

Dan Stacey

Call year: 1996

Email: dan.stacey@hailshamchambers.com

Phone: 020 7643 5000



Dan Stacey was called to the Bar in 1996 after education at Alleyn's School and Magdalen College, Oxford (where he obtained a high First in Modern History) and then City University and Bar School (where he was a Gray's Inn Prince of Wales Scholar). He was a pupil at Hailsham Chambers and returned here after some years in the Litigation Department of Allen & Overy. He specialises in professional indemnity and commercial and banking litigation. He has appeared in reported solicitors' negligence, banking and limitation claims in the High Court and Court of Appeal (with a leader and on his own). He has recently been instructed as sole junior on a number of high value mortgage fraud/lenders' claims in the High Court involving the obtaining of freezing orders and other interlocutory relief. Dan is also a member of the Chambers Costs Group.

Practice Profile

Specialisations in professional negligence, commercial and contractual litigation and costs.

Professional Negligence

Dan has advised and acted regularly in various High Court and county court professional negligence actions involving (amongst other things):-

- Lenders' claims (claimant and defendant) arising from recent property market decline.
- Loss of clinical negligence/personal injury claims (inc. limitation and issues of applicability of foreign law).
- Loss of claim in employment tribunal (and duty to mitigate by bringing it in county court).
- Rights of pre-emption/options over land.
- Validity of s. 25 and s 26 LTA 1954 notices.
- Restrictive covenants/"clawback" provisions.

Commercial Litigation

Dan regularly advises on disputes arising over commercial contracts. Recent work includes:

- Claim by west country PCT against dental contractor
- Claim by GP2 team against former driver
- Tripartite Financing/Supplier/Hirer Contracts.
- Enforceability of £750,000 guarantee against a Jamaican company.
- Several claims by (and against) recruitment companies for their Introduction Fees and related advice on their standard form terms.
- Numerous claims by High Street banks for bad debts/overdrafts; actions on cheques; bills of exchange etc and related possession claims.
- Claim by well known restaurant/bar chain against contractors.
- Estate Agent Claims.
- Freezing orders (setting aside freezing orders on the grounds of non-disclosure; real risk of dissipation of assets.)

Land Law/Charging Orders/Equitable Charges

Appeared in cases relating to application of limitation to charging orders (Gotham v Doodes [2007] 1 WLR 86) and Mulhall v Yorkshire Bank (2008) on applicability of s 20 of Limitation Act 1980 to charging orders created under COA 1979. Also advised and acted in several related cases:

- Applicability of limitation provisions to mortgagee's application to sell property.
- Advice in respect of claims under mortgages, landlord and tenant, etc.

Costs

Appeared in SCCO and elsewhere in respect of costs claims and breaches under Regs 4 and 3.

Further Information

Year of call: 1996

Specialist areas: professional negligence, commercial litigation, costs

Education: Magdalen College, Oxford (Modern History, First Class); City University (Diploma in Law); ICSL School of Law (Gray's Inn Prince of Wales Scholar)

Committees: Member of Editorial Board of Counsel magazine (and contributor)

Recent cases

Campden Estates v Ahmed (QBD, 1/3/10, Lawtel) - successful claim for commission and striking out of counterclaim.

Smith v Countrywide (QBD, 11/2/10, HHJ Seys Llewellyn QC, Lawtel) - legal advice and funding.

Charania v Harbour Estates (CA, [2009] EWCA Civ 1123, Lawtel) - estate agent's commission.

McDaid v Lawcomm (Central London CC, HHJ Dight, 3/6/9) - 7 day professional negligence trial brought by litigant in person.

HBOS v Montague Mason & Others (High Court, ChD, 2009).

Wave Lending v Baker (High Court, ChD, 2008/2009, Lawtel)- use of monies held under contract.

Mulhall v Yorkshire Bank (2008), application of s 20 of Limitation Act 1980 to charges created under the Charging Orders Act 1979.

County Leasing & Another v Richard East (Judge Richard Seymour QC, [2007] EWHC 2907 (QB), Lawtel).

Elstone v Knowles [2007] EWHC 90089 (Costs)

Fall v Hay (unreported, 29/1/7, HHJ Yelton) in which his successful cross-examination of the Defendants was described as "masterly".

Doodes v Gotham [2006] 1 WLR 729 (Lindsay J); [2007] 1 WLR 86 (CA).

Feakins v Burstow [2006] PNL R 6 (Jack J).

Claybrook v Tommy Taylor (unreported, HHJ Havelock-Allen QC, 18/10/05). Application of estoppel by acquiescence/waiver in context of invalid s. 25 LTA Notice; permission to appeal to Court of Appeal given by judge; compromised before hearing.

Publications and lectures

S 36 of AJA 1970: general discretion to adjourn

Ezekiel v Orakpo: Wrongly Decided? (*The Conveyancer & Property Lawyer*, Sept-Oct 2007, pp. 407 – 416).

Abuse of Process and Solicitors Negligence Cases (*NLJ*, 18th April 2008 - co-authored with Alice Nash).

Regular Lectures on Commercial Contracts; Limitation in Professional Negligence Claims.

Personal info

Dan's interests are learning French, travel, history, reading and football (Crystal Palace FC) and listening to music especially the golden era of rock (late 60s/early 70s).
