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Simon Jones

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Year of Call: 2011

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PRACTICE AREAS

Commercial

Property

Insolvency & Restructuring

Banking and Finance

PROFILE

Simon is a specialist chancery commercial practitioner with a particular focus on insolvency, company, banking & finance, commercial disputes and civil fraud.

The main focus of Simon's work is complex High Court disputes, both as sole counsel and as part of a wider counsel team. He has also appeared, unled, the Court of Appeal and regularly represents the Financial Conduct Authority in the Upper Tribunal (Tax and Chancery Chamber). Simon's practice also encompasses advisory work at all stages of disputes, where he provides practical, pragmatic and strategic advice.

Simon's recent and ongoing case load includes:

- Representing the applicant in a contested administration application where the total liabilities of the company exceeded £1 billion.
- Acting as sole counsel for the FCA in a claim concerning the unauthorised establishment and operation of an investment scheme resulting in significant consumer losses.
- Advising the former shareholder and director of a regulated financial services firm when disputes arose as to the proper construction of the share sale and purchase agreement.

PRACTICE AREAS

Commercial

Simon provides expert advice and representation in a wide range of business disputes, including contractual disputes, guarantee claims, shareholder disputes, misrepresentation, civil fraud, remedies for breach of contract, claims for specific performance, accounts of profits, and asset recovery. Simon is equally adept as sole counsel or as part of a larger counsel team and appears in hearings ranging from urgent interim applications to trials. Whether acting for multi-national companies, SMEs or individuals engaged in commercial disputes, Simon prides himself on ensuring his advice and representation reflects the commercial realities of a case and is focused on the business objectives of his clients.

Recent and ongoing work includes:

- Representing (as sole counsel) the defendants in an ongoing dispute concerning the establishment and operation of a joint venture company for the development of land.
- Representing (as junior counsel) the Claimants in a claim concerning breach of contract, fraudulent misrepresentation, and breaches of FSMA 2000.
- Appearing (as junior counsel) for one of the respondents in a US\$540m freezing injunction.
- Representing a global charitable foundation seeking a freezing injunction in connection with its commercial activities.
- Representing an energy supplier in resisting interim injunctive relief and in seeking security for costs.

Property

Simon accepts instructions in all areas of property. His practice includes commercial and residential landlord and tenant disputes and real property. Simon has particular interest and expertise in the renewal of business tenancies, forfeiture, breach of covenant, easements, land registration and priorities, party walls, and the transfer of real property. With a solid foundation in insolvency, Simon has a particular interest in property cases with an insolvency element such as where a landlord enters liquidation or administration. Simon is frequently consulted by landlords prior to the commencement of claims, where his advice can be deployed to obtain the best outcome.

Recent cases include:

- Appearing unled in the Court of Appeal in a case concerning the nature of notices seeking possession on

the basis of arrears of rent.

- Representing a commercial tenant in a dispute concerning the maintenance of a city-centre office building.
- Representing a marina in a dispute concerning the scope and enforceability of covenants contained in a transfer of land.
- Representing the claimant at a three-day trial concerning damage to a terrace property caused by works in the adjoining property.
- Advising and representing an applicant seeking to overturn a fine issued for the operation of an unlicensed house in multiple occupation.
- Advising a company in respect of a 1998 transfer of land that mistakenly omitted part of the land intended to form a new freehold title.
- Advising a group of sub-lessees on the effect of the liquidation of the head lessor and the disclaimer of the head lease.

Insolvency & Restructuring

Insolvency is a large part of Simon's practise. He acts for office holders, creditors, and debtors in all stages of personal and corporate insolvency. Simon acts for office holders seeking to realise assets for the benefit of insolvent estates or to challenge preferential transactions. Simon also acts for both creditors and debtor in applications to set aside statutory demands, applications to restrain advertisement of winding up petitions, and in challenges to voluntary arrangements.

Simon is particularly interested in insolvency work where it intersects with his other core practice areas. He has a growing expertise in property related insolvency issues such as disclaimer of leases following liquidation.

Recent cases include:

- Representing a group of applicants seeking to challenge a multimillion-pound CVA.
- Representing the FCA in seeking a just and equitable winding up of a company pursuant to s.367 FSMA 2000.
- Advising the Council of Licensed Conveyancers in respect of the assets of an insolvent, formerly regulated, firm.
- Advising a trustee in bankruptcy seeking to realise assets pursuant to an order for bankruptcy made in 1995.
- Advising the director of an insolvent company facing a claim against him personally alleging wrongful reuse of a company name.
- Advising a defendant company in respect of a claim by a trustee in bankruptcy who was contending certain payments made prior to the bankruptcy amounted to preferences.

