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Jack Rivett

Call: 2010

Jack has a thriving commercial chancery practice. He frequently advises on and acts in cases (both contentious and non-contentious, led and unled) which have a company or financial law element. In recent years he has acted for the successful appellants in Re Prudential Assurance Company Limited & anor. [2020] EWCA Civ 1626 (the leading case on transfers under Part VII of the Financial Services and Markets Act 2000) and for the successful respondent in Chalcot Training Limited v. Ralph & anor. [2021] EWCA Civ 795 (which concerned capital maintenance principles).

Jack is equally at home acting in large commercial disputes. In 2021, he acted for ENRC in the 10-week trial of its claims against Dechert and the SFO (one of The Lawyer's "Top 20 Cases" of 2021). In 2017-8, he appeared on behalf of the claimants in a five-month trial arising out of the acquisition of HBOS by Lloyds (one of The Lawyer's "Top 20 Cases" of 2017).

Jack also frequently acts and advises in overseas matters and is called to the Bar of the Eastern Caribbean Supreme Court. He is also a member of the Attorney General's B Panel of Junior Counsel to the Crown.

Litigation & Arbitration

- Shareholder disputes
- Commercial disputes
- Pensions disputes
- Partnership disputes
- Public interest winding up petitions

ClientEarth v Shell Plc

[2023] EWHC 2182 (Ch)
Acted for Shell on its application for the costs of successfully opposing ClientEarth's derivative claim. In a departure from the normal rule that the company will not be entitled to costs at the prima facie stage, the Court ordered ClientEarth to pay Shell's costs.

[2023] EWHC 1897 (Ch)
Dismissal of ClientEarth's application for permission to continue a derivative claim on behalf of Shell plc against its directors: [2023] EWHC 1897 (Ch). The judgment followed a hearing requested by ClientEarth under CPR 19.15(10) to reconsider the earlier decision to dismiss its application on the papers: [2023] EWHC 1137 (Ch).

[2023] EWHC 1137 (Ch)
Acted for Shell in resisting ClientEarth's application for permission to continue a derivative claim against the

directors on grounds of alleged breaches of their duties. in relation to the management of climate-related risk. The application was dismissed on the papers at the prima facie stage.

Kodrič & anor v Bitstamp Holdings NV [2022] EWHC 210 (Ch)
Acted (with Andrew Thompson KC) on behalf of the claimants in an action to restrain the exercise of a call option over shares. The case raised issues concerning the ambit of the doctrines of promissory estoppel and estoppel by representation and convention.

ENRC v Dechert LLP & anor; ENRC v Director of the Serious Fraud Office (2021)
Acted as part of a large team (led by Clare Montgomery KC, Nathan Pillow KC and Anna Boase KC) on behalf of the claimant in the ten-week trial of its claims against Dechert LLP, Neil Gerrard and the SFO. The claims involve serious allegations of breach of duty on the part of Dechert and Mr Gerrard (including the leaking of privileged material to the press) and (on the part of the SFO) the torts of misfeasance in public office and inducing breach of duty.

Compagnie des Grands Hôtels D'Afrique SA v Purdy and anor [2021] EWHC 1031 (QB)
Acted (with Michael Todd KC) for two proposed witnesses requiring them to give evidence in proceedings in the USA pursuant to letters of request issued by the court in Delaware. The case concerned the powers of the Court under the Evidence (Proceedings in Other Jurisdictions) Act 1975 and the privilege against self-incrimination.

Chalcot Training Limited v Ralph & ors [2020] EWHC 1054 (Ch) (1st instance); [2021] EWCA Civ 795
Acted on behalf of HMRC in a claim involving allegations of disguised distributions, the issue of shares at a discount and the payment of unlawful commissions. At first instance, Jack conducted all the cross-examination and made submissions on the company law issues on behalf of HMRC, and was commenced by the judge in his judgment as having made his submissions "impressively".

Sharp v Blank & ors [2019] EWHC 3096 (Ch) (October 2017-March 2018)
Acted (with Richard Hill KC, Sebastian Isaac and Lara Hassell-Hart) on behalf of a group of Lloyds shareholders in their claims against the former directors of Lloyds arising out of the takeover of HBOSC plc at the start of the credit crunch in 2018. The claim involved allegations of non-disclosure and negligence.

