

Matthew Gillett



Matthew enjoys a practice encompassing a wide range of civil matters, particularly Commercial; Property; Insolvency; and Construction (further detail can be found by clicking on the headings below). Matthew provides a practical and cost-effective service to clients in a timely and friendly manner.

Matthew is experienced in all stages of litigation from pre-action conduct and advice, through interim applications and trial, up to appeals and enforcement.

Matthew is qualified to accept instructions through the Bar's Public Access Scheme.



Cases

Matthew recently represented one of the opposing creditors in a restructuring scheme cross class cram down application (pursuant to Part 26A of the Companies Act 2006) in Re The Great Annual Savings Company Ltd [2023] EWHC 1141 (Ch). The court refused to sanction the plan in what is now the leading authority on how the Court will approach the views of opposing creditors, particularly HMRC. Matthew was instructed by Judge & Priestley to represent TotalEnergies Gas and Power who would have lost c.£5m had the restructuring plan been approved.

Matthew represented the defendant in Read v Eastern Counties Leather Group Limited [2022] EWHC 31 (Ch) and succeeded in striking out a High Court claim which sought to set aside a settlement reached between the parties in earlier proceedings and for rescission of an earlier order for possession. The case is now referred to in the Wite Book at 3.4.6 in relation to the rule in *Henderson v Henderson*. The claimant contended that the settlement had been obtained through fraud by way of fraudulent misrepresentations. The settlement compromised a claim of over £2m. Matthew successfully applied to have the High Court claim struck out with summary judgment entered for the defendant.

Further information

Memberships

Matthew is a member of the Property Bar Association.

Seminars and Training

Year of Call: 2015

Contact Practice Manager

Joe

joe@lambchambers.co.uk

020 7797 8307

VAT Reg No

318820502



Matthew enjoys providing focussed training and update sessions. He has previously given talks on recent developments in case law, procedural matters, and costs, in the areas of property, insolvency and construction law. If you would like Matthew to deliver a talk, he is happy to provide bespoke training sessions.

Qualifications

- Bar Professional Training Course (City Law School)
- Post Graduate Diploma in Law (City Law School)
- BA (Hons) History (Durham University)

Pro Bono

Matthew volunteers for the City Law School's Company Insolvency (CO:IN) scheme to provide free advice and representation to companies at the Winding Up Court. As the scheme assists unrepresented companies on the day of the winding up hearing. Matthew has become accustomed to providing practical and commercial advice quickly and effectively. Matthew's interview for 'Law in Action' and an interview with one of the scheme's student volunteers is available [here](#).

Interests

Matthew has a wide variety of interests from history and politics to the theatre and travel. He is also a keen marathon runner and a lifelong Bristol City fan.



Commercial

Matthew advises and represents clients at all stages of litigation from pre-action through to costs and enforcement.

Matthew has significant experience in claims relating to brokers, fiduciary relationships, civil bribes, undisclosed commissions and rescission (both at law and at equity). Matthew is regularly instructed in cases relating to hire purchase and/or consumer credit agreements and is familiar with cases involving sections 140A-C of the Consumer Credit Act 1974 and unfair relationships, whether in the PPI, car finance or other areas (such as energy brokers).

Matthew represented the defendant in *Read v Eastern Counties Leather Group Limited* [2022] EWHC 31 (Ch) and succeeded in striking out a High Court claim which



sought to set aside a settlement reached between the parties in earlier proceedings and for rescission of an earlier order for possession. The case is now referred to in the Wite Book at 3.4.6 in relation to the rule in *Henderson v Henderson*. The claimant contended that the settlement had been obtained through fraud by way of fraudulent misrepresentations. The settlement compromised a claim of over £2m. Matthew successfully applied to have the High Court claim struck out with summary judgment entered for the defendant.

Matthew has also recently represented an international client in opposing an application for a Third-Party Debt Order for a debt situated outside England and Wales. The case involved complex arguments of jurisdiction and international law.

