



Michael Jefferis

Year of call: 1976

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Practice Summary

Michael is an experienced advocate with a very wide field of practice. His work involves all possible aspects of broad chancery practice, including company, insolvency, landlord and tenant, (residential and business), mortgages, guarantees, trusts, capital taxes, conveyancing, Inheritance Act claims, Probate, Will construction and rectification, boundary disputes, party walls, joint property disputes, professional negligence, commercial contracts, building disputes and Directors Disqualification, Town and Country Planning and Local Government work, including Judicial Review.

Michael's was involved from 1992 to 1996 acting in a mass of company related matters, and from 1997 to 2001 acting for Lloyd's Names and groups of Names. He represented a number of Names in the preliminary stages of the well-known Society of Lloyd's v Jaffray trial. He has appeared in many proprietary estoppel cases and recently appeared in the House of Lords, with John McDonnell QC in the leading case of *Thorner v Majors*.

He also has an international element to his practice working for a major French shipping line and, through them, other French clients.

Memberships

Chancery Bar Association

Planning and Environment Bar Association

Professional Negligence Bar Association

Western Circuit

Former long-standing committee member (twice Chairman) of the Bar Representation Committee, Lincoln's Inn

Co-opted member of the Bar Council Working Party on Accountability in the Bar Council

Former Borough Councillor and Chairman of Development Services Committee, Hertsmere Borough Council

Reported cases and recent work

Proprietary Estoppel & Constructive Trust

- *Thorner v Major* [2009] 1 WLR 776 (HL) successful claim to farm by proprietary estoppels and constructive trust.
- *Pinfield v Eagles*, Mr Justice Hart, [2005] EWHC 477 [2005] AER (D) 14 claim through constructive trust to interest in company through work in reliance on understanding.
- *Murphy v Burrows* [2004] EWHC 1900 [2004] All ER D 572 [2005] 1 P & CR DG 3: proprietary estoppel; classic claim based on working for years in reliance on oral promise, defeated on the basis that it was not unconscionable in the circumstance not to leave farm to claimant.

Companies and directors disqualification

- *Secretary of State for Trade & Industry v T. Venables*: Robert Walker J. in April 1997; Lightman J. in July 1997; Evans-Lombe J. in January 1998.
- *Tottenham Hotspur Plc and others v Edenote Plc* [1995] 1 BCLC 65: winding up for untaxed costs; cross claim against Petitioner's subsidiary.
- *Re Edenote, Tottenham Hotspur Plc v Ryman & Others* [1995] 2 BCLC 248, *The Times* 3rd June 1996, [1996] 2 BCLC 389 (CA): setting aside transaction by liquidator & replacement of liquidator.
- *Re a Company* (No. 003843 of 1986) [1987] BCLC 562, [1987] BCC 624: oppression of minority shareholders, petition under section 459 of Companies Act 1985.

General Chancery and Professional Negligence

- Michael has a particular speciality of saving clients tax, and lawyers from major negligence actions, by means of rectification of deeds (e.g. *Lake v Lake* [1989] STC 865) and rectification by "interpretation" of deeds (*Schneider v Mills* [1993] STC 430).
- *Coleman v Bryant* [2007] All ER D 101 novel point on section 46 of the Land Registration Act 2002
- *Maher v Trimming* [2006] All ER D 385 dissolution of unincorporated association (a club) and distribution of assets
- *Re Chicago Holdings* [2005] EWHC 3466 [2005] All ER D 75 Disclosure and privilege in claim for fraud
- *Grimm v Newman & Another* [2003] 1 All ER 67: accountants' duty to give advice as to how to structure a property acquisition in most fiscally efficient way.
- *Hurlingham Estates Ltd v Wilde & Partners* [1997] 1 Lloyds Rep. 525; [1997] STC 627: professional negligence; solicitors' duty to give tax advice or adequately limit their retainer.
- *Crone v Lee Valley Regional Park Authority*, Ferris J and Court of Appeal, 26th June 1989: adverse possession. Judicial Review
- *Evans v Chief Constable of North Wales Police* [1982] 1 WLR 1155 HL: breach of rules of natural justice in discretionary decision making process in dismissing probationary constable.

Land Charges Act 1972

- *Perez-Adamson v Perez-Rivas* [1987] Fam 89, [1987] 3 All ER 20, [1987] 3 WLR 500 (C.A.): priority of charges, wife's *lis pendens* priority over bank charge.

Lloyd's litigation

- *Society of Lloyd's v Frazer & Others*: appeared (led by Robin Mathew QC) for a group of Names in the Court of
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Appeal.

- Society of Lloyd's v Jaffray: appeared in several applications before Cresswell J; acted for, and continues to act for, a number of Names in relation to claims brought by banks and other financial institutions.
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