

# Mariya Peykova

**Year of Call:** 2013

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## Overview

Following her qualification in 2020, Mariya Peykova has built a successful practice with a particular focus, and interest, in commercial, public and information law. Mariya regularly appears for and advises businesses and individuals on all types of contractual matters from shareholder disputes to specific performance and general breach of contract. She is also qualified to practise law in the state of New York, and is developing her international experience to complement her commercial practice.

Mariya is regularly instructed through the Attorney General's "Junior Junior" Scheme. In particular, she has been instructed by the Post Office Horizon Inquiry, the Undercover Policing Inquiry by the Home Office, and the Covid-19 inquiry by the Department for Digital, Culture, Media and Sports ("DCMS"), the Department for Work and Pensions ("DWP"), and more recently, Her Majesty's Treasury ("HMT"). Mariya regularly undertakes pro bono work through Advocate, which includes advising on data protection and privacy claims.

### Background

Prior to joining chambers, Mariya was Judicial Assistant to the Rt. Hon. Lord Justice Leggatt (as he then was) and Lady Justice King DBE at the Court of Appeal. She was also Judicial Assistant to the Hon. Mr Justice Stewart, assisting on the Kenya Emergency Group Litigation, a long-standing trial involving allegations of abuse against the UK government during the Mau Mau insurgency in Kenya. Before applying for pupillage Mariya was a Research Fellow at Queen Mary University, where she worked with Professor Rafael Leal-Arcas on his WiseGrid project funded by the EU Commission's Horizon 2020 programme, and has contributed to a number of academic publications (2014 – 2019). Mariya previously worked as a legal consultant at the International Bar Association, where she undertook work in the field of international law, with a specific focus on international criminal and human rights law.

In 2014 Mariya was awarded a scholarship by Gray's Inn to undertake a placement with Judge Silvia Fernandez de Gurmendi, former President of the International Criminal Court, where she carried out legal research in the fields of international criminal and human rights law, and provided assistance to the judiciary by drafting the orders and judgments of the Chamber.

She also previously worked as an intern at the Office of MEP Ivailo Kalfin, at the EU Parliament in Brussels.

### Academic Publications

*'Electricity Decentralization in the European Union: Towards Zero Carbon and Energy Transition'*, Rafael Leal-Arcas et al 2nd Edition, Elsevier, 2023

*'The great energy transition in the European Union: Volume 2'*, Rafael Leal-Arcas et al, Eliva Press, 2020

*'Towards a Carbon-Free, Decentralised, and Democratised System of Energy Generation'*, Rafael Leal-Arcas, Andrew Fillis,

Mariya Peykova, Marius Greger, Connecticut Journal of International Law, Volume 35, 133.

'Towards a carbon-free, decentralised, and democratised system of energy generation' - Journal of International Law, Vol 35, Issue 1, 2020 (Forthcoming), Queen Mary University of London, School of Law Legal Studies Research Paper No 319/2019

'Decarbonizing the Energy Sector' - Michigan State Journal of Animal and Natural Resource Law, 2019 (Forthcoming), Queen Mary School of Law Legal Studies Research Paper No. 309/2019

'The ICC Reparations regime: The future of international criminal justice or an empty promise?', Gray's Inn Student Law Journal, November 2015.

'Energy Transit: Intergovernmental Agreements on Oil and Gas Transit Pipelines', Rafael Leal-Arcas, Mariya Peykova, Tathagata Choudhury and Malakee Makhoul, Renewable Energy Law and Policy Review, 2015.

'Energy Transit Activities: Collection of Intergovernmental Agreements on oil and gas transit pipelines and commentary', Co-authored with Professor Rafael Leal-Arcas, Report prepared for the Energy Charter Secretariat Knowledge Centre, July 2014, Queen Mary University of London, School of Law Legal Studies Research Paper No. 177/2014

### Pro Bono

Mariya provides pro bono legal assistance through Advocate and has previously volunteered with Reprieve and the National Council of Civil Liberties ('Liberty'). During her time at Reprieve, Mariya worked closely with the Director of the Death Penalty Team on a long-standing project aimed at ending the export of EU drugs used in the production of lethal injections in the United States.

Mariya also assisted with a campaign to end the death penalty for drug-related offences in Vietnam, and undertook legal research on matters relating to the rights of EU individuals on death row in non-EU states. During her time at Liberty, Mariya assisted the legal team by drafting advice letters in relation to claims against the police and other public bodies.



