

NEW SQUARE CHAMBERS

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Clive H. Jones

Call: 1981



Clive H. Jones was called to the Bar in 1981. He has been recommended in the Legal 500 for civil fraud and currently for company, insolvency and partnership. He is a Deputy Bankruptcy Registrar and also sits as a Deputy Registrar in the Companies Court.

As a litigation lawyer he combines his company and insolvency practice with commercial disputes and an extensive local authority practice. He is co-editor of The Law of Freedom of Information with John Macdonald QC, published by Oxford University Press. He has been a contributor to Mithani on "Directors Disqualification".

Areas of practice

Commercial Chancery

Company and Insolvency

Public Law

Appointments

Deputy Bankruptcy Registrar

Education and Qualifications

BA (Hons) (Oxon) 1980

Directories and Acknowledgments

"top-rate senior junior"

Legal 500, 2010 Edition - Insolvency

Leading Junior - Company - Legal 500, 2010 Edition

Leading Junior - Insolvency - Legal 500, 2010 Edition

Leading Junior - Partnership - Legal 500, 2010 Edition

"cuts through complex facts with the strength of a well-tempered blade"

Legal 500, 2009 Edition - Insolvency

Leading Junior - Company - Legal 500, 2009 Edition

Leading Junior - Insolvency - Legal 500, 2009 Edition

Leading Junior - Partnership - Legal 500, 2009 Edition

"good for tricky matters, with a nice court manner"

Legal 500, 2008 Edition - Insolvency

Leading Junior - Company - Legal 500, 2008 Edition

Leading Junior - Insolvency - Legal 500, 2008 Edition

Leading Junior - Partnership - Legal 500, 2008 Edition

"commended for his 'knowledge and experience of banking and insolvency issues arising in partnership work.'"

Legal 500, 2007 Edition

Leading Junior - Partnership - Legal 500, 2007 Edition

Leading Junior - Partnership - Legal 500, 2006 Edition

Memberships

Chancery Bar Association

Commercial Bar Association

Member of the Institute of Arbitrators

Cases

Commercial Chancery

Name: Belsize Park Hotel Limited v Westminster City Council

Comment: Successfully acted for the defendant Council in a trial estimated to last 3 weeks in which the Claimant discontinued its million pound claim for damages for breach of contract after the cross-examination of its main witnesses.

Court: High Court

Name: Foxtons Ltd v Pelkey Bicknell and another

Reference: [2008] EWCA Civ 419

Comment: Acted for the vendor in the Court of Appeal successfully overturning a decision requiring her to pay commission resulting in leading text books needing to be re-written.

Court: Court of Appeal

Name: EDO MBM Technology Ltd and others v Campaign to Smash EDO

Reference: [2006] EWHC 598 (QB)

Comment: Appeared in injunction proceedings concerning the Protection from Harassment Act 1997.

Court: High Court

Name: Q R Sciences v BTG International Ltd

Reference: [2005] FSLR 43 at 909, Park J

Comment: Appeared in a 5 day trial concerning the principles of rectification.

Court: High Court

Name: Capital Asset Trading v Gillespie

Reference: [2003] All ER (D) 234 - Lewison J

Comment: Appeared on a variety of injunction applications including: freezing orders in gaming and estate agent cases; an injunction to restrain the dissipation of company assets; an injunction to restrain directors setting up a competing business; and an injunction to restrain the exercise of a power of attorney.

Court: High Court

Name: Hadley Design Associates Ltd. v Westminster City Council

Reference: [2003] All ER (D) 262

Comment: Appeared in a successful three day action concerning termination of a surveyor's consultancy agreement.

Court: High Court

Name: Royal Bank of Scotland v Etridge (No. 2)

Reference: [2001] 3 WLR 1021

Comment: Undue influence case.

Court: House of Lords

Company and Insolvency

Name: In the Matter of Gilkes

Comment: Acted for the applicant who set aside a statutory demand for £350,000.

Court: County Court

Name: Shierson and another v Rastogi

Reference: [2007] All ER (D) 446 (May)

Comment: Acted in the leading case on suspension of discharge from bankruptcy under s.279 IA 1986.

Court: High Court

Name: RBG Resources plc v Rastogi and others

Reference: [2005] EWHC 994 (Ch), [2005] All ER (D) 360 (May), [2005] 2 BCLC 592

Comment: Chancery Division - costs - discontinuance of claim - impecunious defendants

Court: High Court

Name: Turner Smith Investments Ltd v Philex plc

Reference: [2005] All ER (D) 135 (Jan) - Smith J

Comment: Acted in a business sale warranty dispute.

Court: High Court

Name: RBG Resources plc v Rastogi

Reference: [2004] EWHC 1089 (Ch), [2004] All ER (D) 258 (Apr)

Comment: Chancery Division - summary judgment for US\$350m against directors for dishonest breach of fiduciary duty

Court: High Court

Name: Amalgamated Metal Trading Limited v City of London Police and others

Reference: [2003] 1 All ER (Comm) 900, [2003] 4 All ER 1225

Comment: Appeared on an application concerning money laundering provisions.

Court: High Court

Name: RBG Resources plc v Rastogi

Reference: [2002] EWHC 2782 (Ch), [2002] All ER (D) 343 (Dec)

Comment: Chancery Division - employees' duties - fiduciary duties - duty to 'whistleblow'.
Succesfully opposed a 4 day reverse summary judgment application concerning
duties of senior employees to identify and disclose fraud.

