

Christopher Jones

Head of Real Estate



YEAR OF CALL: 2004

INN: GRAY'S INN

“ Christopher is an intelligent and approachable barrister with a very sensible approach in his legal opinions. He is quick to grasp the issues and is great on his feet.”

CHAMBERS UK, 2022

CHANCERY

Practice Overview

Christopher is a chancery and commercial specialist with particular emphasis on trust litigation and advice, contentious and non-contentious probate applications, real property litigation (particularly in relation to easements, restrictive covenants and contracts for the sale of land) and commercial and agricultural landlord and tenant disputes. He also regularly advises on professional negligence claims, particularly in relation to claims against solicitors, accountants and tax consultants in relation to negligent conveyancing and tax advice as well as being a trained mediator.

Christopher is consistently recommended as a leading junior in Chambers UK and Legal 500.

Christopher is identified as “most highly regarded” junior at the property Bar by Who’s Who UK Bar: Real Estate 2017, the only barrister on the Western Circuit to be recommended. He is “noted for his ‘excellent client, skills, rational thinking and practical application of legal principles’. Jones focuses his practice on litigation relating to easements, restrictive covenants and land sale contracts.”

Christopher is listed in the Who’s Who UK Bar: Real Estate 2016 and is described as “accessible and easy to work with” and commended for his commercial and agricultural landlord and tenant disputes work.

Christopher is also listed as one of only four leading juniors as ‘most highly regarded’ in Who’s Who Legal Bar: Real Estate 2015. “He stands out for his commercial land and landlord and tenants practice but particularly for his great client handling skills. He has a great deal of empathy with clients and is prepared at all times to go the extra yard. Clients and peers agree that he puts client care and satisfaction above all else.”

Christopher is also a qualified mediator.

Areas of Expertise

Agriculture & Rural Affairs

Christopher is a member of the Agricultural Law Association and has extensive expertise in a wide variety of agricultural issues.

- ▶ Acting for farmers / suppliers in connection with the sale and supply of seed and animal feed
- ▶ Farm and agricultural land sales and purchases
- ▶ Options and overage agreements
- ▶ Farm tenancies and agricultural holdings
- ▶ Trusts and succession disputes/planning
- ▶ Farming partnerships
- ▶ Profits a prendre including in particular fishing, shooting and grazing
- ▶ Water and drainage rights
- ▶ Public and private rights of way
- ▶ Boundary disputes

Christopher is a qualified mediator and can be instructed to mediate agricultural disputes.

Commercial

Christopher acts for businesses in cases concerning all aspects of commercial and contract disputes, including sale of goods and services, restraint of trade, insolvency, partnership disputes and applications for interim relief. Recent examples of Christopher's work include:

- ▶ A claim for partner of a family farming partnership, seeking dissolution accounts and consequential orders.
- ▶ Advising in connection with a failed joint venture agreement.
- ▶ Acting for a company and its directors resisting a freezing order.
- ▶ Acting for a company served with a search order.
- ▶ A successful claim by the receiver of a partnership seeking substantial rent arrears under a commercial lease and defending a counterclaim alleging breach of a director's fiduciary duties in respect of the historic rent reviews and seeking compensation for tenant's improvements.
- ▶ A successful claim by a rapeseed oil cooperative for unpaid invoices and in the process defeating a counterclaim alleging that the winter rapeseed failed through inherent defect rendering it not fit for purpose as a winter hardy variety.
- ▶ *Bray (t/a the Building Company) v Bishop & Anor* [2009] EWCA Civ 768 – Court of Appeal case dealing with the approach a court should adopt with regard to costs when the parties have compromised all other matters save for costs
- ▶ *Hinch v Castlehouse Care Home* (2013) – acted for the vendors of a care home business where it was alleged that there had been misrepresentations and/or breaches of warranty in the sale of the shares, who sued for unpaid retention monies.
- ▶ *Countrywide Farms PLC v Goldstone Eggs* (2013) – Christopher successfully represented a national feed supplier in defence to a claim for the supply of defective poultry feed.
- ▶ *Grimes v Trustees of the Essex Farmers & Union Hunt* [2017] EWCA Civ 361 – appeal to the Court of Appeal regarding the correct approach to construing a clause within a lease.

