



Jason Evans-Tovey



---

# Contents

---

Career Summary .....	1
Directories .....	1
Commercial .....	2
Selected Cases .....	2
Insurance & Reinsurance .....	3
Selected Cases .....	3
Professional Liability .....	3
Brokers .....	3
IFAs .....	4
Lawyers .....	4
Valuers & Surveyors .....	4
Selected Cases .....	4
Property Damage .....	5
Selected Cases .....	5
Personal Injury .....	5
Selected Cases .....	5
Qualifications .....	5
Memberships .....	6
Recommendations .....	6

"He is rigorous in his attention to detail and has very good judgement." "He is a very intelligent barrister, a powerful and subtle analytical thinker and a joy to work with."

(Chambers & Partners 2019)



+44 (0)20 7797 8100

✉ [evans-tovey@crownofficechambers.com](mailto:evans-tovey@crownofficechambers.com)

Jason Evans-Tovey is a litigator whose attention to detail, strong legal, commercial and strategic advice as well as extensive trial and appellate advocacy experience have won him many followers in several fields of practice over the years.

Jason undertakes a wide range of civil common law and commercial work including contractual, insurance and reinsurance, professional negligence and property damage disputes. He is often involved in cases which draw on his expertise in different fields. He also advises and acts on urgent interim applications for injunctions and applications relating to areas within conflicts of law (e.g. jurisdiction and choice of law) and has experience of litigation in the ECJ. He also has extensive past personal injury experience.

Jason's work is typically in what are now the Business and Property Courts of England and Wales (in particular the Commercial Court, the London and other regional Circuit Commercial Courts as well as the TCC and the Business List (ChD)) and the Court of Appeal. He also appears in arbitrations and has acted under ICC and LCIA rules as well as in ad-hoc arbitrations. From time to time he has been appointed to act as an arbitrator in commercial disputes.

## Career Summary

After Cambridge (where he read Natural Sciences and then Law (1st Class)) and an LLM in the USA, Jason practised as an associate attorney with Dewey Ballantine in New York and Washington DC. He practised from 2, Crown Office Row from 1991 until the formation of Crown Office Chambers in 2000. Jason has participated regularly in Chambers' lectures to solicitors and insurers on matters arising out of his fields of practice.

## Directories

Jason is listed in the International Who's Who of Franchise Lawyers and has been a Leader at the Bar in the field of professional negligence for many years and is currently rated Tier 1 in the 2017 Legal 500 and Band 2 in Chambers & Partners 2018. He has been described in those directories in the following terms:

- “He is rigorous in his attention to detail and has very good judgement.” “He is a very intelligent barrister, a powerful and subtle analytical thinker and a joy to work with.” (Chambers & Partners, 2019)
- “An excellent advocate and his drafting skills are magnificent.” (Legal 500, 2019)
- “Thorough in his preparation and magnificent on his feet.” (Legal 500, 2017)
- “He’s very easy to work with, commercial, robust and practical, and he can be a bruiser in court when required.” “I’ve used him on cases where I would have been happy to instruct a silk. He is a pleasure to work with and he doesn’t just sit on the fence, he gives us an answer for where he thinks the case should go” (Chambers & Partners, 2017)

Jason welcomes **public access** clients.

## Commercial

In addition to experience of the usual array of contractual issues (e.g. misrepresentation, battle of the forms, incorporation of contractual terms, implied terms, collateral warranties, interpretation of clauses, termination, restrictive covenants and damages) and the usual array of contractual settings (contracts for the sale of shares, contracts for the sale of goods, contracts for the supply of goods and services) Jason has a great deal of experience and an extensive advisory and advocacy practice in franchising disputes and other licence agreements (including computer licence agreements) both in the domestic and European markets. He has considerable experience of claims relating to the termination of franchise agreements by franchisors or franchisees, claims relating to the enforceability of non-compete and non-solicitation covenants and other post term obligations, as well experience of claims for misrepresentation including the scope and effect of relevant clauses. He has extensive experience of seeking interim remedies (e.g. interim injunctions and freezing orders) especially to enforce restrictive covenants.

