

# John Jessup

**Year of Call:** 2014

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## Overview

John completed a 12-month pupillage at 11 Stone Buildings with an emphasis on commercial disputes and personal and corporate insolvency. John now frequently appears in the Business and Property Courts on insolvency matters.

John also advises and appears in Court on matters of general commercial litigation, and has developed a busy construction law practice since joining 3PB.

John maintains a practice in property disputes, and has appeared in the High Court on matters relating to onerous tenancy administration fees, proprietary estoppel and trusts.

John accepts instruction to produce written advice and to draft pleadings in all areas of his expertise, and has significant experience of resolving disputes through alternative dispute resolution (ADR).

## Academic qualifications

- University of Wales, Swansea, LLB Law, 1st class degree (top 1st) (2011)
- University of Oxford, Bachelor of Civil Law (2013)
- Cardiff University, BPTC, Outstanding.

## Scholarships

- Best Orator, Oxford International Media Law Moot 2013
- Semi-Finalist, Oxford International Intellectual Property Moot 2013
- Beneficiary of the James Pantyfedwen Foundation, 2012
- Iscoed Chambers Prize, 2011
- Sweet and Maxwell Prize, 2011

## **Professional bodies**

- Chancery Bar Association
- Technology and Construction Bar Association

## **Direct Access**

John is able to provide Court representation and written advice on a Direct Access basis in all of his practice areas.

# Expertise

## Construction and engineering

### Construction

John Jessup has a strong grasp of construction theory and practice and a formidable level of technical knowledge. John's working practice in areas of disputed fact is often to speak directly to employers, architects, contractors and experts with whom he is able to converse at a technical level.

John has married his experience of complex commercial disputes to his technical background and is well-placed to advise and provide representation on all aspects of construction law. He is familiar with all standard forms of construction contract, and has appeared in several multi-track trials in construction matters.

John's previous work has involved drafting pleadings and witness statements for litigation and arbitration, and written submissions in adjudication. John has experience in working on homeowner/builder disputes and larger commercial disputes.

### Recent cases

#### **Cubex (UK) Limited v Balfour Beatty Group Limited [2021] EWHC 3445 (TCC)**

**CS v LE Ltd (2023):** Ongoing. Representing the claimant seeking to recover sums invested into a joint construction venture. Part of the issue is how the investment agreement interacts with the decision of an adjudicator on a related matter.

**AL & K Limited v IC Limited (2023).** Ongoing. Representing the claimant homeowner in a homeowner/builder dispute. The case raises the question of whether and how the rights of the employer can be assigned after the dispute has arisen.

**CP Ltd v GI Ltd & SF Ltd (2023):** Ongoing. Representing the claimant developer in a dispute regarding allegedly negligent geotechnical surveys.

**A Ltd v T (2023):** Ongoing. Representing the defendant homeowner in a claim brought by a builder via an asset-less shell company.

**C v T, Arbitration (2023):** Represented, from case drafting through to final hearing, a construction industry membership association and succeeded in arguing that its preferred interpretation of certain founding documents was the correct one.

**DW v M Ltd (2023):** Provided rapid specialist advice and drafting in respect of an emerging construction dispute on a JCT Design and Build Contract.

**MI Ltd v SM (2022):** Represented a homeowner in a three-day homeowner/developer dispute, and succeeded on a defence of estoppel based on pre-contractual promises made by the developer's director.

**International arbitration (2021):** Assisted with drafting and conducted parts of cross-examination during a two-week arbitration between a government and a Caribbean contractor on a multi-million dollar construction dispute.

## Commercial

John is an experienced commercial chancery junior. His broad litigation and advisory work cover most areas of the law normally litigated in the Chancery Division, specifically:

**Insolvency** John has experience with complex and high-value disputes between liquidators and former directors, and frequently advises in difficult insolvency matters. He regularly appears on behalf of Companies in disputed winding up

proceedings brought by HMRC and private creditors. John also has experience in the field of personal insolvency.

**Company** John has substantial experience in general Company law matters including Directors Duties, complex Shareholders disputes and unfair prejudice petitions. John experience extends to dealing with non-contentious company law matters including applications to rectify the register of charges under the Companies Act 2006, including a recent application to rectify an improperly conducted reduction in its share capital and advising on how to perform the merger of two companies limited by guarantee.

**Recent cases:**

**ONS Ultimate Holding Ltd v Nair [2022] EWHC 2200 (Ch):** Represented the defendant on a multi-day High Court application for summary judgment.

