

Matthew Cannings

Year of Call: 2006

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Overview

Matthew Cannings primarily practices in the property and commercial fields and, since 2013, he has also been developing his judicial review practice. Matthew has considerable experience of advocacy, drafting and advising on cases in the High Court, County Court and various Tribunals. He also advises and acts in cases at adjudications and mediations.

Matthew's property practice encompasses property litigation and landlord and tenant disputes and includes matters of easements, covenants, boundary disputes (including trespass and nuisance) and adverse possession as well as commercial and residential landlord and tenant issues including forfeiture and lease renewals.

In the commercial field, Matthew has experience of insolvency matters (both personal and commercial) and contractual disputes.

Matthew's public law practice consists primarily of defendant judicial review work, although Matthew is also willing to act on claimant instructions. Matthew regularly represents the Home Secretary in immigration judicial review claims and has also been instructed by the Secretary of State for Transport and the Secretary of State for Work and Pensions. As well as judicial review work, Matthew also acts for the Department of Work and Pensions and a local authority in claims under the Protection from Harassment Act 1997. Matthew also has experience of obtaining injunctions for a local authority in relation to trespass on land forming a park and ride site and also a school.

Matthew is also developing a practice in the field of sports law, building on his experience of public law and regulatory matters.

In his rare spare time, Matthew is a keen sports fan; cycling, playing cricket and golf and watching pretty much everything. He also enjoys music and theatre.

Academic qualifications

- LLB (Hons) AKC – King's College London
- LLM (Dunelm) – University of Durham
- Bar Vocational Course – Nottingham Law School
- A Blackstone Entrance Exhibitioner of the Middle Temple

Professional qualifications & appointments

- Appointed Deputy District Judge, 2019

- Member of the Attorney General's Regional Panel of Junior Counsel to the Crown 2012 – 2018.

Professional bodies

- Chancery Bar Association
- Western Circuit

Direct Access

Matthew Cannings is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

Property and Estates

Matthew is the Deputy Head of 3PB's Property and Estate's Group and his property practice encompasses real property and landlord and tenant disputes and includes matters of easements, covenants, boundary disputes (including trespass and nuisance) and adverse possession as well as commercial and residential landlord and tenant issues including forfeiture and lease renewals. Along with substantial trial experience, Matthew has experience of interim remedy applications, including those required at very short notice.

His real property work includes all aspects of land disputes, including neighbour disputes and claims involving the Party Wall etc Act 1996, and Matthew works hard with his clients to utilise Alternative Dispute Resolution options including, in particular, formal mediations, and to avoid litigation progressing to determination at trial wherever possible. Given the nature of this work, Matthew is experienced in acting in matters against litigants in person.

Matthew's landlord and tenant work includes representing landlords and tenants in commercial disputes and, primarily, landlords in residential disputes. Matthew has experience of acting for breweries in pub-based commercial landlord and tenant matters and acting for banks and building societies in claims involving defaulting mortgagors. Matthew also has experience of acting for utility companies in relation to warrants of entry in residential, commercial and agricultural land under the Electricity Act 1989 and the Rights of Entry (Gas and Electricity Boards) Act 1989.

Whilst Matthew regularly appears in the High Court and County Court, he has also experience of appearing before the various specialist tribunals, including First-tier Tribunal Property Chamber and its predecessors the Adjudicator to HM Land Registry and Leasehold Valuation Tribunal.

He regularly provides seminars and lectures to solicitors and business clients on the various aspects of property law.

Notable cases

- J v R (2019, First-tier Tribunal Property Chamber (Residential Property)) – Representing a long leaseholder in a claim against the freeholder for the appointment of a manager under s. 24A of the Landlord and Tenant Act 1987 and an order under s. 20C of the Landlord and Tenant Act 1985.
- Caridon Property Ltd v Shooltz [2018] WLUK 712 – Representing the landlord appellant in an appeal relating to service of a gas safety certificate and possession proceedings under section 21 of the Housing Act 1988.
- W v E (2018, County Court) – Representing a landowner in a claim relating to the Party Wall etc Act 1996; the dispute related to whether the information given by the neighbouring landowner to the party wall surveyors was accurate and how this affected the award which was subsequently made by the surveyors.
- Edgeworth v Manley (2018, County Court) – Representing homeowners in a dispute with their neighbour relating to the relocation of a boundary fence on the day of completion of the purchase of their home.
- A v B (2018) – Acting for a utility company to enter agricultural land in order to maintain electrical lines and poles situated on the land where the landowner was refusing to grant such access and also failing to maintain trees on his land which were interfering with the lines.
- A Local Authority v A (2017, County Court) – Representing a local authority, acting on behalf of a school, seeking to obtain an injunction against a parent of a child at the school, preventing them from entering the school premises or harassing members of staff.
- A Local Authority v Persons Unknown (2016, 2017, High Court) – Representing a local authority to obtain an injunction against Persons Unknown preventing them from occupying a park and ride site and then subsequently seeking to obtain an order for permission to issue a writ of sequestration on the basis of non-compliance with the injunction.
- Williams v Johnson and others [2016] All ER (D) 17 (Jan) – Representing land owners in a six-day trial involving issues of boundary identification, interpretation of restrictive covenants and allegations of flooding, harassment and breach of covenant.

