



Matthew Tonnard

Call: 2015

Barrister

CONTACT

Email
mtonnard@radcliffechambers.com

Email Clerk
clerks@radcliffechambers.com

Telephone

ADDRESS

11 New Square
Lincoln's Inn
London WC2A 3QB

DX: 319 London
Telephone: 020 7831 0081
Fax: +44 (0)20 7405 2560

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 High Court and County Court in such cases.

Prior to joining Chambers Matthew was a Legal Advisor at the Competition and Markets Authority where he assisted in the Supreme Court case *R (on the Application of Gallaher Group Ltd and others) v The CMA* [2019] A.C. 96 and the organisations' first consumer rights case involving infringements within the secondary ticket market. For the legal year 2016/17, Matthew was the Judicial Assistant to the Rt. Hon Lord Justice Lindblom gaining extensive experience of appellant level 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.

COMMERCIAL AND CIVIL FRAUD

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 and commercial lending agreements.

He 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.

Drawing on his experience at the Competition and Markets Authority, Matthew is comfortable advising in matters of competition and consumer law as well as Director Disqualifications.

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
 - [*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
 - *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))
 - *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;
 - 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
 - Advising individual directors in matters of Competition Disqualification Orders, representations to the Competition and Markets Authority and Competition Disqualification Undertakings
 - 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.

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 representatives 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* [2023] EWHC 679 (Ch) –Acting on behalf of the successful

Defendant in a matter where the Claimant alleged the will of his late father was forged and that 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*)
- *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 Trust of Land and Appointment of Trustees Act 1996

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
- 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 customer 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

REAL ESTATE

Matthew's practice encompasses all aspects of property disputes including boundary and party wall issues, easements, forfeiture of long leasehold interests and commercial property disputes. Matthew is regularly instructed by parties to appear in the County Court, First-Tier Tribunal, Upper Tribunal and High Court.

Recent Work Includes:

- *D'Eye v Briscoe* [2022] UKUT - Appearing on behalf of the applicant in an application to modify a restrictive covenant, preventing the erection of any building or structure, pursuant to section 84 of the Law of Property Act 1925
- *King et al v Residential Marine Limited* [2021] UKUT 0309 - Resisting an appeal brought by residents who held agreements to which the Mobile Homes Act 1983 applied relating to electricity charges levied by the owner of a mixed commercial and residential marina
- Advising and drafting pleadings regarding the beneficial ownership of a residential property following the purported severance of a Joint Tenancy and/or constructive trust
- Advising on the recovery of property which had become *bona vacantia*, following the former owner, a company, having been struck off the register
- Acting for the Defendants in a claim regarding the alleged breach of a restrictive covenant and trespass in a rural area of Cornwall
- Advising the Proposed Claimant in an action for trespass and nuisance arising from a neighbour's breach of planning conditions in respect of commercial land
- Advising as to the liability of reinstating a retaining boundary wall and damages
- Successfully secured injunctive relief and damages (including aggravated and exemplary damages) in a case relating to nuisance and trespass arising from construction works
- Successfully secured a declaration permitting the exercise of an option to purchase a property following the expiry of the contractual period
- Advising on the extent of an existing right of way and encroachment in a rural area of South-West England;
- Successfully resisted a claim relating to the alleged interference with quiet enjoyment/derogation from grant arising from construction works
- Advising in respect of an alleged misrepresentation inducing a party to a commercial lease
- Advising in a claim for compensation arising from the Highway Agency's failure to register a Local Land Charge
- Drafting Grounds of Appeal relating to the issuance of Improvement Notices regarding the alleged presence of Category 1 and Category 2 hazards at a Grade II listed property

MEMBERSHIPS

- Chancery Bar Association
- Contentious Trusts Association
- Commercial Bar Association
- Property Bar 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)