

Stephen Hackett

Call Date: 2011



Stephen Hackett is a Commercial and Chancery practitioner who has consistently been ranked in Chambers & Partners in this category over a number of years. He has been described in the directory as, "*a rising star*", "*one to watch*", "*incredibly intelligent*" and, "*a barrister who has real empathy with clients*". Further quotations from Chambers & Partners are visible to the right of this profile; links to significant cases in which Stephen has been involved are available below.

Stephen advises on complex and high value disputes concerning company law, trusts, pensions, insolvency, real property and other aspects of traditional Chancery law, as well as related professional negligence claims and costs issues. Stephen has also acted extensively in commercial disputes in a wide range of industries as well as civil fraud claims.

Stephen is one of the few barristers to have developed specialist expertise in personal property law, and particularly in obtaining, defending, and transferring ownership of valuable tangible items such as art works, cars, jewellery and other valuable objects. Stephen's book on the subject "*The Ownership of Goods and Chattels*", is published by Hart (a Bloomsbury imprint). Stephen is in high demand for cases involving disputes over valuable items, but also is able to deploy this expertise to provide innovative solutions to disputes in other areas, including especially probate, trusts, insolvency and asset recovery.

Stephen has also been particularly prominent in professional negligence claims involving tax advisors. He has represented advisors, clients and introducers in multiple disputes, including the leading cases on the negligence implications of Employee Benefit Trusts, Remuneration Trusts, and similar arrangements that have not delivered the tax benefits advertised, and the scope for unwinding such trusts.

Prior to coming to the Bar, Stephen spent five years training and practising as a solicitor at two leading commercial firms, including a six-month secondment to Barclays Wealth's financial services legal team.

Stephen regularly acts for large businesses and individuals of high net worth and on occasion substantial public profile. He is accustomed to representing clients exposed to considerable public and/or regulatory scrutiny.

Stephen lives with his wife and four children on a smallholding in Hampshire. He enjoys cricket and other sports, cooking, the countryside and fly fishing.

Legal Services

Commercial

Stephen acts in complex high-value disputes, often including a cross-border element. By way of recent example, in 2023 Stephen appeared in the [Commercial Court as sole counsel against the University of Birmingham](#) in a multi-million pound trial over an option right to negotiate for the licence of a pharmaceutical application of a drug.

Stephen's cases often involve domestic and international sales of goods, supply of software services, joint ventures, and the vindication of minority shareholders' rights (for example minority shareholders' petitions such as the 2023 High Court trial in [Re Mitt Wearables \[2023\] EWHC 1800 \(Ch\)](#)).

Stephen has been and continues to be involved in cases that influence the development of the law. In 2022, as part of his substantial and ongoing involvement in litigation arising from the collapse of the Cambridge Analytica business, Stephen appeared as junior counsel in [Emerdata v Nix \[2022\] EWHC 718 \(Comm\)](#), which clarified the availability of the third party disclosure jurisdiction at CPR 31.17 against foreign nationals.

Asset recovery and claims involving dishonest misappropriation of assets (whether tangible assets such as art or other valuable items, or intangible assets such as rights to confidentiality) form a major strand of this area of Stephen's practice. Stephen also has extensive experience with arbitrations under various rules, and cases involving seeking the court's intervention in support of arbitrations.

Insolvency and Company Law

Stephen practices extensively in insolvency law in both personal and corporate contexts, acting for creditors, debtors and office-holders.

In 2018 Stephen acted for the bankrupt, Paul Baxendale-Walker, in one of the highest value (by debts allegedly owed) and most intensely disputed bankruptcies of recent years. In 2019 Stephen successfully appeared in the Court of Appeal in [Gwinnutt v George \[2019\] EWCA Civ 656](#), which clarified the scope of the bankrupt's interests that transfer to a trustee in bankruptcy on their appointment. In 2020 Stephen successfully appeared in the High Court for Emerdata Ltd, the parent company of Cambridge Analytica, seeking access to documents held by its subsidiaries' liquidators for potential use in litigation against Alexander Nix, Cambridge Analytica's former CEO. The decision clarified the scope of s.155 Insolvency Act 1986 in the context of benefitting a creditor in separate litigation, which would yield a profit share for the insolvent estate.

Professional Negligence

Stephen regularly acts in large non-medical professional negligence cases, for example against lawyers, accountants, and construction industry professionals.

In recent years Stephen has become particularly known for his work in professional negligence cases involving tax advisors, acting for taxpayers, advisors and intermediaries in a great many such cases. His expertise is rooted in participation in the "Iain Barker EBT" litigation, including appearances in the Court of

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Appeal in [Barker v Baxendale-Walker \[2018\] 1 W.L.R. 1905](#) and [Glover v Barker \[2021\] 1 W.L.R. 231](#) as well as significant High Court judgments in [Glover v Barker \[2018\] EWHC 2965 \(Ch\)](#) and [Twin Benefits Ltd v Barker \[2017\] EWHC 1412 \(Ch\)](#). Collectively these cases comprise much of the body of case law on the professional negligence implications of employee benefit trusts and the possibility of unwinding those trusts.

Property Litigation

Stephen has always had a substantial real property practice. This includes within its scope construction disputes, possession disputes (in a landlord and tenant context and otherwise), the existence or otherwise and protection of interests in land, and mortgage law, including both lenders' and borrowers' rights and actions for redemption. He recently appeared in the Court of Appeal in [Healey v Fraine & Ors \[2024\] Ch 133](#), which clarified the law as to the interplay between the modern statutory adverse possession regime and the ancient common law principle that possession had to be without permission to qualify as adverse.

As explained above, in compliment to his real property practice, Stephen is one of the few barristers to have built extensive expertise in personal property law. His book on the subject was published by Hart in 2020.

Accreditations







Memberships

- Property Bar Association
- Commercial Bar Association (COMBAR)