



Jessica Powers

Call: 2012

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"Very quick to get on top of complex material; detail focused, but also down to earth and easy to talk to; excellent on her feet."

Legal 500 UK Bar 2021

Practice Overview

Jessica *"is fast developing a strong commercial chancery practice, with a focus on insolvency, and is certainly a name to note at the junior Bar"* (Legal 500 UK 2021).

Jessica's regular appearances as sole counsel in the High Court and County Court mean that she is a persuasive and confident advocate, and is *"excellent on her feet"* (Legal 500 UK 2021). She is well accustomed to conducting cases from pre-action advice through to trial, whilst throughout maintaining a pragmatic and commercial approach.

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 and the Official Receiver in insolvency cases, and by the Secretary of State for Business, Energy and Industrial Strategy in director's disqualification proceedings.

In recent years, Jessica has gained invaluable insight and experience through a secondment to and subsequent consulting arrangement with the dispute resolution department of a leading offshore firm in Jersey (assisting with trust, company and insolvency matters), and a secondment to a boutique City litigation firm (dealing with insolvency and commercial matters).

Jessica is a contributor to Atkins Court Forms and the forthcoming new edition of Gough on Company Charges. She has also written for Lexis PSL, 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 acting for HMRC in the winding up petition list in the Business and Property Courts.
- *Re High Road 182 Ltd* (2021) - obtaining an urgent interim proprietary injunction on behalf of the Official Receiver, acting as liquidator, in respect of the transfer and subsequent mortgage of a commercial property.
- *Re Chester Properties Festival Park Limited and ors* (2021) – acting on behalf of the administrators of four companies to extend the period of appointment of the administrators for the fourth time.
- *Re Ide* [2020] EWCA Civ 1469 – being instructed by the Fourth and Fifth Respondents in an application to strike out an originating application by trustees in bankruptcy because of late service of that application at first

instance, and on appeal to the Court of Appeal.

- ▢ *Re Inspired Asset Management Limited (In Administration)* [2019] 3301 (Ch) – acting on behalf of administrators in an application seeking a power to remove and appoint directors of wholly-owned subsidiary SPVs.
- ▢ Advising on the merits of opposing a winding-up petition founded upon an alleged assignment of a multi-million Euro debt.
- ▢ *Re A Company* (2019) – successfully applying to strike out a winding up petition presented against an FCA-regulated company.
- ▢ *Re Wilson Design Consulting Ltd* (2018) – acting for the liquidator in a claim for recovery of the director's overdrawn DLA.
- ▢ *Re Jighand Limited* (2018) – being instructed by administrators in an application for their appointment to cease, and for the company to be compulsorily wound up.
- ▢ Advising on a section 110 Insolvency Act 1986 restructuring, including stamp duty issues.
- ▢ Advising a number of London Boroughs on the process and procedure of recovering funds from insolvent estates.

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:

- ▢ Advising on whether UK companies limited by guarantee, incorporated to act as the registered proprietors of investment properties and resorts in Cape Verde, were alternative investment funds within the meaning of the EU Directive on Alternative Investment Fund Managers.
- ▢ Advising two investors in a fully segregated sub-fund of a protected cell company registered in Gibraltar in relation to a number of issues arising out of and in the context of ongoing litigation in Gibraltar.
- ▢ Advising on the consequences of termination of a commercial agency agreement governed by German law.
- ▢ Advising on the merits of a professional negligence claim against conveyancing solicitors following the clients' entry into a failed SDLT avoidance scheme.
- ▢ *Sherborne Preparatory School v Makszimenko* (2019) – representing the successful Claimant on the Defendant's appeal in which the Defendant sought to rely on fresh expert evidence.
- ▢ *Kinleigh Limited v Kapoor* (2019) – acting on behalf of the successful Appellant estate agent in a claim for sales commission.
- ▢ Advising 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) – being instructed by the Defendant in a claim for damages for breach of contract.

- *MKM Skip Hire Ltd v Bridgemarts Ltd* (2018) – acting for the Defendant on an application for specific disclosure, and a subsequent application for a declaration that the claim was struck out for non-compliance with the specific disclosure order.
- *Limitless Ltd v Aquapark Developments Ltd* (2018) – acting throughout for the Defendant in a defective works claim.
- *Hunterskill Recruitment Limited v Branded Garden Products Limited* (2017) – being 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) – acting for the Claimant in a claim for damages for defective goods (including an application for specific disclosure).
- *D&G Cars Ltd v Essex Police Authority* [2015] EWHC 226 (QB) – being 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 & Partnership

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

Recent matters include:

- Advising two companies on formal reductions of share capital.
- Advising and acting on behalf of a corporate shareholder and its director in a dispute arising between the shareholders of a specialist engineering company. A favourable settlement was obtained at mediation.
- *Re Peri Chick 'N' Grill Ltd* (2019) – acting on behalf of the Secretary of State in the trial of a directors' disqualification claim.
- *Re Free.Zee Ltd* (2019) – obtaining a public interest winding-up order on behalf of the Secretary of State.
- *Re Dau Components Limited* (2019) – successfully opposing a claim pursuant to s.1096(1) of the Companies Act 2006 to remove material from the register, acting on behalf of the Registrar of Companies.
- Advising 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) – being 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.

Additional Information

Qualifications / Education

- BPTC (Very Competent), Kaplan Law School, 2012
- GDL (Pass with Distinction), Kaplan Law School, 2011
- English and Related Literature BA (Hons) (First Class), University of York, 2010

Awards

- BPTC Major Scholarship, Inner Temple, 2011
- BPTC Advocacy Scholarship, Kaplan Law School, 2011
- GDL Exhibition Award, Inner Temple, 2010
- GDL Scholarship, Kaplan Law School 2010

Memberships

- Chancery Bar Association

- Commercial Bar Association (COMBAR)
- London Common Law and Commercial Bar Association (LCLCBA)

Public Access

Yes

ADR

Yes

Articles

Date	Title	Contributors
28 Oct 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

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