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Matthew Innes

Year of Call: 2022

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Practice Overview

Matthew has a broad commercial and Chancery practice covering all of Chambers' core practice areas. He regularly appears as counsel, both in unled and led work.

Matthew joined Chambers in October 2023 on the completion of his pupillage. During pupillage, he was exposed to a broad range of matters including civil fraud, company, commercial, property, insolvency, and trusts disputes. His supervisors were Gareth Tilley, Sophie Holcombe, Thomas Elias, and Michael Walsh. After joining Chambers, Matthew spent six months on a secondment with Stevens & Bolton LLP, where he assisted the Private Wealth Disputes and Commercial Litigation teams with a range of matters across the spectrum of commercial and Chancery work.

Before coming to the Bar, Matthew completed a DPhil in early modern French history at University College, Oxford.

Areas of Expertise

Civil Fraud

Work involving allegations of fraud, including misrepresentation, breach of fiduciary duty, and the misappropriation of assets, is a core element of Matthew's practice.

Examples of recent work include:

- Acting for the defendants/ in a counterclaim seeking to set aside the purported last will of the deceased on the basis of fraudulent calumny and/or undue influence;
- Acting for the beneficiaries in an action for an account in the context of historic misappropriation of trust property under will trust;
- Advising a seller of commercial property facing a threatened claim for fraudulent misrepresentation relating to the property's rental yields;
- A fraudulent misrepresentation claim relating to investment in a limited company and
- Assisting in the preparation of an urgent injunction relating to funds misappropriated following an online banking scam.

Examples of work during pupillage are:

- *Lemos v Church Bay Trust Company Ltd* [2023] EWHC 2384 (Ch): Assisted Thomas Elias and Andrew Gurr in the successful defence of a claim under s. 423 Insolvency Act 1986.
- Assisting Gareth Tilley in advice and drafting pleadings in a claim against a financial institution to recover the proceeds of funds permitted by that institution to have been misappropriated from investors as part of a Ponzi scheme.
- Assisting Gareth Tilley with applications for forfeiture of bank accounts holding the proceeds of pandemic-related fraud under Part 5 of POCA 2002.
- Assisting Matthew Morrison with matters arising out of a freezing injunction made against several respondents, the main one being the difficulties caused by the respondents' bank refusing to permit transactions to proceed without

the claimant's consent.

- *Kea Investments Limited v Wikeley Family Trustee Limited*. Assisted Gareth Tilley in advising the claimant victim of a worldwide conspiracy in the form of allegedly fraudulent claims and demands in the courts of Kentucky and the BVI brought by the trustee of New Zealand trust.

- Assisting Sophie Holcombe with a derivative claim in respect of funds said to have been misappropriated from a company by way of purported management fees paid out to companies controlled by the two main directors.

Commercial Litigation

Commercial Litigation is a core element of Matthew's practice. Matthew has experience of a range of commercial work, including commercial disputes involving fraud, company and insolvency law, and real or personal property. Examples of work as sole counsel include:

- Advice, drafting, and representation of a claimant (acting pro bono) in relation to a claim for breach of contract arising out of work done in support of the establishment of the defendants' restaurant business.

- Claims by unpaid sellers and/or suppliers of goods;

- Claims by unpaid contractors.

Having competed in the 28th annual VIS International Commercial Arbitration moot as a law student, Matthew is also interested in, and happy to accept instructions relating to, arbitration (whether domestic or international).

While on secondment with the Commercial Litigation Team at Stevens & Bolton LLP, Matthew gained experience of a range of commercial matters, such as disputes relating to the sale and supply of goods, investment disputes, and franchise disputes (including disputes regarding franchise renewals).

Matthew's commercial work during pupillage included:

- *GL Dameck Ltd v Albion Agencies Limited*. Assisted Gareth Tilley in the early stages of the defence of a claim that certain rights to exploit the 'UMBRO' sportswear brand are held on trust for the claimant licensee.

- *ML Technology v B.E.A.T. SAM*. Assisted Thomas Elias with a one-day hearing of several applications in an intellectual property and company law claim arising out of the sale of the majority shareholding in the First Defendant.

- Assisting Sophie Holcombe in advising a client as to the merits of a claim for breach of contract in relation to the sale of a company. The alleged breach lay in the non-disclosure of a substantial tax liability.

Company

Company law is a core element of Matthew's practice. He is happy to accept instructions in matters relating to directors' duties and shareholders' rights, including derivative claims and unfair prejudice petitions. He also has a particular interest in the application of the law of escheat and bona vacantia in the context of the property of dissolved companies (both in the UK and abroad).

Examples of recent work included:

- (During pupillage) assisting Gareth Tilley with drafting submissions for an UNCITRAL arbitration involving questions

of reflective loss and contractual compromise.

- (During pupillage) assisting Thomas Elias and George Vare in the preparation of defences in two overlapping unfair prejudice petitions in relation to the conduct of two family businesses.
- (During pupillage) *ML Technology v B.E.A.T. SAM*. Assisted Thomas Elias with a one-day hearing of several interim applications in an intellectual property and company law claim arising out of the sale of the majority shareholding in the First Defendant.
- (During pupillage) assisting Sophie Holcombe with a derivative claim in respect of funds said to have been misappropriated from a company by way of purported management fees paid out to companies controlled by the two main directors.

