



JONATHAN BELLAMY

Year called 1986

jonathan.bellamy@39essex.com



“a highly astute legal mind”

Legal 500

“very reliable, has excellent people skills, and is clear in his advice”

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 commercial transactions, construction, infrastructure, energy, insurance and reinsurance, sale of goods and services, IT contracts, PFI, outsourcing, financial services, information law and data protection/GDPR, professional liability and professional sport.

He is ranked as a leading barrister in the UK in insurance and reinsurance and professional sport, in the Asia Pacific and EMEA regions in Commercial (tier 1 and band 2) and in the Asia Pacific region in Construction, Energy & Infrastructure (tier 1).

Jonathan is Fellow of the Chartered Institute of Arbitrators and a practising Chartered Arbitrator in commercial, construction and professional sport sectors.



PRACTICE AREAS

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

SECTORS

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

PRACTICE AREAS

Jonathan has an expansive commercial practice in advisory and contentious matters in UK and internationally – endorsed in the Directories as a tier 1 commercial practitioner having “*excellent people skills and clear in his advice*” and as “*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, DIFC courts, 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 Commercial Court litigation concerning bank guarantee claim and financial services regulatory cross-claims arising from equity and derivative trading in Singapore, sale of goods and services, trade credit insurance, energy, (carbon and renewables), information law and data protection/GDPR, IT and software contracts, media and entertainment and professional sports contracts.

He is a Registered Legal Practitioner (Part II: Full Rights of Audience): DIFC Courts.

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 CI Arb) or ad hoc.

APPLICABLE LAWS

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

CONSTRUCTION

Jonathan has an established litigation, arbitration, adjudication and advisory practice in construction law. His practice includes domestic litigation, adjudication and expert determination and international work and arbitrations under the auspices of major institutions (including ICC, SIAC and DIAC) involving complex contractual, insurance and professional negligence disputes. He is endorsed in the Directories as a leading practitioner in Construction, Energy & Infrastructure 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. Recent experience includes representing employer in USD 100m SIAC arbitration of FIDIC form dispute concerning construction of hotel and apartment complex in central Asia and sub-contractor in DIAC arbitration (UAE law) of loss and expense dispute concerning premium residential development in Dubai.

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.

He is a Registered Legal Practitioner (Part II: Full Rights of Audience): DIFC Courts.

Jonathan is a Fellow of the Chartered Institute of Arbitrators (FCI Arb) and a Chartered Arbitrator (C. Arb). He is on the TECBAR Panel of Arbitrators and Adjudicators. He sits as a sole and panel arbitrator in domestic and international construction arbitrations by institutional appointment (including ICC, DIAC and CI Arb) 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 equity investor venturer.
- Acting for insurance broking business in claim against former solicitors for failing to break lease of City office premises.

- Acting for management company of professional sports stadium in claim against former solicitors arising from unsuccessful construction litigation.
- Acting for construction main contractors in contribution claim against architects and engineers.
- Acting for engineers in contribution claim against joint venturers.
- 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.

Jonathan is a Registered Legal Practitioner (Part II: Full Rights of Audience): DIFC Courts. He has an active practice as a Chartered Arbitrator in the professional liability sector.

BANKING & FINANCE

Jonathan advises and acts in commercial and regulatory banking and finance disputes domestically and internationally, and in on and off-shore jurisdictions.

Recent experience includes:

- Advising in numerous breach of warranty disputes and personal guarantee claims under commercial loan agreements.
- Advising major shareholders in relation to special administration of investment bank.
- 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.

Jonathan is a Registered Legal Practitioner (Part II: Full Rights of Audience): DIFC Courts. He has an active practice as a Chartered Arbitrator in the banking and finance sector.

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, Energy & Infrastructure 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, CIArb and PCA) 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 CIArb Rules in professional services contract dispute between Israeli parties 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.

