

Solicitor

Offices: London

Tel: +44 (0)20 7597 6276

Email: stephen.richards@withersworldwide.com

Education: Southampton University, LL.B

Admitted: England and Wales, 2004

Year joined: 2002



Overview

Stephen's practice encompasses all aspects of contentious trust and succession and Court of Protection work, often involving an international dimension.

He regularly advises on challenges to the validity of wills, issues of construction and rectification of wills and deeds, constructive trust and proprietary estoppel claims, claims under the Inheritance (Provision for Family and Dependents) Act 1975, and professional negligence claims involving estate planning, trust and succession issues.

Stephen is an active member of the Elder law team. He has particular expertise in proceedings before the Court of Protection, where he frequently acts for both applicants and respondents in applications for statutory wills, lifetime gifts, contested registrations of powers of attorney, deputyships and health and welfare decisions.

Stephen has been seconded to the Official Solicitor's Department.

Highlights

- Stephen and [Paul Hewitt](#) acted for the charity in *RSPCA v Sharp and Others* before the Court of Appeal, which unanimously upheld the RSPCA's case that its benefactor, the late George Mason, intended his estate to pass free of inheritance tax. [Click here](#) to view our briefing or [visit the Civil Society website](#). The first instance decision is reported at [2010] WTLR 855. The appeal is reported at [2011] STI 253 and [2011] WTLR 311.
- In *Re MN*, reported at [2010] WTLR 1355, a dispute over the enforcement of a Californian Order that MN be returned to California, Stephen and [Paul Hewitt](#) represented MN's niece. It is the leading authority on cross-border welfare disputes in the Court of Protection.
- In *Natalia Morley-Clarke v MT Brooks & Others*, reported at [2011] WTLR 297, Stephen and [Paul Hewitt](#) represented Mrs Natalia Morley-Clarke, whose husband had died intestate. The judgment is the first on a widow's successful application to capitalise her life interest. The application was contested by one of the husband's sons from a previous marriage, who was subsequently ordered to pay costs of the entire application.
- In *ITW v Z, M, and various charities*, reported at [2009] WTLR 1791 Stephen represented the charities in the Court of Protection in support of ITW's application for statutory will (October 2009).
- He secured recovery for executors of a significant bank balance where the deceased had transferred an account into joint names shortly before death and the surviving owner claimed to be entitled to the beneficial interest (confidentiality provision) (February 2008).
- In *World Society for the Protection of Animals and others v Bowman*, Stephen obtained a High Court order for the removal of an executor who was failing to administer the estate in accordance with the will. The executor was ordered to pay the charities' costs (January 2008).

Publications and speaking engagements

- Wrote the 'Legal Capacity' chapter in Tolley's *Finance and Law for the Older Client*
- Co-author of the quarterly legal update for The Institute of Legacy Management
- Wrote the 'Court of Protection' chapter in Jordans' *Probate Disputes and Remedies*
- Speaker at the Institute of Legacy Management Court of Protection conference in London (September 2008)

Memberships

- Association of Contentious Trust and Probate Specialists
- Charity Law Association

On a personal note

In his spare time Stephen helps organise a local summer youth club and often likes to escape to the West Country with a tent and a surfboard.

