

Tom Longstaff

Call 2017



Clerks' Details

👤 Lynn Salter
☎ 0161 817 2754

👤 Joe Mawson
☎ 0161 817 2753

Appointments

- Called to the Bar of England and Wales by the Honourable Society of the Inner Temple (2017)
- Solicitor of England and Wales (2014)
- Local Government Councillor - Normanton Town Council (May 2015 - January 2017)
- Director - The Normanton Freeston Foundation Trustees Limited (May 2015 - January 2017)

Memberships

- Northern Circuit
- Northern Circuit Commercial Bar Association

Education

- BBP Law School, London - Bar Transfer Test (2017)
- College of Law, York - Legal Practice Course (2011 - 2012)
- University of York - LLB Law (2008 - 2011)

Overview

Tom is a commercial and insolvency barrister with considerable experience of legal practice that has involved appearing in every tier of the English courts up to the Court of Appeal.

Examples of the cases in which Tom has been recently instructed include:

- Acting for Oldham Athletic Football Club following an application to place the club into administration.
- Acting for a former director of Bury Football Club in bankruptcy proceedings.
- A successful application to revoke a Company Voluntary Arrangement.
- A preference trial lasting several days, which raised issues as to the proper scope of sections 239 and 241 of the Insolvency Act 1986.
- Acting for a liquidator in a misfeasance claim against a former company director.

Tom has particular experience of making applications for injunctive relief, particularly on an urgent basis. In the past 12 months he has obtained injunctions for a broad range of commercial clients, including to protect IP rights, for the return of goods, to prevent breaches of the data protection regime, and to restrain the presentation and/or advertisement of a winding up petition, most recently in respect of a £14 million debt.

Tom is also being led in a number of cases, including in s.423 proceedings between an American finance company and a guarantor, and a substantial SPA dispute relating to the sale of a well-known chilled and frozen foods business. He has also been instructed as Junior Counsel on some of the largest group actions currently litigated in English courts, relating to both the VW Emissions scandal and the collapse of the Fundão Dam in South-eastern Brazil.

Before being called to the bar, Tom was a member of the Dispute Resolution team of a magic circle law firm in London, and has acted on behalf of large organisations and high net-worth individuals in their most complex and high-profile disputes. He has particular experience of complex litigation in the field of banking and finance, and is able to bring significant commercial experience to the cases he works on.

Tom has a keen interest in pro-bono and has previously worked with a Florida-based charity which assists inmates on death row, and has also participated in numerous initiatives designed to encourage wider access to the legal profession.

Recommendations

“Excellent at what he does and puts the client at ease”

“Demonstrated a complete understanding of the matter from the outset – we were impressed with his ability to grasp the issues and address the salient points in a clear and precise manner.”

“Handled himself well when opposing Counsel presented him with issues on the door and in Court which helped get the result the Client wanted. Truly a pleasure to work with.”

“Very impressive – and user friendly as regards his manner with the client out of the courtroom.”

Scholarships and Prizes

- Inner Temple – Major Scholarship
- Inner Temple - Duke of Edinburgh Entrance Award
- Sidney Sussex Scholarship – 1st in year

Publications

Banking Disputes Quarterly (May 2016) - *Borrowers defending claims on grounds of misrepresentation who seek rescission must repay outstanding principal as a condition to defending the claim*

Cases

Commercial

Tom's recent practice includes:

- Advising on the practical effect of the Recast Brussels Regulation and Rome I, and the ability to enforce the judgment of a foreign court in the UK.
- Successfully acting for the Claimant in the trial of a contractual dispute in which the Defendant raised various allegations as to misrepresentation and forgery.
- Successfully acting for the Claimant in the trial of a debt claim which involved a number of issues, including whether: (1) notice of an assignment from a company in administration to the Claimant was defective; (2) the Defendant had an equitable right of set off; (3) the assignor had appointed the officers of a separate company as their agents with authority to agree a write off of the debt before it was assigned.
- Successfully acting as led junior in an appeal which determined whether a commercial contract was an enforceable Damages Based Agreement.
- Obtaining an injunction against a former employee of an IT business.
- Obtaining relief from sanction in a variety of circumstances, including as to the failure to file witness evidence and the non-payment of court fees.
- Advising on claims against high street banks pursuant to the Consumer Credit Act 1974.
- Advising a business in respect of breaches of a Joint Venture Agreement relating to shared rights over agricultural property.
- Advising a West African company on civil bribery law and data protection policy.

Further, in his practice as a solicitor before being called to the Bar, Tom was involved in a variety of high profile and high value cases, which include:

- Defending a major German bank in a £500 million dispute between a lending syndicate and high net-worth individual which alleged 'front-running' and conspiracy.
- Acting for a Belgian entity in a Judicial Review of a decision by a UK public body to abort a tender process after a multi-million-pound rail infrastructure project was abandoned.
- Acting in an arbitration on behalf of an American client against a Ukrainian hotel owner in a dispute as to the interpretation of a foreign-exchange mechanism used in a Deed of Indemnity.

Insolvency

Tom's recent practice includes:

- Regularly appearing in the applications list to apply for administration orders, and to extend the term of an administration.
- Acting for the Creditor in contested bankruptcy proceedings.

- Acting for the Liquidator in various claims against the former directors of a company relating to unlawful dividends and preferences.
- Responding to an application to set aside a statutory demand.
- Making an application to restore a company to the register and place it back into administration after further realisations were received by former administrators.

Before being called to the Bar, Tom was part of the team defending a major clearing bank in a £81 million claim in which it was alleged that it had conspired with an insolvency practitioner to force the Claimant into Receivership.

In addition, Tom has been involved in numerous cases with a substantial insolvency angle, which includes acting:

- For Sir Philip Green, in the investigation undertaken by The Pensions Regulator following the administration of BHS.
- In *Blue Mango Investment Holdings v Bank of Ireland* in which the Claimant company unsuccessfully applied for an injunction to prevent a sale by a Receiver on grounds of misconduct.

Tom also has experience of acting on behalf of a Trustee in Bankruptcy to recover losses occasioned by antecedent transactions, and in matters where a bankrupt seeks to challenge the conduct of the Trustee.