



Tim Matthewson

Call: 2014

tmatthewson@wilberforce.co.uk

Clerks' Details

+44 (0)20 7306 0102
practicemanagers@wilberforce.co.uk

Qualifications and Appointments

- Studied Law at Brasenose College, Oxford and graduated in 2012 with a first class degree.
- Awarded the Wronker Law Prize for the placing joint first in the university.
- Completed the BCL (distinction) and the BPTC (outstanding).
- Lord Denning scholar of Lincoln's Inn.

“Tim is as clever as he is diligent. He has a prodigious work ethic and his drafting is impeccable.”

The Legal 500 2022

Publications

- [Property Update \(2017\) Issue 3 \(Editor\)](#)
- [‘Changes to section 21 notices: the Deregulation Act 2015’ \(2016\)](#)
Wilberforce Property Update (Issue 2) April 2016

Practice Overview

Tim has a successful commercial chancery practice. He is ranked in The Legal 500 as a “Rising Star” for both civil fraud and offshore work. His practice focusses on civil fraud (with extensive experience of freezing injunctions and other forms of interim relief), company and insolvency work, commercial litigation and trusts litigation.

Tim has been described in the directories:

- *“Tim is as clever as he is diligent. He has a prodigious work ethic and his drafting is impeccable.”* (The Legal 500, 2022)
- *“He is knowledgeable, technically brilliant and a very creative thinker - he looks at problems from different angles and has extracted us from some tricky positions”* (The Legal 500, 2021)
- *“He’s responsive and commercially focused.”* (The Legal 500, 2021)

Tim frequently appears in both the Commercial Court and in the Chancery Division. He also has substantial experience of offshore work and cases with an international element.

Prior to joining Wilberforce, Tim studied Law at Brasenose College, Oxford, and graduated with a first class degree. He was awarded the Wronker Law Prize for placing joint first in the university. He went on to obtain a distinction in the BCL.

Notable recent work includes:

- Acting for the Claimant company in *Barrowfen Properties Limited v Patel* [2021] EWHC 2055 (Ch) in a 15-day trial bringing a £5 million claim against a former director of the company for dishonest breaches of duty and forgery of documents and against the company’s former solicitors for claims including breaches of fiduciary duty and negligence. Tim also appeared in numerous interim applications in the proceedings, including in an application to lift privilege on the basis of the “iniquity exception”/ “fraud exception” in *Barrowfen Properties Limited v Patel* [2020] EWHC 2536 (Ch).
- Appearing in *Dalkilic v Pekin* [2021] EWHC 219 (Ch), a 17-day trial about the beneficial ownership of a burger manufacturing company.



Practice Overview continued

- Acting to resist an application to discharge receivers appointed by way of equitable execution in *JSC VTB Bank v Skurikhin* [2021] 1 WLR 434 (on appeal from the decision in [2019] EWHC 1407 (Comm)), in complex enforcement proceedings relating to an offshore trust structure involving entities in Liechtenstein, the BVI and Saint Kitts and Nevis.
- Appearing for the principal employer in *Univar UK Ltd v Smith* [2020] EWHC 1596 in a claim to rectify a pension scheme definitive deed and rules, which erroneously required increases to pensions in payment and revaluation of pensions in deferment to be calculated by reference to the Retail Prices Index.
- Acting to enter a US\$17 million judgment in *Bostani v Pieper* [2019] 4 WLR 44, as part of an enforcement exercise that involved obtaining freezing injunctions and Norwich Pharmacal relief in various jurisdictions, including England, Anguilla and the BVI.
- Appearing in *KeyMed (Medical & Industrial Equipment) Limited v Hillman* [2019] EWHC 485 (Ch), a £50 million claim for breach of directors' duties relating to the administration of a pension scheme.
- Instructed to defend proceedings relating to an alleged oral contract to build an investment fund, which is alleged to have resulted in lost profits of €25 million.
- Instructed to defend proceedings brought by the liquidators of a company and the assignee of certain claims alleging transfer at undervalue, breach of duties owed as *de facto* or shadow directors and the provision of negligent advice.
- Acting in relation to numerous interim applications including freezing injunctions, applications for Norwich Pharmacal and Bankers Trust relief, applications for security for costs and applications for service out of the jurisdiction.

Commercial

Tim has a very busy commercial practice. He is ranked in The Legal 500 as a "Rising Star" for both civil fraud and offshore work.

Tim has a particular interest in civil fraud and is frequently involved in the obtaining of freezing injunctions and other forms of interim relief. He is often involved in claims that involve allegations of breach of fiduciary duty and conspiracy. Tim is also frequently instructed in complex enforcement exercises involving offshore trust structures.