Christopher also acts for and advises partners in cases which include disputes over dissolution, accounts and breach of duty. Christopher has a particular expertise in acting for partners of farming partnerships, legal and accountancy firms. Recently Christopher has advised and represented a receiver and manager appointed to deal with the complex property holding and letting arrangements of a partnership where the partners gave vying accounts.

Christopher is a qualified mediator and can be instructed to mediate commercial disputes.

Construction & Engineering

Christopher has experience in a variety of construction and engineering matters. He acts for both builders and property owners in disputes concerning either failure to pay or alleged defective work.

Examples of his experience include:

- ▶ Commercial property and residential developments
- ▶ Defective works and other contractual disputes
- ▶ Surveyors negligence
- ▶ Defective design
- ▶ Defective construction
- ▶ Mundic Block and pre-fabricated concrete construction in residential buildings

Court of Protection

Christopher advises on and appears in cases involving the Mental Capacity Act 2005 and the property and affairs jurisdiction of the Court of Protection. He has a particular expertise in statutory will applications (in 2012 he appeared in *Re JC; D v JC* [2012] WTLR 1211), contested deputyship appointments and cases involving financial abuse of the vulnerable.

Christopher is regularly instructed on cases involving;

- ▶ Applications for statutory wills and gifts
- ▶ Allegations of financial abuse
- ▶ Deputyship disputes – property and affairs and welfare deputies
- ▶ LPAs and EPAs
- ▶ Welfare/best interests decisions
- ▶ Deprivation of liberty issues

Mediation

Christopher qualified as a mediator in January 2018. His background is predominantly in trust litigation and advice, contentious and non-contentious probate applications, real property litigation (particularly in relation to easements, restrictive covenants and contracts for the sale of land) and commercial and agricultural landlord and tenant disputes (and they are the fields in which he has most mediation experience), but Chris is happy to mediate in any field.

Christopher acts as an independent party in the dispute resolution process to facilitate open discussion and reach consensus between the parties, without the need to go to court with all the added expense and aggravation.

Christopher is noted for his excellent client skills, rational thinking and practical application of legal principles, which he brings to the mediation table.

Professional Negligence

Christopher acts for businesses and individuals in claims concerning all aspects of professional negligence related to his areas of expertise. He has a particular interest in bringing and defending claims against solicitors (litigation, conveyancing, wills and tax planning), accountants and surveyors.

Recent examples of Christopher's work include:

- ▶ Defending a firm of solicitors for alleged negligence in connection with the purchase of a listed building.
- ▶ Defending a firm of solicitors in connection with matters arising out of their drafting of a lifetime settlement, and bringing proceedings to rectify the same.
- ▶ Defending a firm of solicitors in connection with their drafting of a will.
- ▶ Suing a firm of accountants and a firm of solicitors for tax advice given in connection with the sale of a business.
- ▶ Suing a solicitors practice for preparing a will where the testator lacked testamentary capacity and had been diagnosed with dementia.
- ▶ Suing a solicitors practice for drafting a defective will.
- ▶ Suing a surveyor for a defective building survey.
- ▶ Suing a surveyor for failing to identify the presence of Japanese Knotweed during a building survey.
- ▶ Advising on a claim against a barrister in connection with pleadings drafted in a multimillion pound construction dispute.

Christopher is a qualified mediator, and accepts instructions to mediate professional negligence claims.

Real Estate

Head of Real Estate, Christopher has extensive expertise in a wide variety of property issues.

- ▶ Real property
- ▶ Easements: rights of way, rights of support, rights to light and water rights
- ▶ Disputed ownership of land, adverse possession and boundary disputes
- ▶ Mobile homes
- ▶ Restrictive covenants
- ▶ Mortgages
- ▶ Sale of land: disputed title, misrepresentation, conditional contracts, overage
- ▶ Torts relating to land
- ▶ Proprietary estoppel
- ▶ Equitable claims

Landlord & Tenant

- ▶ Principally commercial and agricultural leases but also residential
- ▶ Lease construction
- ▶ 1954 Act renewals
- ▶ Rent reviews
- ▶ Dilapidations claims
- ▶ Breaches of covenant, particularly covenants against assignment
- ▶ Service charge disputes: Christopher advises on and appears in matters before the Leasehold Valuation Tribunal.
- ▶ Leasehold enfranchisement

Christopher is a qualified mediator and can be instructed to mediate real estate disputes.

