



## Matthew Weaver

Call: 2002

### Barrister

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#### RECOMMENDATIONS

"He is always available to discuss matters, is commercially astute and exemplary with clients. He provides clear advice every time and is diligent and professional."

Commercial Dispute Resolution, Chambers UK

**Matthew** has an impressive commercial practice with a particular specialism in insolvency and company law. He is also experienced in commercial fraud and asset tracing, and partnership and professional liability, allowing him to provide his clients with a wide commercial law service covering a range of commercial issues and disputes.

He is well respected by his peers, instructing solicitors, lay clients and judges, for his abilities on paper and in court, and his common sense, commercial approach to disputes. Matthew has been recommended consistently over a number of years by both *Chambers UK Bar* and *The Legal 500 UK Bar*. He is a regular contributor to *Corporate Rescue and Insolvency* as well as being a speaker at many seminars. In 2019, he was appointed as a Recorder of the County Court.

#### INSOLVENCY

Matthew is ranked as a leading junior for restructuring/insolvency by *Chambers UK Bar 2019* and for commercial, banking, insolvency and chancery law by *The Legal 500 UK Bar*. His practice covers all areas of contentious and non-contentious corporate and personal insolvency and he is regularly instructed to advise and appear on behalf of liquidators, administrators, administrative receivers, LPA receivers, supervisors and trustees in bankruptcy. He is also instructed to act for creditors and other interested third parties within insolvency matters. He is equally adept providing complex advice to office-holders and other stakeholders or undertaking high-value and complicated litigation.

## QUALIFICATIONS

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- LLB (Hons) in Law, University of Kent at Canterbury (1995-1998)
  - Legal Practice Course (commendation), College of Law (1999)
  - Bar Vocational Course (very competent), College of Law (2002)
  - Buchanan Prize Winner, Lincoln's Inn (2002)
  - Attorney General's Regional Panel (Civil) – A Panel – 2007 (re-appointed in 2012 and 2018)
  - Rugby Football Union Judicial Chairman
  - Recorder of the County Court (2019)
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## MEMBERSHIPS

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- Chancery Bar Association (ChBA)
  - Commercial Bar Association (COMBAR)
  - Midland Chancery and Commercial Bar Association (MCCBA)
  - Insolvency Lawyers Association (ILA)
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## POLICIES AND OTHER DETAILS

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

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He has advised and appeared both for and against office holders in a number of multi million pound directors' misfeasance claims and for and against the government in directors' disqualification proceedings, having been appointed to the Attorney General's Provincial Panel (Civil) in 2007.

Matthew has established himself as a leading insolvency junior, routinely conducting cases against more senior Counsel, including QCs.

His recent experience includes:

- Acting for the liquidators of an unincorporated charitable association (2019)
- Acting for the joint administrators of a national hotel (2019)
- Acting for the office-holders of a group of 18 associated companies in formal insolvency and obtaining authorisation to distribute funds to creditors by omitting various compulsory provisions within the Insolvent Act and Rules (2018)
- Acting for the office-holders of an international company with significant assets on a number of continents (2018)
- Acting for the joint administrators of a substantial national retailer (2018)
- Advising an international retailer in respect of claims by a liquidator concerning multiple distributions within a group of companies (2017)
- Acting for the liquidators of a large and well-known national retailer in successfully opposing a Norwich Pharmacal application for the compulsory disclosure of large volumes of documentation to a creditor (2015).

His reported cases include:

- *Berkshire Homes (Northern) Ltd v Newbury Venture Capital Ltd* [2018] EWHC 938 (Ch) – Acting for the application in a case addressing locus and burden of proof in a contested administration application
- *Cash Generator Ltd v Fortune & Others* [2018] EWHC 674 (Ch) – Appearing in a case concerning defects in the deemed consent procedure
- *Raithatha v Arnold Holstein GmbH* [2017] EWHC 3069 (Ch) – Acting in a case concerning the requirement of liquidators to hold a creditors' meeting for their own removal
- *Re BW Estates Ltd* [2017] EWCA Civ 1201; [2017] B.C.C. 406 – Acting in a Court of Appeal case addressing the effect of a director's actions in breach of a company's articles of association; the applicability of the Re Duomatic principle; estoppel and abuse of process
- *Re BW Estates Ltd* [2016] EWHC 2156 (Ch) – Appearing in a High Court case confirming the ability of shareholders to informally amend a company's articles of association and/or ratify the actions of a sole director in appointing administrators over the company pursuant to the Re Duomatic principle; and addressing issues of estoppel and abuse of process in applications by creditors or shareholders for declarations of invalid administration appointments
- *Re Kiss Cards Ltd* [2016] EWHC 2176 (Ch) – Appearing in a s238 Insolvency Act 1986 claim against a former director's wife addressing the effect of payments into a joint bank account and the burden of proof in such

cases

- *Purewal v Countrywide Residential Lettings Ltd* [2015] EWCA Civ 1122; [2016] 4 W.L.R. 31; [2016] B.P.I.R. 177; [2016] H.L.R. 4; [2016] 1 P. & C.R. 11 – Acting in a Court of Appeal case addressing the extent to which LPA Receivers owe duties of care to a bankrupt mortgagor
- *Sekhon v Edginton* [2015] EWCA Civ 816; [2015] 1 W.L.R. 4435; [2015] B.P.I.R. 1397 – Acting in a Court of Appeal case clarifying the proper approach to requests by debtors for an adjournment of the hearing of a bankruptcy petition in order to enable payment to be made
- *Re Kingstons Investments Ltd (In Liquidation)* [2015] EWHC 1619 (Ch); [2015] B.P.I.R. 959 – Appearing in an application appealing a liquidator’s quantification of a claim within a CVL for voting purposes and the effect of potential set-offs in such circumstances
- *Re BW Estates Ltd* [2015] EWHC 517 (Ch); [2016] 1 B.C.L.C. 708 – Acting in a case concerning the extent to which proposed administrators must have a clear plan of how to achieve the statutory purpose on appointment; whether a company can be rescued as a going concern without the administrators necessarily having to take any positive steps; the impact of the directors’ motives for administration on the proposed administrators’ decision to accept appointment.

