



## JONATHAN BELLAMY

Year called 1986

[jonathan.bellamy@39essex.com](mailto:jonathan.bellamy@39essex.com)



“Thorough, pragmatic and tactically astute”

Legal 500

‘Good at offering alternative arguments to difficult issues.’

Legal 500 Asia Pacific

“Always has an eye on the commercial goal of the client”

Legal 500 Asia Pacific

Jonathan Bellamy has an established litigation, arbitration and advisory practice in commercial law. His sector experience includes construction, infrastructure, energy, insurance and reinsurance, sale of goods and services, information law and data protection/GDPR, IT contracts, financial services, PFI, outsourcing, professional liability and professional sport.

He is ranked in the UK as a leading barrister in several of his practice areas. He is ranked as a leading barrister in commercial (tier 1) and construction (tier 1) and in international commercial arbitration and litigation in the Asia Pacific region.



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## PRACTICE AREAS

- Commercial
- Construction
- Professional Liability
- Banking & Finance
- International Arbitration

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## SECTORS

- Aviation
- Energy
- Insurance & Reinsurance
- Sale of Goods & Services
- Sport

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## PRACTICE AREAS

### COMMERCIAL

Jonathan has an expansive commercial practice in advisory and contentious matters in UK and internationally – endorsed in the Directories as a tier 1 practitioner and “*very well regarded for disputes in Asia.*” He brings strong intellectual, analytical and numerical skills to simplify and explain complex material in a persuasive and effective manner for clients and before courts and arbitration tribunals. He is an experienced cross-examiner of factual and expert witnesses. He is focused on achieving the best possible commercial outcome for his clients.

Jonathan is regularly instructed at an early stage and is an experienced dispute resolution strategist. He acts in all forms of dispute resolution procedure; Commercial Court, TCC, domestic and international arbitration, adjudication, expert determination and mediation. He is experienced in dealing with urgent interim remedies and cases involving complex factual and technical issues on liability and damages.

Recent commercial dispute experience includes aviation services, commercial property, commodities, cyber insurance, energy, (carbon and renewables), financial services, information law and data protection/GDPR, IT and software contracts, media and entertainment, professional sports contracts and sale of goods and services.

Jonathan is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and a Chartered Arbitrator (C.Arb). He sits as a sole and panel arbitrator in domestic and international commercial arbitrations by institutional appointment (including ICC, DIAC and CIArb) or ad hoc.

## APPLICABLE LAWS

In addition to various international common law jurisdictions in Asia, North America and the Caribbean, Jonathan has experience of other applicable civil law systems including those of: Egypt, France, Netherlands, Romania, Russian Federation, Spain, Switzerland, Taiwan, Turkey and UAE.

## CONSTRUCTION

Jonathan has an established litigation, arbitration and advisory practice in construction law. His practice includes domestic litigation, international work and arbitrations under the auspices of major institutions involving complex contractual disputes, insurance and professional negligence disputes, adjudications and expert determinations. He is endorsed in the Directories as a tier 1 practitioner and *“very experienced in construction disputes.”* His sector experience includes international commercial construction under the FIDIC form, power station decommissioning, ship-building, wind farm, biomass plant, hotel, retail, healthcare, PFI, local government, leisure and premium residential works.

Jonathan’s professional liability work in this sector covers a wide range of construction professionals including architects, structural engineers, soil engineers, quantity surveyors, claims consultants and surveyors in relation to commercial construction, ship-building, healthcare, local government, leisure and premium residential works. Recent experience includes acting for a metropolitan borough council in multi-million pound claim against architects and contract administrators arising from defective design works and ineffective contract cost management.

He is experienced in dealing with cases involving complex factual and technical expert evidence issues on liability and damages.

Jonathan is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and a Chartered Arbitrator (C.Arb). He sits as a sole and panel arbitrator in domestic and international construction arbitrations by institutional appointment (including ICC, DIAC and CIArb) or ad hoc.