- S v W (2016, County Court) – Representing the Defendant vendors in a claim of alleged fraudulent and/or negligent misrepresentation in relation to completion of a Sellers’ Property Information Form prior to the sale of residential property.
- B v I (2015, County Court) – Representing the Defendant in proceedings for an anti-social behaviour injunction under the Housing Act 1996.
- J v S (2015, County Court) – Representing a tenant company which had entered in to a CVA in a claim for relief from forfeiture.
- B v M (2015, County Court) – Representing freehold land owners in a dispute involving the enforceability of an alleged licence granted by a predecessor in title to a leaseholder.
- B v P (2015, County Court) – Representing residential landlord in a residential possession claim that progressed to a fully-contested trial on the basis that the occupiers had acquired rights to remain in the property despite, it was alleged, never having been granted a tenancy.
- T v S (2014, County Court) – Representing a landlord in a residential possession claim that progressed to a fully-contested trial on the basis of alleged protection arising from the Rent (Agriculture) Act 1976 afforded to the tenant’s father.
- B v M (2013, County Court) – Representing a landlord in a commercial landlord and tenant dispute relating to the possible granting of a business tenancy under the Landlord and Tenant Act 1954. The tenant had entered the property prior to final agreement of the tenancy. The matter primarily concerned whether the tenant was in possession of the property under a tenancy at will or a protected business tenancy.
- D v E (2011 - 2013, Adjudicator to HM Land Registry and Chancery Division) – Representing respondents in their objection to first registration of unregistered land on the basis of adverse possession. The matter involved an appeal in the Chancery Division on the basis of new evidence and a partial re-trial before the Adjudicator.
- K v M & F (2012, County Court) – Representing a landlord of social housing in a matter involving an anti-social behaviour injunction under the Housing Act 1996 and contempt of court proceedings for breaches of the injunction.
- Taafe v Acanthus Golf Ltd (2012, Chancery Division) – Representing a golf club in an interim injunction application in relation to a nuisance claim. The Claimants alleged that a nuisance was being caused by golfers at the Golf Club striking golf balls on to their land.
- B v C (2011, Chancery Division) – (Initially, ex parte) application for an interim injunction against neighbouring land owner given alleged failure to comply with the provisions of the Party Wall etc Act 1996.

Publications

3PB Barrister Matthew Cannings examines solicitors' duty to advise on the risk of other contractual meanings. If a solicitor correctly interprets a term within a contract, but fails to advise the client as to the risk of a counter-interpretation, has there been a breach of duty? And can there be a claim for damages?

Matthew Cannings (Call 2006) analyses the most recent contribution of the Court of Appeal to the question of solicitors' duties, in *Balgun v Boyes Sutton & Perry (a firm)* [2017] EWCA Civ 75.

[View Publication](#)

Commercial

Matthew’s practice in commercial law is primarily based in insolvency and contractual disputes.

Matthew is regularly instructed in bankruptcy and insolvency matters, acting for both creditors and debtors, advising and appearing in the High Court and County Court and he has experience of setting aside statutory demands and restraining advertisement of winding-up petitions. Matthew also acts for companies or individuals in contract-related disputes.

Before coming to the Bar, Matthew obtained a distinction in his commercial-based masters degree at the University of Durham where he studied, amongst other things, company law, corporate governance, obligations and international

intellectual property law.

Recent cases

- A v B (2016) – Advising upon the exercise and enforcement of a lien in relation to an insolvent company
- S v P (2016, County Court) – Representing siblings and executors in a claim against another sibling for alleged wrongful acquisition of their late-mother’s money, involving allegations of civil fraud and undue influence.

ENERGY GROUP

Matthew is an experienced advocate, regularly appearing in fast track and multi-track claims in the High Court and County Court. Matthew is experienced in matters relating to debt recovery and contractual disputes and has been instructed by two of the ‘big six’ energy companies (both when the claimant in proceedings and when the defendant), as such he is familiar with the deemed contract provisions. As well as this, Matthew is often instructed in matters which involve litigants in person.

He is also a member of 3PB’s Property and Estates group and is therefore well-placed to act in cases which also involve elements of property and/or chancery law, such as insolvency.

BUSINESS ENTITIES

Matthew’s practice in commercial and business law is primarily based in insolvency and contractual disputes. Matthew is an experienced commercial practitioner, typically accepting instructions in cases involving partnerships and disputes involving sole traders.

