



## Matthew Tonnard

Call: 2015

### Barrister

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Matthew is a junior with a thriving commercial chancery practice. He is particularly well versed in matters of trusts, breaches of contract and civil fraud, regularly appearing in the County Court, High Court and Court of Appeal in such cases.

Prior to joining the Bar, Matthew worked for a city firm specialising in construction and commercial disputes. Through this role he gained experience of high-value adjudications and High Court applications, as well as advising on the construction and breach of contracts.

For the legal year 2016/17, Matthew was the Judicial Assistant to the Rt. Hon Lord Justice Lindblom where he gained extensive experience of appellant level cases.

Matthew is a visiting lecturer at Queen Mary University of London.

#### COMMERCIAL AND ARBITRATION

Alongside a growing arbitration practice, Matthew accepts instructions in a wide range of commercial disputes including pre-action advisory, drafting and advocacy services. Matthew is regularly instructed in disputes concerning the supply of goods and services, misrepresentation, commercial lending agreements and cases involving worldwide freezing orders.

Recent Work Includes:

- *Osler v Osler et al (as Personal Representatives of the Estate of the Late Roger Osler)* [2024] EWCA Civ 516 – Successfully resisting an appeal relating to an arbitrators award pursuant to section 69 of the Arbitration Act 1996 arising out of the purchase of shares in a farming partnership (led by Dov Ohrenstein)
- *C Squared Ventures LLC v Rice* [2024] (Chd) (Ongoing) – Instructed to resist a freezing order where the underlying dispute arises from an allegedly fraudulent FX trading platform (led by Stuart Benzie)
- *(1) Arcus-PCD Limited; (2) Sixpenny Group Ltd v Dudman Holdings Ltd* [2024] (Chd) (Ongoing) – Instructed by the Claimants in a dispute relating to an alleged breach of an exclusivity and loan facility agreement
- *(1) Mulgride Business Limited; (2) Demin v O'Neill* (ongoing) – Instructed by the Claimants in a claim for the recovery of sums secured against land allegedly in breach of the general prohibition under the Financial Services and Markets Act 2000 (led by Shantanu Majumdar KC)
- *WorldPay UK Ltd v Lionhart Boutique* [2022] – Successfully appearing on

behalf of the Claimant in respect of what was said to be a fraudulently induced contract for services;

- [\*Mahajna v London School of Business and Finance\*](#) [2020] EWHC 3717 (QB) – Acting for the successful Respondent, resisting an appeal relating to quantum arising from the misrepresentation of a higher education course
- *Bartholomew Hawkins Asset Management Limited v Bartholomew Hawkins Limited* [2020] EWHC 1816 (QB) – Resisting an application for urgent interim relief regarding access to assets held on trust pursuant to a business purchase agreement
- Acting for the Defendant and Counterclaimant in a claim relating to the alleged breach of a Share Purchase Agreement and non-compete clauses
- Advising personal representatives of the estate of a former director in a claim brought by joint liquidators in respect of transactions at an undervalue, misfeasance and unjust enrichment
- Acting for the Defendant, a project management company specialising in gas and oil infrastructure projects, in a claim for breach of contract
- Acting for the Defendant and Counterclaimant in a dispute concerning the scope of a construction contract and purported defective workmanship
- Advising and drafting a Defence in a claim for the repayment of sums paid in connection with a large corporate event pursuant to a frustrated contract following the advent of the Coronavirus Pandemic
- Successfully resisting a claim for alleged “loss of chance” in the context of a commercial property venture
- Advising on the recoverability of costs incurred by a Local Authority in providing services pursuant to the Care Act 2014 in circumstances where the recipient had transferred assets for the purposes of avoiding charges
- Advising and drafting an unfair prejudice petition arising from the breach of a fundamental understanding
- Advising on breaches of consumer protection legislation within the online travel agent market, including pressure selling tactics and hidden charges
- Advising on whether a contract unreasonably limited liability for breach of implied terms as to the quality of goods supplied for the purposes of the Unfair Contract Terms Act 1977.

## **BANKING AND FINANCE**

Matthew has extensive experience in matters relating to banking, finance and associated regulatory schemes. He regularly appears on behalf of large banking groups and is comfortable advising senior stakeholders with a view to achieving desirable outcomes.

