



## JEFFREY JUPP

Year of call  
1994

Jeffrey Jupp practises in, employment law, regulatory and professional discipline, and commercial litigation.

His practice crosses between all three areas and he is as at home in the High Court as he is in the Employment Tribunal, Employment Appeal Tribunal or in a professional regulatory tribunal. Many of his cases involve the interface between these areas. His cases are frequently factually or legally complex or are highly sensitive.

Jeffrey often acts for offshore and international clients and has been involved in cases in a number of jurisdictions including Isle of Man, Jersey, Guernsey, the DIFC and has been called to the Cayman Islands Bar.

He is experienced at appellate level having appeared in a number of cases in the Employment Appeal Tribunal, Court of Appeal, and Privy Council.

Jeffrey was formerly a member of the Disciplinary Panel of the Bar Tribunals and Adjudication Service (formerly the Council of the Inns of Court Disciplinary Panel) and the Chair of the Disciplinary Committee of the Institute of Financial Accountants.

Jeffrey is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

## LEGAL EXPERTISE

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## Employment

Jeffrey has practiced in this field for over 20 years and is experienced in all aspects of employment and discrimination law. He acts for private companies, local authorities, employees and trade unions. He is instructed in high value, legally complex and/or sensitive cases. Jeffrey has acted in many substantial discrimination cases involving all strands of discrimination.

Much of Jeffrey's practice concerns groups of employees bringing claims such as: indirect discrimination; TUPE; failure to consult under the 1992 Act; underpayment of the national minimum wage; holiday pay claims. He has acted for and against trade unions in respect of industrial disputes, internal disciplinary matters and in recognition cases.

He has a particular interest in TUPE and has a highly regarded [blog](#). He regularly advises large employers and local authorities on all issues arising out transfers of undertakings including insolvent transfers.

Jeffrey also has considerable experience in the High Court and has been involved in a number of cases involving medical professionals seeking injunctions to restrain disciplinary action and cases concerning post termination restraint and issues of employee confidentiality. He has also acted in City cases including those related to the alleged manipulation of LIBOR, bonus cases, and carried interest arrangements. He recently acted for a senior banker in respect of a proposed clawback of deferred bonus payments. He has acted or is currently acting for a number of bankers bringing substantial disability discrimination claims against their employers including *Afrifa v Goldman Sachs*.

Jeffrey is a co-author of the Chapter; Human Rights in the Workplace in Tolleys' Employment Law. He also regularly advises on matters of data protection, RIPA, social media, and human rights issues arising out of the use of personal data in the employment context.

Jeffrey has published on employment law matters in The Times; Financial Times; Employment Law Journal, Solicitors' Journal, Workplace law and New Law Journal.

## Selected Cases

### [Mears Homecare Ltd v Bradburn \[2020\] ICR 31; \[2019\] IRLR 882](#)

Whether, following a relevant transfer within the meaning of TUPE, the transferor continues to be bound by the duty, pursuant to s.9 of the National Minimum Wage Act 1998.

### [Hinrichs v Oracle Corp UK Ltd \[2019\] IRLR 1051](#)

Acting for European Works Council in appeal from CAC under the Transnational Information and Consultation of Employees Regulations 1999

### [Ardron v Sussex Partnership NHS Foundation Trust QBD \[2019\] IRLR. 233 \(QB\)](#)

Acting for the NHS Trust successful in resisting a final injunction to stop disciplinary proceedings brought against a doctor.

## [Al-Obaidi v Frimley Health NHS Foundation Trust \[2018\] EWHC 2494 \(QB\)](#)

Successful application for an injunction to lift an exclusion imposed on a consultant cardiologist by his hospital employer.

## [Romero v Nottingham City Council \[2018\] UKEAT 0303\\_17\\_2604](#)

ACAS EC process. Only one ACAS certificate is permitted in relation to the same matter.

## [Green v Mears Ltd Court of Appeal \[2019\] ICR 771](#)

The test for extending time for EAT appeals [Tabberer v Mears Ltd \[2018\] UKEAT 0064\\_17\\_0502](#) – TUPE: Transferee's variation of the employees' contracts was not because of the transfer.

## [Tabberer v Mears Ltd \[2018\] UKEAT 0064\\_17\\_0502](#)

TUPE: Transferee's variation of the employees' contracts was not because of the transfer.

## [Born London Ltd v Spire Production Services Ltd \[2017\] ICR. 998](#)

TUPE: whether employee liability information is required to state whether a bonus is contractual.

## [Mist v Derby Community Health Services NHS Trust \[2016\] ICR 543](#)

Whether EC Procedure applies to joinder of respondent.

## [Edie v HCL Insurance Services \[2015\] ICR 713](#)

Indirect age discrimination; changing terms and conditions and the correct approach to the PCP.

## [Garrard v Governing Body of University of London \[2013\] EqLR 746](#)

Jurisdiction of the county court to hear a claim of disability discrimination related to a doctor's medical training.

## [Baxter v Titan Aviation Ltd UKEAT \(2011\) 0355/10/SM](#)

Whether driver entitled to National Minimum Wage during layover.

## [Agbodo v Hertfordshire County Council \[2010\] All ER \(D\) 232](#)

Whether concessions made before ET were binding on unrepresented Claimant.

