



Jonathan Steinert

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Jonathan Steinert

"A professional of substance and a reliable choice of counsel."

- Chambers UK

Call 1986

Tel: +44 (0)20 7583 9020
Email jsteinert@hendersonchambers.co.uk

Jonathan Steinert enjoys a strong reputation in his principal areas of practice and is consistently recommended by Chambers UK, Legal 500 and Legal Experts as a leading junior, and in *The Lawyer* as being "one of the best up and coming juniors" in his principal fields.

Noted in the current Legal 500 as having a "brilliant intellect which he combines with a street fighter's "never say die" approach to litigation", and in the current edition of Chambers UK as "a professional of substance and a reliable choice of counsel".

His advice has been described by commercial clients as "accurate, strong, forensic and balanced".

Jonathan's practice includes 5 main categories of work, Commercial, Insurance and Business Law, Property, Professional Negligence, Product Liability and Telecommunications.

Jonathan has extensive experience of all forms of ADR including mediation and arbitration.

For more information about the way barristers at Henderson Chambers work, including our terms of engagement, fee transparency statement and our complaints process, [please click here](#). Barristers are regulated by the Bar Standards Board.

Commercial Insurance & Business Law

Jonathan enjoys a strong reputation in his principal areas of practice and has been recommended in *The Legal 500*, *The Lawyer*, *Legal Experts* and by *Chambers (UK)* as a leading junior.

"one of the best up and coming juniors". *The Lawyer*

"a professional of substance and a reliable choice of counsel."

"Equally as good on paper as he is on his feet"

“Knows how to sabotage the opposition’s line of attack and then dissolve it effectively” and as having an “Excellent client manner” who “uses humour to good effect”. *Chambers UK*

And whose advice is described by commercial clients as “accurate, strong, forensic and balanced”.

Jonathan has an extensive commercial practice and has particular expertise in the leisure industry, telecommunications matters, IT, construction and engineering disputes, contractual claims, product liability, development assessments and joint ventures, franchising, company, shareholders’ agreements and business sale warranty claims, receivership, Section 459 and unfair prejudice claims, administration, winding up, and guarantee claims, insurance, reinsurance, factoring, domestic and international sale of goods, including Distance Selling, retention of title claims, partnerships and personal and corporate insolvency, subrogation and domestic and international competition.

Jonathan’s extensive experience of insurance matters including coverage disputes involving fire claims, domestic and particularly commercial, of both retail and industrial premises, professional indemnity claims, building insurance claims, domestic and commercial, and business interruption cover.

Jonathan has considerable experience of the emergency interim relief applications such disputes may generate, including Norwich Pharmacal Applications, Bankers’ Trust and Trading Orders.

Representative Cases

- *Burrell & Others v Bramshott [2015] EWHC 3727 (Ch)*
Complex dispute involving questions as to the definition of credit, unfairness in consumer contracts and residential property leases in the retirement sector.
- *Wellington Pub Co v Hancock [2009] 48 EG 108*
Establishment of important jurisdictional principles applicable to the Judgments Regulation and the enforcement in UK Courts of guarantees given by those resident elsewhere within the EU.
- *Clarkson v Credit Agricole [2008] EWHC 41 (QB)*
Jonathan succeeded on important and novel grounds in resisting the enforcement in England of a French commercial creditor’s claim. This follows Jonathan’s recent success in the ground-breaking case of *Carnegie v Elswood & Giessen & Ors [2005] EWCA 191, [2005] All ER (D) 22*, in which the Court of Appeal established novel principles in transnational enforcement litigation as to the grant of charges denominated in foreign currency over English real property.

Property

Jonathan’s practice has for in excess of 15 years focused on the field of property and its associated areas including competition and insolvency. It encompasses the full range of matters falling within the field, before the courts, in mediation or ADR, and on a purely advisory basis:

- Mortgages, charges, sale of land, easements, restrictive covenants, boundary disputes, easements, undue influence, nuisance, property damage and insurance, compulsory purchase, compensation, trespass and adverse possession, Registered Homes, options, land registration, Co-ownership and trusts of land,

Land Registration and rectification.