His recent notable instructions include:

- Acting for the Claimant company in *Barrowfen Properties Limited v Patel* [2021] EWHC 2055 (Ch) in a 15-day trial bringing a £5 million claim against a former director of the company for dishonest breaches of duty and forgery of documents and against the company's former solicitors for claims including breaches of fiduciary duty and negligence. Tim also appeared in numerous interim applications in the proceedings, including in an application to lift privilege on the basis of the "iniquity exception"/ "fraud exception" in *Barrowfen Properties Limited v Patel* [2020] EWHC 2536 (Ch).
- Appearing in *Dalkilic v Pekin* [2021] EWHC 219 (Ch), a 17-day trial about the beneficial ownership of a burger manufacturing company.
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- Appearing in *KeyMed (Medical & Industrial Equipment) Limited v Hillman* [2019] EWHC 485 (Ch), a £50 million claim for breach of directors' duties relating to the administration of a pension scheme.



Commercial continued

- Instructed to defend proceedings relating to an alleged oral contract to build an investment fund, which is alleged to have resulted in lost profits of €25 million.
- Instructed to advise about claims relating to the ownership of a company and an unfair prejudice petition.
- Acting as sole counsel in a £1 million claim for breach of contract relating to the development of a video game.
- Acting as sole counsel in a claim for fraudulent misrepresentation and/or breach of warranty relating to a share purchase agreement.
- Appearing as sole counsel to obtain an injunction restraining the misuse of confidential information and breach of restrictive covenants.
- Acting as sole counsel in relation to a claim for the possession of 171 pieces of high value artwork.
- Appearing as sole counsel in a trial about the repayment of a director's loan account.
- Acting in relation to numerous interim applications including freezing injunctions, applications for Norwich Pharmacal and Bankers Trust relief, applications for security for costs and applications for service out of the jurisdiction.

Insolvency

Tim has a busy and diverse insolvency practice. He frequently acts for office holders, directors, creditors and insolvent companies.

Recent notable instructions include:

- Instructed to defend proceedings brought by the liquidators of a company and the assignee of certain claims alleging transfer at undervalue, breach of duties owed as *de facto* or shadow directors and the provision of negligent advice.
- Acting as sole counsel for a liquidator to bring misfeasance and wrongful trading claims.
- Acting to defend claims brought by a trustee in bankruptcy alleging transfers at undervalue and a transaction in defraud of creditors.
- Appearing on behalf of administrators to terminate an administration and seek ancillary relief.
- Acting as sole counsel in an application for an injunction to restrain the presentation of a winding up petition based on a claimed debt of £1 million.
- Appearing in applications under s.366 of the Insolvency Act.
- Advising about proof of a debt in a bankruptcy.
- Acting on behalf of creditors to oppose an administration application.
- Acting on behalf of a trustee in bankruptcy to bring a claim for US\$25 million.
- Advising the directors of a company in administration.
- Acting for a company in a claim against a former director relating to the circumstances in which it was placed into administration.

Pensions

Tim has extensive experience of pensions litigation. He has particular experience of rectification claims and of regulatory action brought by the Pensions Regulator.

His recent work includes:

- Appearing for the principal employer in *Univar UK Ltd v Smith* [2020] EWHC 1596 in a claim to rectify a pension scheme definitive deed and rules, which erroneously required increases to pensions in payment and revaluation of pensions in deferment to be calculated by reference to the Retail Prices Index.



Pensions continued

- Appearing in *KeyMed (Medical & Industrial Equipment) Limited v Hillman* [2019] EWHC 485 (Ch), a £50 million claim for breach of directors' duties relating to the administration of a pension scheme.
- Appearing for the trustee in *Granada UK Rental and Retail Ltd v Pensions Regulator* [2018] UKUT 164 (TCC), the first reference to the Upper Tribunal of a determination to issue a financial support direction.
- Instructed in ongoing rectification proceedings.
- Acting in disciplinary proceedings brought against an actuary by the Institute and Faculty of Actuaries.
- Acting in a US\$38 million breach of trust claim relating to investments in self-invested personal pensions.
- Advising in relation to escalating penalty notices under the Pensions Act 2008.
- Instructed by a target company in regulatory proceedings for a contribution notice and financial support direction.
- Instructed in a number of ongoing high value pension rectification proceedings.
- Acting in disciplinary proceedings brought against an actuary by the Institute and Faculty of Actuaries.
- Acting in a US\$38 million breach of trust claim relating to investments in self-invested personal pensions.
- Instructed in relation to a claim for an exit credit of £6.5 million under the Local Government Pension Scheme Regulations.
- Advising about the application of guaranteed annuity rates to personal pension policies.

Professional Liability

Tim has been instructed in a range of professional liability disputes relating to solicitors, accountants, actuaries and professional trustees.

Recent instructions include:

- Acting in a £5 million claim against a firm of solicitors for acting in conflict of interest and providing negligent advice: *Barrowfen Properties Limited v Patel* [2021] EWHC 2055 (Ch).
- Advising about a negligence claim against a firm of solicitors relating to the drafting of the definitive deed and rules of an occupational pension scheme.
- Advising about a negligence claim against a firm of accountants.
- Acting in a professional liability claim against a corporate trustee arising out of its lending of trust monies.
- Acting in disciplinary proceedings brought against an actuary by the Institute and Faculty of Actuaries.
- Instructed to defend proceedings relating to the alleged provision of negligent advice to a company in the period before its entry into liquidation.