

Barton and others (Respondents) v Morris and another in place of Gwyn–Jones (deceased) (Appellants)

Case ID: 2020/0002

Case summary

Issue

Where an oral contract provides for an introduction fee to be payable upon a property being sold for a certain amount, and the property is sold for less than that conditional amount, does the seller have an obligation, whether contractual or non-contractual, to pay reasonable remuneration to the introducer for their services?

Facts

An oral contract was made between the First Respondent, Mr Barton, and the Fourth Respondent, Foxpace Ltd ("Foxpace"), who owned a property called Nash House which it wanted to sell. The first instance judge found that the express terms of the oral contract were that if Mr Barton introduced to Foxpace a purchaser who bought Nash House for £6.5 million, Foxpace would pay Mr Barton £1.2 million. Mr Barton introduced Western UK Acton Ltd ("Western") to Foxpace. Documents were drawn up for the sale of Nash House to Western for £6.55 million. However, it came to light that Nash House fell within an area safeguarded for the purpose of the construction of the HS2 rail link. As a result, Western acquired Nash House for £6 million plus VAT. Since the oral contract between Foxpace and Mr Barton made no provision as to what would happen if Nash House was sold for anything less than £6.5 million, Foxpace argued there was no obligation to pay anything to Mr Barton. Accordingly, Mr Barton brought a claim for the reasonable value of his services.

The first instance judge held that Mr Barton was not entitled to any payment. The Court of Appeal allowed Mr Barton's appeal and held that he was entitled to reasonable remuneration for his services. Morris & another (in place of Mr Gwyn-Jones, deceased) appeals to the Supreme Court.

Judgment appealed

[\[2019\] EWCA Civ 1999](#)

Parties

Appellant(s)

Timothy Gwyn Jones

Respondent(s)

Philip Barton and others

Appeal

Justices

Lord Briggs, Lord Leggatt, Lord Burrows, Lord Stephens, Lady Rose

Hearing start date

2 November 2022

Hearing finish date

2 November 2022

Watch hearing

2 November 2022 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

25 January 2023

Neutral citation

[2023] UKSC 3