Court: High Court

Name: Re RBG Resources plc; Shierson v Rastogi
Reference: [2003] 1 WLR 586, [2002] EWCA Civ 1624, [2002] All ER (D) 124 (Nov), [2002]
All ER (D) 442 (Jul), [2002] All ER (D) 533 (May), Times Law Reports, 20
November 2002

Comment: Court of Appeal - examination under section 236 of the Insolvency Act 1986
against directors accused of fraud - relevance of status of examinee to exercise
of discretion to order public examination.

Court: Court of Appeal

Name: Demaglass Holdings Ltd
Reference: [2003] 1 BCLC 412, [2002] All ER (D) 155 (Jul)
Comment: Acted for administrative receivers against liquidators concerning priority of
payments and r. 4.218(1) of the Insolvency Rules 1986.

Court: High Court

Property

Name: Foxtons Ltd v Pelkey Bicknell and another
Reference: [2008] EWCA Civ 419
Comment: Acted for the vendor in the Court of Appeal successfully overturning a decision
requiring her to pay commission resulting in leading text books needing to be re-
written.

Court: Court of Appeal

Name: Royal Borough of Kensington & Chelsea v Khan
Reference: [2002] HLR 870
Comment: Successfully argued the case on limitation periods for the enforcement of
statutory charges in the Court of Appeal.

Court: Court of Appeal

Public Law

Name: Ghassemian v Royal Borough of Kensington & Chelsea
Comment: Successfully opposed an appeal to the Court of Appeal against a decision to enter
judgment for about £50,000 for housing benefit overpayments .

Court: Court of Appeal

Name: Westminster City Council v Boralio
Reference: CA: (Chadwick, Gage and Lawrence Collins LJJ): 2 November 2007
Comment: Court overturned the County Court decision, that the secure exemption tenancy
under paragraph 4 of Schedule 1 to the Housing Act 1985 did not apply to
tenancies of properties leased by local authorities for the purposes of providing
accommodation to the homeless under Part VII of the Housing Act 1996. The
Court rejected the Judge's decision that only paragraph 6 applied in those
circumstances. The Court of Appeal held that paragraph 4 can be relied upon in
all cases of tenancies granted pursuant to Part VII duties.

Court: Court of Appeal

Name: Griffin v City of Westminster

Reference: [2004] All ER (D) 262

Comment: Led other junior counsel in the Court of Appeal in part VII Housing Act appeal concerning bias and the priority need test.

Court: Court of Appeal

Name: Pour v City of Westminster

Reference: [2005] HLR 5, Times Law Reports, 26 October 2004

Comment: Led other junior counsel in the Court of Appeal in Part VII Housing Act appeal concerning bias and the priority need test.

Court: Court of Appeal

Recent Work

Commercial Chancery

- Currently acting for Camden LBC against EDF Energy in a reference to The Gas and Electricity Markets Authority.

Other

- Currently acting for the liquidators of Hither Green Union & Conservative Club Limited concerning the distribution of the liquidation surplus under the Rules of the company.
- Acted in the Dollarland Manhattan Limited (In Liquidation) litigation for concerning admittance of proofs in the liquidation (2007).
- Successfully discharged an injunction restraining presentation of a petition based upon a New York Convention award without a judgment raising issues as the requirements of Part III of the Arbitration Act 1996 (2008).
- Advised upon and drafted a substantial auditor's negligence claim.
- Advised and appeared on interim applications in a number of confidential partnership matters raising issues including the sale of the current business and liabilities of salaried partners.
- Recently acted in a contractual dispute seeking the recovery of moneys paid for services not supplied.
- Recently appeared in an "effective cause" commission dispute.
- Appeared before the Lands Tribunal to rectify the property register (*City of Westminster v Singh*)
- Appeared in a 5 day hearing before the Information Tribunal on behalf of Nottingham City Council.
- Continued to advise local authorities including Westminster City Council and the Royal Borough of Kensington & Chelsea on a wide range of commercial matters.
- Recently acted successfully in a case concerning the construction of regulations made under The Gangmasters (Licensing) Act 2004 concluding that licences continue pending appeal notwithstanding expiry of their 1 year term.
- Clive advises local authorities upon Parts VI and VII of the Housing Act 1985, including the drafting of Housing Allocation Schemes, in which field he has been a leading junior for many years.
- Clive advises upon the construction and application of the Freedom of Information Act 2000

acting in particular for local authorities and other public bodies.

Articles and Publications

Date	Title	Contributors
July 2010	Redundancy payments for controlling shareholders <i>New Square Chambers - Legal Update - July 2010</i>	Clive H. Jones
May 2001	Breach of Fiduciary Duty <i>New Square Chambers - Company and Insolvency Newsletter - Issue 1 - May 2001</i>	Clive H. Jones

Publications

Date	Title	Contributors
May 2009	The Law of Freedom of Information	Emily Gillett , John Macdonald Q.C. , Colin Braham , Clive H. Jones , Ross Crail , Stephen Schaw Miller , Ian Peacock , Edwin Simpson , Mark Hubbard , Adrian Pay , Watson Pringle , Charlotte Ford
20 March 2003	The Law of Freedom of Information	John Macdonald Q.C. , Colin Braham , Clive H. Jones , Ross Crail , Stephen Schaw Miller , Ian Peacock , Edwin Simpson , Mark Hubbard , Jane Evans-Gordon , Adrian Pay , James Bailey