

Matthew McGhee

CALL: 2013

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Overview

Matthew enjoys a broad commercial practice. Clients instruct him to advise or act in national and international litigation and arbitrations across Chambers' practice areas.

Matthew has a particular interest in cybersecurity matters, being ranked as a Band 2 Junior for crypto & blockchain asset work by The Legal 500 UK Bar 2024 and having authored 'A Practical Guide to Cyber Fraud Litigation'. He is also ranked as a Band 4 Junior for Shipping & Commodities by Chambers and Partners UK Bar 2024 & 2023 (and was named as a Rising Star in Shipping by The Legal 500 UK Bar 2022 & 2021). Other recent cases have focused on company and insolvency matters, civil fraud, and banking disputes.

As well as acting as sole counsel, Matthew has extensive experience of being instructed as part of a team in large and complex commercial disputes. He appreciates and enjoys the different demands of these cases and the need to work efficiently and effectively with legal and other professionals.

Matthew is frequently instructed to obtain or resist emergency relief, often at short notice, in order to protect his clients' positions. This has included applications for freezing orders, disclosure orders, interim receiverships, interim declarations and other bespoke injunctions, including against persons unknown.

Matthew also accepts instructions to act on a direct access basis or to provide advice in non-contentious situations. He has previously given expert evidence on English law for use in foreign proceedings and has also provided opinions by way of early neutral evaluation. Matthew has taught Company Law and Equity & Trusts at Queen

Publications

- 'Beware the automatic signature: a proposal to re-affirm formalities requirements' (2024, forthcoming) *Journal of Business Law*.
- 'Quincecare, agency and conflict of laws - what law do we look to?' (2024) 3 *Butterworths Journal of International Banking & Financial Law* 166
- 'A Practical Guide to Cyber Fraud Litigation' (Law Brief Publishing) (2nd edition, February 2023).
- 'Orthodoxy prevails? How receiving banks avoid liability for their customers' frauds' (2022) 6 *Butterworths Journal of International Banking & Financial Law* 450.
- 'Accidental repeal of coronavirus restrictions on winding up petitions' (2021) 14(5) *Corporate Rescue & Insolvency* 163.
- 'Dual capacity brokers, seen through the prism of man-in-the-middle frauds' (2017) 3 *Lloyd's Maritime and Commercial Law Quarterly* 435.
- Matthew has also authored the 'Arbitration Law' chapter in *Lloyd's International Maritime and Commercial*

Education

- University of Oxford, Magdalen College: BA (Hons) in Jurisprudence, First Class (2012)
- Kaplan Law School: Bar Professional Training Course, Very Competent (2013)

Scholarships / awards / prizes

- Lincoln's Inn: Cholmeley Studentship (2013)
- Lincoln's Inn: Lord Denning Scholarship and Hardwicke Award (2012)
- Bar European Group: Phoenicia Scholarship (2014)

Professional memberships

- Commercial Bar Association
- Commercial Fraud Lawyers Association
- International Chamber of Commerce Arbitration
- London Common Law and Commercial Bar Association
- London Shipping Law Centre
- Singapore Chamber of Maritime Arbitration
- Tech Disputes Network (editorial committee)

Lectures / talks

- 'Arbitrating on the Blockchain: Revolution or Evolution?': Hong Kong Institute of Arbitrators (November 2022)
- 'Don't Bank on it - Old targets, New Claims: How new technology has made banks vulnerable to litigation': Thought Leaders 4 FIRE x Tech Disputes Network (April 2022)
- 'Juggling Multiple Defendants in FIRE Litigation': Thought Leaders 4 FIRE Global Summit (February 2022)
- 'An Introduction to Compulsory Liquidation': R3 Association of Business Recovery Professionals (January 2021)
- 'Cybercrime and Cryptocurrencies': Commercial Fraud Lawyers Association (October 2020)
- 'Dual Capacity brokers, through the prism of man-in-the-middle fraud': International Congress of Maritime Arbitrators XX (September 2017)