Wills & Trusts

Christopher regularly advises in cases involving the division of assets between cohabitants, disputed wills and the administration of trusts and estates. In addition his practice includes disputes involving:

- ▶ Advising on trustees' powers and duties
- ▶ Construction and rectification of trusts
- ▶ Administration of estates and trusts
- ▶ Applications to court for directions

- ▶ Applications to remove executors and trustees
- ▶ Post-death variations, disclaimers and appointments out of trusts
- ▶ Applications under the Variation of Trusts Act 1958
- ▶ Rectification and trustee mistake claims
- ▶ Beddow Applications
- ▶ Advising on trusts of personal injuries damages
- ▶ Trusts issues in matrimonial proceedings
- ▶ Trusts in the commercial context
- ▶ Co-ownership and trusts of land
- ▶ Claims under Trusts of Land & Appointment of Trustees Act 1996
- ▶ Claims under the Inheritance (Provision for Family and Dependents) Act 1975
- ▶ Validity of wills
- ▶ Construction and rectification of wills
- ▶ Construction and rectification of deeds of variation
- ▶ Contentious probate
- ▶ IHT and CGT
- ▶ Court of Protection
- ▶ Charities
- ▶ Reverter of Sites Act 1987
- ▶ Proprietary estoppel
- ▶ Equitable claims
- ▶ Professional negligence in all matters related to trusts and estates

Christopher is a qualified mediator and can be instructed to mediate private client disputes.

Recent Cases

- ▶ **Habberfield v Habberfield** [2019] EWCA Civ. 890 - Christopher was led by Leslie Blohm QC, appearing for Ms Habberfield on her mother's appeal to the Court of Appeal to challenge the result. The Court of Appeal dismissed the appeal, and gave guidance in respect of similar claims.
- ▶ **Miller v Miller** [2018] EWHC 1926 (Ch) - Christopher advised and represented the successful Claimants in their application for orders in the construction and rectification of a lifetime settlement. Conflicting provisions within the trust instrument provided that where a gift of the fund failed it should revert to the settlors, but another provision excluded the settlors from benefitting under the settlement. The Court adopted the test in *Marley v Rawlings* 2014 UKSC 2, and confirmed that the test for the proper construction of trusts is the same test as is applied to wills.
- ▶ **Grimes v The Trustees of the Essex Farmers & Union Hunt** [2017] EWCA Civ 361 - The Court of Appeal held that a notice to quit was not properly served and so did not determine a farm business tenancy under the Agricultural Tenancies Act 1995.
- ▶ **Bradley v Heslin** [2014] EWHC 3267; All ER (D) 185 (Oct) – instructed by Portland Legal Services to act on behalf of the Defendants, in a three-day trial before Mr Justice Norris sitting in the Chancery Division in Liverpool.
- ▶ **United Oilseeds v North** (2014) – a successful claim by a rapeseed oil cooperative for unpaid invoices and in the process defeating a counterclaim alleging that the winter rapeseed failed through inherent defect rendering it not fit for purpose as a winter hardy variety, involving expert agronomist evidence.
- ▶ **Oatley & Ors v Oatley & Powney**, LTL 15/4/2014, AC9401521 Ch D Asplin J – a three day trial before Mrs Justice Asplin defending the trustees' application to rectify a lifetime settlement of shares in a farming business (2014).
- ▶ **James & The Co-Operative Trust Corporation v Owen, James & James** - represented the claimants in a trial before Mr Justice Morgan, sitting in the Chancery Division in Cardiff. The claimants sought orders for the construction of the trusts set up by the deceased's will, and for directions in the future administration of the estate.
- ▶ **Hopkins v Bowden**, (ChD, Cardiff) – acting for the claimant who sought declarations and injunctive relief in connection with a right of way to a farm, which he purchased at auction (2013); proceedings settled successfully at trial.
- ▶ **Countrywide Farms PLC v Goldstone Eggs** (2013) – successfully representing a national feed supplier in defence to a claim for the supply of defective poultry feed.
- ▶ **Wolfe v Davies**, (ChD, Cardiff) – acting for the defendant in connection with disputed fishing rights over her farm, through which ran the River Towy; proceedings settled (2013).
- ▶ **Re JC; D v JC** [2012] WTLR 1211, (2012) MHLO 35 (COP) – a statutory will application by JC's daughter D, who had been conceived following a post-marital rape of JC's ex-wife and adopted by other parents