Matthew successfully represented a local authority in resisting a claim by a litigant in person, valued notionally at £10.5bn, by having default judgment set aside, striking out the claim, having the application to freeze the assets of the local authority dismissed, resisting the contempt of court application made against certain employees of the local authority and by securing a civil restraint order against the litigant-in-person to prevent the local authority from further hopeless and vexatious claims in the future.

He welcomes instructions in the following areas:

- Contractual disputes;
- Sale and supply of goods and services;
- Hire purchase, lease, credit hire and consumer credit agreements;
- Shareholder disputes;
- Companies Act matters;
- Consumer protection;
- Insolvency (personal and corporate)
- Enforcement; and
- Costs.

Matthew also welcomes instructions in all areas of construction law, particularly adjudications.

Matthew has presented Chambers' 'Nuts and Bolts: Introduction to Construction Law' workshop as well as further talks on 'Smash and Grab' adjudications.

Property

Matthew welcomes instructions across the full spectrum of property matters. He accepts landlord and tenant instructions relating to tenancies under the Housing Acts, TOLATA, service charges, break clauses, and forfeiture cases. Matthew also has experience in respect of mortgage arrears and possession matters and further welcomes work in the areas of nuisance, covenants, easements and boundary disputes. Matthew has



experience of obtaining (and resisting) injunctive relief and understands the need for quick and practical advice as well as concise and robust advocacy.

Examples of Recent Work

- Matthew successfully secured an order for possession following the strike out of a High Court claim challenging the settlement agreement on which a County Court order for possession was based in *Read v Eastern Counties Leather Group Limited* [2022] EWHC 31 (Ch).
- Matthew represented a family in a 3-day trial seeking injunctive relief against their neighbours following nearly 8 years of harassment.
- Matthew advised and assisted receivers in securing possession of commercial premises and overcame counter claims of overriding interests and resisted an application for an injunction to prevent a sale.
- Matthew has recently advised an intermediary landlord of its options in respect of its tenant's breaches of the lease which put the landlord in breach of the superior lease under the 1954 Act.
- He has also acted in a significant number of possession actions for residential property matters on behalf of both landlords and tenants.
- Matthew has experience in dilapidation and disrepair claims alleged against both landlords and tenants.
- He has successfully obtained judgments against tenants for their failure to pay ground rent and service charges in managed apartment blocks.

Insolvency

Matthew is regularly instructed in bankruptcy and insolvency matters and welcomes instructions from creditors and debtors alike to attend hearings and to draft paperwork. Matthew often appears in the Winding Up List in the Companies Court, representing either creditors or debtors. Matthew has also drafted and attended applications for Validation Orders and to rectify the Register of Companies.

Matthew is instructed by one of the opposing creditors in the on-going litigation involving the restructuring of The Great Annual Savings Company Ltd under Part 26A of the Companies Act. The court is being asked to sanction the plan and cram down the opposing creditors, who include HMRC. Matthew has advised one of the opposing creditors as well as represented them at 3-day hearing before Mr Justice Adam Johnson.

Matthew was interviewed by Joshua Rozenberg QC for the flagship BBC Radio 4 show 'Law in Action' in a recording broadcast on 25th June 2019. Matthew



explained how the 'Winding Up Court' operates and how the COIN pro bono scheme with which he is involved helps debtor companies who have not obtained their own representative. The interview can be found [here](#).

Matthew is also experienced in hearings in the County Court to secure charging orders and obtain orders for sale.

Examples of recent insolvency work

- Matthew has successfully obtained a reduction in the fees charged by the Trustee in Bankruptcy for a client who contended that the fees charged were excessive, pursuant to what is now Rule 10.134 of the Insolvency Rules 2016.
- Matthew has assisted in the restoration and winding up of a company in order that previously unknown assets could be distributed.
- Matthew volunteers for the City Law School's Company Insolvency (CO:IN) scheme to provide free advice and representation to companies at the Winding Up Court. As the scheme assists litigants in person on the day of the winding up hearing, Matthew has become accustomed to providing practical and commercial advice quickly and effectively.