

Matthew Collings QC

Call 1985

Silk 2006

mcollings@maitlandchambers.com



Over 150 reported cases establish the breadth of Matthew's expertise in his specialist areas covering Company, Insolvency and Commercial Chancery (litigation and advisory work), for which he is recommended in Chambers UK, Chambers Global and The Legal 500.

Matthew is an experienced trial and appellate advocate (here and abroad), and also regularly appears in tribunals, as well as arbitrations, expert determinations and mediations.

Recent trials include the well publicised disputes of *Conway v Eze*, and *Conran Holdings*. Recent appeals include two leading cases in the Supreme Court: *Patel v Mirza* on illegality, and *FHR* on constructive trusts.

An extensive offshore practice embraces matters in Hong Kong, the Channel Islands, Jamaica, the Bahamas, and Iceland. Matthew has been called to the Bar in the Cayman Islands; and in the BVI, where he has appeared in a number of substantial applications, trials and appeals, including *Staray Capital v Cha* recently in the Privy Council.

Professional Background

LLB Hons (London)

Former member of the Insolvency Rules Advisory Committee

Member of the Chancery Bar Association, COMBAR, the Commercial Fraud Lawyers Association, the Insolvency Lawyers Association and INSOL International.

Specialist Areas, 2018 Recommendations and Reported Cases

COMPANY

Gunewardena v Conran Holdings Ltd [2017] Bus LR 301 (articles of association)

Progress Property Co Ltd v Moore [2010] 1 BCLC 1 (CA) and [2011] 1 WLR 1 (SC) (unlawful distributions)

Re Hoicrest Ltd [1999] 2 BCLC 346 and [2000] 1 WLR 414 (CA) (rectification of share register)

R (Clegg) v Secretary of State [2003] BCC 128 (Companies Act investigations)

Smith v Charles Building Services Ltd [2005] BCC 513 and [2006] BCC 334 (CA) (rectification of share register)

Inn Spirit Ltd v Burns [2002] 2 BCLC 780 (unlawful dividend)

Mission Capital plc v Sinclair [2008] BCC 866 (derivative claim)

Fusion Interactive Communication Solutions Ltd v Venture Investment Placement Ltd [2005] 2 BCLC 250 and 571 (authority to bring proceedings)

Rose v McGivern [1998] 2 BCLC 593 (meetings)

Vinton v Revenue & Customs [2008] WTLR 1359 (ratification)

Unfair Prejudice

Watchstone Group plc v Quob Park Estate Ltd [2017] EWHC 2621 (Ch)

Apex Global Management Ltd v Fi Call Ltd [2015] EWHC 3269 (Ch) and [2016] EWHC 2053 (Ch)

Re Nottingham Forest FC Ltd [2002] BCC 145 and [2002] 1 BCLC 613

Re Ravenhart Service (Holdings) Ltd [2004] 2 BCLC 376

Re Belfield Furnishings Ltd [2006] 2 BCLC 705

Re Jayflex Construction Ltd [2004] 2 BCLC 145

Re Astec BSR plc [1998] 2 BCLC 556

Re Edwardian Group Ltd [2004] BCC 955 and [2005] 1 BCLC 696

Re Legal Costs Negotiators Ltd [1999] 2 BCLC 171 (CA)

Re Leeds United Holdings plc [1996] 2 BCLC 545

Re Milgate Developments Ltd [1993] BCLC 291

Re Ghyll Beck Driving Range Ltd [1993] BCLC 1126

Re a Company ex p. S-P [1989] BCLC 579

Re JE Cade & Son Ltd [1992] BCLC 213

Re Castleburn Ltd [1991] BCLC 89

Re a Company [1997] 2 BCLC 1

Directors Disqualification

Re Carecraft Construction Co Ltd [1994] 1 WLR 172

Re Barings plc (No 5) [1999] 1 BCLC 433

Re Barings plc (No 4) [1999] BCC 639

Secretary of State v Baker [1998] Ch 356

Eastaway v UK [2006] 2 BCLC 361

Re Blackspur Group plc (No 3) [2002] 2 BCLC 263 (CA)