Private Client Trusts and Probate

Trusts and probate work is a core element of Matthew's practice, particularly where it involves allegations of fraud and issues of commercial or company law. While on secondment with the Private Wealth Disputes team at Stevens & Bolton LLP, Matthew was exposed to a wide range of onshore and offshore private client matters, including 1975 Act claims, estate administration disputes, will validity claims, issues regarding capacity.

Examples of Matthew's recent and current work include:

- Advising on the rights of surrogate children under a pre-1950 trust instrument and on the implications of the Human Fertilisation and Embryology Act 2008;
- A challenge to the validity of a will on the basis of fraudulent calumny and/or undue influence;
- A claim against the trustee of a family will trust for an account
- Acting for the claimant cohabitee of many decades in a 1975 Act claim;
- Acting for executors in a claim against one of the deceased's creditors.

During pupillage, Matthew gained experience of:

- a proprietary estoppel/unjust enrichment claim arising out promises made to the claimant by the deceased but not given effect in the deceased's will;
- issues relating to a reserved power provisions in a trust instrument;
- an issue as to whether a trustee's exercise of a power of addition would constitute a fraud on a power.

International and Offshore

While on secondment with the Private Wealth Disputes team at Stevens & Bolton LLP, Matthew gained experience of a number of matters relating to the administration of offshore trusts, including a dispute as to the validity of trustees' removal by a protector. Matthew also gained experience of matters relating to the offshore ownership of companies, particularly in respect of the implications of the dissolution of offshore companies (either by way of escheat or vesting as bona vacantia) on UK real property.

Examples of work in pupillage include:

- *Kea Investments Limited v Wikeley Family Trustee Limited*. Assisted Gareth Tilley in advising the claimant victim of a worldwide conspiracy in the form of allegedly fraudulent claims and demands in the courts of Kentucky and the BVI brought by the trustee of New Zealand trust.
 - Drafted (as a pupil) advice as to the proper construction of reserved power provisions in a trust instrument.
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Insolvency

Examples of Matthew's recent work are:

- Preparing applications for relief under section 127(1) Insolvency Act 1986;
- Preparing applications for relief under section 238 Insolvency Act 1986 relating to transactions at an undervalue to former directors.
- Work on an application for directors by a creditor faced with multiple alleged but unparticularised competing claims.

During pupillage, Matthew's experience included:

- *Lemos v Church Bay Trust Company Ltd* [2023] EWHC 2384 (Ch): Assisted Thomas Elias and Andrew Gurr in the successful defence of a claim under s. 423 Insolvency Act 1986.
 - Assisting Michael Walsh in advising on a complex matter involving questions of land registration, probate, bankruptcy, and co-ownership.
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Property

Matthew is developing a specialist Property practice. He has a particular interest in applications to re-vest property that has escheated or vested as *bona vacantia* following company dissolution. Examples of recent work are:

- Advising a seller of commercial property facing a threatened claim for fraudulent misrepresentation relating to the property's rental yields;
- Advising a landlord of commercial premises in respect of the tenant's application for relief from forfeiture;
- Acting for the defendant in a claim challenging the amounts paid under freehold covenants intended to fund the maintenance in a housing development.
- Acting for a purchaser of land in an application under section 859M to correct the particulars of the charge registered with Companies House;
- Acting (pro bono) for a residential tenant in a claim by the landlord for arrears of rent, involving a counterclaim for disrepair and for breach of the deposit protection requirements.

Examples of Matthew's work in pupillage are:

- *Mynott v Mynott*. Assisted Michael Walsh in a two-day land registration trial in the FTT concerning adverse possession over unregistered land.

- *Thomas v Sonnystone Investments Limited*. Assisted Michael Walsh in the CCMC for a High Court claim arising out of the disposition of a director's shareholding in a company, together with land owned by the company, in which the claimant seeks a declaration that he retained a beneficial interest in the land transferred subsequent to the sale.
 - Assisting Michael Walsh with an urgent interim injunction to restrain the respondent from interference with the applicants' property.
 - Assisting Michael Walsh in County Court possession proceedings.
 - Assisting Michael Walsh in advising on a complex matter involving questions of land registration, probate, bankruptcy, and co-ownership.
 - Representing a residential landlord in the tenant's application to set aside a default judgment.
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Professional Negligence

NWG v Vantis Tax Limited. During pupillage, assisted Gareth Tilley in a c.£65m claim against allegedly negligent tax advisers.

During pupillage, assisted Michael Walsh in advising on the professional liability of a firm of solicitors in relation to a property transaction.

Scholarships and Prizes

Atkin Senior Scholarship (Gray's Inn)

William Shaw BVS Scholarship (Gray's Inn)

David Karmel Scholarship (Gray's Inn)

City Law School Scholarship for Academic Excellence (City, University of London)

Winner, City Law School Senior Moot 2022

2nd place, Gray's Inn Moot Competition 2022

Honourable Mention, Martin Domke Award for Best Oralist, Vis Moot 2021

Education & Qualifications

Bar Vocational Studies, City University (Distinction)

GDL, City University (Distinction)

DPhil in History, University College, Oxford

MPhil in Political Thought and Intellectual History, Pembroke College, Cambridge (Distinction)

BA in History, Pembroke College, Cambridge (Double First)

Memberships

COMBAR

ChBA

ConTrA