Purser v Pendersons Group Limited [2018] EWHC 2741 (Ch)
Acted (unled) on behalf of the respondents to a petition under section 994 of the Companies Act 2006. The allegation of unfair prejudice related to the diversion of business to the respondents. Jack was commended by the judge in the judgment for the quality of his cross-examination.

In re Pablo Star Ltd [2018] 1 WLR 738 (CA)
Acted (with Michael Todd KC) on behalf of the Welsh ministers in a claim concerning the alleged misuse of copyright. The appeal arose out of a collateral dispute concerning the restoration of the company and raised issues as to the circumstances in which a party can be joined to restoration proceedings.

Patel v Ferdinand [2016] EWHC 1524 (Ch); [2016] EWHC 2362
Acted (unled) on behalf of the respondent to a petition under section 994 of the Companies Act 2006, involving allegations of diversion of business and misappropriation of company assets.

Mortgage Debenture Ltd (in administration) v Chapman & ors [2016] 1 WLR 3048 (CA)
Acted (with Raquel Agnello KC) for the appellant. The appeal concerned the ambit of the moratorium on legal process contained in paragraph 43(6) of Schedule B1 to the Insolvency Act 1986.

The Pensions Regulator v Desmonds (2015)
Instructed (with Raquel Agnello KC and Tom Robinson) on behalf of the Pensions Regulator in a case

concerning whether or not contribution notices should be issued to three individuals under Article 34 of the Pensions (Northern Ireland) Order 2005 (the equivalent of section 38 of the Pensions Act 2004).

Secretary of State for Business, Innovation and Skills v PAGMSL (2015)
Appeared (with David Chivers KC) on behalf of the respondent in a trial of a winding-up petition presented on public interest grounds.

Dilato Holdings Pty Ltd v Learning Possibilities Ltd and others [2015] EWHC 592 (Ch)
Acted (with James Potts KC) on behalf of a shareholder in its successful application for an injunction seeking, amongst other things, to ensure that its appointee to the board of directors had access to the company's information and to prevent the company from entering into transactions above a certain financial value without a resolution of its board of directors.

Birdi v Specsavers Optical Group Limited and others (2014)
Appeared (with James Potts KC) on behalf of the respondents in a three week trial of a petition presented under section 994 of the Companies Act 2006.

Poulsen and others v Specsavers Optical Group Limited (2013/2014)
Appeared (with James Potts KC) on behalf of the respondents in a five week trial of a claim for rectification of the register of members under section 125 of the Companies Act 2006. The proceedings settled after trial.

Corporate

- Companies House matters, including
- Advice on Companies Act 2006 provisions
- Shareholder rights
- Joint ventures
- Company meetings
- Construction and drafting of constitutional documents
- Disclosure and Transparency Rules
- Takeover Code
- Directors' duties
- Schemes (including under Part VII of the Financial Services and Markets Act 2000)

Kodrič & anor v Bitstamp Holdings NV [2022] EWHC 210 (Ch)
Acted (with Andrew Thompson KC) on behalf of the claimants in an action to restrain the exercise of a call option over shares. The case raised issues concerning the ambit of the doctrines of promissory estoppel and estoppel by representation and convention.

Chalcot Training Limited v Ralph & ors [2020] EWHC 1054 (Ch) (1st instance); [2021] EWCA Civ 795
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In re Prudential Assurance Company Ltd & anor [2020] EWCA Civ 1626
Acted (with Richard Handyside KC and Martin Moore KC) on behalf of the appellants in an appeal against the refusal by the first instance judge to sanction an insurance business transfer scheme under Part VII of the Financial Services and Markets Act 2000. The Court of Appeal gave guidance on the principles to be applied on an application under Part VII. The decision is now the leading case on Part VII transfers.

Sharp v Blank & ors [2019] EWHC 3096 (Ch) (October 2017-March 2018)
Acted (with Richard Hill KC, Sebastian Isaac and Lara Hassell-Hart) on behalf of a group of Lloyds shareholders in their claims against the former directors of Lloyds arising out of the takeover of HBOSC plc at the start of the credit crunch in 2018. The claim involved allegations of non-disclosure and negligence.