INSOLVENCY AND BANKRUPTCY

Matthew’s practice in commercial and business law is primarily based in insolvency and contractual disputes.

He is regularly instructed in bankruptcy and insolvency matters, acting for both creditors and debtors, advising and appearing in the High Court and County Court and he has experience of setting aside statutory demands and restraining advertisement of winding-up petitions.

Matthew is also a member of 3PB’s Property & Chancery group and is therefore well-placed to act in cases which also involve elements of property and/or chancery law, such as insolvency matters relating to commercial landlords and tenants.

Recent cases

- A v B (2016) – Advising upon the exercise and enforcement of a lien in relation to an insolvent company
- C Ltd v D Ltd (2015) – Advising upon and acting in a claim involving an application for relief from forfeiture by a company that had entered in to a CVA although that was not the reason for the forfeiture.

TRADING AND BUSINESS FINANCING

Matthew’s practice in commercial and business law is primarily based in insolvency and contractual disputes. Matthew is an experienced commercial practitioner, typically accepting instructions in matters including civil fraud.

Recent cases

S v P (2016, County Court) – Representing siblings and executors in a claim against another sibling for alleged wrongful acquisition of their late-mother’s money, involving allegations of civil fraud and undue influence.

Publications

3PB Barrister Matthew Cannings examines solicitors’ duty to advise on the risk of other contractual meanings. If a solicitor correctly interprets a term within a contract, but fails to advise the client as to the risk of a counter-interpretation, has there been a breach of duty? And can there be a claim for damages?

Matthew Cannings (Call 2006) analyses the most recent contribution of the Court of Appeal to the question of solicitors' duties, in *Balogun v Boyes Sutton & Perry (a firm)* [2017] EWCA Civ 75.

[View Publication](#)

Public and Regulatory

Matthew is regularly instructed by the State to draft statements of case and appear in the Queen's Bench Division and the Upper Tribunal (Immigration and Asylum Chamber). Matthew's judicial review practice primarily relates to immigration claims where he acts for the Home Secretary and he has also been instructed on behalf of the Secretary of State for Transport. He also appeared on behalf of the Secretary of State for Work and Pensions in a Child Support Agency-related substantive judicial review matter.

Matthew also acts for the Secretary of State for Work and Pensions in claims under the Protection from Harassment Act 1997.

In the education sphere, Matthew has acted on a number of occasions for a local authority seeking to obtain injunctions against parents who have failed to comply with bans put in place preventing them from entering the school premises or harassing school staff.

Matthew has also previously appeared on behalf of Her Majesty's Revenue & Customs and the UK Border Agency in magistrates' courts and the First Tier Tribunal.

As well as accepting instructions for the State, Matthew is keen to develop his judicial review practice and is happy to advise and act on claimant-related cases.

In October 2014, he appeared, in a personal capacity as a Roll B Agent, on behalf of three petitioners before the House of Commons High Speed Rail (London – West Midlands) Bill Select Committee who had petitioned against the Bill.

Recent cases

- *R (on the application of Singh and another) v Secretary of State for the Home Department* IJR [2015] UKUT 538 (IAC), [2015] All ER (D) 29 (Oct) – Acting for the Defendant in two substantive judicial review matters, heard together, involving challenges to refusals to grant entry clearance sought under the Tier 5 temporary workers – religious workers provisions.
- *R (on the application of Szrajner) v Secretary of State for the Home Department* [2015] EWHC 2529 (Admin), [2015] All ER (D) 3016 (Jun) – Acting for the Defendant in a substantive judicial review matter involving an allegation of unlawful detention and procedural issues leading to a late-adjudgment application.
- *R (on the application of A) v Secretary of State for Work and Pensions* (2014, QBD) – Acting for the Defendant in a substantive judicial review matter involving a dispute as to child support maintenance payments.
- *Repec & Repec v Director of Border Revenue* [2011] UKFTT 757 (TC) – Acting for the Respondent in an appeal relating to the seizure of almost 60,000 cigarettes and a vehicle containing the same under the Customs and Excise Management Act 1979.

Sports

Matthew is developing a practice in sports law. He is an experienced advocate appearing regularly in the High Court, County Court and Tribunals, including the Upper Tribunal.

Matthew has particular skill and experience in addressing regulatory disputes and analysis of rules and regulations made by public bodies. He is also experienced in disputes in the sporting context, having:

- Acted for a golf club in relation to a nuisance claim brought by a neighbouring landowner based upon straying golf balls (*Taafe v Acanthus Golf Ltd*)

- Advised a national association upon issues relating to the effect of disability discrimination law on golf clubs, including the different considerations relevant to proprietary clubs and private members' clubs.

Matthew is both a follower and participant in a range of sports enjoying cycling and playing golf and cricket and watching most sports including, in particular, cricket, cycling and horse racing.