



## Jeffrey Bacon

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### Practice areas

Business

Media and sport

Employment

Public &  
regulatory



Jeffrey's principal areas of practice concern business disputes between the owners of businesses (shareholder, partnership, joint venture cases) and disputes between a business and its directors, shareholders, joint venturers, franchisees and employees (restraint of trade, s.994, fiduciary duties) and acting for and against office holders in insolvency and similar procedures. Cases involving breaches of fiduciary or other duties and fraud are common features of his practice.

Jeffrey is regularly instructed in relation to confidential information injunctions, team moves, freezing and search orders, and insolvency cases. Clients are extremely comfortable with his style and approach and solicitors regularly comment on the strength of the rapport which he achieves with clients.

He is a tough advocate who is at home in all forums. He regularly appears in the Companies and Business Divisions of the High Court and has appeared in the first instance and Appeal Court in the DIFC in Dubai. He also regularly advises on disputes and regulatory issues involving professionals and other regulated persons (professional negligence, internal disciplinary proceedings, external regulatory matters in relation to the professions - solicitors, accountants, surveyors, NHS, and financial services) in which he has been instructed by the business, by an individual or has sat on or acted as adviser to a disciplinary panel. He also has a wealth of experience in workplace disputes, in particular whistleblowing, discrimination, bullying and the gamut of professional negligence fields and the sensitivities of cases involving discrimination, stress and bullying.

Jeffrey also advises on sports law and sports related issues (clients including the Football Association, UK Sport in relation to the coaches and athletes agreements for the Beijing and London 2012 Olympics, boxing, football clubs and managers, Welsh Rugby Union, Formula 1 and elite coaches and athletes.) He has recently been instructed by the

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elite coaches of 3 different Olympic sports suspended following allegations relating to safeguarding.

Jeffrey is regulated to work under Direct Access and has been engaged in s.994 claims, claims by insolvency practitioners, several FCA and sports cases and contested interim applications and trials on a direct access basis.

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## Business



Business disputes form the mainstay of Jeffrey's practice. He acts in all forums (High Court/Appeal Courts, DIFC and DIFC Court of Appeal) in litigation relating to commercial contracts (Sale and Purchase Agreements, Shareholders Agreements, sale and carriage of goods, franchising), claims in fraud, disputes between businesses and their shareholders/directors, co-joint venturers and other commercial and insolvency related disputes. He is engaged in regular interim relief applications of all descriptions (restraint of trade/freezing and search orders/Protection from Harassment) s.994 minority shareholder claims, claims by or against insolvency practitioners (misfeasance/wrongful and fraudulent trading). The gamut of directors/office holders and business owners rights and duties, in particular fiduciary duties are a common feature.

Jeffrey regularly advises and acts in litigation involving allegations of fraud including acting for Chinese investors in an FCA regulated company seeking to take control of the business after an improper allotment of shares diluted their holding, acting for one of 9 defendants in relation to a fund management fraud in the Isle of Man, acting for a claimant in relation to an interim relief appeal and minority shareholder relief in the DIFC Court of Appeal, a number of s.994 petitions and restraint of trade cases.

Reported cases include:

Kynixa -v- Hynes;  
Customer Systems -v- Ranson;  
First Global Locums -v- Cosias.

## Bankruptcy and Insolvency

Jeffrey has been involved in insolvency work since he started in practice. He has significant experience in wrongful and fraudulent trading, misfeasance and preference claims. He has acted on both sides of a number of directors' disqualification cases arising from insolvency. He has appeared on both sides of a regular number of interim applications in corporate and individual insolvency in restraining presentation or advertisement or setting aside statutory demands. He has ongoing cases under CA s.994 with an ongoing case claiming winding up as the primary remedy. Recent cases include a successful defence in a 7-day chancery trial against a claim by a liquidator that a purported partnership between husband and wife was a sham, a successful dismissal of a petition on grounds that the court accepted the argument that monies paid by third party to company against whom petition presented were held on trust by solicitors and therefore never became the property of the company under IA s.127. He has some recently successfully compromised and ongoing wrongful trading /transaction at undervalue claims and s.994 claims and is advising businesses on the risk of a phoenix company challenge, the consequences of insolvency on an FCA regulated financial services company and the ability of a solicitor under an IVA to pass on some or all of the business.