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Restructuring & Insolvency

- Contentious insolvency
- Winding up
- Administration
- Bankruptcy

In re Pablo Star Ltd [2018] 1 WLR 738 (CA)
Acted (with Michael Todd KC) on behalf of the Welsh ministers in a claim concerning the alleged misuse of copyright. The appeal arose out of a collateral dispute concerning the restoration of the company and raised issues as to the circumstances in which a party can be joined to restoration proceedings.

Mortgage Debenture Ltd (in administration) v Chapman & ors [2016] 1 WLR 3048 (CA)
Acted (with Raquel Agnello KC) for the appellant. The appeal concerned the ambit of the moratorium on legal process contained in paragraph 43(6) of Schedule B1 to the Insolvency Act 1986.

Secretary of State for Business, Innovation and Skills v PAGMSL (2015)
Appeared (with David Chivers KC) on behalf of the respondent in a trial of a winding-up petition presented on public interest grounds.

Re IFT Limited (2014)
Acted for the former shareholder of a dissolved Guernsey company in his successful petition to wind the company up under section 221 and 225 of the Insolvency Act 1986 so as to recover property registered in the name of the dissolved company.

Data Power Systems Ltd v Safehosts (London) Ltd [2013] EWHC 2479 (Ch); [2013] BCC 721
Acted for the interested parties in an application for an administration order.

International & Offshore

Prior to commencing tenancy, Jack undertook a three-month secondment to the litigation department of Appleby in Guernsey. In 2013, he spent two months in Hong Kong as a Pegasus Scholar, where he spent time working at the Hong Kong International Arbitration Centre and as a judicial assistant in the Hong Kong Court of Appeal.

Jack has advised in relation to proceedings in Hong Kong, Guernsey, the BVI and Bermuda.

PMCL v Enevoldsen and others
Instructed (with Philip Gillyon) to advise the claimant in an action for breach of fiduciary duties. Advised in relation to the hearing of a preliminary issue as to whether the directors were entitled to rely on an indemnity in the company's articles of association (at first instance, before the Guernsey Court of Appeal and in relation to the defendants' unsuccessful application for permission to appeal to the Privy Council).

Memberships & Publications

Chancery Bar Association

COMBAR

Contributor to FromCounsel

Education & Awards

Education

2009 – 2010: BVC, The City Law School (Outstanding)
2008 – 2009: CPE, City University (Distinction)
2007 – 2008: MPhil in Theology and Religious Studies, Trinity College, Cambridge
2004 – 2007: BA(Hons) in Classics, Trinity College, Cambridge (Double First) (MA 2011)

Prizes and Scholarships

Pegasus Scholar (2013)
Megarry Award (Lincoln's Inn, 2010)
Buchanan Prize for outstanding performance on the Bar Vocational Course (Lincoln's Inn, 2010)
The Everard Ver Heyden Foundation Prize (The City Law School, 2010)
Lord Denning Scholarship (Lincoln's Inn, 2009)
Lord Bowen Scholarship (Lincoln's Inn, 2008)

Hardwicke Entrance Award (Lincoln's Inn, 2008)
Research Preparation Master's Scheme (Arts and Humanities Research Council, 2007)
Perring Travelling Studentship (Trinity College, 2007)
Henry Arthur Thomas Book Prize (Cambridge Classics Faculty, 2006)
Henry Arthur Thomas Travel Exhibition (Cambridge Classics Faculty, 2005)
Cooke Hurle Travelling Studentship (Trinity College, 2005)
Junior, Senior and Research Scholarships (Trinity College, 2005, 2006 and 2007 respectively)

Ranked in

Chambers and Partners UK Bar 2027
Company, Chancery: Commercial, Offshore

Legal 500 UK Bar 2027
Company, Commercial Litigation, Insolvency

Legal 500 English Bar Offshore 2027–
Commercial Disputes

Chambers and Partners Global Guide –
Dispute Resolution: Commercial Chancery