

Matthew Tonnard

Called: 2015
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PROFILE

Matthew is a junior with a thriving commercial chancery practice. He is particularly well versed in matters of trusts, breaches of contract and property disputes, 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.

EXPERTISE

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 matters arising from factoring 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 / On-Going Work Includes

- *Seneschall v Trisant Foods Ltd et al* [2021] Ch.D – Acting for the Third Respondent (awaiting judgment, led by Morwenna Macro) 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;
- *The SchoolsCompany Trust v Elias Achilleos et al* [2021] QB – Acting for the Claimant (ongoing, led by Rachel Sleeman) 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 (led by Roger Laville), 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] QB – Resisting an application for urgent interim relief regarding access to assets held on trust pursuant to a business purchase agreement;
- *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 individual directors in matters of Competition Disqualification Orders, representations to the Competition and Markets Authority and Competition Disqualification Undertakings;
- Acting for the Defendant (ongoing), 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; and
- 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

Contentious trusts and issues arising from the inheritance of estates are at the core of Matthew's practice. 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 and claims arising under the Trusts of Land and Appointment of Trustees Act 1996.

Recent / Ongoing Work Includes

- *Watts v Watts* [2022] Ch.D – Acting on behalf of the Defendant (ongoing) in a matter where the Claimant alleges the will of his late father was forged and that the c.£8 million estate was held on trust;
- *Carter v Carr* [2019] Ch.D – Acting for the Defendant (led by Simon Mills) 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 executer 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 (ongoing);
- 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; and
- Appearing for the freeholder in an application for declaratory relief by reference to the transitional provisions of the Land Registration Act 2002.

Real Property

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 / On-going 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 neighbours 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; and
- 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.

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* [2021] Ch.D – Acting for the Third Respondent (awaiting judgment, led by Morwenna Macro) 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;
- 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; and
- Acting for creditors and debtors in bankruptcy and winding-up petitions.

Professional Membership

- Chancery Bar Association;
- Contentious Trusts Association;
- Commercial Bar Association;
- Property Bar Association; and
- R3 Association of Business Recovery Professionals.

Education

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

Scholarships/Prizes

- 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)