

JAY JAGASIA

CALL: 2012

SOL: 2010

"He gives clear and considered advice and is excellent with clients."

Chambers UK 2019

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Jay is a member of the Commercial and Property & Estates teams, and is a busy junior who is regularly instructed to act, either alone or as junior counsel, in high value and complicated litigation. Along with commercial and traditional chancery work, Jay also has considerable advisory and litigation experience in environmental, planning and energy law, and was formerly the co-Chair of the southwest division of the UK Environmental Law Association.

PRACTICE AREAS

- Commercial
- Property & Estates
- Environment
- Planning

COMMERCIAL

Jay undertakes a wide variety of commercial work, and has a particular interest in banking and financial services litigation. He is regularly instructed by and against large financial institutions, and is currently acting as junior counsel on a number of high profile cases involving allegations of conspiracy, mis-selling of financial products and LIBOR manipulation. In the past few years, Jay has been involved in three significant reported decisions:

Premier Motorauctions Ltd (in liquidation) and another v PricewaterhouseCoopers LLP and Lloyds Bank plc [2016] EWHC 2610 (Ch); [2017] 4 All ER 243; [2017] 2 All ER (Comm) 681 - ATE insurance policies could be relied upon by the insolvent claimants to resist an application for security for costs. The relevant question is not whether the ATE policy provided the same security as cash or a bank guarantee, or whether the ATE policy provided the same security as might a deed of indemnity from the same or another insurer, but whether, having regard to the terms of the ATE policy, the nature of the allegations in the case and all the other circumstances, there was reason to believe that the ATE policy would not respond so as to enable the defendant's costs to be paid. One of the lead first instance decisions on security for costs and ATE. Led by Hugh Sims QC.

Glenluce Fishing Company Ltd v Watermota Ltd [2016] EWHC 1807; [2016] 5 Costs LR 1021 – One of the leading authorities on the interaction between the law of limitation and CPRr17.4.

Premier Motorauctions Ltd (in liquidation) and another v PricewaterhouseCoopers LLP and Lloyds Bank plc [2017] EWCA Civ 1872 – Appeal of the Court of Appeal reversing the first instance decision. The lead Court of Appeal authority on security for costs and ATE. Led by Hugh Sims QC.

Jay has litigation and advisory experience in the following key areas:

- Contractual disputes
- Banking (cyber fraud, security realisation, mortgage disputes, guarantees, derivatives, cheques and bills of exchange)
- Debt claims and asset recovery
- Financial services and FCA/FOS disputes and public law challenges
- Professional negligence
- Agency (including commercial agency)
- Restitution
- Sale and supply of goods and services
- Misrepresentation
- Asset finance and leasing
- Partnership disputes
- Corporate disputes (directors' duties and misfeasance claims, shareholder disputes etc.)
- Insurance coverage and claims
- Construction
- Consumer credit
- Conflicts of law

PROPERTY & ESTATES

Jay advises on all aspects of real and personal property, and has been involved in a number of multi-track cases involving landlord and tenant, easements/profits, restrictive covenants and boundary disputes. He has also acted as junior counsel on a 2-week public footpath enquiry, and was recently successful at first instance and on appeal in a case concerning the interaction of s.2 of the Law of Property (Miscellaneous Provisions) Act 1989 and the doctrines of constructive trust and proprietary estoppel.

He has litigation and advisory experience in the following key areas:

- Landlord and tenant (residential and commercial)
- Boundary disputes and adverse possession
- Easements and profits
- Restrictive covenants
- Cohabitation disputes and trusts of land
- Mortgage disputes and possession proceedings
- Highways and public rights of way
- Village greens
- Torts affecting land
- Conveyancing disputes
- Title and registration
- Trusts

ENVIRONMENT

Jay advises on all aspects of environmental law, having gained considerable experience as a solicitor prior to joining Chambers, which included a six-month secondment at a leading investment bank where he assisted their in-house commodities team as a carbon lawyer.

Jay has litigation and advisory experience in the following key areas:

- Environmental offences – water, waste (including packaging WEEE and agricultural waste) and other regulatory offences (CRC, EU ETS, permitting etc.)
- Environmental permitting
- Private and statutory nuisances (flooding, noise, light, odour and insect infestations) and *Rylands v Fletcher* claims
- Contaminated land
- Carbon law – CRC, EU ETS, climate change levy, carbon projects and carbon trading
- Definition of waste litigation and application of end-of-waste criteria
- Water abstraction
- Chemicals regulation (REACH, biocides etc.)
- Environmental indemnities and insurance
- Marine and dredging
- Aarhus, FOIA and EIR applications
- Judicial review and statutory appeals

PLANNING

Jay has a growing practice in planning law and is particularly interested in energy infrastructure and the interaction of environmental and planning law. He has appeared at public inquiries for developers, interested parties and objectors.

Jay has litigation and advisory experience in the following key areas:

- Planning applications
 - EIAs
 - Habitats and protected species
 - Planning obligations
 - Planning appeals and inquiries
 - Lawful use
 - Enforcement
 - Compulsory purchase
 - Highways and public rights
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RECENT CASES

- Premier Motorauctions Ltd (in liquidation) v PricewaterhouseCoopers and Lloyds Bank [2017] EWCA Civ 1872, [2018] 1 WLR 2955
 - Glenuce Fishing Company Ltd v Watermota Ltd [2016] EWHC 1807, [2016] 5 Costs LR 1021
 - Sherborne School v Arbis & Others (HHJ Denyer QC).
 - Wake v Parker (HHJ Roche)
 - Premier v PwC & Lloyds [2016] EWHC 2610 (Ch)
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MEMBERSHIPS:

- UKELA
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EDUCATION:

- Legal Practice Course, BPP Law School - Distinction
 - LLB, University of Warwick - First Class
 - HSc (Environmental Sciences & Biology), University of Toronto
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RECENT NEWS

- Property & Estates E-News - Court Of Appeal Decision In Parmar v Upton - December 2015
 - Webinar - Property & Trusts - Jay Jagasia & Matthew Brown - Nov 2015
 - Guildhall Chambers quiz night goes down a "sturm" - September 2015
 - BLS Seminars - Raj Sahonte and Jay Jagasia guest speakers - Sept 2015
 - Breakfast Bites Seminar: Viability assessments and challenges to planning decisions - April 2015
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