### Recent Work Includes:

- (1) *Mulgride Business Limited*; (2) *Demin v O'Neill* (ongoing) – Instructed by the Claimants in a claim for the recovery of sums secured against land allegedly in breach of the general prohibition under the Financial Services and Markets Act 2000 (led by Shantanu Majumdar KC)
- *Mars Capital Finance Limited v Meredith* (ongoing) – Instructed by the Claimants in a dispute as to the validity of an unregulated mortgage, secured by way of a second charge, that falls within the exception to the Consumer Credit Act 1974 and the Financial Services and Markets Act 2000
- *Berger BG Limited v Safenetpay Services Company Ltd T/A Moneff* [2024] – Advising the Claimant in an action for breaches of the Electronic Money Regulations 2011 concerning the retention of funds following variations by the FCA to the electronic money institution’s authorisation
- *Al-Amoudi v (1) Kiloran Properties Limited; (2) Bank of Scotland; (3) Ben Paton* [2023] – Advising and appearing on behalf of Bank of Scotland in a long running claim in which Claimant sought to marshal securities held by the bank over properties owned by an alleged common debtor (following (1) *Clutterbuck*; (2) *Paton v Al Amoudi* [2014] EWHC 383 (Ch))
- Advising a corporate entity as to the enforceability of regulated mortgage contracts under the Financial Services and Markets Act 2000 (on-going)

## **CIVIL FRAUD**

Matthew has particular experience in cases of civil fraud, representing both Claimants and Defendants in such matters. Recently, Matthew has been instructed in a leading test case involving the alleged misuse of funds by directors of a *quasi* public body and has appeared in a 10 day trial in the Insolvency and Companies Court concerning an alleged unlawful means conspiracy between directors and shareholders.

Recent Work Includes:

- *Seneschall v Trisant Foods Ltd et al*[2023] EWHC 1029 (Ch) – Acting for the Third Respondent in an unfair prejudice petition and unlawful means conspiracy claim involving an alleged attempt to remove an employee, director and shareholder of the subject company
- *Secretary of State for Business Energy and Industrial Strategy v Holt* [2023] – Advising a director as to the relevant period of disqualification sought by the SoS and drafting an application for temporary leave pursuant to section 17 of the Company Directors Disqualification Act 1986
- *The SchoolsCompany Trust v Elias Achilleos et al* (on-going)– Acting for the Claimant in a high-profile claim involving the alleged breach of fiduciary duty, breach of trust and unlawful means conspiracy regarding the use of public funds advanced to a Multi-Academy Trust
- Acting for the liquidators in a complex, multi-jurisdictional claim relating to the recovery of assets misappropriated by a director during the course of winding up of a company (ongoing)

## **INSOLVENCY AND COMPANY**

Matthew has an established insolvency practice and regularly accepts instructions to appear in both the County Court and Chancery Division of the High Court (ICC) in a wide range of matters.

Recent / On-going Work Includes:

- *Seneschall v Trisant Foods Ltd et al*[2023] EWHC 1029 (Ch) – Acting for the Third Respondent in an unfair prejudice petition and unlawful means conspiracy claim involving an alleged attempt to remove an employee, director and shareholder of the subject company
- *Joint Liquidators of Macgill of Kenginston LLP v The Estate of Reza Kohshanam* (unreported) – Acting for the executor of the Estate in a claim where liquidators sought to recover c.£1m relating to alleged illegitimate expenses in breach of section 238 of the Insolvency Act 1980 and duties pursuant to the Companies Act 2006
- *Joint Liquidators of Eaves Housing for Women Limited* – Advising the liquidators as to the utilisation of funds advanced by the European Commission and Comic Relief, held by the charity on Quistclose trust, and the Berkeley Applegate principle
- Acting for a company seeking to retrospectively validate the purchase of company property acquired following the presentation of a winding up petition
- Advising, and subsequently drafting pleadings, for a vesting order where property formerly owned by a dissolved company had been disclaimed by a liquidator
- Resisting an application to annul a bankruptcy order pursuant to section 282(1)(b) of the Insolvency Act 1986 owing to outstanding statutory interest (applying *Harper v Buchler No.2*)
- Advising on whether, in the context of the administration of an energy company, sums owed by customers of the company in administration were a provable debt by the energy company appointed under the Supplier of Last Resort process
- Appearing on behalf of administrators in applications pursuant to paragraph 76(2)(b) of Schedule B to the Insolvency Act 1986 to extend the term of the appointment and administration of companies

