



## Matthew Mills

Call: 2016

### Barrister

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**Matthew Mills** has a broad chancery practice encompassing: property, wills, trusts and estates, charities, insolvency, company and commercial matters. He regularly appears as a sole advocate in the County Court and the High Court, both in-person and remotely. Alongside full-time practice, he is a Lecturer in Land Law at the University of Oxford.

#### PROPERTY

Matthew practices extensively in all aspects of property law alongside teaching Land Law at the University of Oxford. His expertise encompasses trusts of land, estoppel, easements, charges, and adverse possession (both freehold and leasehold). Matthew's recent cases have involved:

- Advising on a contractual dispute arising out of the sale of a £5.65 million Grade II\* listed property
- Advising on a proprietary estoppel claim relating to property development companies worth over £10 million
- Successfully representing the trustees of a large, landed estate in an adverse possession dispute
- Successfully representing the owners of a c.18th Grade II listed property in a dispute concerning various easements.

Matthew also has a broad landlord and tenant practice. He has acted on behalf of both landlords and tenants in matters relating to the construction, rectification, enforcement and breach of leases. Recent highlights of his practice include:

- Acting on behalf of a management company against a QC in £1 million+ High Court disrepair proceedings
- Acting on behalf of a property management company in interim injunction proceedings relating to temporary accommodation during the pandemic. The Council instructed a QC: *Merritt v Thurrock Council* [\[2021\] EW Misc 2 \(CC\)](#)
- Securing relief from forfeiture in a dispute relating to a mixed-use property worth c.£1 million
- Successfully representing clients in First-tier Tribunal proceedings for declarations of breach (e.g. [here](#)), the assessment of service charges (e.g. [here](#)), and the recovery of legal costs (e.g. [here](#))
- Advising on various causes of action relating to tenants' improvements.

## **WILLS, TRUSTS AND ESTATES**

Matthew regularly advises and represents clients in relation to wills, trusts and estates. He has advised on the scope, delegation and breach of fiduciaries' powers and duties, and the rectification of both wills and trusts. Matthew's recent work has involved:

- Advising a client on a potential challenge to a will in relation to an estate worth c.£15 million
- Successfully obtaining a vesting order for a property which had fallen bona vacantia 14 years earlier
- Advising and representing beneficiaries whose substantial inheritances have not been paid promptly
- Advising and acting in claims brought pursuant to the Inheritance (Provision for Family and Dependants) Act 1975
- Successfully obtaining the first order in the Business and Property Courts pursuant to the Guardianship (Missing Persons) Act 2017

During a recent secondment to Dickinson Gleeson in Jersey, Matthew worked on *Z Trust* [2020] JRC 072 (part of the leading litigation on insolvent trusts), the *Crociani* litigation, and *Trico Ltd v Buckingham* [2020] JCA 067 (a contractual dispute heard by the Jersey Court of Appeal). He also assisted with an expert report on Jersey trusts law in an international dispute worth \$200 million.

Matthew has recently presented webinars on the duty to account and the removal of trustees and personal representatives (see [here](#)). He also writes on trusts law (see publications below), and previously taught and examined it as a Teaching Fellow at UCL.

## **CHARITIES**

Matthew is developing a particular expertise in all matters relating to charity law. Alongside his practice, he has published both academic and practical articles on charity law topics and he previously taught charitable trusts as a Teaching Fellow at UCL.

Matthew's recent work has covered:

- The powers of a multimillion-pound charity to replace its board of trustees
- Seven-figure spending proposals by charitable trustees
- Substantial dilapidation disputes involving old properties owned by or leased to charities
- A dispute over the control of a mosque
- A dispute between the charitable beneficiary of a will and the will's executors
- The 'incorporation' of an unincorporated charity
- The construction of gifts to misnamed charities and the scope of the royal sign manual procedure
- Shadowing counsel in *Miah v Hoque* [2018] EWHC 2645 (Ch) - a case concerning a dispute over access to a mosque run by an unincorporated charity
- As a pupil, assisting with advice to the Charity Commission for Northern Ireland on its policies relating to certain categories of charities.

Matthew has recently presented webinars on several charity law topics, including charity trustees' powers, duties and decisions, and charitable permanent endowment (see [here](#)). He has also recently published articles on the registration of grant-making charities and the Supreme Court's decision in *Lehtimaki v Cooper* [2020] UKSC 33 (see publications below).

## **INSOLVENCY AND COMPANY**

Matthew has frequently appeared in the High Court and County Court on bankruptcy petitions, winding-up petitions and other insolvency matters, including

without notice applications. He acts for debtors, petitioners and insolvency practitioners. Matthew also regularly advises on insolvency law and has provided a certificate of English law for an insolvency dispute abroad. Recently, Matthew represented joint liquidators at interim hearings in an antecedent transaction claim worth €33 million.