Example cases

- *AQA Education v Persons Unknown* (claim no. BL-2023-001318): Claim brought by a public examination provider against specific persons unknown and 'newcomers', seeking injunctions to restrain those persons from attempting to obtain advance access to A-Level and GCSE examination papers or selling those papers online (leading Eliza Bond).
- Instructed in a US\$55 million London Court of International Arbitration (LCIA) arbitration concerning allegations of fraudulent breach of warranty in a share purchase agreement (led by Lawrence Akka KC).
- *CH Offshore v Internaves Consorcio Naviero and others* [2021] 1 Lloyd's Rep 465: Instructed by the arbitration claimants in an appeal from an arbitration award, wherein the claimant brokers & consultant were successful in their US\$10 million London Maritime Arbitrator's Association (LMAA) arbitration claim for commission & consultancy fees in respect of certain long-term charters (led by Christopher Hancock KC).
- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud obtained permission to use disclosure obtained from a bank to pursue a claim against the bank directly, alleging that the bank is liable for the US\$250,000 fraud as having received and subsequently paid out the proceeds of the fraud.

- *CMOC v Persons Unknown and others* [2019] Lloyd's Rep FC 62: US\$8 million claim in the Commercial Court to trace and recover funds that were stolen in a 'business email compromise' fraud, involving the first-known occasion that a worldwide freezing injunction has been granted against 'persons unknown' (led by Paul Lowenstein KC).
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank brought a number of claims arising out of an apparent fraud perpetrated against it by its former customer, now in liquidation and the subject of a Serious Fraud Office investigation.
- Previously instructed in a US\$42 million International Chamber of Commerce (ICC) arbitration between shareholders in relation to the delayed construction of a shipping port (previously led by Philip Edey KC).

Arbitration

- Instructed in a challenge to an arbitration award under ss. 67 & 68 Arbitration Act 1996, resisting allegations that the tribunal both exceeded its jurisdiction and failed to give the arbitration respondent a fair opportunity to present its case (leading Alexander Yean).
- Previously instructed to advise on whether an award in an *ad hoc* arbitration could be corrected (under s.57 Arbitration Act 1996) or challenged (under either s.68 or s.69 Arbitration Act 1996) with a view to increasing the quantum awarded.
- *Sino Channel v Dana Shipping* [2018] 1 Lloyd's Rep 17: Court of Appeal case concerning the validity of an arbitration that had been commenced by serving notices on an apparent agent of the contract of affreightment counterparty (led by Duncan Matthews KC).
- Previously acted as tribunal secretary (to Julian Lew KC) in a US\$6 million *ad hoc* arbitration under UNCITRAL Arbitration Rules concerning the construction of a joint venture and financing agreement in relation to oil and gas exploration.
- Author of the 'Arbitration Law' chapter in Lloyd's International Maritime and Commercial Law Yearbook since 2019.

Banking and financial services

- *Libyan Investment Authority v Credit Suisse and others* [2021] EWHC 2684 (Comm): US\$200 million claim in the Commercial Court in which the sovereign wealth fund sought rescission of certain derivative options on the grounds of fraud, illegality, breach of fiduciary duty and undue influence on the part of the international investment bank (led by Roger Masefield KC of Brick Court Chambers).
- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud obtained permission to use disclosure obtained from a bank to pursue a claim against the bank directly, alleging that the bank is liable for a US\$250,000 fraud perpetrated by the bank's customer because the bank received and paid out the proceeds of the fraud.
- *PJSC National Bank Trust and another v Boris Mints and others* (claim nos: CL-2019-000412 & CL-2020-000432): US\$708 million claim in the Commercial Court in which two banks bring Russian law claims in respect of an alleged fraud perpetrated by various individuals, who are alleged to have procured the replacement of valuable loans with valueless bonds (led by Duncan Matthews KC).
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank brought a number of claims arising out of an apparent fraud perpetrated against it by its former customer, now in liquidation and the subject of a Serious Fraud Office investigation.
- *Al Farouqi v Ikon Finance Limited & Hantec Markets Limited* (claim no: QB-2019-003189): US\$53 million claim in the Queen's Bench Division in which a former client of two FCA-regulated entities brought a number of claims in contract, tort and equity arising out of an alleged fraud perpetrated by the entities on the client.
- Previously instructed by a leading international bank in relation to the FCA review of the misselling of interest rate hedging products (IRHPs).