[Duncan v Secretary of State for Defence \[2009\] EWCA Civ 1043, \[2009\] All ER \(D\) 121](#)

Whether Sec of State's interpretation of the armed forces compensation scheme for injured soldiers was correct (with Derek Sweeting QC).

[Johnson v Edwardian International Hotels \[2008\] All ER \(D\) 23, UKEAT/0588/07](#)

Mental capacity in the employment tribunal.

[John McCarthy v McCarthy & Stone plc \[2007\] EWCA Civ 664, \(2008\) 1 All ER 221](#)

Discretion and taxation in share option schemes (with Derek Sweeting QC).

## Commercial

Jeffrey has practised in commercial litigation, arbitration and mediation for 18 years. His practice routinely involves the following:

- Breach of Warranty
- Conflict of Laws
- Fraud and Breach of Fiduciary Duty
- Insurance Law
- Minority shareholder rights
- Partnership
- Professional Negligence
- Sale of Goods

Jeffrey is currently instructed in a substantial professional negligence claim involving the provision of allegedly negligent tax advice and a number of minority shareholder cases. He has acted or advised in international and offshore cases in the following jurisdictions: DIFC; Jersey; Guernsey; Isle of Man; and the Cayman Islands.

## Selected Cases

[Re Zavarco Plc \[2015\] EWHC 1898 \(Ch\); \[2016\] 1 Ch 128](#)

Allocation of jurisdiction under EC Regulation 1215/2012; Forum non conveniens; Pending actions; Shareholders; Stay of proceedings.

[Flanagan & Coles v Greenbacks Ltd \(t/a Lazenby\) \[2014\] EWCA Civ 1702; 151 Con. L.R. 98](#)

New intervening act in contract law.

[Scottish Coal Co Ltd v Royal Sun Alliance Ltd \[2008\] EWHC 880; \[2008\] Lloyd's Rep. I.R. 718](#)

Insurance law – material non-disclosure and affirmation (with Derek Sweeting QC).

[Seatbooker Sales Ltd v Southend United FC \[2008\] EWHC 157 \(QB\)](#)

Alleged mistake and misrepresentation relating to internet ticket sales software in a football ticketing contract.

[John McCarthy v McCarthy & Stone Plc \[2007\] EWCA Civ 664, \[2008\] 1 All ER 221](#)

Company law – Restitution. Share option, discretion and taxation of share options. (With Derek Sweeting QC).

## Offshore & International

Jeffrey acts in international and offshore cases involving commercial and employment issues.

In the Cayman Islands he acted for an office-holder in a six-day trial in the Grand Court. He is currently instructed in a substantial group age discrimination claim which was heard by the Cayman Islands Court of Appeal in November 2018 and is currently under appeal to the Privy Council.

In commercial litigation he has acted in cases in Jersey, Guernsey, Isle of Man and DIFC Arbitrations involving fraud, construction disputes, commercial contracts, professional negligence, insurance and regulatory issues.

He also has been instructed by law officers in Jersey and the Isle of Man as well as by leading solicitors on the Islands.

He has been called to the bar of the Cayman Islands and is a registered DIFC practitioner.

## Selected Cases

[Royal Cayman Islands Police Association v Attorney General of the Cayman Islands CICA \(2018\)](#)

[Muschette v Attorney General of the Cayman Islands Grand Court of the Cayman Islands \(2013\)](#)

Unreported.

## Regulatory & Professional Discipline

Jeffrey is the Chair of the Disciplinary Committee of the Institute of Financial Accountants, a member of the Disciplinary Panel of the Bar Tribunals and Adjudication Service (formerly the Council of the Inns of Court Disciplinary Panel).

## Healthcare

Jeffrey has acted for a number of doctors in MTPS proceedings. Most recently, he successfully represented a senior consultant in a lengthy fitness to practise investigation, instructed by Bindmans. This included

successfully before the IOP of the MPTS on two occasions. Eventually the proceedings were discontinued. Jeffrey has also represented pharmacists before the Disciplinary Panel of the Royal Pharmaceutical Society.

## Veterinary Surgeons

Jeffrey acted for the successful veterinary surgeon in the Privy Council case of *Samuel v Royal College of Veterinary Surgeons* [2014] UKPC 13. This is a key case regulatory on dishonesty in a private capacity and its effect on impairment.

## Financial

Jeffrey is regularly instructed by CIPFA to prosecute cases. These include cases arising out of the collapse of the Icelandic Banks when findings were made against the Respondents. He has acted in a number of cases involving FCA regulation, including market abuse and allegedly unlawful collective investment schemes. He has also acted in a number of cases concerned with the scope of the Financial Ombudsman Service. Jeffrey has appeared before the Disciplinary Committee of the Institute and Faculty of Actuaries.

## Legal

Jeffrey has recently acted in a number of cases before the SDT in particular on Rule 43 cases.

## Discrimination

Because of his extensive experience in cases of discrimination in the employment context he has been instructed to act for and against regulators in cases of alleged discrimination on the grounds of race and disability. Jeffrey has published in the ARDL newsletter on this issue.

## Selected Cases

[Samuel v Royal College of Veterinary Surgeons \[2014\] UKPC 13](#)

## Memberships

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- Association of Regulatory & Disciplinary Lawyers
- Association of Regulatory & Disciplinary Tribunals
- Discrimination Law Association
- Employment Law Bar Association
- Employment Lawyers Association

- Football Association Regulated Lawyer
- Industrial Law Society
- London Common Law & Commercial Bar Association