

Ed Jones

Call 2012



Ed Jones maintains a broad commercial litigation and international arbitration practice, spanning shipping and international trade, construction and infrastructure, banking, insurance and IT disputes.

He has appeared in the High Court and arbitration, both in his own right, as co-counsel, and as a junior member of a counsel team.

Ed was appointed Junior Counsel to the Crown (Attorney General's C Panel) in 2016 and in this capacity is instructed by the UK Government in disputes of national significance, particularly in shipping, infrastructure and technology 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; SIAC; LMAA; HKIAC; SCMA; ADCACC; DIFC-LCIA).

Ed has a significant experience in drafting and making applications in the Commercial Court in connection with arbitrations including: freezing injunctions; interim and final anti-suit injunctions, applications under ss.32, 67, 68 and 69 of the 1996 Act, and applications to enforce arbitration awards under s.66 of the Act (including awards for injunctive relief).

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.

Featured International Arbitration cases

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

LMAA Arbitration: Junior counsel (with Alexander Wright) for the successful yard in relation to the termination of a contract for the construction of a self-elevating liftboat following design delays.

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.

ADCACC arbitration: Junior counsel (as part of a large team) in an ongoing arbitration concerning the construction of an international airport.

The “Arctic” [2019] 2 Lloyd’s Rep. 603 (Comm): junior counsel (with Alexander Wright) for the successful s.69 appellant, on a point of law concerning the classification of contractual terms regarding maintenance of class.

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

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.

Shipping & International Trade

Ed has extensive experience of acting in a wide variety of shipping matters, both dry and wet work, and regularly appears in the Commercial / Admiralty Court, and in arbitration (LMAA; SCMA; LCIA). As part of his training, he was seconded to Nordisk in Oslo, where he assisted with a wide range of contentious and non-contentious shipping matters.

Otherwise, Ed has significant experience of the whole gamut of LMAA arbitration claims concerning: unsafe ports; speed and performance claims; stevedore damage; cargo damage; detention; deviation; maritime liens.

Ed is regularly asked to advise on the interpretation of charterparty clauses (as a consequence of Covid-19) and war risk provisions, recently on the operation of force majeure clauses, for example, in relation to hostilities in Yemen / Syria / Iraq.

Featured Shipping & International Trade cases

Instructed to advise the Ministry of Defence / Royal Navy in relation to a number of admiralty matters including (a) claims by salvors in relation to the (alleged) salvage of a warship; and (b) a collision between a chemical tanker and a nuclear powered submarine, HMS Ambush.

LMAA Arbitration(s): acting both as sole and junior counsel in a number of references concerning Venezuelan cargoes, raising issues of sanctions, frustration and force majeure (including as a consequence of Covid-19).

The “Arctic” [2019] 2 Lloyd’s Rep. 603: junior counsel (with Alexander Wright) in both the Commercial Court and the Court of Appeal on a point of law concerning the classification of contractual terms regarding maintenance of class in the Barecon ‘89.

ABS Company v Pantaenius UK Ltd: acting as sole counsel for owners against hull underwriters, in relation to grounding damage suffered by a high-performance yacht, the ‘Queen B Speed’. After a three day trial, Ed’s client succeeded on all issues.

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 the consequent 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 dredging of Ayia Napa harbour, off-hire, delay and disruption.

LMAA arbitration: Junior counsel in a jurisdiction dispute concerning the redelivery of an offshore support vessel in Kazakh waters.

LMAA arbitration: Junior counsel (with Alexander 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.

Stena Sonangol v Samir (Commercial Court): Instructed by owners in a significant claim for demurrage / damages claim relating to the repudiation of a charterparty.

Instructed in a number of claims concerning the alleged contamination of oil products during loading and/or STS operations under the Shellvoy / Exxonvoy standard forms (Commercial Court; Admiralty Court; LMAA).

