

## Morwenna Macro

Called: 2002  
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### Profile

Morwenna practises in Commercial Chancery Law, specialising in commercial finance insolvency and asset recovery. Known for her straightforward and pragmatic advice and her approachable manner, Morwenna aims to provide a fast, efficient and user-friendly service.

### Description of Practice

Morwenna practises predominantly in insolvency and has expertise in all areas of commercial finance and asset recovery. She regularly acts for creditors, debtors and IPs, major banks and factors, and high net worth individuals; receiving instructions via large and niche Solicitors firms and directly. Her main areas of practice are:

- Corporate Insolvency

Including CVAs, Administration, Voluntary Liquidation, Winding Up, LPA Receivers, Restraining Presentation or Advertisement of Petition, Applications to Appoint Provisional Liquidator, Disputed Petitions, Directors' Duties and Misfeasance claims, Directors Disqualification, Jurisdiction, Preferences and Transactions at Undervalue.

- Personal Insolvency

Including IVAs, Setting Aside Statutory Demands, Defending Petitions on grounds of Genuine and Substantial Dispute, Annulment of Bankruptcy, Orders for Sale and Co-ownership Disputes, Bankruptcy Restrictions Orders, Preferences, Transactions at an Undervalue, Transactions likely to Defraud Creditors and Remuneration challenges, Professional Negligence and s.304 Claims against Trustees and IPs, Jurisdiction.

- Factoring & Invoice Discounting

Including applications for Summary Judgment, Construction of Contractual Terms, Reliance on Conclusive Evidence Clauses and Enforcement.

- Guarantees & Indemnities

Including applications for Summary Judgment, Construction of Contractual Terms and

Enforcement including Bankruptcy.

- Company Law

Including Directors' Duties, Unfair Prejudice Petitions, Remedies, Shareholder Disputes, Derivative claims and Corporate Insolvency.

- Consumer Contract & Credit

Including Consumer Credit Act claims and enforcement, Claims involving Insolvency, Consumer Regulations, Unfair Terms, Sale of Goods and Supply of Goods and Services Act claims.

- Trusts

Including Quistclose trust type claims, Constructive Trust claims including relating to the family home, Claims for an Account and other Equitable Remedies.

- Costs

Including Detailed Assessment, Costs Budgeting and Costs Management, Relief from Sanctions, and challenging/defending Solicitors bills and fees.

- Agency

Including claims involving Estate Agents, Entitlement to Commission, and Construction of Contract Terms.

- Asset Recovery

Including Retention of Title Clauses, Enforcement, Trusts, Freezing Orders and Injunctions, and Fixed and Floating Charges.

## Qualifications

Morwenna graduated with LLB Hons from Kings College, London in 2001, where she was also awarded the Moot Cup and was made an Associate of Kings College. After being awarded a Major Scholarship and a Duke of Edinburgh Award by the Inner Temple, Morwenna completed the Bar Vocational Course at ICSL, where she was ranked in the top 2% of her year.

## Important Cases

Southbourne Trading Co Ltd (1 Dec 2017)

High Court: Recission of Winding Up Petition; Service; Disputed Debt; Indemnity Costs  
Morwenna succeeded in obtaining an order to rescind a winding up order made against her client in circumstances where the petition was held not to have been properly served and the debt was disputed on substantial grounds. Morwenna also succeeded in obtaining indemnity costs against HMRC. Morwenna had earlier assisted her client in obtaining an urgent interim injunction to stay the winding up pending the hearing of the recission application.

[Link to case in Westlaw UK](#)

*Sandhu v Sandhu* [2016] EWCA Civ 1050

Court of Appeal: Constructive Trusts; Fresh Evidence

Morwenna had succeeded at trial in obtaining a declaration that her client had a 70% interest in a property registered in his son's name. She had previously obtained a freezing injunction to prevent the disposal of the property. The son appealed the Trial Judge's decision as to the quantification of the beneficial interest and sought to introduce new evidence. Whilst the Court of Appeal held that the learned Judge had misinterpreted the completion statement and thus the contributions to purchase price, it was held that it would be wrong to have exclusively attributed the mortgage advance to the son where the father's monies (from rent collected on other properties) had been used to defray the mortgage. The Court of Appeal thereby confirmed that the approach to quantification was not strictly arithmetical, and that all the circumstances of the case were relevant. *Jones v Kernott* and *Stack v Dowden* applied. Appeal dismissed and application to adduce new evidence refused (the son could have found the documents with reasonable diligence).

[Link to Case in Westlaw UK](#)

*Smart v London Borough of Brent* [2005] EWCA Civ 434

Court of Appeal: Fresh Evidence

[Link to Case](#)

*HCC International PLC v Conway* [2006] All ER (D) 192

High Court Appeal: Summary Judgment; Performance Bond; Indemnity

[Link to Case](#)

### **Insolvency**

Novel case brought against the Official Receiver and Secretary of State seeking annulment of Bankruptcy Restrictions Undertaking on grounds that Bankrupt's consent was vitiated by factors akin to undue influence, non est factum, misrepresentation and mistake; successfully settled.

### **Insolvency**

Successfully resisted Supervisor's petition on failed IVA and obtained an order pursuant to *Re Bourne* to revive IVA where it was in the best interests of the creditors, despite creditor opposition.

### **Commercial**

Successfully appealed decision to strike out claim for abuse of process.

### **Insolvency**

Successfully resisted High Court appeal, following successful resistance of application to set aside statutory demand on grounds including enforceability of Guarantee and whether there had been a binding compromise.

### **Commercial /Costs**

Successfully obtained relief from sanctions in early post-Mitchell case, involving a £500k investment venture

### **Articles and Publications**

"Costs Budgeting" *Insight on Westlaw* (15 May 2017)

[Link to article](#)

"Insolvency: Transactions at Undervalue" *Insight on Westlaw* (6 Feb 2017)

[Link to article](#)

"Insolvency: Undue Preferences" *Insight on Westlaw* (6 Feb 2017)

[Link to article](#)

"Fast Track Trial Costs" *Insight on Westlaw* (17 Oct 2016)

[Link to article](#)

"Default Costs Certificates" *Insight on Westlaw* (17 Oct 16)

[Link to article](#)

“Costs Capping” *Insight on Westlaw* (17 Oct 16)

[Link to article](#)

“Winding Up: Effects on Third Parties” *Insight on Westlaw* (8 Aug 16)

[Link to article](#)

“Costs and Case Management: Relief from Sanctions” *Insight on Westlaw* (20 Oct 15)

[Link to article](#)

“Costs Budgeting: Sanctions” *Insight on Westlaw* (6 Oct 15)

[Link to article](#)

“Costs Budgeting” *Insight on Westlaw* (2 Oct 15)

[Link to article](#)

“Sale of Goods: Contract” *Insight on Westlaw* (6 Feb 15)

[Link to article](#)

## Professional memberships

Morwenna is a member of COMBAR (The Commercial Bar Association), the London Common Law and Commercial Bar Association Bar, Chancery Bar Association and the Pro Bono Unit.

## Social Media

[LinkedIn](#)