

Jessica Powers

Called: 2012



+44 (0) 20 7419 8000



jessica.powers@newsquarechambers.co.uk

Practice Overview

Jessica specializes in commercial chancery litigation, with a particular expertise in insolvency.

In 2016, Jessica gained invaluable experience whilst seconded to a boutique City litigation firm, dealing with contentious insolvency and commercial matters. Since her appointment to the Attorney-General's C Panel of Junior Counsel to the Crown in February 2017, Jessica has been frequently instructed by HMRC in insolvency cases, and by the Secretary of State for Business, Energy and Industrial Strategy in director's disqualification proceedings.

Jessica's regular appearances as sole counsel in the High Court and County Court mean that she is a persuasive and confident advocate, with the ability to think quickly on her feet. She is well accustomed to conducting cases from pre-action advice through to trial, whilst throughout maintaining a pragmatic and commercial approach.

Jessica is a contributor to Atkins Court Forms, and has also written for Insolvency Intelligence and Estates Gazette.

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Insolvency

Jessica accepts instructions from creditors, debtors and companies, and office holders in all areas of corporate and personal insolvency. She has a particular interest and expertise in antecedent recoveries.

Recent matters include:

- Regularly acts for HMRC in the winding up petition list in the Business and Property Courts.
- *Re A Company* (2019) - successfully applied to strike out a winding up petition presented against an FCA-regulated company.
- *Re Chester Properties Festival Park Limited and ors* (2019) - acted on behalf of the administrators of four companies to extend the period of appointment of the administrators for the third time.

- *Re Wilson Design Consulting Ltd (2018)* - acted for the liquidator in a claim for recovery of the director's overdrawn DLA.
- *Re Jighand Limited (2018)* - instructed by administrators in an application for their appointment to cease, and for the company to be compulsorily wound up.
- Advised on a section 110 Insolvency Act 1986 restructuring, including stamp duty issues.
- Advised a number of London Boroughs on the process and procedure of recovering funds from insolvent estates.
- *Re Tiwari (2017)* - successfully opposed a bankrupt's application to annul at a hearing with oral evidence.
- *Re Jeremy Hoyer Limited (2016)* - obtained a freezing injunction on behalf of the liquidators in anticipation of a claim against a director to recover his overdrawn DLA.
- *Re Amos Contract Services Limited (2016)* - acted on behalf of liquidators in misfeasance proceedings against a director, and the director's subsequent application for relief from sanctions in the course of appeal proceedings.

Commercial Litigation

Jessica has acted in numerous contractual disputes concerning the sale of goods and supply of services, including building disputes. She has particular experience and knowledge of consumer protection legislation, having assisted with the update to the Atkins Court Forms Sale and Supply of Goods and Services volume following the coming into force of the Consumer Rights Act 2015.

Jessica is instructed by both lenders and individuals in banking and finance matters. She has advisory and advocacy experience of claims arising out of guarantees, debentures, mortgages, and factoring and invoice discounting arrangements.

Jessica has extensive experience of making and resisting interim applications, including applications for:

- Freezing orders;
- Summary judgment and/or strike out;
- Specific disclosure; and
- Relief from sanctions.

Recent matters include:

- *Kinleigh Limited v Kapoor (2019)* - acted on behalf of the successful appellant estate agent in a claim for sales commission.
- Advised a transport company as to whether its contract with a major oil company contained penalty clauses.
- *BBS Granite Concepts Limited v Direct Transportation Limited (2018)* - instructed by the Defendant in a claim for damages for breach of contract.
- *MKM Skip Hire Ltd v Bridgemarts Ltd (2018)* - acted for the Defendant on an application for specific disclosure, and a subsequent application to a declaration that the claim was struck out for non-compliance with the specific disclosure order.
- *Limitless Ltd v Aquapark Developments Ltd (2018)* - acted throughout for the Defendant in a defective works claim.
- *Hunterskill Recruitment Limited v Branded Garden Products Limited (2017)* - instructed by the Claimant in the trial of a preliminary issue as to the recoverability of employment agency fees.
- *1000 Mile Sportswear Limited v Hofler Global Limited (2017)* - acted for the Claimant in a claim for damages for defective goods (including an application for specific disclosure).
- *Lloyds Bank Plc v Ishaq and Ishaq (2017)* - acted for the bank in a contested claim for an order for sale.

- *D&G Cars Ltd v Essex Police Authority* [2015] EWHC 226 (QB) - instructed as junior counsel on behalf of the Claimant company in an action for breach of contract and breach of the Public Contracts Regulations 2006.

Company

Jessica is particularly able to assist in matters of company law which overlap with corporate insolvency issues, such as directors' duties.

Recent matters include:

- Advised a family company as to whether a change in the shareholding of the company would trigger an obligation under the company's Articles to redeem certain shares.
- *Khan v Pandya and Pandya* (2016) - instructed by the Claimant, the son of a deceased partner, in the trial of a preliminary issue as to whether the deceased remained a partner to the date of his death.

Articles

Date	Title	Contributors
28th October 2019	Challenging the decision to reject proofs of debt in a CVA for dividend purposes (Re JPF Clarke (Construction) Limited) Published In <i>LexisPSL</i>	Jessica Powers