

Tom Longstaff

Call 2017



Clerks' Details

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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

Overview

Tom Longstaff has a broad commercial and insolvency practice, with experience of complex High Court litigation at all stages, from pre-action through to trial, as well as of appeals in the Court of Appeal and Supreme Court.

His recent work includes:

- Led by Mark Cawson QC in the Court of Appeal in one of the leading authorities on seeking interim relief against a public body: *R. (on the application of the Governing Body of X) v Office for Standards in Education, Children's Services and Skills* [2020] EWCA Civ 594.
- 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 settled money under trust.
- Led by David Mohyuddin QC in a multi-million pound dispute relating to a Share Purchase Agreement, following an alleged breach of warranty.
- Led by David Mohyuddin QC in an appeal relating to the application of the Damages-Based Agreement Regulations 2013 to commercial contracts (*RVA Surveyors Limited v BIAS Harrogate Limited* [2019] EWCA Civ 2433), and acting as sole counsel in a related appeal.
- Instructed by a national law firm, and led by Giles Maynard-Connor QC, in a dispute relating to the failure of a provider of online legal resources to properly develop and install bespoke practice management, human resources and client relationship management software.
- Led by Mark Cawson QC and Louis Browne QC in the substantial group litigation which followed the collapse of the Fundão Dam in South-eastern Brazil.
- Led by David Mohyuddin QC in a group action which followed the VW Emissions scandal.
- Led by Louis Browne QC in advisory work concerning the merits of an

application for a Group Litigation Order in respect of a substantial number of consumer claims.

- Instructed as sole Counsel by a leading provider of postal services in the United Kingdom to advise on the ability to terminate a contract with a value of approximately £340 million per annum.
- Acting for Oldham Athletic Football Club following an application to place the club into administration.
- Acting in a dispute between a Super League Rugby League team and the owners of the stadium, which followed a without notice application for interim relief to enforce the alleged terms of an agreement.
- Acting for a former director of Bury Football Club in bankruptcy proceedings.
- Acting in a number of high-profile insolvency matters, including *BHS* and *Pizza Express*.
- Acting for a group of creditors in an application which challenged the use, by the administrators of a 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)).

Tom also has experience of arbitration, including in disputes administered by LCIA, SIAC and ad hoc rules: many of the cases in which he has been involved include a substantial international dimension.

His experience spans a range of sectors, and he has substantial experience of acting as sole counsel, as well of being part of a larger counsel team in highly complex and high-value litigation.

Before being called to the bar, Tom was a member of the Dispute Resolution practice at Linklaters LLP.

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.”

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.

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