Re Blackspur Group plc (No 4) [2006] 2 BCLC 489 and [2008] 1 BCLC 153 (CA)

Re Blackspur Group plc [2001] 1 BCLC 653

R v Secretary of State ex p Eastaway [2001] BCC 365 and [2000] 1 WLR 2222 (HL)

R v Secretary of State ex p McCormick [1998] BCC 379 (CA)

Secretary of State v McCormick [1998] 2 BCLC 18

Secretary of State v Ettinger [1993] BCLC 896 (CA)

Re Swift 736 Ltd [1993] BCLC 1

Re Pamstock Ltd [1994] 1 BCLC 716

Re Austinsuite Furniture Ltd [1992] BCLC 1047

Re Cladrose Ltd [1990] BCLC 204

Re Travel Mondial (UK) Ltd [1991] BCLC 120

Re New Generation Engineers Ltd [1993] BCLC 435

Re JA Chapman & Co Ltd [2003] 2 BCLC 206

Re Southbourne Sheet Metal Co Ltd [1991] BCLC 361 and [1993] 1 WLR 244 (CA)

Re Pamstock Ltd [1994] 1 BCLC 716 and [1996] BCC 341 (CA)

Re Manlon Trading Ltd [1996] Ch 136 (CA)

Re Noble Trees Ltd [1993] BCLC 1185

Re Cubelock Ltd [2001] BCC 523

Re Lombard Shipping & Forwarding Ltd [1993] BCLC 238

Re Sutton Glass Works Ltd [1997] 1 BCLC 26

Re Chartmore Ltd [1990] BCLC 673

Re Westmid Packing Services Ltd (No 2) [1996] BCC 229

Re Probe Data Systems Ltd [1989] BCLC 561

Re Surrey Leisure Ltd [1999] 1 BCLC 731 and [1999] 2 BCLC 457 (CA)

RESTRUCTURING/INSOLVENCY

Cross Border

Re Pan Ocean Co Ltd [2014] Bus LR 1041 (scope of the CBIRs)

Re BCCI SA [1993] BCC 787 (section 426)

Administration

Rowntree Ventures Ltd v Oak Property Partners [2017] EWCA Civ 1944 (appeal from refusal of administration order)

Re Equity Trading Systems Ltd [2012] EWHC 3811 (Ch) (conflict)

Re Virtualpurple Professional Services Ltd [2012] 2 BCLC 330 (validity of out of court appointment)

Tradegro (UK) Ltd v Wigmore Street Investments Ltd [2011] 2 BCLC 616 (CA) (whether solicitor's undertaking a valid charge)

Re Zegna III Holdings Inc [2010] BPIR 277 (challenge to decisions of administrators)

Jackson v Thakrar [2007] EWHC 2173 (TCC) (discharge)

AES Barry Ltd v TXU Europe Trading Ltd [2005] 2 BCLC 22 (moratorium)

Re Hamlet International Ltd [1998] 2 BCLC 164 and [1999] 2 BCLC 506 (CA) (validity of lien)

Re Arrows Ltd (No 3) [1992] BCLC 555 (appointment)

Re Charnley Davies Ltd [1990] BCLC 760 (whether sale negligent)

Re NS Distribution Ltd [1990] BCLC 169 (extension of time)

Re Harris Simons Construction Ltd [1989] 1 WLR 368 (appointment)

Re Consumer Industrial Press Ltd [1988] BCLC 176 (appointment) and (1988) 4 BCC 72 (disposal)

Re Charnley Davies Ltd [1988] BCLC 243 (preliminary issue)

Re Charnley Davies Business Services Ltd (1987) 3 BCC 408 (discharge)

Section 236

Hill v Van der Merwe [2007] BPIR 1562

Re Trading Partners Ltd [2002] 1 BCLC 655

Re Galileo Group Ltd [1999] Ch 100

Re Atlantic Computers plc [1998] BCC 200

Re Kingscroft Insurance Co Ltd [1994] 2 BCLC 80

Re BCCI SA (No. 7) [1994] 1 BCLC 455

Re Arrows Ltd (No 4) [1993] BCLC 242 and [1993] Ch 452 (CA) and [1995] 2 AC 75 (HL)