## Selected Cases

- Cape Distribution Limited V. Cape International Holdings [2016] EWHC 1786 (QB) [2016] EWHC 1119 (QB): Major commercial litigation relating to asbestos claims and more particularly the rights and liabilities of Cape companies under sale agreements, insurance policies with Aviva and the 1978 Act. At issue are combined contractual and company law points about the transfer of liabilities rather than law relating to loss and damage suffered by asbestos claims generally. Jason acted on behalf of the Capre Distribution Limited and was led by Michael Kent QC.
- Advising and acting for a major licensor of table grapes in an ICC arbitration.
- Advising and acting for a Spanish hotel operator in a major contract dispute with a large and well-known tour operator.
- Acting for a manufacturer against a foreign agent in an arbitration relating to oil industry products shipped to Libya and the scope of the Commercial Agents (Council Directive) Regulations.
- Advising and acting in a sizeable contract dispute arising out of a share sale/purchase agreement relating to the care home industry.
- Seeking or resisting various non-compete, non-solicitation and other injunctions in franchise disputes.
- Advising on the meaning and scope of an intra-group asset agreement in the construction industry.
- Acting for a franchisor in the Court of Appeal in relation to the true meaning of provisions within a franchise agreement.



---

## Insurance & Reinsurance

---

Jason advises and acts in relation to policy disputes of all types (excluding marine), including professional indemnity, public liability, building cover, fire and theft claims, and motor policies. He advised reinsurers on matters relating to the demise of Arthur Anderson.

He read natural sciences at Cambridge (Pts 1A & IB) and understands scientific and technical matters. He advises and acts in all types of fire and flood claims and other disputes involving technical issues, including product defect claims.

He is currently involved in a number of fire and flood claims of different values and complexities.

### Selected Cases

---

- Cape Distribution Limited V. Cape International Holdings [2016] EWHC 1786 (QB) [2016] EWHC 1119 (QB): Major commercial litigation relating to asbestos claims and more particularly the rights and liabilities of Cape companies under sale agreements, insurance policies with Aviva and the 1978 Act. At issue are combined contractual and company law points about the transfer of liabilities rather than law relating to loss and damage suffered by asbestos claims generally. Jason acted on behalf of the Capre Distribution Limited and was led by Michael Kent QC.
- Acting for insurers in Commercial Court action about whether an environmental consultant's professional indemnity policy was wide enough to include contracting to manufacture, construct, erect, install or supply materials or equipment and was wide enough to include a contract to design and carry out piling works and project management for a residential development constructed on reclaimed land.
- Advising major ATE insurer on liability under an ATE policy following the loss of a complex, high value commercial action.
- Advising and acting for insurers in dispute about the true scope of the Civil Liability (Contribution Act) 1978 and what is and is not "same damage".
- Advising lenders in relation to a potential claim under a lender's title insurance policy intended to indemnify for defects in title to property.
- Advising and acting in a commercial court claim against insurers following the loss of a large diamond ring.

## Professional Liability

---

### Brokers

---

Jason has regularly advised both insurers and insured on the interpretation of a variety of insurance policies.



---

## IFAs

---

Jason has a good deal of experience of claims against IFAs. Past experience has included pension claims and film finance schemes.

---

## Lawyers

---

Jason has extensive experience of claims against solicitors (including claims relating to conveyances, leases, break notices, by third parties, loss litigation claims and claims for loss of a chance) and barristers (including claims relating to settlements).

---

## Valuers & Surveyors

---

Jason has extensive experience of claims by purchasers and lenders, claims relating to domestic and commercial property, claims concerning defects and valuations advice and claims relating to duties of care and damages.

---

## Selected Cases

---

- Haylett v Cayton [2015] EWHC 1951 (Comm) (Colin Edelman QC) – Jason advised and acted throughout in this case dealing with the break-up of a professional negligence claims handling and solicitors' enterprise (Opponents: William Flenley QC and Francis Bacon).
  - Stagecoach South Western Trains Limited v Hind & Ors [2014] EWHC 1891 (TCC) (Coulson J) – Jason advised and acted throughout on instructions from Morgan Cole and then BLM in this case dealing with the duties owed by tree surgeons and the like.
  - Metropolitan Venues Limited v Watson Burton [2014] EWHC 883 (QB) (HHJ Pelling QC) – Successful defence of high value solicitor's negligence claim involving collateral contracts, implied retainers, misrepresentation and duties of care to non clients in the context of a sub-purchase (Opponents: Mark Cannon QC & Elizabeth Tythcott).
  - Lingfield Properties (Darlington) Limited v Padgett Lavender Associates (A Firm) [2007] EWHC 2989 (QB) (2008) 1 EG 134 (Tugendhat J) – Jason advised and acted throughout on instructions from Watson Burton LLP and Charrington Insurance in this complex £16m claim against a professional town planner who was alleged to have let lapse very valuable planning permission for an out-of-town retail development.
  - Lingfield Properties (Darlington) Limited v Padgett Lavender Associates (A Firm) [2008] EWHC 2795 (QB) (Tugendhat J) – Section 51 non party costs orders in a professional negligence context.
  - Del Grosso v Payne & Payne [2007] EWCA Civ 340 (2007) 151 SJLB 336 – Solicitor's negligence claim arising out of advice given in connection with the lease of nightclub premises – amendments outside the limitation period.
  - Demarco v Bulley Davey [2006] EWCA Civ 188 [2006] PNLR 27 – Claim against insolvency practitioners for loss of a chance to annul a bankruptcy order, correct measure of damages.
  - Copeland v Smith [2000] 1 WLR 1371 (CA) – Barristers – duty of counsel to the court.
  - Secured Residential Funding v Nationwide Building Society [1997] EGCS 138 [1997] NPC 147 – Surveyor – misrepresentation – duty of care. (see also Coates and Evans-Tovey, "Duty of Care of Professional Advisers" (1998) 142 Sol Jo 60).
-