Construction & Infrastructure

Ed has broad experience of construction and infrastructure disputes in litigation, arbitration, and adjudication, both in his own right and as part of a larger team. He has been instructed in a wide range of disputes concerning contracts under the JCT, NEC3 and FIDIC forms, and professional appointments under the RIBA terms.

Ed has broad experience of adjudication, including drafting statements of case and advising on the enforcement of adjudicators’ awards, particularly where breaches of natural justice or excess of jurisdiction are being alleged.

Featured Construction & Infrastructure cases

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 (FIDIC; NEC3).

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.

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).

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).

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

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).

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

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.

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

Advising an employer in relation to claims worth c.£70m in respect of the construction of an offshore jetty.

Advising (as sole counsel) an employer in relation to the recoverability of payments made by a contractor to repair its historic defined benefit pension deficit (NEC3).

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.

Appointed as co-counsel on behalf of a sovereign state in relation to an EPC contract for the construction of a gas turbine power station.

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 QC and Ben Pilling QC). Ed primarily worked on the delay aspects of the case (both windows and TIA) and also quantum evidence (prolongation).

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

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.

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).

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).

Featured Banking & Financial Services cases

Numerous claims relating to guarantees and performance bonds. Ed is regularly instructed by financial institutions to advise on and make applications for summary judgment, multi-track trials, both in the County Court and the Commercial Court.

The ‘close out’ of positions under the ISDA / GMRA / GMSLA agreements 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 *LBI 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 was closely involved in *CGL v RBS*, and has advised on strike out / summary judgment applications in a number of ‘swaps’ claims.

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.

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

Technology & Telecoms

Ed has experience of a wide range of IT and Telecommunications disputes.

Ed is regularly instructed to advise and draft pleadings in matters relating to the design, development and hosting of websites, web platforms, and apps (iOS, Android).

Featured Technology & Telecoms cases

Instructed as junior counsel to advise the Government in relation to the provisions of a complex IT infrastructure project with a value of about £4 billion.

Instructed as junior counsel in relation to a high value arbitration arising from major UK Defence / IT contract.

Advising in relation to the alleged waiver of termination and liquidation damages provisions in a major IT infrastructure project.

Advice in a dispute involving the interpretation of run-off provisions in a platform provision agreement, and a dispute concerning defective firmware in 'smart' televisions.

Insurance

Ed is currently instructed by a major global insurance broker to analyse and to advise upon the consequences of the [FCA Business Interruption Test Case](#) on a wide range of policies.

Ed is regularly instructed to appear on behalf of insurers in disputes concerning a range of civil matters. In particular, he has built up experience of claims involving an element of fraud, particularly those involving fraudulent devices. Ed is presently instructed to investigate historic allegations of fraud and dishonesty against a Lloyd's broker.

Ed is often instructed to advise in coverage disputes, particularly those involving the construction of insurance policies including policies of marine insurance.

Recently, Ed acted as sole counsel for yachtowners against hull underwriters, in relation to grounding damage suffered by a high-performance yacht, the 'Queen B Speed' ([ABS Company v Pantaenius UK Ltd](#)). After a three day trial, Ed's client succeeded on all issues.

Professional Negligence

Ed has significant experience in professional negligence disputes before the TCC involving engineers and architects with complex technical aspects. He often works closely with expert witnesses.

Featured Professional Negligence cases

Instructed in a high value professional negligence action against a firm of solicitors (Commercial Court (with Nigel Tozzi QC and Alex Wright)).

Defending negligence actions brought against IFAs (including those involving breaches of COBS and MCOBS).

Claims against architects and engineers arising from the negligent design of care homes (TCC).

Instructed (as sole counsel) in multiple claims against marine surveyors.

Appointments

- Attorney General's C Panel (2016)

Memberships

- COMBAR
- SCL
- TECBAR
- FSLA
- YMP
- Youngship (Oslo)
- MCI Arb

Education

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

Recommendations

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

- Sound technical ability and excellent strategic instincts. Hard-working, intelligent and quick-thinking.
- A very diligent and efficient junior who is flexible, bright and hard-working.