

# Mariya Peykova

**Year of Call:** 2013

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## Commercial

Commercial litigation barrister Mariya Peykova appears for, and advises, businesses and individuals on all contractual matters from shareholder disputes to specific performance and general breach of contract. She has also advised on contractual disputes involving the interpretation of insurance policies and general terms and conditions arising in the travel industry during the Covid-19 pandemic and on business interruption insurance claims.

Mariya also has experience advising on matters where there are assets which are likely to be dissipated, and using emergency freezing injunctions to protect clients' interests. She has a particular interest in the relationship between business and human rights, and can advise on the protection of business and commercial interests through international human rights proceedings.

### Recent and Ongoing cases

- *Phones 4U Limited v. EE Limited & Ors [2021] EWCA Civ 116*: Mariya was instructed by Mischon de Reya acting for Telefonica to assist in a junior capacity assisting in relation to proceedings brought by Phones 4U Limited (In administration) alleging conspiracy between EE, Vodafone, Telefonica and their parent companies (at the relevant time).
- Advised on a complex breach of contract, which involved a side discrimination claim, against a large UK energy provider.
- Represented a leading UK University in a breach of contract claim brought against the University by a former student. The claim was struck out following a contested application to strike out the statement of case.
- Obtained an order for summary judgment against multiple defendants for breaches of several key obligations arising under a loan agreement and related guarantee.
- Represented a former member of the Liberal Democrats at a contested hearing following an application for an interim injunction. The Applicant alleged, inter alia, that her expulsion from the Party constituted a breach of contract, as it breached several core principles enshrined in the Party's constitution (*Josephine Hayes v Mark Pack and Ors [2022] EWHC Civ*).
- Obtained a second order for relief from sanctions in circumstances in which relief had already been granted in relation to the same failure by the Applicant to file evidence in accordance with the court's directions.
- Secured a freezing injunction against the assets of an individual who was at the time outside the jurisdiction.
- Advising on alternative methods of service outside the jurisdiction, particularly in cases where the Defendant is based in a State that is not a signatory to the Hague Convention.
- Represented the tenant and guarantor in a commercial lease dispute with the corporate landlord. The defendants argued that the lease had been surrendered on the grounds of repudiatory breach.

### DATA PROTECTION AND INFORMATION

Mariya has specific expertise working in the growing field of information law; she has particular experience in matters

involving controversial subject access requests and more recently internet de-listing disputes.

Examples of recent cases:

- Advising on a challenge against the Information Commissioner's decision not to advise a large tech company to remove sensitive and potentially misleading search results linked to the Applicant.
- Advising on an appeal against a decision of the Information Commissioner to allow late reliance by a public body on the exemption under section 12 of the Freedom of Information Act
- Advising on a request for removal/deletion of personal data of a minor in circumstances in which it is unclear whether the organisation in question still needs the data for the original reason was collected.

## ENERGY LAW

Mariya has a keen interest in Energy Law and the interplay between local (national) pressures and international law. Her academic background as Research Fellow at Queen Mary University, working on energy law projects, enables her to advise clients on contractual and human rights matters arising in this growing sector.

At QMUL, Mariya worked mainly on the WiseGrid project sponsored by the European Commission. This focused on the legal implications of the gradual 'smartening' of the energy market across various EU Member States. Also, exploring the various ways in which individual states can modernise their existing energy supply infrastructures to make way for a more sustainable, smarter and 'greener' energy supply infrastructure. The project was led by Professor Rafael Leal-Arcas, and the team's research in the field has been published in Europe and various academic journals in the United States.

## Articles

This article was first published in ThoughtLeaders4 Disputes Magazine.

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Mariya analyses the case DHL Project & Chartering Ltd v Gemini Ocean Shipping Co Ltd [2022] EWCA Civ 1555) in relation to the "separability principle" in arbitration agreements.

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Mariya Peykova analyses the case of MDW Holdings Limited v James Robert Norvill and Ors [2022] EWCA Civ 883, in which the Court of Appeal brings important clarification of the principles applicable to the assessment of damages for breach of warranty and deceit in the context of a share sale.

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*Zymurgorium Ltd v Hammonds of Knutsford plc*

Mariya Peykova has analysed the case of Zymurgorium Ltd v Hammonds of Knutsford plc for Lexis®PSL.

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The principle of 'no reflective loss' following the decision of the Supreme Court in *Sevilleja v Marex Financial*: an analysis by Marc Brittain and Mariya Peykova.

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Mariya Peykova authors this practical guide for businesses and insolvency practitioners and looks at the proposed and existing measures introduced by the government to help businesses during the coronavirus crisis.

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3PB Commercial Barrister Marc Brittain and Pupil Barrister Mariya Peykova consider the conditions under which employers in the construction industry should have to pay a levy for the purpose of meeting the expenses of an industrial training board.

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Dealing with Competing Jurisdiction Clauses: What is your Centre of Gravity?

Marc Brittain and Mariya Peykova consider complex commercial arrangements and the difficulties they can create for parties where their obligations are set out in a multitude of related contracts of a single contract containing inconsistent dispute resolution clauses. Marc and Mariya explore the most common scenarios in which courts are asked to interpret inconsistent dispute resolution clauses, with particular focus on the 'centre of gravity' approach, adopted by courts.

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3PB's pupil barrister Mariya Peykova reviews the legal position in relation to holidaymaker claims during the Coronavirus pandemic.

Recent reports in the media suggest that some holidaymakers who have requested refunds have instead been offered credit notes, or deferred bookings. Mariya highlights the options available if holiday plans have been disrupted because of Covid-19, including package holidays, cancelled flights, accommodation and or other travel arrangements, insurance claims, and consumer credit rights.

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## **Academic qualifications**

- LL.M in Public International Law, Centre for Commercial Law Studies, Queen Mary University of London 2012
- LL.B (Hons), Queen Mary University of London, 2011

## **Scholarships**

- Overseas Internship Scholarship (International Criminal Court) , Gray's Inn
- Graduate Association Award, The Grammar School, Nicosia
- Ioannis and Iro Gregoriou Memorial Scholarship (7 consecutive years), Nicosia
- Edexcel High Achiever Award, the Grammar School, Nicosia

## **Professional qualifications & appointments**

- New York Attorney-At-Law, Admitted in 2019
- Bar Professional Training Course, University of Law, 2013

## **Professional bodies**

- International Bar Association