## PROFESSIONAL LIABILITY

Jonathan’s professional liability work covers a wide range of professional disciplines including: accountants and auditors, construction professionals, expert determiners, financial services practitioners, insurance brokers and intermediaries, lawyers (solicitors and barristers), planning consultants, surveyors and valuers. Recent experience includes:

- Acting for metropolitan borough council in multi-million pound claim against architects and contract administrators arising from defective design works and ineffective contract cost management.
- Advising corporate joint venturer in claim against former solicitors arising from terms of the scheme for distribution of assets on exit of private equality investor venturer.
- Acting for insurance broking business in claim against former solicitors for failing to break lease of City office premises.
- Advising in various retail investor claims against financial advisors arising from investment in contract for difference products.
- Advising owners of dental practice business in claim arising from accountants’ failure to advise in respect of tax implications of partners’ departure.
- Acting for expert determiner in a claim by parties to set aside determination of company share valuation.

- Advising in professional liability claims against solicitors and barristers concerning product liability claims.
- Acting for property owners in various professional liability claims concerning commercial and residential properties against surveyors and valuers.
- Acting for Premier League football club in defence of multi-million pound clinical negligence action brought by Youth Academy player arising from post-injury rehabilitation.

## BANKING & FINANCE

Recent experience includes:

- Acting for Russian cryptobank in dispute involving Bitcoin, Ethereum cryptocurrency and blockchain.
- Acting for trust company resident in offshore financial centre in dispute concerning world-wide freezing order, associated urgent interim relief and claim under cross-undertaking for damages.
- Advising project finance lenders in various healthcare equipment and service contracts.
- Acting in Commercial Court litigation concerning bank guarantee claim and financial services regulatory cross-claims arising from equity and derivative trading in Singapore, subject to English and Singaporean law.
- Advising financial services regulator of offshore financial centre on regulatory enforcement proceedings against licensed trust companies, subject to local law.
- Advising in retail and professional financial product misselling claims, including derivatives and interest rate swaps.

## INTERNATIONAL ARBITRATION

Jonathan advises and represents clients as Counsel in international arbitration in commercial and construction disputes and regularly co-counsels with and drafts submissions for foreign registered lawyers.

He is ranked as a leading barrister in commercial (tier 1) and construction (tier 1) and in international commercial arbitration and litigation in the Asia Pacific region.

Jonathan is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and a Chartered Arbitrator (C.Arb). He sits as a sole and panel arbitrator in domestic and international arbitrations by institutional appointment (including ICC, DIAC, PCA and CIArb) or ad hoc. He accepts arbitral appointments in all sectors of his practice. Recent appointments include:

- Panel arbitrator in arbitration under ICC Rules between Irish and Romanian parties in highways construction dispute, subject to Romanian law, Romanian seat.
- Sole arbitrator in arbitration under CIArb Rules in information technology dispute between English and Chinese parties, subject to English law, London seat..
- Sole arbitrator in arbitration under CIArb Rules in professional services dispute concerning use of Business Name IP and trademark, subject to English law, London seat.
- Sole arbitrator in arbitration under CIArb Rules in dispute concerning reinsurance treaty, subject to Romanian law, Romanian seat.

- Panel arbitrator in arbitration under DIAC Rules in construction dispute, subject to English law, Dubai seat.
- Sole arbitrator in arbitration under CIArb Rules in dispute concerning property development project in India, subject to UAE law, Dubai seat.
- Sole arbitrator in arbitration under CIArb Rules in dispute concerning timeshare development project in Spain, subject to English law, London seat.
- Sole arbitrator in arbitration under the Rules of the EAA between UK parties of a-commercial electrical supply dispute, subject to English law, London seat.
- Sole arbitrator in arbitration under UNCITRAL Rules between Gibraltar and Spanish parties in IP dispute concerning foreign language online gaming website, subject to English law, London seat.
- Panel arbitrator in arbitration under ICC Rules between UAE and Spanish parties in dispute arising from the lease of motor vessels, subject to Spanish law, Paris seat.
- Sole and panel arbitrator in numerous arbitrations under FA Rule K of fees dispute between professional footballers and registered agents, subject to English law, London seat.
- Sole arbitrator in arbitration under UCI Rules of contract dispute between professional rider and team owners, subject to English law, London seat.
- Sole arbitrator in numerous commercial lease arbitrations under Pubs Code Regulations 2016.

