Jonathan Lowe

Call 2008

Clerks

Joe Mawson
0161 817 2753

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Appointments

- Accredited Mediator

Memberships

Northern Circuit

Northern Business and Property Bar Association

Chancery Bar Association

Education

LLB (Hons) University of Newcastle upon Tyne (Class II:I 1992)
Law Society Finals, College of Law, Chester (1993)

Commercial

Jonathan transferred to the Bar in 2008 having qualified as a solicitor in 1995 and thereafter enjoyed a successful career, for the last 8 years of which he was head of Commercial Litigation at Keoghs.

He has experience of a broad range of commercial litigation disputes and brings over 25 years' experience to bear on any case with which he is involved. He identifies and isolates the issues to be addressed in any case in order to achieve the best and most efficient result possible for his client.

Being a former solicitor he understands the pressures of working in practice and therefore can tailor his own working methods to best assist his instructing solicitor.

The main areas of commercial litigation that he regularly acts in are

- Professional negligence – an area in which Jonathan gained a lot of experience whilst working at Keoghs. Cases have involved Insurance Brokers, Surveyors, Architects, Engineers and Solicitors.
- Insurance disputes – again and area in which he gained a great deal of experience at Keoghs, including policy coverage and subrogated claims
- General contract disputes including claims for breach of contract, interpretation and misrepresentation
- Property damage claims arising from fire, flood, subsidence etc
- TCC disputes, whether pure building disputes or matters arising from the professional negligence of construction professionals
- Banking, Mortgages and Asset Recovery – regularly acts in disputes concerning mortgages, usually acting on behalf of mortgagees. He is also often involved in disputes concerning the application of guarantees.
- Insolvency – advising and representing parties in traditional insolvency disputes both personal and corporate

- Property – real property disputes including boundaries and easements, trusts and landlord and tenant
- Product liability claims and cases involving the sale of goods and services.

Commercial Cases

SELECTED CONCLUDED CASES

- Consolidated Finance Limited v Hunter [2010] BPIR 1322 – successful claim for possession and money judgment by a mortgagee in the face of a defence raising sections 140A-D of the Consumer Credit Act 1974
- Mullen v White; Eadie v Mullen and another; Mullen v Mullen [2017] EWHC 2796 (Ch) – successful claim against co-guarantor; established the principle that a co-guarantor is liable to equitable contribution in circumstances where the debt was deemed discharged upon the first co-guarantor being appointed executor of the creditor's estate
- Successful claim at trial and on appeal by a landowner enforcing prescriptive right of way to a landlocked property
- Successful claim after a multi-day trial concerning payment of invoices for a deliveries of gas cylinders by a Turkish company, the claim being defended on the basis of alleged defects in the products supplied.
- Successful £3million claim brought by a major bank against co-guarantors
- Successful professional negligence claim against solicitors and a successor practice arising from a failed foreign property transaction
- Successful professional negligence claim against solicitors arising from a fraudulent property transaction, issues involving whether or not a duty owed by a solicitor to the third party claimant could be established
- Successful claim against a mortgagee to establish that the mortgagee is liable for non-domestic rates in relation to an unoccupied property
- Advising in relation to a professional negligence claim against Lloyds brokers following a refusal by the Lloyds syndicate to indemnify under an insurance policy following a building fire. Successful settlement negotiated.
- Advising in relation to policy coverage following a claim by an injured claimant against the purported occupier of premises/purported policyholder
- Advising insurers in subrogated recovery proceedings against a contractor following injury caused to a visitor to the policyholder's premises
- Defending a contractor following a fire in a thatched roof
- Successful claim for possession by a mortgagee in the face of

multifarious defences including breach of FCA regulations, breach of agreement and equitable arguments
- Successful claim for declaration of entitlement to beneficial interest in a property and order for sale pursuant to section 14 Trusts of Land and Appointment of Trustees Act 1996
- Successful defence to claim for a right of way based on prescription
- Partially successful two day hearing before the Leasehold Valuation Tribunal concerning withheld service charges
- Representing an architect in TCC proceedings in a very significant claim for professional negligence involving renovation of a listed building. Successfully negotiated settlement.
- Representing a policyholder in a claim for an indemnity under a contractors' all risk policy following a fire at a building. Indemnity has been refused for breach of a fire-precautions condition. Highly beneficial settlement negotiated after a long evidence gathering exercise
- Representing the 4th Party alleged supplier of a plumbing part which was alleged to have failed in a dispute involving very significant water damage caused to a large office building whilst under construction. Drafted a very strong defence following evidential investigations and thereafter a very beneficial settlement was successfully negotiated.
- Successfully applied to strike out a sizeable breach of construction contract claim on the basis of limitation.

Selected Ongoing Cases

- Dispute concerning the erection and installation of plant at an effluent treatment works
- Dispute involving a claim for unpaid fees and a counterclaim for dishonest assistance
- Unfair prejudice petition by 2 shareholders
- Acting for the employer in a claim for breach of contract against a construction company following failures by the company to complete building works at a barn conversion.
- A claim against a Lloyd's Syndicate for breach of an insurance policy in refusing an indemnity following a fire.
- A claim for breach of warranty in a share sale agreement and breach of an associated consultancy agreement.
- A claim in professional negligence against solicitors and accountants arising from losses caused following a share purchase agreement.
- A claim for damages by a company arising from breach of fiduciary duties and other obligations
- Representing insurers in various subrogated recovery proceedings including a claim arising from flooding caused following an under-floor pipe burst, from subsidence damage caused to the policyholder's home, and an action against a contractor arising from water damage caused to computer equipment

- Representing insurers being sued by a policyholder for an indemnity under a household insurance policy following damage caused by subsidence
- Proceedings involving interpretation and application of repairing covenants in a lease
- Boundary dispute where some plans are not available

Beyond the Bar

Outside work, Jonathan's time is spent having fun with his family and walking his dogs. When time allows he enjoys playing tennis and golf and otherwise socialising with friends and going to concerts.