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Matthew Maddison

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Year of Call: 2010

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Clerk: Joanne Caunt

Clerk: Ellen McInall

PRACTICE AREAS

Commercial

Company

Insolvency & Restructuring

Property

Wills, Trusts and Probate

PROFILE

Matthew has a broad commercial chancery practice, covering both traditional chancery and commercial disputes. He has a meticulous eye, and a commercial perspective. He is noted for his insolvency experience, and has been described as a “steely advocate”.

Commercial

Matthew's practice includes all aspects of commercial litigation, including contractual disputes, sale of goods and partnership disputes. He frequently acts in claims against guarantors, and has given a number of seminars concerning such claims.

Matthew's cases include:

- Acting for the claimants in the major reported commercial/competition law action, *Electrical Waste Recycling Group Limited and another v Philips Electronics UK Limited and others* [2011] EWHC 3747 (Ch); [2012] EWHC 38 (Ch)
- Acting for claimant in claim for damages and indemnity against contractors in respect of contamination of land
- Acting for a utility services provider in a claim for a performance bonus
- Appearing for the Claimant in a *nemo dat* dispute concerning a Maserati sports car
- Appearing for the Claimant in an admiralty claim for work carried out to a floating nightclub.

Company

Matthew is experienced in a broad range of company disputes, including shareholder disputes, unfair prejudice petitions and just and equitable winding up petitions.

Matthew's cases include:

- Acting for a group of shareholders of the Darlington Farmers Auction Mart seeking to challenge irregular substantial bonus payments to two directors, including questioning the board of directors at the company's AGM (which led to the resignation of most members of the board).
- Acting for a director of a soft-play company against co-director in an equitable winding up-petition based on breakdown of a quasi-partnership with his ex-partner
- Advising director of haulage company in respect of unfair prejudice petition and equitable winding up petition based on breakdown of quasi-partnership with his ex-wife

Insolvency & Restructuring

Insolvency accounts for a significant proportion of Matthew's practice. He has considerable experience in a broad range of insolvency matters, including:

- Transaction at undervalue (TUV), preference, misfeasance and unlawful distributions claims;
- Sham trusts;
- Disputes as to the bankrupt's share in jointly owned property, including the application of the principle of

equity of exoneration;

- Administration orders;
- Applications to extend administrations;
- Applications to make distributions to unsecured creditors;
- Applications in respect of office-holder's fees and expenses;
- Directors disqualification.

Matthew's cases include:

- Acting for liquidator of a payroll company in multi-million-pound misfeasance claim against former directors, and a *Quincecare* claim against the Company's bank for failing to prevent the misappropriation of the Company's funds;
- Acting for supervisor of an IVA in long running litigation by bankrupt and one of his creditors against his trustee in bankruptcy the Supervisor of his IVA, involving allegations of fraud against officeholders.
- Acting for liquidator in a substantial misfeasance / preference claim against a former director for diverting payment of the proceeds of sale of the Company's "client bank" to a third party controlled by the director.
- Advising the administrators of well-known former records company on issues arising with FCA, in respect of alleged breach by the Company of section 21 FSMA 2000 regarding the sale of shares to investors.
- Obtaining permission for a director subject to a disqualification undertaking to act as a director of a domiciliary care company providing care to vulnerable adults.

Property

Matthew deals with all aspects of Property law, including conveyancing, charges, easements and restrictive covenants. He has acted in a number of cases concerning the application of section 2 of the Law of Property Act 1989 and the issue of whether the vendor is obliged to return a deposit.

Matthew's cases include:

- Acting for Claimant in long-running and hotly contested possession proceedings based on the assignment of a substantial secured loan, which the Claimant sought to enforce by way of sale (including application to appeal).
- Acting for Claimant in an unjust enrichment claim concerning an extension to the Defendant's house which was paid for by the Claimant on the understanding that he would live there indefinitely;
- Acting for Defendant to a claim for rectification of the register of title on the ground that the Claimant's signature to the Deed of Transfer (executed many years ago) had been forged by the Defendant's late father;
- Acting for lessee of commercial premises, in a claim brought by the landlord's personal representative claiming rectification of the lease based on alleged fraud by lessee;
- Acting for local authority opposing claim for right of way intended to thwart development of land;
- Acting for the landlord in an appeal before Mrs Justice McGowan in *Lingfield Point No. 2 Limited -v- Hodgson and Reid*, concerning whether a deposit had been "been returned to the tenant in full" for the purpose of s. 215(2A) Housing Act 1988 in circumstances where the Landlord had sent the tenants a cheque which was purportedly returned.

Wills, Trusts and Probate

Matthew accepts instructions in all aspects of Trusts and Probate. His experience includes:

- Traditional probate disputes (allegations of lack of testamentary capacity, want of knowledge and approval, undue influence);
- Claims under the Inheritance (Provision for Family and Dependants) Act 1975;
- Advising on the construction of wills;
- Advising in potential professional negligence claims, including issues concerning inheritance tax;
- Applications to remove personal representatives;
- Applications for accounts against intermeddling executors;
- Applications to revoke probate on the ground that the will was a false document.

Highlights include:

- Acting for Defendants to a claim by an alleged lovechild of the deceased, who claimed to have been treated by the deceased as a child of the deceased, and to therefore fall within definition of “children” on a true construction of the Deceased’s Will.
- Successfully claiming revocation of a grant of probate on the ground that the will was a false instrument.
- Acting for executors in a claim for recovery of farm land from farm business tenants, who asserting a right to the land by virtue of proprietary estoppel based on representations allegedly made to them by the deceased.
- Advising wife of deceased on professional negligence claim against solicitors appointed by executors for failing to distribute property held on discretionary trust within two years of the deceased’s death to take advantage of tax benefits conferred by section 144 of the Inheritance Act 1984.
- Acting for claimant in a 1975 claim under the 1979 Act, in which the deceased had allegedly run two households (with different partners) for a number of years.
- Acting for executor in application for his removal for breach of duty by failing to distribute amount due to successful claimant to a 1979 Act claim.

