hard-working, intelligent and quick-thinking" Legal 500 (2021)*

*"A very diligent and efficient junior who is flexible, bright and hard-working" Legal 500 (2021)*