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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, including civil fraud, commercial, probate, company, insolvency, property, and trusts disputes. He particularly enjoys solving legal problems involving overlap between two or more of the above areas. He regularly appears as counsel, both in unled and led work, in the County Court and the High Court.

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 worked 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 allegations of forgery, misrepresentation, breach of fiduciary duty, and the misappropriation of assets, is a core element of Matthew's practice. He appears regularly in both the High Court and the County Court in claims for final relief as well as applications for interim relief including freezing injunctions, passport orders, and disclosure orders.

Examples of recent work include:

- Assisting [Matthew Morrison KC](#), instructed by the claimants (in liquidation), in a *Quincecare/Tugu* claim against a bank arising out of a US\$100m Ponzi scheme operated by the claimants' former directors (instructed by Triay Lawyers). The proceedings, which settled in the course of the trial on confidential terms, raised significant questions about the extent of a bank's corporate knowledge; the interaction between regulatory anti-AML duties and *Quincecare* duties; and the implications of the decision of Lord Sumption in the HK CFI in *Tugu*.
- Acting for the respondent to a section 994 claim including an application of interim injunctive relief. The underlying claim involves allegations of forgery, the deliberate destruction of evidence, and deliberate diversion of corporate opportunities.
- Acting (led by [James Weale](#)) for the successful defendants, in respect of a claim (1) seeking financial provision under the 1975 Act (2) bringing a testamentary challenge against the mother of the First Claimant and the First Defendant, and (3) seeking to set aside various dispositions on the basis of undue influence and/or sham. The defendants successfully established that the claim had been brought on the basis of a forged document and in the context of serious disclosure failing by the claimants, with indemnity costs awarded accordingly (instructed by Weightmans LLP).
- Advising the former shareholder and director of a BVI company owning UK real property in respect of the wrongful acquisition of the share capital in the BVI company by the client's former legal advisor (instructed by Appleby).
- 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 a 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 High Court injunction relating to funds misappropriated via an online banking scam. 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 KC](#) 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 be 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, banking, company and insolvency law, and real or personal property. Examples of recent work include:

- Assisting [Matthew Morrison KC](#), instructed by the claimants (in liquidation), in a *Quincecare/Tugu* claim against a bank arising out of a US\$100m Ponzi scheme operated by the claimants' former directors (instructed by Triay Lawyers). The proceedings, which settled in the course of the trial on confidential terms, raised significant questions about the extent of a bank's corporate knowledge; the interaction between regulatory anti-AML duties and *Quincecare* duties; and the implications of the decision of Lord Sumption in the HK CFI in *Tugu*.
- Assisting [Thomas Elias](#), acting for the claimants (represented by Virtuoso LLP), in a High Court Claim for copyright infringement, trade mark infringement, and passing off in the context of a contractual dispute for the sale and purchase of company shares.
- Acting in a breach of warranty claim in respect of the defective supply of software
- Acting for a defendant to a claim for unpaid invoices in a long-term supply contract involving a dispute as to the conditions precedent to the claimant's entitlement to payment.
- Advising the purchaser of a dental practice in respect of a breach of warranty claim against the seller
- Advising in respect of a potential unjust enrichment/breach of contract claim by a consultant who supplied services and industry know-how on the strength of a promise of an equity stake in a startup.
- Acting in respect of various claims for unpaid invoices, including claims by steel merchants and builders.

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).

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.

Examples of recent work include:

- Acting for the respondent to a section 994 claim including an application of interim injunctive relief. The underlying claim involves allegations of forgery, the deliberate destruction of evidence, and deliberate diversion of corporate opportunities.
- Advising a trust company (with a grant of letters of administration), subject to potential *Bartlett* duties, as to its potential remedies in respect of historic misfeasance by the directors of a company held as part of the deceased's estate, including a potential derivative claim, as well as its rights pursuant to the Table A model articles.
- Advising the third party respondents to an application for specific disclosure made in the context of a shareholder dispute as to whether a proposed resolution was 'frivolous or vexatious' pursuant to s. 303(5) Companies Act 2006
- Assisting [Thomas Elias](#), acting for the claimants (represented by Virtuoso LLP), in a High Court claim for copyright infringement, trade mark infringement, and passing off in the context of a contractual dispute for the sale and purchase of company shares.
- Advising the former shareholder and director of a BVI company owning UK real property in respect of the wrongful acquisition of the share capital in the BVI company by the client's former legal advisor (instructed by Appleby).
- (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) 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. 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, and issues regarding capacity.


