

Michael Jefferis

Year of Call: 1976



Practice Summary

Michael is a very experienced advocate with a very wide field of practice. He has over 40 years of experience as an advocate and working in an advisory role. His work involves all possible aspects of broad chancery and commercial practice, including company, insolvency, landlord and tenant, (residential and business), mortgages, guarantees, trusts, conveyancing and land registration, Inheritance Act claims, Probate, Will construction and rectification, boundary disputes, party walls, joint property disputes, professional negligence, commercial contracts, building disputes and Directors Disqualification, he combines this with planning and Local Government work, including Judicial Review.

Michael has been engaged in a number of different commercial cases over the years from classic commercial cases, such as those concerning ordinary business disputes, companies and shareholder disputes to a case over a high value classic motor car and another concerning a creme egg machine.

Recent case

Brooke Homes (Bicester) Limited v Portfolio Property Partners Limited and Others [2022] EWHC 625 (CH), Hugh Sims KC (sitting as a Deputy Judge of the High Court). Pre-contract agreements entered into between a developer and a property company fell short of comprising an enforceable contract for sale and could not be subject to an order for specific performance. However, the company had breached its obligation to use all reasonable endeavours to translate the agreements into a conditional sale contract and the developer was entitled to £13.4m damages for loss of chance. No constructive trust arose under the principle in *Pallant v Morgan* [1953] Ch. 43, [1952] 11 WLUK 27 because the pre-acquisition arrangement did not contemplate that the developer would acquire an interest in land at the time of the company's acquisition of such an interest, but that it would only do so when a conditional sale agreement was entered into. The company was therefore not acting inconsistently with an agreement for the acquisition of land. Its breach of the agreement gave rise

to a contractual claim in damages, but not an equity.

Other cases on Breach of fiduciary duty and Conspiracy:

Berryland Books v BK Books Ltd and others (CA) [2010] EWCA Civ 1440, an actual intention to injure is required for liability for conspiracy, reckless indifference is not sufficient.

Sir Geoffrey Hurst v Hone & others [2010] EWHC 1159, claims in deceit and breach of trust also what amounts to a fiduciary relationship that may give rise to damages for its breach.

Michael has been engaged in numerous different cases concerning all areas of property law over the years. Rights of way, boundary disputes and land registration cases have featured heavily in his recent practice. Michael has developed particular expertise in proprietary estoppel cases having been an advocate at all levels in the seminal House of Lords case of *Thorner v Major* and other key cases before and after that.

Recent Case

Vectis Property Co Ltd v Cambrai Court Management Ltd Upper Tribunal (Lands Chamber) 22nd February 2022 [2022] UKUT 42 (LC); [2022] L & TR 22. A case of the cost to the tenants of enfranchisement of the roof and the space above the roof of a block of flats, when the landlord proposed to build additional accommodation on the roof. The landlord's duty to repair the existing roof was not a bar to the landlord's proposed roof development, nor were the detailed service charge provisions - which shared the cost for maintenance and repair of the roof and structure only between the existing tenants of the block. The landlord was therefore entitled on enfranchisement to be paid a price that reflected the development value it was losing on parting with the freehold of the building.

Proprietary Estoppel & Constructive Trust

(1) *Nugent v Nugent* (Morgan J) [2015] Ch 121, balancing and protecting competing interests pending trial of a proprietary estoppel claim.

(2) *Suggitt v Suggitt* (CA) [2012] WTLR 1607, what can amount to detriment and what is appropriate to satisfy the equity.

(3) *Thorner v Major* [2009] 1 WLR 776 (HL), successful claim to farm by proprietary estoppel and constructive trust.

(4) *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.

(5) *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.

Michael represented a local group, the Friends of Forster County, at the last Public Inquiry into the last Stevenage Borough Local Plan (2011-2031). He acted for another conservation group at the previous Stevenage enquiry, years before that.

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, then Bencher in Lincoln's Inn from 1999
 - Former Borough Councillor and Chairman of Development Services Committee, Hertsmere Borough Council
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Appointments

- Deputy Adjudicator to HM Land Registry (March 2004) and, from July 2013 to date, Judge of Property Chamber, Land Registration Division, First-tier Tribunal
 - Deputy Chancery Master (February 2002 to date)
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Education

- Millfield School, Kings College London, College of Law
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Language

- French