### Languages

- Greek (native)
- Bulgarian (native)
- French (intermediate)

### Information Law

Mariya has specific expertise working in the growing field of information law; she has particular experience in matters involving controversial data subject access requests and more recently, internet de-listing disputes and contested requests for erasure.

### Examples of recent cases:

- Advising on a potential challenge against the Information Commissioner's decision to take no action against a large tech company which refused to honour the applicant's request for erasure.

- Advising on an appeal against a decision of the Information Commissioner to allow late reliance by a public body on the exemption under section 12 of the Freedom of Information Act.
- Advising on a request for erasure of personal data belonging to a minor, in circumstances in which it was unclear whether the data controller continued to process the data for the reason it was originally collected.
- Advising on a request for erasure relating to information relating to a spent conviction published by a media outlet.
- Successfully defending the Ministry of Justice at trial, following the issue of proceedings against it for alleged breaches of the GDPR and the Data Protection Act 2018.

## **Academic qualifications**

- LL.M in Public International Law, Centre for Commercial Law Studies, Queen Mary University of London 2012
- LL.B (Hons), Queen Mary University of London, 2011

## **Scholarships**

- Overseas Internship Scholarship (International Criminal Court) , Gray's Inn
- Graduate Association Award, The Grammar School, Nicosia
- Ioannis and Iro Gregoriou Memorial Scholarship (7 consecutive years), Nicosia
- Edexcel High Achiever Award, the Grammar School, Nicosia

## **Professional qualifications & appointments**

- New York Attorney-At-Law, Admitted in 2019
- Bar Professional Training Course, University of Law, 2013

## **Professional bodies**

- International Bar Association

# Expertise

## Commercial

Commercial litigation barrister Mariya Peykova appears for, and advises, businesses and individuals on all contractual matters from shareholder disputes to specific performance and general breach of contract. She has also advised on contractual disputes involving the interpretation of insurance policies and general terms and conditions arising in the travel industry during the Covid-19 pandemic and on business interruption insurance claims.

Mariya also has experience advising on matters where there are assets which are likely to be dissipated, and using emergency freezing injunctions to protect clients' interests. She has a particular interest in the relationship between business and human rights, and can advise on the protection of business and commercial interests through international human rights proceedings.

### Recent and Ongoing cases

- *Phones 4U Limited v. EE Limited & Ors [2021] EWCA Civ 116*: Mariya was instructed by Mischon de Reya acting for Telefonica to assist in a junior capacity assisting in relation to proceedings brought by Phones 4U Limited (In administration) alleging conspiracy between EE, Vodafone, Telefonica and their parent companies (at the relevant time).
- Advised on a complex breach of contract, which involved a side discrimination claim, against a large UK energy provider.
- Represented a leading UK University in a breach of contract claim brought against the University by a former student. The claim was struck out following a contested application to strike out the statement of case.
- Obtained an order for summary judgment against multiple defendants for breaches of several key obligations arising under a loan agreement and related guarantee.
- Represented a former member of the Liberal Democrats at a contested hearing following an application for an interim injunction. The Applicant alleged, inter alia, that her expulsion from the Party constituted a breach of contract, as it breached several core principles enshrined in the Party's constitution (*Josephine Hayes v Mark Pack and Ors [2022] EWHC Civ*).
- Obtained a second order for relief from sanctions in circumstances in which relief had already been granted in relation to the same failure by the Applicant to file evidence in accordance with the court's directions.
- Secured a freezing injunction against the assets of an individual who was at the time outside the jurisdiction.
- Advising on alternative methods of service outside the jurisdiction, particularly in cases where the Defendant is based in a State that is not a signatory to the Hague Convention.
- Represented the tenant and guarantor in a commercial lease dispute with the corporate landlord. The defendants argued that the lease had been surrendered on the grounds of repudiatory breach.

### DATA PROTECTION AND INFORMATION

Mariya has specific expertise working in the growing field of information law; she has particular experience in matters involving controversial subject access requests and more recently internet de-listing disputes.

Examples of recent cases:

- Advising on a challenge against the Information Commissioner's decision not to advise a large tech company to remove sensitive and potentially misleading search results linked to the Applicant.
- Advising on an appeal against a decision of the Information Commissioner to allow late reliance by a public body on the exemption under section 12 of the Freedom of Information Act
- Advising on a request for removal/deletion of personal data of a minor in circumstances in which it is unclear whether the organisation in question still needs the data for the original reason was collected.