Re Arrows Ltd (No 2) [1992] BCLC 1176 and [1994] BCLC 355 (CA)

Liquidation

Sunwing Vacations Inc v E-Clear (UK) plc [2012] 2 BCLC 104 (disclosure)

Mahomed v Morris [2000] 2 BCLC 536 (CA) (challenge to decisions of liquidators)

Re Demaglass Ltd [2003] 1 BCLC 412 (floating charge)

Re Wallace Smith & Co Ltd [1992] BCLC 970 (winding-up orders)

Re Wallace Smith Group Ltd [1992] BCLC 989 (winding-up orders)

Re Vanilla Accumulation Ltd, The Times, 24 February 1998 (public interest winding-up)

Securities & Investments Board v Lancashire & Yorkshire Portfolio Management Ltd [1992] BCLC 281 (winding-up)

Re Tramway Building & Construction Co Ltd [1988] Ch 293 (section 127)

Re Japan Leasing (Europe) plc [1999] BPIR 911 (whether valid trust)

Celltech International Ltd v Dalkia Utilities Services plc [2004] EWHC 193 (Ch) (disputed debt)

Lomax Leisure Ltd v Miller [2008] 1 BCLC 262 and [2008] BCC 686 (CA) (dividends)

Re BCCI SA (No 5) [1994] 1 BCLC 429 (proof of debt)

Re BCCI SA (No 3), The Times, 5 May 1994 (strike out)

Re K&J Holdings Ltd [2004] EWHC 2874 (Ch) (proof of debt)

Re Arrows Ltd [1992] BCC 121 (provisional liquidation)

Re Keypak Homecare Ltd [1987] BCLC 409 (removal of liquidator)

HM Customs & Excise v Allen [2003] BPIR 830 (bulk transfer)

Re William Pickles plc [1996] 1 BCLC 681 (directions)

Re Tony Rowse NMC Ltd [1996] BCC 196 (remuneration and expenses)

Re Hans Place Ltd [1993] BCLC 768 (disclaimer)

Re Brompton Securities Ltd (1988) 4 BCC 189 (forfeiture)

Re Brompton Securities Ltd (No 2) [1988] 3 All ER 677 (relief against forfeiture)

Re L Todd (Swanscombe) Ltd [1990] BCLC 454 (fraudulent trading)

Habib Bank Ltd v Ahmed [2004] BPIR 35 and 864 (CA) (section 423); [2004] EWCA Civ 805 (costs)

Law Society v Southall [2001] BPIR 303 and [2002] BPIR 336 (CA) (section 423)

Re Westlowe Storage & Distribution Ltd [2000] 2 BCLC 590 (misfeasance)

Re British & Commonwealth Holdings plc [1992] 1 WLR 672 (scheme of arrangement)

Re Primlaks (UK) Ltd (No 2) [1990] BCLC 234 (CVA)

Bankruptcy

Wave Lending v Parmar [2017] EWHC 681 (Ch) (appeal)

Farrington v Anthea Turner (8 June 2017) (recovery)

Salliss v Hunt [2014] 1 WLR 2402 (annulment and remuneration)

Mond v MBNA [2010] BPIR 1167 (IVA)

Shah v Cooper [2003] BPIR 1018 (IVA)

Long v Farrer & Co [2004] BPIR 1218 (privilege)

Re Naeem (a Bankrupt) [1990] 1 WLR 48 (appeal)

Morris v Murjani [1996] 1 WLR 848 (restraint from leaving jurisdiction)

Federal Bank of the Middle East v Hadkinson [2000] BPIR 44 (contempt)

COMMERCIAL CHANCERY

VB Football Assets v Blackpool Football Club [2018] EWHC 1982 (Ch) (enforcement - charging orders)

Simou v Salliss [2017] EWCA Civ 312 (trial procedure)

Group Seven Ltd v Nasir [2016] 2 Costs LR 303 (costs budgeting)

Ashwood Enterprises Ltd v Bank of Ireland [2014] EWHC 2624 (Ch) (effect of legal charge)

Ticketus LLP v Whyte [2013] EWHC 4069 (Ch) (summary judgment)