very shortly after her birth, and who had never met or had any contact with JC; she sought a statutory will giving her an equal share JC's £3.5m estate alongside his other children.

- ▶ **McCullough v Armstrong** [2011] EWHC 67 (Ch) - an appeal to the High Court from the Adjudicator to Land Registry of an application for rectification of the registered title for the removal of a reference to a right of way, based upon the interpretation of the conveyancing history of several properties.
- ▶ **Bray (t/a the Building Company) v Bishop & Anor** [2009] EWCA Civ 768 (19 June 2009) – a Court of Appeal case concerning the court's approach where the parties have settled all issues save for costs.

Recommendations

"Christopher is very personable, approachable, very easy to deal with and good on his feet."

LEGAL 500 , 2022

CHANCERY, PROBATE AND TAX

"He never shies away from the difficult issues, and provides forthright and pragmatic advice."

LEGAL 500 , 2022

COMMERCIAL LITIGATION

"Christopher is a very talented advocate who is quick on his feet. Clients find him very easy to work with."

LEGAL 500 , 2022

PROPERTY AND CONSTRUCTION

"He is easy to work with and is liked by clients. He understands agricultural issues and is able to therefore hit the ground running on new cases we bring him."

LEGAL 500 , 2022

AGRICULTURE

"He's compelling on his feet and commercially astute."

CHAMBERS UK , 2022

REAL ESTATE LITIGATION

"Chris is an intelligent and approachable barrister with a very sensible approach in his legal opinions. He is quick to grasp the issues and is great on his feet."

CHAMBERS UK , 2022

CHANCERY

"He is very pragmatic, gives sensible advice and has a good rapport with the client." "He is great to work with and really friendly."

CHAMBERS UK , 2022

AGRICULTURE

"Clients appreciate how quick Chris is to understand the key issues...He shows attention to detail and is realistic in his advice. He is a confident performer. 'He is able to put people at ease and explain things in simple terms."

CHAMBERS UK , 2021

CHANCERY

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LEGAL 500 , 2022

CHANCERY, PROBATE, AND TAX

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AGRICULTURE

Professional Memberships

- ▶ Chancery Bar Association
- ▶ The Society of Trust and Estates Practitioners (STEP)
- ▶ Association of Contentious Trust And Probate Specialists (ACTAPS)
- ▶ Agricultural Law Association
- ▶ Property Bar Association

Qualifications & awards

- ▶ University of Bristol, LLB (Hons)
- ▶ University of the West of England, Bar Vocational Course
- ▶ Beddingfield Scholar at Gray's Inn

Additional information:

Christopher has delivered the following seminars:

- ▶ Agricultural Law
- ▶ Break clauses in commercial leases
- ▶ Removing trustees and PRs
- ▶ Statutory will applications in light of Re JC; D v JC [2012] WTLR 1211
- ▶ Donatio mortis causa
- ▶ Good faith in property contracts
- ▶ Overage: a practical guide
- ▶ Statutory Wills
- ▶ Removing personal representatives
- ▶ Kernott v Jones
- ▶ Lack of knowledge and approval post RSPCA v Gill
- ▶ Testamentary capacity
- ▶ Property co-ownership: life, death and insolvency
- ▶ Contentious issues arising in the administration of estates: beddoe applications
- ▶ Land adjudication proceedings
- ▶ Contentious issues arising in the administration of estates
- ▶ Enforcing guarantees in commercial leases
- ▶ Insolvency and commercial tenants
- ▶ Contentious trusts and probate
- ▶ Claims under the inheritance (Provision for Family and Dependants) Act 1975.

Contact Christopher

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Contact the clerks



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