Much of Matthew's work involves advising in respect of potential will challenges, often including allegations of undue influence, fraudulent calumny, or other dishonest conduct.

Matthew also often acts for executors, administrators, and trustees in respect of potential claims by them or in respect of the estate or trust property. This work often involves an overlap with his understanding of company, property, insolvency, and commercial disputes.

Examples of Matthew's recent and current work include:

- Acting (led by [Constance McDonnell KC](#) and [Amy Proferes](#)) for the claimant in a claim for an equity by proprietary estoppel and a testamentary challenge to the wills of the claimant's late father, in the context of a substantial agricultural property (instructed by JMW Solicitors LLP).
- Acting (led by [James Weale](#)) for the successful defendants, in respect of a claim (1) seeking financial provision under the 1975 Act (2) bringing a testamentary challenge against the mother of the First Claimant and the First Defendant, and (3) seeking to set aside various dispositions on the basis of undue influence and/or sham (instructed by Weightmans LLP)
- Acting for the deceased's children, who had been excluded from his will, asserting a proprietary claim to the proceeds of sale of shares held in the names of the children and/or to the assets of the SIPP to which those proceeds were transferred.
- 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;
- Advising the administrator of a substantial estate in respect of various claims being brought by or against numerous of its onshore and offshore corporate entities.
- Advising a trust company (with a grant of letters of administration), subject to potential *Bartlett* duties, as to its potential remedies in respect of historic misfeasance by the directors of a company held as part of the deceased's estate
- Advising the beneficiaries of an Italian national domiciled in the UK, with assets in both the UK and Italy, in a will validity and administration dispute.
- Advising the executor facing claims by the deceased's father and sister in respect of sums advanced to the deceased pursuant to a mortgage in the name of the deceased and his father.
- A challenge to the validity of a will on the basis of fraudulent calumny and/or undue influence upon the deceased caused by his apparently estranged children;
- 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 in a dispute involving allegations of domestic abuse.
- 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

Matthew's practice often has an offshore element, working with local counsel. 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.

His recent work includes:

- Advising the former shareholder and director of a BVI company owning UK real property in respect of the wrongful acquisition of the share capital in the BVI company by the client's former legal advisor (instructed by Appleby).
- Assisting [Matthew Morrison KC](#), instructed by the claimants (in liquidation), in a Gibraltar *Quincecare/Tugu* claim against a bank arising out of a US\$100m Ponzi scheme operated by the claimants' former directors (instructed by Triay Lawyers).

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.

Insolvency

Matthew regularly acts for debtors, creditors, and office-holders, including in respect of winding up and bankruptcy petitions. Examples of Matthew's recent work are:

- Assisting James Mather in advising creditors as to potential proprietary remedies in respect of deposits paid to an insolvent yacht builder
- Securing multiple adjournments and a validation order for a debtor seeking the time and means to satisfy the petition debt
- Acting for a director facing allegations of misfeasance under section 212 Insolvency Act 1986;
- Acting for in applications to set aside statutory demands; An application to vary the basis of remuneration for trustees in bankruptcy
- 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 directions by a creditor faced with multiple alleged but unparticularised competing claims to the insolvency estate.

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 KC](#) in advising on a complex matter involving questions of land registration, probate, bankruptcy, and co-ownership.

Property

Matthew is developing a specialist Property practice, including landlord & tenant work, rights of light, leasehold enfranchisement, and conveyancing disputes. His Property work often overlaps with one or more of his other areas

of practice, especially Company, Insolvency, and Probate work. 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:

- Acting (led by [Constance McDonnell KC](#) and [Amy Proferes](#)) for the claimant in a claim for an equity by proprietary estoppel and a testamentary challenge to the wills of the claimant's late father, in the context of a substantial agricultural property.
- Advising the defendant to a potential claim for an equity by proprietary estoppel in respect of a family farm by a claimant in receipt of substantial provision under the deceased's will
- 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;
- Advising a landlord of a high-value residential property in respect of potential forfeiture of the tenant's lease;
- 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 KC](#) 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 KC](#) with an urgent interim injunction to restrain the respondent from interference with the applicants' property.
- Assisting [Michael Walsh KC](#) in County Court possession proceedings.
- Assisting [Michael Walsh KC](#) 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.

Professional Negligence

- Acting in a claim by a purchaser against a negligent surveyor in respect of an unnoticed right of way
 - Advising in a claim against a negligent will drafter
 - *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 KC](#) in advising on the professional liability of a firm of solicitors in relation to a property transaction.
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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