## **COMPANY**

Matthew’s company law and partnership practice complements his substantial insolvency practice. He is frequently asked to advise and appear in cases concerning the validity of acts taken by directors, the recoverability of directors’ loans and/or remuneration, the legality of dividends and validity of securities over company assets as well as in claims arising from the sale and purchase of shares. He also has experience of s994 CA2006 petitions as well as acting for and advising court appointed receivers. He has experience in dealing with all aspects of partnership disputes, including the need to appoint receivers over partnership assets.

He is often instructed in matters concerning directors’ duties and has advised and appeared both for and against office holders in a number of multi-million pound directors’ misfeasance claims and for and against the government in directors’ disqualification proceedings, having been appointed to the Attorney General’s Regional Panel (Civil) in 2007.

His recent work includes:

- Acting for a shareholder of a property company in an unfair prejudice petition (2019)
- Acting for administrators within an unfair prejudice petition concerning an international company (2018)
- Advising an international retailer in respect of claims by a liquidator concerning multiple distributions within a group of companies (2017)
- Acting for court appointed receivers in proceedings to determine the validity of their appointment and whether they ought to be removed from office (2017)
- Acting for liquidators in a successful multi-million-pound claim against the former directors of a large, national retailer (2015)

- Acting for a partner of a successful property owning partnership and appointing receivers over the partnership assets (2015).

His reported cases include:

- *Re BW Estates Ltd* [2017] EWCA Civ 1201; [2017] B.C.C. 406 – Acting in a Court of Appeal case addressing the effect of a director’s actions in breach of a company’s articles of association; the applicability of the Re Duomatic principle; estoppel and abuse of process
- *Re BW Estates Ltd* [2016] EWHC 2156 (Ch) – Appearing in a High Court case confirming the ability of shareholders to informally amend a company’s articles of association and/or ratify the actions of a sole director in appointing administrators over the company pursuant to the Re Duomatic principle; and addressing issues of estoppel and abuse of process in applications by creditors or shareholders for declarations of invalid administration appointments
- *Harris v Secretary of State for Business, Innovation and Skills* [2013] EWHC 2514 (Ch); [2015] B.C.C. 283; [2014] 1 B.C.L.C. 447 – Acting in a case considering the principles to be applied on an application for permission to act under sections 1A and 17 of the Company Directors Disqualification Act 1986.

## **COMMERCIAL DISPUTES, FRAUD AND ASSET TRACING**

Matthew is ranked as a leading junior for commercial dispute resolution by *Chambers UK Bar 2019* and for commercial, banking, insolvency and chancery law by *The Legal 500 UK Bar*. His practice encompasses general commercial and chancery litigation, and he has particular strength in commercial fraud and asset tracing.

Matthew’s commercial fraud practice primarily arises from his insolvency and company and partnership practices in which he has regularly been asked to advise and appear in claims that involve allegations of fraud and dishonesty. Matthew has been instructed both for and against office holders in matters that concern the fraudulent breach by directors of their duties and/or the dishonest involvement of third parties. He has been involved in a number of multi-million pound directors’ misfeasance claims and is extremely familiar with claims that arise from fraudulent trading and the dishonest dissipation of assets, having experience of tracing and realising assets both within and outside of the jurisdiction.

He has also acted both for and against the government in directors’ disqualification proceedings. Having been appointed to the Attorney General’s Regional Panel (Civil) in 2007, he was instructed to appear in one of the first directors’ disqualification claims to come to court which arose from missing-trader intra-community fraud.

His experience includes:

- Acting for an international corporate franchisor in a contractual dispute with a UK based franchisee (2019)
- Advising a national retailer in respect of claims against freight forwarders (2018)
- Advising a US-based corporation in respect of claims against former professional advisers (2018)

- Acting for a company in a claim against two former directors and five other associated or connected parties arising from the fraudulent dissipation of company and trust funds (2017)
- Acting for a multi-national tobacco retailer in enforcing a guarantee of a multi-million-pound debt (2016)
- Acting for a guarantor in proceedings to resist a claim by a lender to enforce a guarantee for a multi-million-pound debt (2015)
- Acting for one side of a partnership dispute concerning hotels in London which included the need to seek court appointed receivers over partnership assets (2015).

His reported cases include:

- *C21 London Estates Ltd v Maurice Macneill Iona Ltd* [2018] EWCA Civ 1823; [2017] EWHC 998 (Ch) – Appearing in the High Court and then the Court of Appeal in a case concerning the interpretation of contractual terms as conditions
- *Re Homedon Ltd* [2015] EWHC 1614 (Ch) – Acting in an application to lift a freezing order
- *Appleyard v Reflex Recordings Ltd* [2013] EWHC 4514 (Ch) – Appearing in a case concerning the granting of a freezing order pending resolution of an application for an administration order and the provision for legal costs out of the frozen assets.

## **PROFESSIONAL LIABILITY**

Matthew's commercial practice includes regularly advising and acting in claims against insolvency, legal and accountancy professionals. He is particularly identified by those instructing him for his expertise in professional liability cases that involve or arise from company insolvency issues, including claims by successor office holders against their predecessors.