- Acting for joint administrators in an application to retrospectively make an administration order where creditor consent to extend the original term had not been properly obtained (applying *Re Biomethane (Castle Easton) Ltd*)
- Advising on whether, in the context of the administration of an energy company, the sums owed by customers of the company in administration was a provable debt by the energy company appointed under the Supplier of Last Resort process
- Securing a bankruptcy order when the underlying debt was resisted on the basis of contractual interpretation
- Resisting consolidated applications to set aside statutory demands by signatories to a guarantee
- Acting for creditors and debtors in bankruptcy and winding-up petitions

## **PRIVATE CLIENT, TRUSTS AND ESTATES**

Matthew regularly acts in the High Court and County Court in matters relating to breaches of trust, contentious probate, administration of estates and claims to remove executors and trustees. In particular, Matthew has extensive experience in matters involving proprietary estoppel, claims arising under the Trusts of Land and Appointment of Trustees Act 1996 and claims relating to the Inheritance (Provision for Family and Dependents) Act 1975.

Recent Work Includes:

- *Watts v Watts* – Acting on behalf of the successful Defendant in a matter where the Claimant alleged the will of his late father was forged and the c.£8 million estate was held on trust
- (1) *Kirker*; (2) *Brown (As Executors of the Estate of the late Patrick O’Sullivan)* [2023] (Ch) – Acting on behalf of the Applicants in successfully securing an order as to the administration of an Estate in circumstances where the identity of two beneficiaries was unclear (by reference to *Re Benjamin and Cobden-Ramsay*)
- *Church Commissioners* [2023] – Acting for the church commissioners where [ ].
- *Ryan v Gilmore* [2023] – Advising and drafting pleadings in a claim for a declaration as to the beneficial interest in a property and equitable accounting where the Claimant’s interest had been fraudulently transferred without his knowledge
- *Carter v Carr* [2019] (Ch) – Acting for the Defendant in a 4-day trial in the High Court concerning a trust property in Hatton Garden and the alleged breach of trustee’s duties
- Advising and appearing on behalf of the executor in a “put up or shut up” application where it was intimated the legitimacy of a will was challenged
- Acting for the Defendant, the sole executor and beneficiary to a sizeable estate, in a dispute regarding the alleged forgery of a will
- Advising the executors of an estate as to the distribution of trust property to a group of beneficiaries thought to reside in Ukraine shortly following the Russian invasion
- Advising trustees in respect of disputed sale of trust assets pursuant to a shareholders agreement
- Successfully secured a *Re Benjamin* order in circumstances where a beneficiary had intimated, but had not pursued, a challenge to the will
- Successfully resisted a claim from a beneficiary for the removal of Personal Representatives and a declaration as to a purported entitlement to retain possession of trust property
- Drafting Particulars of Claim seeking an order for sale of commercial land and account of funds following the irretrievable breakdown in relationship between joint trustees
- Advising on the tracing of trust funds misappropriated for the purposes of purchasing land and the relevant proprietary remedies
- Resisting an application for declaratory relief pursuant to the Trusts of Land and Appointment of Trustees Act 1996

## **MEMBERSHIPS**

- Chancery Bar Association
- Commercial Bar Association
- Contentious Trusts Association
- R3 Association of Business Recovery Professionals

## **QUALIFICATIONS**

- Master of Laws (LLM): Distinction - Graduated first in the year
- Bachelor of Laws (LLB): First Class - Graduated first in the year

## **AWARDS**

- Lord Slynn Senior Moot Competition - Runner Up (2017)
- St John's Chambers Mooting Competition - Winner (2014)
- Herbert Smith Freehills Mooting competition - Winner (2013)
- Sweet & Maxwell Law Prize (2012)