British & Commonwealth Holdings plc v Barclays de Zoete Wedd Ltd [1999] 1 BCLC 86 (disclosure)

Law Society v KPMG [2000] 1 WLR 1921 (CA) (professional negligence)

Express Newspapers v Telegraph Group Ltd [2002] EWCA Civ 317 (CA) (joint venture)

Vinton v Fladgate Fielder [2010] PNLR 26 (professional negligence)

Law Society v Karim [2007] EWHC 3548 (Ch) (intervention)

A Ltd v B Ltd [1996] 1 WLR 665 (security for costs)

A&J Fabrications Ltd v Grant Thornton [1998] 2 BCLC 227 (professional negligence)

FRAUD: CIVIL

Conway v Eze [2018] EWHC 29 (Ch) (secret commission)

VB Football Assets v Blackpool Football Club [2018] EWHC 254 and 1232 (Ch) (freezing orders)

Patel v Mirza [2017] AC 467 (SC) (illegality)

FHR European Ventures LLP v Mankarious [2014] Ch 1 (CA) and [2015] AC 250 (SC) (constructive trust)

NGM Sustainable Developments Ltd v Wallis [2015] EWHC 461 and 2089 (Ch) (security for costs; fraudulent misrepresentation)

Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd [2011] 1 BCLC 202 and [2012] Ch 453 (CA) (constructive trust and tracing)

Sinclair Investment Holdings SA v Versailles Trade Finance Ltd [2006] 1 BCLC 60 (CA) and [2007] EWHC 915 (Ch) (dishonest assistance)

Re BCCI SA [1994] 1 WLR 708 (CA) (Worldwide Mareva undertakings)

Federal Bank of the Middle East v Hadkinson [2000] 1 WLR 1695 (CA) (scope of Mareva)

United Mizrahi Bank Ltd v Doherty [1998] 1 WLR 435 (proprietary injunction and legal costs)

Franses v Al Assad [2007] BPIR 1233 (setting aside Mareva)

Phillips v Symes [2002] 1 WLR 853 (Brussels Convention)

Grabowski v Scott [2002] EWCA Civ 1885 (CA) (tracing)

Flack v Pattinson [2003] 1 FLR 726 (deceit)

COMMERCIAL DISPUTE RESOLUTION

Blackpool Football Club v JSC Baltic International Bank [2018] EWCA Civ 732 (contractual construction)

Oyston v Asker [2018] EWHC 608 (QB) (enforcement - bailiffs)

WH Smith v Twentieth Century Fox [2015] EWCA Civ 1188 (accounting)

SRM Global Master Fund LP v HM Treasury [2009] BCC 251 and [2009] EWCA Civ 788 (CA) (privatisation of Northern Rock)

IIG Capital LLC v Van der Merwe [2008] 1 FCR 633 (CA) (guarantee liability)

General Trading Company (Holdings) Ltd v Richmond Corporation Ltd [2008] 2 Lloyd's Rep 475 (penalty clauses)

Looney v Trafigura Beheer BV [2011] EWHC 125 (Ch) (repudiatory breach)

Total Spares & Supplies Ltd v Antares SRL [2006] BPIR 1330 (third party costs)

Merchantbridge & Co Ltd v Safron General Partner 1 Ltd [2012] 2 BCLC 291 (third party costs)

Re Supply of Ready Mixed Concrete [1991] ICR 52 and [1992] QB 213 (CA) (restrictive practices)

Mahomed v Bank of Baroda, The Times, 10 February 1998 (banking)

Jemma Trust Company v Liptrott [2004] 1 WLR 646 (CA) (costs)

Legal Aid Area No 1 (London) Appeal Committee v McCormick [2000] 1 WLR 1804 (costs)

JD Classics Holdings Ltd v Revenue & Customs [2010] UKFTT 259 (customs duty)

Liquid Investments Ltd v Revenue & Customs [2014] UKFTT 297 (customs duty)

WH Smith Travel Holdings Ltd v Twentieth Century Fox Home Entertainment Ltd [2014] Mercantile Court (9BS40280) (accounting)

