

Matthew Moriarty

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Year of Call: 2022

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Clerk: Joanne Caunt

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PRACTICE AREAS

Insolvency & Restructuring

Commercial

Company

Wills, Trusts and Probate

Property

PROFILE

Matthew joined chambers in October 2023 following the successful completion of his pupillage, since then he has developed a broad commercial and chancery practice across all of Chamber's areas of work. He is regularly instructed in commercial litigation, property, probate, and corporate and personal insolvency matters, and is regularly instructed across the whole lifespan of a case, from initial advice through to trial.

Matthew appears frequently in the Business and Property Courts and the County Courts across England & Wales, as well as providing advice & drafting for clients.

Matthew's recent cases include: recovering rent arrears at trial, successfully arguing against an implied surrender or waiver of rent on a commercial property dispute; obtaining an order for sale against a longstanding judgment debtor; and opposing a claim of adverse possession of unregistered land.

Prior to coming to the Bar, Matthew spent five years working in defence and security for the UK Government. He studied Law at the University of Oxford and Université Panthéon-Assas in Paris, and studied the Bar Course at Northumbria University, achieving the highest mark in his cohort.

PRACTICE AREAS

Insolvency & Restructuring

Matthew has experience with all aspects of corporate and personal insolvency. He is regularly instructed in both corporate and personal insolvency matters. Matthew frequently attends on winding up petitions in Court centres across England on behalf of creditors and debtors, and has successfully obtained winding up orders on disputed petitions, having argued that those disputes are not genuine and substantial.

Matthew also regularly advises and acts on behalf of administrators and liquidators, both in routine matters such as seeking extensions of administrations or discharge from liability, as well as in misfeasance, transactions at an undervalue, and wrongful trading claims.

Alongside his corporate insolvency practice, Matthew has a strong background in personal insolvency matters, including securing bankruptcy orders, and on behalf of trustees in bankruptcy and supervisors of IVAs in insolvency applications including orders for sale.

Recent cases include:

- Successfully resisting claims that the debt is disputed in a winding up petition, obtaining a winding up order against the company
- Obtaining bankruptcy orders in a multi-million pound bankruptcy, including argument on procedural issues relating to service and non-compliance with directions
- Advice on limitation issues in relation to whether claims for misfeasance were limitation barred (assisting, as a pupil)

Commercial

Matthew acts in a wide range of commercial disputes including issues of contractual construction and interpretation and is experienced in securing interim remedies such as default or summary judgment. His experience extends to trials in commercial disputes across various scales, including small claims, fast track and multi-track cases.

Matthew's expertise also encompasses drafting proceedings, defences and applications in commercial matters.

Recent cases include:

- Successfully defending a claim for unpaid invoice at trial, and obtaining judgment on a counterclaim for defective building work
- Advising on, and drafting pleadings for, a contract claim with jurisdictional and conflict of laws issues
- Successfully resisting 24 applications for liability orders to be set-aside, including obtaining an order that

costs be paid in full following summary assessment

Company

Matthew accepts instructions in all areas of company law and is able to assist in relation to shareholders disputes, and claims against directors. He has experience advising and drafting documents in company law matters, including applications to correct the register at Companies House.

During pupillage, Matthew also attended a number of mediations in relation to unfair prejudice petitions and shareholder disputes, and as a result has a strong understanding of the law in this area as well as in negotiations, and he welcomes instructions in these matters.

At University, Matthew came second in the year in the undergraduate Company Law module, obtaining first class marks.

Recent cases include:

- Drafting documents for an application to correct the register, following failure to register a charge
- Advising on and drafting a claim for breach of a shareholders' agreement

Wills, Trusts and Probate

Matthew welcomes instructions in all areas of wills, trusts and probate. During pupillage, he gained experience in a range of probate matters including allegations of fabricated or forged documents, and applications under the Inheritance Act 1975.

Recent cases include:

- Advising and drafting claims pursuant to the Inheritance (Provision for Family and Dependents) Act 1975
- Advising and drafting pleadings in respect of claims of a constructive trust of a family home, and proprietary estoppel

Property

Matthew has experience in both residential and commercial property matters, He is frequently instructed on possession claims under Part 55 procedure, demonstrating a strong track record in securing possession orders for both commercial premises and residential properties. Additionally, he is well-versed in obtaining orders for sale, including those involving residential properties.

Matthew also has experience with interim injunctions and other interim remedies pertaining to property matters.

During pupillage, Matthew also gained experience in boundary disputes, easements such as rights of way, and restrictive covenants.

Recent cases include:

- Successfully securing judgment for rent arrears on a commercial property, with costs
- Drafting documents to commence claims for possession and rent arrears of residential property
- Obtaining an unless order in relation to a residential possession claim, breach of which led to the defence being struck out
- Successfully obtaining possession pursuant to section 21 Housing Act, including cross-examination of the tenant who had claimed not to receive notice

SIGNIFICANT CASES

Finney v Hope [2024] UKFTT 00682 (PC)

Matthew represented the title-holders of a plot of land who were seeking first registration, successfully opposing the respondent's claim to have acquired adverse possession of that land, arguing that the respondent had not shown the required period of exclusive possession.

CAREER AND ASSOCIATIONS

Middle Temple Certificate of Honour (2022)

Trinity Chambers Bar Course Prize (2022)

Northumbria University Bar Course Scholarship (2020)

Bar Course (highest mark in cohort) – Northumbria University (2022)

BA Law with French Law – Somerville College, University of Oxford (2017)

Certificat de droit français – Université Panthéon-Assas, Paris (2016)

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