**CC v F Co (2023). Ongoing:** Acting for the Claimant in a High Court professional negligence dispute.

**G v R & R (2023):** Represented third parties and successfully resisted an attempt to unwind the sale of a property which the claimant was attempting to achieve via an urgent injunction application.

**AK v FLI Limited (2022):** Ongoing. Acts for the Defendant company in the High Court in respect of an alleged data protection breach.

**A v H (2023):** Represented administrators on a successful application to force third parties to hand over company documents.

**L Ltd v E Ltd (2023):** Successfully resisted a third party costs order application against a former director of a company.

**ABG Limited (2023):** Advised upon and appeared at an application to restrain advertisement of a winding up petition.

**A school (2023):** Advised a fee-paying school on the effect of the Financial Services and Markets Act 2000 and a proposal to secure unpaid fees by a charge over property.

**B Ltd (2023):** Advised on whether certain transactions were caught by s.127 IA 1986 (clawback provision in respect of transactions made after presentation of a winding up petition)

**Various v A (2021):** Successfully resisted a High Court interim injunction which would have prevented his client from attending his local mosque.

**C v CP Ltd (2021):** Appeared in the High Court and persuaded the court to depart from the usual rule that indemnity costs are awarded where a party commences litigation in breach of an arbitration clause.

**A v Z (2021):** Represented a former director at a two-day claim brought by liquidators for director's misfeasance and transactions at undervalue.

**BP Ltd v WD (2020):** Acted as sole Counsel in a successful 4-day trial relating to unpaid storage fees.

**CC v NP (2020):** Acted for the Defendant in proceedings brought by a vexatious litigant and obtained a civil restraint order via written submissions.

**L v G (2020):** Successfully resisted an application heard in the High Court for third party disclosure.

## Property and Estates

### Property and Estates

John frequently provides advice and representation in residential property disputes including:

- Landlord and tenant disputes (eviction proceedings and disrepair claims)
- Boundary disputes
- Mortgage repossessions
- Leaseholder disputes.

He also advises commercial landlords and tenants, particularly on complex tenancy contracts.

John accepts instructions in this area from professionally-represented clients and via Direct Public Access.

#### **Recent cases:**

**Thomas Day v Silva Carmichael, Jashmir Carmichael [2021] EWHC 2728 (Comm):** application to vary possession order of residential premises in the High Court.

**LPS Ltd v CI Ltd & Ors (2023):** Represented the defendant in a commercial lease dispute involving issues of assignment and subletting.

**PI v K Ltd (2023):** Represented the defendant at the trial of claims made for rent arrears. More than half of the claim defended on the basis of the landlord's breach of quiet enjoyment, following an oral application to amend the defendant's pleadings.

**BMSSC Ltd & Ors v LC Limited (2023):** Ongoing. Defending claim for leasehold extension under the 1954 Act.

**Third party disclosure:** A successful defence against an application for third party disclosure in the High Court in 2020, the case subsequently settled.

**Sahota v Prior [2019] EWHC 1418 (Ch):** a High-Court consideration of the interaction between section 2(1) of the Law of Property (Miscellaneous Provisions) Act 1989 and the doctrine of proprietary estoppel.

**Avon Ground Rents Limited v Sarah Louise Child [2018] UKUT 0204 (LC):** successful application to prevent a landlord's legal costs being charged as an administration fee.

#### **Probate**

John has experience of advising and providing representation in all areas of probate including the interpretation of and challenge to wills.

John has particular experience of alternative dispute resolution in disputes relating to wills through mediation and other forms of ADR, and has accepted instructions directly from members of the public in such matters through Direct Public Access.

## **Direct Access**

John is able to provide Court representation and written advice on a Direct Access basis in all of his practice areas.

## **Articles**

3PB construction and commercial/insolvency barrister John Jessup predicted on Tuesday June 9 at the 3PB construction law webinar that the Supreme Court may push open the door left slightly ajar by Lord Justice Coulson at the Court of Appeal in the case of *Bresco v Lonsdale* [2019] EWCA Civ 27.

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## **Articles**

Through a glass darkly: reflections on reflective loss

John Jessup considers the recent Court of Appeal decision of *Marex Financial Limited* [2018] EWCA Civ 1468 which answers the question of whether the rule against reflective loss (which prevents a shareholder bringing an action for loss of value of their shares) applies to unsecured creditors.

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## **Articles**

John Jessup reflects on a recent High Court case in which he appeared and which sheds further light on proprietary estoppel in contracts for the sale of land.

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