OFFSHORE

BVI

Staray Capital Ltd v Cha [2017] UKPC 43 and BVIHC (COM) 138 of 2011 (compulsory share redemption)

Matsuura v A&S Company Ltd BVIHC (COM) 130 of 2015 (unfair prejudice)

Garkusha v Yegiazaryan BVIHC MAP 2015/0010 (service out)

Anjie Investments Ltd v Cheng BVIHC MAP 2016/0003 (forum non conveniens)

Busch v Crumpler BVIHC (COM) 30 of 2014 (liquidator challenge)

Royal Westminster Investments SA v Nilon Ltd (rectification of the share register – service out – forum conveniens)

Re Orland Equities Corporation, BVIHC (COM) 2010/11 (liquidation – transaction at an undervalue) (trial and appeal)

Gudavadze v Carlina Overseas Corp, BVIHC (COM) 2012/11 (share ownership – nominee ship)

Re Value Discovery Partners LP, BVIHC (COM) 2013/26 (construction of Articles of limited partnership)

Re Union Zone Management Ltd, BVIHC (COM) 2011/126 (shareholders' dispute – just and equitable winding up) (trial and appeal)

Cayman

Re Matador Investments Ltd, FSD 103/2011 (share redemption – articles – side agreement)



Recommendations

Chambers UK 2018

Company

A solid performer in court who has been instructed in several reported cases. He is notably active on shareholder disputes.

"He's got a very creative way of problem solving if you have a difficult dispute. He's user-friendly, commercial and easy to get along with, as well as very good on his feet in court."

Recent work: Appeared in *Gunewardena v Conran Holdings*, a case concerning the fair value of shares.

Legal 500 2018

Company

"Particularly rated for appellate work."

maitland

CHAMBERS

maitland

CHAMBERS

Chambers UK 2018

Restructuring/Insolvency

Highly proficient practitioner who demonstrates great skill in offshore insolvency matters. He routinely handles cases that are complex, high-value and high-profile.

"Matthew is fiercely bright, balanced, personable, user-friendly, eminently comfortable with being client-facing, and very much a team player." "He thinks outside the box."

Recent work: Appeared in *Farrington v Turner* concerning a claim by the trustee in bankruptcy of Grant Bovey against Anthea Turner concerning their former marital home.

maitland

CHAMBERS

Legal 500 2018

Restructuring/Insolvency

"A standout individual."

maitland

CHAMBERS

maitland

CHAMBERS

Chambers UK 2018

Commercial Chancery

A respected QC with a litigious and advisory commercial chancery practice that is strong on company law and insolvency cases. Sources describe him as a good litigator, who is excellent at cases where the client is in a tight spot.

"He can win an unwinnable case and never gives up." "A go-to man for a difficult case."

Recent work: Acted in the Supreme Court case of FHR v Mankarious, which concerned a claim for constructive trust owed and fees paid to a fiduciary agent in breach of trust.

Legal 500 2018

Commercial Litigation

"An excellent barrister."

Chambers UK 2018

Fraud: Civil

Routinely instructed in significant cases of alleged fraud, including courtroom trials and arbitrations. He has appeared before the Supreme Court multiple times.

"A very fine and nimble-footed advocate. A tenacious operator." "Fantastic. Knowledgeable and creative."

Recent work: Acted in Patel v Mirza, a leading case on the issue of illegality and the defence of ex turpi causa.

maitland

CHAMBERS

Chambers UK 2018

Commercial Dispute Resolution

"Drafting is second to none for him. He's very concise yet gets the point across, and is very statesmanlike in court." "A canny advocate who leaves no stone unturned."

Recent work: Instructed in Gildred v Landmark Car Company, a dispute relating to three Porsche cars.

maitland

CHAMBERS

Chambers UK 2018

Offshore

Regularly appears for clients in both initial and appellate proceedings across the BVI, the Cayman Islands and Hong Kong. He is skilled in a diverse array of company, insolvency and company litigation matters.

"Very forensic and always able to make the best of a case." "A very likeable opponent. Measured and polite."

Recent work: Acted in *Weaving v RBC Dexia*, a claim for alleged invalid preference originating in the Cayman Islands.