



Stephen Schaw Miller

Call: 1988

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"Has a mind the size of a planet – his knowledge of the law is excellent and he has a great deal of common sense."

Legal 500 UK Bar 2021

"Is calm and gives clear and concise advice."

Legal 500 UK Bar 2020

"He has an almost encyclopaedic knowledge of property litigation."

Legal 500 UK Bar 2019

Practice Overview

Before joining New Square Chambers in 1998 Stephen practised at the common law bar and his practice retains a wide range. He has appeared in all the divisions of the High Court as well as county courts throughout the country. His work now tends to be mainly focused on disputes about property or businesses.

He has edited a practitioner textbook on personal insolvency and his expertise in bankruptcy law leads to instructions not only in insolvency cases but also in areas such as contractual disputes or family law when insolvency points arise. He regularly acts in and advises on company matters, not only in insolvency cases but also in shareholder disputes and cases involving breach of directors' duties.

His property work covers all aspects of business and residential tenancies before the property tribunals as well as in court. He frequently advises on restrictive covenants and rights of way and other easements.

He has acted for personal representatives and beneficiaries of estates often where disputes have arisen about interests in properties or companies but also where challenges are made to wills in capacity and other cases. He has acted and advised in many cases involving the sale of bloodstock at auction.

Company & Partnership

Recent cases and instructions include:

- Obtaining an award of damages for misrepresentation in the sale of a travel agency
- Recovery of investment in a health food company
- Recovery of loan made by a director/shareholder in a deadlocked company
- An unfair prejudice claim in relation to a management company owned by the tenants of a block of flats
- Drafting articles of association including pre-emption rights for a company set up to buy land to protect it from development

- ▢ Advising on capital reduction

Insolvency

Recent cases have included:

- ▢ A disputed transaction relating to works of art alleged to have been made at an undervalue
- ▢ A challenge to an IVA where questions arose over ownership of property
- ▢ Disclaimer of a lease of a large block of residential properties in central London
- ▢ Directors' disqualification
- ▢ Various bankruptcy cases including annulments and applications to recover and sell property

Property

Stephen is a leading junior listed in the Property Litigation section of the Legal 500. He is described as: *"An incredibly hardworking individual"*

Legal 500 2016 - Property Litigation

Recent cases have included:

- ▢ A dispute between developers and a local authority about a lock-out agreement and the expenditure made by the developers where the development did not proceed
- ▢ A dispute between developers and a GPs' practice about the terms on which a newly built health centre was occupied
- ▢ Opposed renewal of a business tenancy of a day care centre which the landlord wished to redevelop
- ▢ A dispute about the rights of a right to manage company in mixed residential and business premises
- ▢ Advising about parking rights and rights of way in a new development
- ▢ Drafting agreements for burial rights in respect of a newly established natural burial ground

Trusts, Wills & Estates

Stephen is a leading junior listed in the Private Client: Trusts & Estates section of the Legal 500. He is described as:

"An incredibly hardworking individual, who is very highly rated"

Legal 500 2016 - Private Client: Trusts & Estates

Recent cases include:

- ▢ Advising on lifetime transactions where the donor's capacity is in question
- ▢ Advising on gifts to defunct charitable entities
- ▢ Advising on the construction of a gift over of land to a sports club where the land ceased to be used by the club for sports purposes
- ▢ Seeking to stay proceedings relating to a will where the parties had agreed to arbitrate

Additional Information

Qualifications / Education

1982-1986, Exeter College, Oxford, MA Classics

1986-1987, City University - Diploma in Law

Memberships

Chancery Bar Association

Professional Negligence Bar Association

Property Bar Association

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