JEFFREY JUPP KC

Year of call 1994
Silk 2024

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 in involved in cases in a number of jurisdictions including the Cayman Islands, Isle of Man, Jersey, Guernsey, and St Helena.

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

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

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

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.

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 is a Contributing Editor to Harvey on Industrial Relations and the Editor of McMullen's Business Transfers and Employee Rights.

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

Nursing and Midwifery v Somerville [2022] EWCA Civ 229

Worker status: Whether an irreducible minimum of obligation is a requirement to establish limb (b) worker status.

Royal Cayman Islands Police Association & Ors v Royal Cayman Islands Police Service [2021] UKPC 21, [2021] IRLR 819, [2022] ICR 117.

Human Rights: Whether a mandatory retirement age breaches Article 8 of the European Convention on Human Rights

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.

Hinrchs 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 intevening 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 Disputes

Jeffrey practices in, or undertakes work in, several offshore jurisdictions including the Cayman Islands, Isle of Man, Jersey, Guernsey and the DIFC. He has particular expertise in employment, commercial and judicial review and constitutional matters and the interrelationship between these areas. He recently appeared in the Privy Council on appeal from the Cayman Islands as lead counsel in a case involving human rights, constitutional and employment issues and in a different judicial review matter, reviewing a decision of the Commissioner of Police in the Court of Appeal of the Cayman Islands. In the Isle of Man he acted for a former law officer in relation to his loss of office and is currently instructed in an ongoing civil fraud arising out of an alleged Ponzi scheme. In St Helena he is currently acting in claims by multiple individuals against a public body. He has also been instructed in a range of employment and commercial matters in Jersey.

Selected Cases

Royal Cayman Islands Police Association & Ors v Royal Cayman Islands Police Service [2021] UKPC 21, [2021] IRLR 819, [2022] ICR 117

Human Rights: Whether a mandatory retirement age breaches Article 8 of the European Convention on Human Rights

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, and 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).

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 to 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 has many years of financial regulatory experience. This includes prosecuting public sector accountants before the disciplinary tribunal of the Chartered Institute of Public Finance and Accountancy on numerous occasions including complex cases arising out of the Icelandic banking scandal. He has also chaired the disciplinary tribunal, the Institute of Financial Accountants. He has defended both individuals, LLPs and Companies in financial regulatory proceedings. He has advised on regulatory issues involving the Financial Conduct Authority, in relation to collective investment schemes, bonus claw backs and matters arising out of the Senior Managers' regime. He has also acted in a number of cases concerned with the scope of the Financial Ombudsman Service.

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

- 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