- Europe Mortgage Co v Halifax Estate Agencies [1996] EG 84 (CS), [1996] NPC 68 – Surveyor – whether lender should give credit for sums recovered under a MIG policy.

## Property Damage

Jason read natural sciences at Cambridge (Pts 1A & IB) and understands scientific and technical matters. He advises and acts in all types of fire and flood claims and other disputes involving technical issues, including product defect claims. He is on some insurers major loss panels.

### Selected Cases

- Stagecoach South Western Trains Ltd v Hind & Ors [2014] EWHC 1891 (TCC) – Acting for insurers in a case providing modern guidance on the obligations of homeowners in relation to trees and the limits of duties owed by tree surgeons.
- John Lyon Free Grammar School v Westminster City Council [2012] UKUT 117(LC) – Acting for insurers against a local authority in relation to tree root subsidence including issues of foreseeability, causation and TPOs.

## Personal Injury

Jason has undertaken a great deal of personal injury work over more than 20 years including employers liability cases (Hammond v Commissioner of Police of the Metropolis) [2005] PIQR P1 [2004] ICR 1467) and accidents abroad giving rise to jurisdictional and applicable law issues before the ECJ (Watson v First Choice Holidays & Flights Ltd [2001] 2 Lloyd's Rep 339).

Nowadays because of the demands of other areas of his practice he deliberately limits himself principally to higher-value motor-related cases many of which involve detailed expert evidence on liability. Jason read science at university.

### Selected Cases

- Frost v Oldfield [2010] EWHC 3641 (QB) – Acting for insurers in a high-speed motorcycle sideswipe collision resulting in a lost limb and other serious injuries.
- Flavio v Jeffrey [2008] EWHC 2331 (QB) – Cyclist crossing dual carriageway hit by car.
- Chadli v Brooks [2005] EWCA Civ 211 – Child run over by a bus.

## Qualifications

- Arden Scholarship, Gray's Inn
- Senior Scholar
- Lizette Bentwich Prize
- Norton Rose Conflicts of Law Prize



- 
- LLM, University of Virginia
  - MA (1st Class), Trinity College, Cambridge

## Memberships

---

- COMBAR
- LCLCBA
- PNBA
- TECBAR

## Recommendations

---

"Jason is excellent at planning for trial from the outset. His early advice is invaluable for ensuring that key issues are identified and pursued."

Legal 500, 2022

"He is exceptionally bright and sees the big picture when advising."

Legal 500, 2021

"He is an excellent trial barrister. Jason saw the long view early on and was able to ensure that the key issues were aired early in the dispute."

Chambers & Partners, 2021

"He is phenomenally bright and sees the big picture. Where some might simply deal with what is in front of them, he ensures that all angles are covered before recommending a particular way forward."; "He is a very thorough, competent and effective practitioner in the field. Very pleasant to deal with."

Chambers & Partners, 2020

"He is rigorous in his attention to detail and has very good judgement." "He is a very intelligent barrister, a powerful and subtle analytical thinker and a joy to work with."

Chambers & Partners, 2019

"An excellent advocate and his drafting skills are magnificent."

Legal 500, 2019

"Thorough in his preparation and magnificent on his feet."

Legal 500, 2017

"He's very easy to work with, commercial, robust and practical, and he can be a bruiser in court when required."

Chambers & Partners 2017

"I've used him on cases where I would have been happy to instruct a silk. He is a pleasure to work with and he doesn't just sit on the fence, he gives us an answer for where he thinks the case should go."

Chambers & Partners 2017

"He is very effective, bright and pleasant to deal with."

Chambers & Partners 2016

---





---

"He is very highly regarded."

Legal 500 2016

"Understands the commercial angle of the case straight away."

Chambers & Partners 2015