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 and financial lines, including public liability, professional indemnity, property insurance, trade credit 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 international insurance and reinsurance disputes in the Middle East and Asia and civil applicable laws, including UAE law. His work includes insurance regulation and subrogated insurance recovery claims. Recent experience includes:

- Acting for policyholder in trade credit insurance coverage dispute in DIFC courts.
- 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.
- Advising solicitors firm on coverage and aggregation issues under Minimum Terms and Conditions arising from property development projects.
- Advising insurance company on FCA 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 Events for Olympic 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 service 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 (FCI Arb) 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.

RECOMMENDATIONS

Jonathan has been recommended as a leading barrister in commercial litigation and arbitration, construction, energy and infrastructure, insurance and reinsurance and as a leading barrister and arbitrator in professional sport by various directories including Chambers UK, Legal 500 and Legal 500 Asia-Pacific and Legal 500 EMEA.

Legal 500 Asia Pacific 2021: Commercial: *"Incisive with his legal mind, astute with a disarming manner."*

Legal 500 Asia Pacific 2021: Construction: *"Incisive with his legal mind, astute with a disarming manner."*

Legal 500 EMEA 2021: Commercial: *"has ample international disputes experience, is very practical in his approach and is aware of the culture of businesses in Dubai and the region."*

Chambers & Partners 2021: Sport *"He is very good and provides excellent service."*

Legal 500 2021: Insurance and reinsurance: *"A highly astute legal mind"*

Legal 500 2021: Sport: *"Incisive with his legal mind, astute with a disarming manner"*

Legal 500 Asia-Pacific 2020: Commercial *"Very well regarded for disputes in Asia"*

Legal 500 Asia-Pacific 2020: Construction *"Very experienced in construction disputes"*

Legal 500 2020: Insurance and reinsurance *"He knows his stuff and turns round work fast"*

Chambers & Partners 2020: Sport *"Favoured by governing bodies and others for difficult regulatory matters in sports such as football and horse racing"*

Chambers & Partners 2020: Sport *"a very good grasp of sport regulations and lots of experience in the area. He gets right to the kernel of the problem"*

Legal 500 2020: Sport *"Very strong at sports cases with a commercial and arbitration angle"*

Legal 500 Asia-Pacific 2019: Commercial *"Always has an eye on the commercial goal of the client"*

Legal 500 Asia-Pacific 2019: Construction *"Good at offering alternative arguments to difficult issues"*

Legal 500 2019: Sport *"A first-rate football litigator and a renowned arbitrator"*

Legal 500 2018: Sport *"Thorough, pragmatic and tactically astute"*

APPOINTMENTS

Chartered Institute of Arbitrators – Panel of Commercial Arbitrators
Asian International Arbitration Centre – Panel of Arbitrators
Indian Dispute Resolution 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

MEMBERSHIPS

ADMISSIONS

- Barrister: England & Wales
- Registered Legal Practitioner (Part II: Full Rights of Audience): DIFC Courts

QUALIFICATIONS

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

ADDITIONAL INFORMATION

PUBLICATIONS

Wilmot-Smith on Construction Contracts (4th Edition) – Contributor, Oxford University Press 2021
Civil Liability for Nuclear Damage in Countries Developing Nuclear New Build Programmes, Journal of World Energy Law & Business, Oxford University Press 2018
Sports Governance in the Modern World of Commercial Sport, Sport Resolutions UK Handbook 2018
Bullen & Leake & Jacobs: Precedents of Pleadings, 18th Edition Sweet & Maxwell 2015

PRESENTATIONS

Covid 19: Business Interruption Insurance
Cyber Insurance: Cover and Risks
Exclusion and Limitation Clauses in Business Contracts

GDPR and Data Protection Risks

International commercial arbitration with English law in ASEAN

Dealing with bribery and corruption in international arbitration

Assessing common problems in the oil & gas sector

International Joint Venture Agreements: Key terms

Insurance Act 2015 – a fair presentation

Nuclear Energy: Long-tail liabilities

International Commercial Arbitration of Russian Disputes in London

Commercial Fraud: Civil Liability

Sports Law Disputes: Arbitration

LANGUAGES

Working written and spoken French

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