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## SECTORS

### AVIATION

Jonathan has an established litigation, arbitration and advisory practice in commercial aviation law. His practice includes domestic work in the Commercial Court, international work and arbitrations under the auspices of major institutions including ICC, LCIA and SIAC. His experience includes aircraft and asset leases, charters, sales, maintenance and service agreements.

### ENERGY

Jonathan has experience in upstream and downstream disputes, joint ventures, warranty and indemnity disputes, insurance and construction and engineering disputes in the oil & gas, natural resources and renewable energy sectors. He has international experience in oil & gas disputes predominantly in Asia including Indonesia.

In the nuclear sector, Jonathan has experience in infrastructure, site and transport insurance and reinsurance and third party civil liabilities.

His work has extended to involve associated environmental, remediation insurance and health & safety issues in the energy sector.

Recent experience includes advising an Indonesian joint venture party in JV/shareholders dispute concerning ownership and valuation of oil & gas and geo-thermal energy company, subject to English law, seat Singapore.

## INSURANCE & REINSURANCE

Jonathan's insurance and reinsurance work covers all the usual issues arising in coverage disputes, including the construction of insurance policies, fair presentation of risk and fraud. He has dealt with all categories of indemnity and contingency policies, including public liability, professional indemnity, property insurance, environmental liability, business interruption, product liability, contractors' risks, cyber risks, D&O and nuclear and energy risks. In reinsurance matters he has dealt with proportional and non-proportional contracts. He has experience in consumer as well as commercial insurance. His work includes insurance regulation and subrogated insurance recovery claims. Recent experience includes:

- Advising Nuclear Risk Insurers on terms of reinsurance contracts with HMG for Personal Injury 10-30 Risks.
- Acting in LCIA arbitration for local authority insured as statutory assignee of indemnity claim against insurers under architects' professional indemnity insurance policy. Issues of policy construction, misrepresentation and non-disclosure.
- Advising Thai reinsurers in relation to various multi-million dollar claims for material damage and business interruption arising from the Thai floods of 2011.
- Advising auction house on D&O coverage issues.
- Advising policyholder on cyber insurance coverage issues.
- Acting for construction contractors in claim against insurers under claims-made legal expenses insurance policy.
- Advising partners of solicitors firm on terms and coverage of professional indemnity insurance on transition to LLP member status.
- Advising solicitors firm on coverage and aggregation issues under Minimum Terms and Conditions arising from property development projects.
- Advising insurance company on FSA and DPA compliance issues.
- Advising the FA on public liability insurance coverage dispute arising from a career ending injury to England international player.
- Numerous subrogated insurance recovery claims arising from fire, flood, explosion, subsidence and product defects in sectors including: construction, warehouse, storage, retail, manufacturing, agricultural, licensed trade, restaurant, hotels and premium residential.

## SALE OF GOODS & SERVICES

Jonathan is regularly instructed to advise and act in disputes arising from sale and supply of goods and services contracts and associated payment financing agreements and soft IP issues both domestically and internationally and in arbitration as well as litigation.

He is experienced in disputes concerning compliance with express and implied quality standards, technical specifications, breach of condition and/or warranty claims, exclusion and limitation clauses and the quantification of consequential loss claims. Jonathan also has experience in restraint of trade and competition law issues.

His practice includes IT and software contracts and domestic and European claims under the Commercial Agents

Regulations.

Recent experiences includes:

- Acting in TCC litigation on quality disputes arising from sale of components for power generators for oil and gas projects.
- Acting in Commercial Court action for Spanish distributor and agent in EU product distribution agreement dispute.
- Advising major UK supermarket business on quality disputes arising from sale of goods contracts for plastic carrier bags, subject to English law in the courts of Hong Kong.
- Advising in dispute arising under software sales promotion contract concerning termination and ownership of IP rights, subject to English and Indian law.
- Acting in lengthy Commercial Court litigation by UK distributor against Taiwanese manufacturer of mobility scooters including issues of EU competition law.
- Advising Malaysian retailers in claim under cross-undertaking for damages under search and seizure order in support of ICC arbitration claim.