Matthew has also developed a broad company law practice. He has advised on directors' rights, duties and remuneration, the construction of company charges, and the rectification of the register of companies. Recently, he successfully represented a director in a claim for the return of his remuneration and expenses.

Matthew's practice has also encompassed partnership disputes and the winding up of unincorporated associations.

Recently, Matthew has presented webinars on the latest insolvency cases and limitation periods in insolvency law (see [here](#)).

## **COMMERCIAL**

Matthew's practice encompasses the full scope of commercial law. His recent work has raised issues of contractual construction, contractual variation, the enforceability of penalty clauses, and the delivery up of prize racehorses.

Matthew has experience of contractual disputes from the pre-action stage to trial. He has recently represented the defendant in a contractual claim worth over £700,000, and secured an order striking out a £185,000 claim brought against a debt collection agency for breach of data protection legislation, misrepresentation and harassment. He has also advised a client on the merits of a contractual claim against the Financial Times.

## **PUBLICATIONS AND SPEAKING**

Matthew is very happy to speak at open events or provide training to individual teams on topics within his practice areas. Recent talks have covered coronavirus-related developments in charity law, property law, insolvency law and general litigation. Recordings of his webinars are available to watch on the Radcliffe Chambers YouTube channel ([link](#)).

Matthew has also published on a range of chancery topics:

- "Incorporating an unincorporated charity" (2021) 27 *Trusts & Trustees* ([link](#)).
- "Where duty lies" (2020) 219 *Trusts and Estates Law & Tax Journal* 3-10 ([link](#)) (a case note on *Lehtimaki v Cooper* [2020] UKSC 33).
- "The Registration of Grant-Making Charities" (2019) 20 *Charity Law & Practice Review* 65 ([link](#)).
- "Costs and Co-operation: What Tenants Must do to Assist with Fire Safety" [2019] 23 *Landlord and Tenant Review* 183-187 ([link](#)).
- "Claiming an interest in someone else's property—common intention (family home) constructive trusts (*Sandford v Oliver*)", *Lexis Nexis Q&A*, 23rd September 2019 ([link](#)).
- "Discharging a Court of Protection security bond after P dies" [2019] *Private Client Business* 26-30 ([link](#)).
- "Single name family home constructive trusts: is *Lloyds Bank v Rosset* still good law?" [2018] *Conveyancer and Property Lawyer* 350-366 ([link](#)).
- "The Development of the Public Benefit Requirement for Charitable Trusts in the Nineteenth Century" (2016) 37 *Journal of Legal History* 269-302 ([link](#)).
- "Why the Supreme Court decision in *AIB Group (UK) plc v Mark Redler & Co (a firm)*, on equitable compensation for breach of trust, should be reversed" ([Estates Gazette Online](#)).

## **QUALIFICATIONS**

- 2015 – 2016 BPTC at City University (Outstanding)
- 2014 – 2015 BCL at the University of Oxford
- 2013 – 2014 LLM at UCL (Distinction, 1st in year overall of 443)
- 2010 – 2013 MA in Jurisprudence at the University of Oxford (First Class)

Prior to coming to the Bar, Matthew was a Lecturer in Land Law at the University of Oxford and a Teaching Fellow in Trusts at UCL. Matthew also worked as a Legal Editor for the start-up '[Sparqa](#)', where he researched and wrote practical guides to the legal issues that are most relevant to small businesses, including mortgages, leases, service charges and possession claims.

## **PRIZES AND SCHOLARSHIPS**

- 2017 Cholmeley Scholarship (Lincoln's Inn)
- 2016 Buchanan Prize for BPTC results (Lincoln's Inn)
- 2015 Lord Denning BPTC Scholarship (Lincoln's Inn)
- 2015 City Law School Postgraduate Scholarship
- 2015 Hardwicke Entrance Award (Lincoln's Inn)
- 2014 Full scholarship to study the BCL (University of Oxford)
- 2014 Pump Court Tax Chambers Prize for best performance in International and Commercial Trusts (UCL LLM)
- 2014 Best performance in Restitution (UCL LLM)
- 2014 Best performance in Legal History (UCL LLM)
- 2013 Finals prize (New College, University of Oxford)

## **MEMBERSHIPS**

- The Chancery Bar Association
- The Charity Law Association
- The Contentious Trusts Association (ConTra)
- The Higher Education Academy (Associate Fellow)
- The Honourable Society of Lincoln's Inn
- The Property Bar Association

## **POLICIES AND OTHER DETAILS**

Read Matthew's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).