- Commercial and residential leases, forfeiture, 1954 Act renewals, rent review, arbitrations, dilapidations, enfranchisement, agricultural holdings, assignment, guarantee and indemnity and Right to Buy. Jonathan has particular expertise in the property-related aspects of the leisure industry and in the European and domestic competition-law issues that arise.
- Jonathan has been frequently instructed to advise and act upon Access to Neighbouring Land and Party Wall matters and has had an especial focus upon Telecommunications issues and in particular the property-related issues arising in relation to the Communications Act 2003. Jonathan has a particular interest in trans-border disputes, especially international property trust disputes, and the application of competition and insolvency law to real property issues.
- Jonathan has extensive experience in dealing with Environmental and pollution claims, contaminated land, asbestos, flooding and water disputes.
- Jonathan has in-depth expertise in commercial, partnership, joint venture and corporate disputes arising out of development, and in the associated construction, insurance, indemnity and professional negligence disputes concerning solicitors, conveyancers, accountants, surveyors, project managers, planners and engineers that arise.
- Urgent injunctive and other interim relief (including freezing applications).

He acts for a large number of substantial public and private sector bodies. Jonathan has lectured widely. He acted for the then Deputy Prime Minister in highly publicized litigation brought against him by his residential landlord the RMT. He has continued his work in the field of commercial landlord and tenant, and real property (including Capital Allowances Act matters) for local authorities. He has been heavily involved with multiparty proceedings between a variety of interconnected tenants and the country's largest Pubco in proceedings involving a wide range of European Competition law issues.

Jonathan has recently been involved in advising the UK's leading LBO operator as to issues arising in relation to its central administrative offices, in particular as to alterations, and user. He has recently acted for the country's largest Managed Public House Estate in disputes concerning its central headquarters, as to services, repairs and maintenance and as to the quantification of losses flowing therefrom. He has succeeded in a major warehouse DIY retail outlet dilapidations claim, a claim for rescission of a contract for sale and development agreement relating to a multi-unit residential site in the north-east and in a breach of warranty claim arising out of a share sale agreement concerning a substantial business with property interests.

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Salient recent matters include in particular:

Recent highlights in the field include:

- succeeding on appeal in proceedings in England turning on the enforcement of EU mortgages.
- succeeding in the Court of Appeal in proceedings brought by a major Pubco. in relation to a multiplicity of leasehold premises.

- recovering substantial damages in the TCC in a professional negligence action arising out of breaches of planning permission that necessitated demolition of new-build property.
- a large number of Party Wall Act proceedings on behalf of both building and adjoining owners.
- substantial commercial dilapidations claims.
- advisory work as to the effect of freehold restrictive covenants on multi-million pound commercial property developments.
- specific performance actions in commercial sale agreements.
- professional negligence and NHBC claims arising out of estate-wide property defects.
- property partnership disputes, both solvent and insolvent
- non-contentious property partnership matters.
- property company shareholders' actions.
- conducting a claim on behalf of a regional petrol retail operation arising out of highway works, compulsory purchase and compensation.
- advising as to property issues arising in the context of the design, construction and installation of a major oil pipeline project.
- flooding consequent upon the development of neighbouring land.
- trust claims concerning both residential and commercial property.
- disputes over rights of way to development land.
- proceedings arising out of misrepresentation in commercial and residential sale agreements.
- nuisance affecting commercial property.
- disputes as to the construction of statutory provisions pertaining to the compensation payable upon the termination of business tenancies.
- acting in the establishment of a national "Sale and Rent Back" enterprise. environmental claims.
- disputes as to the construction of statutory provisions pertaining to the compensation payable upon the termination of business tenancies
- Disputes concerning the Pubs Code

Jonathan is currently acting in relation to:

- a number of substantial disputes concerning a multiplicity of competing freehold and leasehold property rights, ransom strips, easements and highways, determining the regeneration of a substantial commercial development sites within the capital and the Thames valley corridor.
- a substantial dispute over a major commercial and agricultural estate, turning on novel issues as to the interrelationship between the doctrine of proprietary estoppel and testamentary dispositions.
- a major dispute arising in relation to the registration by the Land Registry of a number of allegedly void leases that raises novel and substantial issues as to statutory construction and the remedies therefor.
- proceedings arising out of the development of the RSC Theatre in Stratford upon Avon and its effect on adjoining land and waterways.
- a long-running multi-party terminal dilapidations dispute raising novel issues as to liability and quantification.
- a commercial and residential mortgage fraud.
- a multi-million pound claim arising out of oil spillage.
- retail redevelopment of a midlands industrial estate.
- residential redevelopment of a home counties town-centre factory estate.
- Development of a 150 bed hotel at Heathrow Airport