SIGNIFICANT CASES

Richmondshire District Council v Dealmaster [2021]

EWHC 2892 (Ch)

Creditor challenge to a CVA on multiple grounds, including (1) alleged under-valuation of the Company’s assets in the table of comparison between CVA and liquidation; and (2) appeal against nominee’s decision to admit debt of another creditor for voting. To view the Judgment click [here](#).

Re: Tokenhouse VB Limited [2020]

EWHC 3171 (Ch)

Challenge to the validity or regularity of an out-of-court appointment of administrators by directors, in circumstances where there had been a failure to give prior notice to a qualifying floating chargeholder in breach of paragraph 26(1) of Schedule B1.

Re: High Street Rooftop Holdings Limited [2020]

EWHC 2572 (Ch)

Contested administration application, in which the company (the borrower) asserted that, in consequence of alleged oral assurances, the applicant (the lender) was estopped from relying upon the repayment dates stipulated in the facility agreements. Novel question of law as to whether fulfilment of a statutory purpose is a necessary condition for a paragraph 35 Sch. B1 appointment.

Re: Arlington Infrastructure Limited [2020]

EWHC 3123 (Ch)

Challenge to the validity of out-of-court appointment of administrators. Is a qualifying floating charge rendered “unenforceable” for the purpose of para 16 Schedule B1 in consequence of a contractual promise made to a third party, notwithstanding that the chargor company is not a party to that contract and not entitled to rely upon or enforce its terms?

Re: Arlington Infrastructure Limited [2020]

EWHC 3350 (Ch)

Application for retrospective administration order, opposed by the respondent companies and other interested parties. Interpretation of Permitted Disposal clause, and whether it required a qualifying floating chargeholder to release a personal covenant to pay.

Re: BM Electrical Solutions Limited [2020]

EWHC 2749 (Ch)

Misfeasance proceedings. The respondent director had been advised by an accountant to take a very low salary, and to draw other monies as dividends as a means of saving tax. The director failed to formally declare such dividends. The Court held that the payments were loans made to the director, which were liable to be repaid. The case demonstrates and affirms the importance of formal declaration of dividends; the fact that a director-shareholder honestly intended to receive the payments as dividends will not be sufficient.

Electrical Waste Recycling Group Limited and another v Philips Electronics UK Limited and others [2011]

EWHC 3747 (Ch); [2012] EWHC 38 (Ch)

A complex competition law action brought by an electrical waste recycling company and a wholesaler of electrical goods against the four leading manufacturers of lamps in the UK, and a producer compliance scheme established pursuant to the WEEE Regulations 2006, alleging breach of section 2 Competition Act 1998 and/or Art.101 TFEU and s.18 Competition Act 1998 and/or Art.102 TFEU. Matthew was led by Jon Turner

QC and was part of a three barrister team working on a consolidated bailment claim valued at over £1 million. Matthew was heavily involved in the multiple e-disclosure exercises, and spent time in South Africa leading a team of document reviewers.

Campbell -v- Redstone Mortgages Plc

Matthew acted for the owner of animal sanctuary in an appeal against a possession order granted to the mortgagee, and in an application for permission to re-enter the property to collect chattels. The matter was publicised in national and local press:

[Click here to read the Daily Mail article.](#)

[Click here to read the Northern Echo article.](#)

Re. Harvey Smith

Matthew acted for the Claimant in a claim for revocation of a grant of probate in respect of a Will forged by a solicitors' secretary. The linked criminal proceedings were publicised in local press.

[Please click here to read the Northern Echo article.](#)

Lingfield Point No. 2 Limited -v- Hodgson and Reid

Matthew successfully opposed an appeal before Mrs Justice McGowan on the issue of whether a deposit had been "been returned to the tenant in full" for the purpose of s. 215(2A) Housing Act 1988 in circumstances where the Landlord had sent the tenants a cheque which was purportedly returned by the tenants.

Kitching v Middlesbrough Borough Council

Matthew acted for local authority opposing claim for right of way intended to thwart development of land.

[Please click here to read the Times article.](#)

[Please click here to read the Gazette article.](#)

Darlington Farmers Auction Mart

Matthew acted for a group of shareholders of the Darlington Farmers Auction Mart seeking to challenge unexpected substantial bonus payments to two of the directors. Amongst other things, Matthew questioned the board of directors at the company's AGM on 23 July 2019, which led to the resignation of most members of the board. The matter was widely publicised in the local press:

[Please click here to view the Northern Echo article \(5/7/19\)](#)

[Please click here to view the Northern Echo article \(17/7/19\)](#)

[Please click here to view the Northern Echo article \(25/7/19\)](#)

[Please click here to view the Northern Echo article \(30/7/19\)](#)

[Please click here to view the Northern Echo article \(2/8/19\)](#)

[Please click here to view the Northern Echo article \(6/8/19\)](#)

CAREER AND ASSOCIATIONS

Called to the Bar, Middle Temple: 2010 (Certificate of Honour)

Bar Vocational Course: 2009-10 (Outstanding)

LLB Law, University of Leeds: 2006 – 2009 (First Class Hons; Hughes Scholar for highest overall mark)

Member of Chancery Bar Association

Associate Member of Insolvency Lawyers Association

Associate Member of R3 Association of Business Recovery Professionals

Member of North East Commercial Bar Association

PUBLICATIONS

Contributor to The Rural Law Notebook



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