## SPORT

Jonathan's sports law work covers a range of commercial and regulatory practice areas from commercial contracts, insurance, professional liability, employment law and discipline to judicial review. He is described in the legal directories as *"Very strong at sports cases with a commercial and arbitration angle"* and *"A first-rate football litigator and a renowned arbitrator."* Recent experience includes:

- Acting for international IOU federation in defence of judicial review proceedings challenging its selection of Olympic Events for Rio 2016 Games.
- Acting for Chief Commercial Officer in service contract dispute with FA Premier League club.
- Acting for equestrian national governing body in High Court challenge to fairness of disciplinary decision.
- Acting for university sports club in Chancery Division action concerning eligibility criteria for a Higher Education Institution's membership of British Universities & Colleges Sport Ltd, the governing body for competitive HEI sport.
- Advising the FA on public liability insurance coverage dispute arising from a career ending injury to England international player.
- Acting for Middlesex Cricket Club and former international NZ test cricketer in appeal to ECB against refusal to register him as a Qualified Player eligible to play English County cricket.
- Advising UK motor sports regulator on structural governance and competition law issues.
- Acting for owners of competitive show jumping horses in action concerning competing ownership claims, including urgent interim remedies.
- Advising former Welsh international and British Lions rugby player in employment contract dispute with former club.
- Acting for Russian professional tennis player in defence of anti-doping violation charge.

- Acting for Premier League football club in defence of multi-million pound clinical negligence action brought by Youth Academy player arising from post-injury rehabilitation.
- Acting for motor sport supervising body in defence of multi-million pound negligence action concerning safety of motorcycle race track.
- Acting in numerous negligence actions in which Premier League footballers have claimed damages for loss of career prospects including sponsorship contracts, image rights and managerial prospects.

Jonathan is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and a Chartered Arbitrator (C.Arb). He sits as a sole and panel arbitrator in domestic and international professional sport and related commercial arbitrations by institutional appointment (including Sport Resolutions UK, the FA, EFL and UCI) or ad hoc.

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## APPOINTMENTS

Chartered Institute of Arbitrators – Panel of Commercial Arbitrators  
Asian International Arbitration Centre – Panel of Arbitrators  
Thailand Arbitration Centre – Panel of Arbitrators  
TECBAR – Panel of Arbitrators  
Electricity Arbitration Association – Panel of Arbitrators  
Sport Resolutions UK – Panel of Arbitrators (Legal Arbitrator)  
Football League: Football Disciplinary Commission – Panel of Chairmen  
Recorder of the Civil and Crown Courts

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## MEMBERSHIPS

- Chartered Institute of Arbitrators
- LCIA European Users' Council
- ICC (UK)
- IPBA
- ICCA
- INLA
- COMBAR
- Professional Negligence Bar Association
- Technology & Construction Bar Association



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## QUALIFICATIONS

FCIArb, C.Arb  
CEDR Accredited Mediator  
Jesus College, Oxford, MA (Hons) Jurisprudence

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## ADDITIONAL INFORMATION

### PUBLICATIONS

Civil Liability for Nuclear Damage in Countries Developing Nuclear New Build Programmes, Journal of World Energy Law & Business, Oxford University Press 2018  
Bullen & Leake & Jacobs: Precedents of Pleadings, 18th Edition Sweet & Maxwell 2015  
Wilmot-Smith on Construction Contracts (3rd Edition) – Contributor, Oxford University Press 2014

### PRESENTATIONS

International commercial arbitration with English law in ASEAN  
Dealing with bribery and corruption in arbitration  
Assessing common problems in the oil & gas sector  
International Joint Venture Agreements: Key terms  
Insurance Act 2015 – a fair presentation  
Cyber Legal Risks and Insurance  
Nuclear Energy: Long-tail liabilities  
Exclusion and Limitation Clauses in Business Contracts  
International Commercial Arbitration of Russian Disputes in London  
Norwich Pharmacal Proceedings and Human Rights  
Commercial Confidentiality  
Commercial Fraud: Civil Liability  
Sports Law Disputes: Arbitration  
Sports Governance in the Modern World of Commercial Sport

### LANGUAGES

Working written and spoken French.

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