Banking and Finance

Simon undertakes a wide range of banking work in respect of guarantees, mortgages, and facility agreements. Simon acts for lenders and financiers as well as corporate and individual borrowers. Through a secondment to the Financial Conduct Authority in 2016 Simon has also gained a detailed understanding of financial services regulation.

In private practice, Simon regularly accepts instructions from the FCA, private individuals, and companies on all matters concerning financial services and financial services regulation.

Recent cases include:

- Representing an asset finance company in a claim against the principal debtor and various guarantors. The defences raised matters of undue influence, misrepresentation and non est factum.
- Advising a borrower on whether a £25m loan was unenforceable for breaching FSMA 2000.
- Advising on the enforceability of a mortgage for business purposes secured against residential property.
- Representing the FCA in an ongoing High Court claim concerning the unauthorised establishment and operation of an investment scheme resulting in significant consumer losses.
- Representing the FCA on a two-day reference to the Upper Tribunal following the refusal to authorise a company to carry out regulated activities.
- Advising a start-up company as to whether its business amounted to a collective investment scheme such that it required FCA authorisation.
- Representing the FCA before the Regulatory Decisions Committee

SIGNIFICANT CASES

Ashraf Wealth Management v Financial Conduct Authority [2024]

UKUT 00265 (TCC)

Simon acted for the FCA in two-day trial, successfully resisting a challenge to the refusal to grant the applicant permission to conduct regulated activities. The trial focused on questions of the director of the applicant's fitness and propriety.

Taytime Ltd v Secretary of State for Levelling Up, Housing and Communities [2023]

EWHC 1522 (Admin) and [2024] EWHC 1053 (Admin)

Simon appeared as a specialist insolvency junior in the Planning Court, considering the scope and extent of a liquidator's powers of assignment. Simon was part of a counsel team James Maurici KC and Ben Fullbrook.

Financial Conduct Authority v Bright Management Solution Ltd [2024]

EWHC 1200 (Ch)

Simon appeared for the FCA. Simon obtained the court's approval for the scheme of distribution of monies recovered by the FCA from the defendants.

Torr v Connor [2024]

3 WLUK 238

Simon appeared for the Defendant in a four-day fraudulent misrepresentation trial.

Ferne v Gwinnutt [2023]

EWHC 2035 (Ch)

Simon successfully resisted a challenge to a liquidator's refusal to admit a proof of debt. The challenge raised questions about the circumstances in which interest may be payable on late paid sums.

Kingsbridge Capital Advisors Ltd v Financial Conduct Authority [2023]

UKUT 00103 (TCC)

Simon appeared for the FCA, successfully resisting privacy applications.

Prempeh v Lakhany [2021]

1 WLR 1055, [2021] HLR 7, [2021] L&TR 8, [2020] EWCA Civ 1422

The leading case on whether a section 8 notice under the Housing Act 1988 is a 'demand for rent' such that it must comply with section 47 of the Landlord and Tenant Act 1987.

Financial Conduct Authority v Bright Managment Solutions Ltd [sic] [2021]

EWHC 527

Summary judgment and judgment on admissions in a case concerning the unauthorised operation of an investment scheme.

Douglas Hospitality Ltd v Engie Power Ltd [2021]

EWHC 1856 (QB)

Security for costs obtained on behalf of the defendant energy supplier.

The Wellcome Trust v Nuitri Group [2021]

Representing the applicant in obtaining a freezing injunction.

Lewis Alexander Limited v Financial Conduct Authority [2019]
UKUT 49 (TCC)

Representing the respondent following the refusal to grant the applicant permission to carry out regulated activities.

The Republic of Angola v Perfectbit Ltd and Ors [2018]
EWHC 965 (Comm), [2018] Lloyd's Rep FC 363

Representing, as junior counsel, one of the respondents to a US\$540m freezing injunction.

CAREER AND ASSOCIATIONS

Called to the Bar (Inner Temple) 2011

Nottingham Law School, Nottingham Trent University, Bar Professional Training Course

Jesus College, University of Oxford, BA Jurisprudence (with senior status)

University of York, BA History and Politics

Member of the Chancery Bar Association

Member of the Commercial Bar Association

Member of the Financial Services Lawyers Association

PUBLICATIONS

Property Realised after Completion of an Individual Voluntary Arrangement

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