## ENERGY LAW

Mariya has a keen interest in Energy Law and the interplay between local (national) pressures and international law. Her academic background as Research Fellow at Queen Mary University, working on energy law projects, enables her to advise clients on contractual and human rights matters arising in this growing sector.

At QMUL, Mariya worked mainly on the WiseGrid project sponsored by the European Commission. This focused on the legal implications of the gradual 'smartening' of the energy market across various EU Member States. Also, exploring the various ways in which individual states can modernise their existing energy supply infrastructures to make way for a more sustainable, smarter and 'greener' energy supply infrastructure. The project was led by Professor Rafael Leal-Arcas, and the team's research in the field has been published in Europe and various academic journals in the United States.

## Public and Regulatory

Public law barrister Mariya Peykova has extensive experience in advising and acting on matters which raise complex human rights issues. Her background in international law, and her work both for the Government Legal Department and prior to pupillage, gives her a unique background which is far beyond her qualification.

### Notable cases

- Advising a large international company on the merits of defending a claim alleging a breach of article 8 ECHR. The case involved questions regarding the company's potential status as a 'public authority' under s.6 (3) of the Human Rights Act 1998.
- Advised a claimant on the merits of a potential judicial review claim arising out of his detention under s.135 of the Mental Health Act 1983.
- Assisted with the investigations, research and drafting of the International Bar Association's report on the fairness of the Libyan regime trials, during which 37 Qaddafi-era officials, including Saif al-Islam Qaddafi and Abdullah al-Senussi, were tried on charges of war crimes and other offences by a Libyan court in Tripoli. Relying on data collected by UNSMIL, Mariya worked with a team of lawyers led by Dr Mark Ellis to assess the fairness of the trials held in Tripoli.

## Articles

This article was first published in ThoughtLeaders4 Disputes Magazine.

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Mariya analyses the case DHL Project & Chartering Ltd v Gemini Ocean Shipping Co Ltd [2022] EWCA Civ 1555) in relation to the "separability principle" in arbitration agreements.

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Mariya Peykova analyses the case of MDW Holdings Limited v James Robert Norvill and Ors [2022] EWCA Civ 883, in which the Court of Appeal brings important clarification of the principles applicable to the assessment of damages for breach of warranty and deceit in the context of a share sale.

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*Zymurgorium Ltd v Hammonds of Knutsford plc*

Mariya Peykova has analysed the case of Zymurgorium Ltd v Hammonds of Knutsford plc for Lexis®PSL.

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The principle of 'no reflective loss' following the decision of the Supreme Court in *Sevilleja v Marex Financial*: an analysis by Marc Brittain and Mariya Peykova.

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Mariya Peykova authors this practical guide for businesses and insolvency practitioners and looks at the proposed and existing measures introduced by the government to help businesses during the coronavirus crisis.

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3PB Commercial Barrister Marc Brittain and Pupil Barrister Mariya Peykova consider the conditions under which employers in the construction industry should have to pay a levy for the purpose of meeting the expenses of an industrial training board.

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Dealing with Competing Jurisdiction Clauses: What is your Centre of Gravity?  
Marc Brittain and Mariya Peykova consider complex commercial arrangements and the difficulties they can create for parties where their obligations are set out in a multitude of related contracts of a single contract containing inconsistent dispute resolution clauses. Marc and Mariya explore the most common scenarios in which courts are asked to interpret inconsistent dispute resolution clauses, with particular focus on the 'centre of gravity' approach, adopted by courts.

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3PB's pupil barrister Mariya Peykova reviews the legal position in relation to holidaymaker claims during the Coronavirus pandemic.

Recent reports in the media suggest that some holidaymakers who have requested refunds have instead been offered credit notes, or deferred bookings. Mariya highlights the options available if holiday plans have been disrupted because of Covid-19, including package holidays, cancelled flights, accommodation and or other travel arrangements, insurance claims, and consumer credit rights.

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## Articles

3PB's specialist international and public law barrister Mariya Peykova has reviewed the decision of Turkey's attempt to re-open Varosha.

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3PB's pupil barrister Mariya Peykova has reviewed the use of police tactics to disperse protestors and the fine line between protesting and anti social behaviour.

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3PB pupil barrister Mariya Peykova has reviewed the rights during this Covid-19 pandemic for citizens to participate in a protest, the police arrest and stop-and search powers, the scale of fines and penalties and what people should be doing if you are arrested and taken to a police station.

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Mariya Peykova, a pupil barrister at 3PB reviews the powers of public health officers, constables and immigration officers and how the newly imposed laws will affect the rights of any individual infected with Covid-19.

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