Representative Cases

- *J P Tupper Associates v Tom Pearson-Chisman & Ors (2011 Ch D (Kitchin J) 23/5/2011 LTL 23/5/2011*
Negligent property survey; appeal concerning important issues as to limitation in relation to allegedly negligent surveyors; joinder of parties, practice and procedure.
- *Lambe v Saunders LTL 14/12/09 (Blake J)*
Jonathan succeeded in a professional negligence action against a planning consultant, in which helpful guidance as to the obligations and business practices of such professionals was given.
- *Lambe v Saunders [Dec 2009] (Blake J)*
Jonathan succeeded in a professional negligence action against a planning consultant, in which helpful guidance as to the obligations and business practices of such professionals was given.
- *Rouf v Tragus & Café Rouge [2009] All ER (D) 29 (Jan) (Morgan J)*
Jonathan succeeded in resisting applications for interim relief raising important questions as to insolvency and disclaimer, especially in the context of jointly owned leases, and as to the effect of registration.
- *Clarkson v Credit Agricole [2008] EWHC 41 (QB)*
Jonathan succeeded on important and novel grounds in resisting the enforcement in England of a French mortgagee's claim.
- *Anderson Antiques (UK) Limited v Anderson Wharf (Hull) Ltd & Philip Robert Akrill [2007] EWHC 2086 (Ch)*
Jonathan succeeded before Briggs J in both substantially widening the range of those to be found liable for the statutory tort under section 77 of the Land Registration Act 2002, and in obtaining novel relief at an interim stage of the proceedings.
- *Carnegie v Elswood & Giessen & Ors [2005] EWCA 191, [2005] All ER (D) 22*
He succeeded in upholding before the Court of Appeal the validity of a charging order over real property denominated in a foreign currency, a major development of general law application.

Professional Negligence

Jonathan has a dynamic professional negligence practice involving claims against solicitors, surveyors, architects, planning consultants, engineers, M&E consultants, Project Managers, fine art consultants and auctioneers, and clinicians.

Recent instructions include:

- Continuing to act in a number of multiparty proceedings arising out of disputes concerning the residential redevelopment of Thames Valley industrial premises, concerning claims in respect of both strict land rights and professional negligence of solicitors (the latter of which have now been successfully resolved).
- Successfully resolving a professional negligence claim against solicitors for negligence advising co-purchasers of property as to the terms upon which the same was to be held.
- Succeeding in a claim for professional negligence, trespass and disruption to dockside and waterborne

activities arising out of the RSC redevelopment in Stratford upon Avon.

- Succeeding in a long leaseholders' claim against a landlord developer and the professionals involved in respect of issues arising out of the construction of a penthouse development above an extant mansion block.
- Succeeding in a professional negligence action against solicitors in respect of negligent drafting of rent review provisions in a lease.
- Acting for M&E engineers and consultants in relation to professional negligence claims arising out of a £1 million fit-out of luxury residential premises.
- Succeeding in a professional negligence action against solicitors in respect of negligent drafting of lease termination provisions, rendering the same un-mortgageable.
- Acting for allegedly negligent central-London fine art auctioneers.
- Acting for Defendant surveyors and Valuers and their insurers in resisting claims based on allegedly negligent surveys and valuations.
- Acting for Defendant surveyors in respect of allegedly negligent asbestos surveys.
Succeeding in professional negligence claims against conveyancing solicitors in respect of negligent failure to ensure adequate access to residential premises.
- Professional negligence claims against solicitors arising out of the acquisition of Mayfair Mews premises and errors in the extent of the demise.
- Succeeding in a claim for professional negligence, noise nuisance and trespass arising out of the operations of a rural clay pigeon shoot.
- Continuing claim for professional negligence, trespass, nuisance and disturbance of easements in relation to access to a 170-plot caravan site in Southern England.
- Acting in claim against allegedly negligent architects, engineers and project managers in respect of damp proofing of a commercial underground car park.
- Succeeding in claim against clinicians arising out of treatment of gall bladder disease.
- Acting for allegedly negligent motor vehicle tyre designers.
- Acting for allegedly negligent designers of the media systems of a flagship West End retail outlet.

