

## Tom Longstaff

Call 2017



### Clerks' Details

Joe Mawson  
0161 817 2753

Tom Gornall  
0161 817 7139

Prya Anisa  
0161 817 2794

### 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

### Insolvency CV

#### Overview

Tom has considerable experience of insolvency litigation, and is regularly instructed to advise in complex insolvency disputes, as well as being instructed at trial as both sole Counsel and also as a led junior.

Many of the insolvency disputes in which Tom has been involved engage the law of banking and finance, and the law of trusts. He has been involved in a number of high profile insolvencies, including *BHS*, *Pizza Express*, and *Oldham Athletic FC*.

Tom also has considerable experience of advising on jurisdictional issues which arise in insolvency disputed, including as to COMI and domicile, and of making application to restrain presentation of a winding up petition, most recently in relation to a £14 million debt.

## 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.”*

## 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)

### Scholarships & Awards

- 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

Tom's recent practice includes:

- Acting for Oldham Athletic Football Club following an application to place the club into administration.
- Led by Mark Cawson QC in proceedings brought pursuant to s.423 of the Insolvency Act 1986, which concerned the ability to use s.423 to challenge transactions which settle money under trust, and which produced a number of important case management decisions of Snowden J, including that:
  1. A litigant can be compelled to make a Subject Access Request to obtain disclosable documents;
  2. Relief from sanction will not be granted (in commercial proceedings) following a failure to file costs budgets where the costs sought include those already incurred (see *Porter Capital Corp v (1) Zulfikar Masters (2) Zabeen Masters (3) Chesterfield Trust Company Limited* [2020] EWHC 2553 (Ch)).
- Acting on behalf of a group of creditors in a claim for unfair harm and misfeasance against former joint administrators, which is listed for trial in December against leading Counsel.
- Acting for a group of creditors in an application which challenged the use, by the administrators of the company, of the deemed approval procedure in Schedule B1 to the Act in circumstances where it was envisaged that unsecured creditors might receive a distribution of realised assets (see *Re Taylor Pearson (Construction) Ltd (In Administration)* [2020] EWHC 2933 (Ch)).
- Instructed in contested winding up proceedings, and applications to restrain advertisement of a petition concerning a number of well-known organisations, including a large logistics organisation and a leading regulator in the professional sporting sector.
- Successfully acting on behalf of a creditor in an application to challenge a Company Voluntary Arrangement.
- Acting for a former director of Bury Football Club in bankruptcy proceedings.
- Acting for the Respondent in a preference trial which raised issues as to the scope of sections 239 and 241 of the Insolvency Act 1986.
- Acting for a liquidator in a misfeasance claim against a former company director.