Jeff is experienced in fraudulent/wrongful trading, directors disqualification, preferences, claims against insolvency practitioners and a lot of applications for interim relief.

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Recent cases include:

Instructed in claim for administrators of a company which carried out accounts and taxation work for the liquidators of 726 companies. Claim for money due under agreement or for quantum meruit against the companies and the liquidators personally.

Instructed in application for review or rescission of winding up order against company on basis of allegation that the petitioner has sued the wrong company. Company involved in production of SIM cards which arranged £5 million bank guarantee for Company X and had £500,000 commission for doing so. Deal fell through and fee re-claimed.

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## Media & sport



Jeffrey has a very wide knowledge of sports law and sporting issues (as well as being a keen player of a number of sports). He has been engaged by 3 elite coaches in the Olympic sports field who were suspended following allegations of a breach of safeguarding policies, bullying or favouritism. He has advised on a variety of sports related disputes, including some of the major sporting bodies (including advising UK Sport on and drafting the agreements for coaches and Elite Athletes prior to Beijing and London Olympics) and teams (football, Formula One, Welsh Rugby) and for the athlete in a 7 day doping case under WADA at Sports Resolutions.

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## Employment



Jeffrey has extensive experience in employment cases. He has enormous experience of injunctions and other interim remedies related to restraint of trade and search and seizure/freezing order relief. He has acted in all sectors in a series of individual and team move cases. Some notable reported cases include Kynixa -v- Hynes, (leading case on implied duty of fidelity and fiduciary duties), First Global Locums -v- Cosias (first case of injunction on behalf of Company and all of its employees under Prevention from Harassment Act), Brake Brothers -v- 3663 Food for Foodservice (enforced non compete injunction based on confidential information against junior sales employees), Customer Systems -v- Ranson (leading Court of Appeal authority on fiduciary duties). He continues to advise and act in high profile employment disputes, including acting for the FA in Faria Alam-v- FA, Abbey National -v- Woodward (leading case on post termination detriment in whistleblowing C/A), a recent first case in which he successfully defended a company on a claim for unfair dismissal by a reservist in the Marines and an ongoing whistleblowing case for Betfred.

He is regularly engaged in TUPE disputes, both in the TUPE process and litigated disputes. He acted for the successful dismissed employees of Crystal Palace FC (before the Court of Appeal overturned the decision) the Chinese state owner of the buyer of LDV Vans in a 10 day trial, acting for Austrian packaging company in Mayer Meinhof -v- Unite the Union (TUPE issues following closure of one factory) and advising Lawyers Inc on an ongoing basis in relation to restrictive covenant and TUPE issues as they expand their new model legal ABS.

Jeffrey also acts in relation to internal disciplinary and grievance processes in the fields of employment, partnership and LLP's, both as adviser to one side or the other, adviser to the decision maker and has sat on internal appeals relating to expelled partners in solicitors and accountants businesses.

Recent cases include:

Acting over 3-month period for a suspended head of business development in relation to applications for delivery up, enforcement of restrictive covenants, internal disciplinary proceedings.

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Acting for head of desk of fertiliser brokerage who had left in team move with rest of desk. Acting in relation to claims to enforce contract and for springboard relief.

Instructed in an appeal against order striking out employment tribunal claim arising from dismissal following UK Border Agency letter suggesting (wrongly) that person unable to work in the UK despite having clear residence and working rights. Appeal dismissed with costs.

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### Public and regulatory



Jeffrey has been instructed in relation to a number of regulatory and disciplinary matters across various disciplines. He is advising on several cases in which “fit and proper” issues under the FCA arise leading to whistleblowing to the FCA. He advised the Governors of Imperial College on an internal sexual harassment case, advised public schools as to the ability to drugs test in schools, acted as Chair of internal disciplinary matter at a London law firm, and has advised professionals and financiers in relation to regulatory issues at the GMC, the SRA, and the FCA. He advised Lawyers Inc in achieving Alternative Business Structure status with the SRA for their model aimed at rescuing solicitors firms affected by the new COLP/COFA rules and acted for a senior gynaecologist in a 10 day medical disciplinary case at a London hospital and at several GMC hearings.

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### Memberships

Professional Negligence Bar Association  
Commercial Bar Association  
Employment Lawyers Association

### Regulatory information

Vat number: 524 329 360  
[https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers'-register/?ProfileID=38373ing](https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers-register/?ProfileID=38373ing)