Representative Cases

- *J P Tupper Associates v Tom Pearson-Chisman & Ors (2011 Ch D (Kitchin J) 23/5/2011 LTL 23/5/2011*
An appeal concerning important issues as to limitation in relation to allegedly negligent surveyors; joinder of parties, practice and procedure.
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Jonathan succeeded in a professional negligence action against a planning consultant, in which helpful guidance as to the obligations and business practices of such professionals was given.

Product Liability

Jonathan has extensive experience in acting in the most serious multiparty claims arising from the supply and manufacture of motor vehicle tyres, acting for both Claimants and Defendants and their insurers. Jonathan has recently advised in the structuring and drafting of international distribution agreements in the information and systems monitoring industry; he has acted in a series of disputes arising out of the supply of leading meteorological and weapons guidance systems in the defence field, battlefield communications systems, and in

multi-party claims arising out of defective water treatment systems; commercial tanking systems; crude oil drilling and production plant; combined heat and power plant; claims arising out of the supply of alcoholic beverages; international multi-party claims involving auricular implants, and claims concerning dermatological treatment systems and food products.

Jonathan's product liability practise includes particular focus on the fields of defence, technology (with particular emphasis on power generation) and food products.

Jonathan also has extensive non-contentious expertise and has considerable experience of drafting leases, contractual leasing terms, DEFCON terms, IT equipment maintenance contracts (including recently of a television film studio facility), international distribution agreements in the information and systems monitoring industry, and partnership agreements.

Recent instructions include:

- *Rechargeable Batteries*; Jonathan acted in relation to the commercial safety and product recalls issues arising out of difficulties with various forms of rechargeable battery in consumer electronics equipment.
- *Combined Heat and Power Plants*; Jonathan acted in the successful resolution of a substantial dispute concerning a series of industrial heat and power plants.
- *Undersea Tidal Power generation systems*; Jonathan continues to be involved in proceedings arising out of the transnational development of venturi-based systems.
- *Food Products*; Jonathan represented a national wholesale supplier to "Big Four" food retailers of imported food products in a dispute as to food safety and the commercial repercussions thereof.
- *Battlefield Communications Systems*.
- *Tactical Meteorological Systems*.
- *Importation of Consumer Electronics*; Litigation arising out of substantial wholesaling and importation agreements in relation to the supply of consumer electrical goods.

Telecommunications

Jonathan has a flourishing practice in Telecommunications law. He has acted, advised and appeared in many matters relating to the supply of telecommunications systems and equipment, and the application of the Telecommunications Code in relation to inter alia disputes concerning the installation, maintenance and removal of telecommunications transmission equipment. His clients have included state organisations, public utilities, a leading UK fixed line telecommunications provider, and substantial mobile telecommunications concerns including network resellers, together with Defence contractors both in the UK and abroad.

Recent instructions include:

- *Telephonics Integrated Telephony Limited*; claims and connected Ofcom investigation arising out of breaches of General Conditions of Entitlement and of service contracts; transfer "blocking" and abuse; the losses flowing therefrom.
- *Battlefield Telecommunications systems*
Jonathan advised on the commercial and regulatory issues arising in the procurement of a defence telecommunications system.
- *Rechargeable Battery issues*
Jonathan acted in relation to the commercial safety and product recalls issues arising out of difficulties with various forms of rechargeable battery in telecommunications equipment.

- *Telecommunications Code Issues.*
Jonathan acted and advised in a number of disputes concerning the installation maintenance and removal of telecommunications transmission equipment.

Representative Cases

- *Nexus Communications Ltd v Parrot Telecom Ltd (QBD)*
Major commercial dispute between network resellers.
- *J P Tupper Associates v Tom Pearson-Chisman & Ors (2011 Ch D (Kitchin J) 23/5/2011 LTL 23/5/2011)*
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What the directories say

"He is very commercial and looks at the bigger picture."
Legal 500 2021

"He is a brilliant advocate."
Legal 500 2021

"An experienced advocate with strength across the board."

Legal 500 2020

"He is a brilliant advocate."

Legal 500 2020

Memberships

- ACI Arb
- COMBAR
- Chancery Bar Association
- PNBA
- Property Bar Association

Education

- Bar Finals (1985)
- Dip Law University of Westminster (1984)
- BA Hons PPE Balliol College Oxon (1983)

Awards & Recognitions