Civil fraud and asset tracing

- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud obtained permission to use disclosure obtained from the bank to pursue a claim against a bank directly, alleging that the bank is liable for the US\$250,000 fraud as having received and subsequently paid out the proceeds of the fraud.
- *CMOC v Persons Unknown and others* [2019] Lloyd's Rep FC 62: US\$8 million claim in the Commercial Court to trace and recover funds that were stolen in a 'business email compromise' fraud, involving the first-known occasion that a worldwide freezing injunction has been granted against 'persons unknown' (led by Paul Lowenstein KC).
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank brought a number of claims arising out of an apparent fraud perpetrated against it by its former customer, now in liquidation and the subject of a Serious Fraud Office investigation.

- *PJSC National Bank Trust and another v Boris Mints and others* (claim nos: CL-2019-000412 & CL-2020-000432): US\$708 million claim in the Commercial Court in which two banks bring Russian law claims in respect of an alleged fraud perpetrated by various individuals, who are alleged to have procured the replacement of valuable loans with valueless bonds (led by Duncan Matthews KC).
- *Libyan Investment Authority v Credit Suisse and others* [2021] EWHC 2684 (Comm): US\$200 million claim in the Commercial Court in which the sovereign wealth fund sought rescission of certain derivative options on the grounds of fraud, illegality, breach of fiduciary duty and undue influence on the part of the international investment bank (led by Roger Masefield KC of Brick Court Chambers).
- *Re Michael John Stanley, Re Layezy Limited and others* (claim nos: BR-2019-000453, CR-2019-001703, CR-2019-001704, CR-2019-001706 & CR-2019-001795): Acting for the trustees-in-bankruptcy and liquidators in the insolvency of an individual and certain associated companies following the collapse of a £53million betting syndicate which operated as a Ponzi scheme.

Commodities and international trade

- *Banque Internationale de Commerce v Alaghand and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank claimed in respect of an apparent commodities trading fraud perpetrated against it by its former customer.
- Instructed in a US\$3.1 million Grain and Feed Trade Association (GAFTA) arbitration, at first tier and on appeal, concerning non-delivery of cargo due to restrictions in Ukraine and allegations of wrongful dealing with other parties in a chain of sale contracts.
- Previously instructed in a US\$3.2 million International Chamber of Commerce (ICC) arbitration regarding off-specification acetone that was said to have deteriorated in storage.
- *Bathsystem S.p.A. v Pitacs Limited* (claim no: J20CL093) £250,000 claim regarding the terms on which bathroom components were supplied for use in a commercial construction project and the extent of their compliance with contractual requirements.
- Previously instructed in a US\$1.7 million London Maritime Arbitrator's Association (LMAA) arbitration concerning the misdelivery into storage then to purported receivers of a cargo (led by David Lewis KC).
- Previously instructed in a €1.7 million Grain and Feed Trade Association (GAFTA) arbitration, at first tier and on appeal, concerning market practice of the capacity of agents and the conclusion of contracts in commodities sales.

Company law

- *Health & Home Ltd (in liquidation) and others v Elite Property Holdings Limited and others* (claim no: CR-2022-003036): Acting for a company in liquidation and its liquidators in a claim against former directors, shareholders and associated companies to recover over £2 million alleged to be due in debt, by reason of unlawful dividends, and as compensation for company assets sold at an undervalue prior to a creditor' voluntary liquidation.
- Instructed in a US\$55 million London Court of International Arbitration (LCIA) arbitration concerning allegations of fraudulent breach of warranty in a share purchase agreement (led by Lawrence Akka KC).
- *Re DeceasedUmbrella.com Limited* (claim nos: CR-2021-000623 & CR-2017-006482): Acted for the successful liquidators in a claim against a former director, seeking an account of certain dealings which were held to constitute wrongful dissipation of over £1million of company assets to preferred third parties in the face of the company's impending insolvency.
- *Aliyev v. Partner Capital and others* (claim no. QB-2018-000502): £200,000 claim for damages where an investor alleged breach of contractual and fiduciary duties said to have been owed to him by two companies and various directors of the second company, where the investor engaged the services of the first company to advise the investor in acquiring a shareholding in the second company.
- Previously instructed in a US\$2 million London Maritime Arbitrator's Association (LMAA) arbitration between shareholders in a joint venture company, where one shareholder is alleging breach of contract, breach of director's duties and fraud as against the other shareholder.

Energy and infrastructure

- Instructed in a US\$1.1 million London Court of International Arbitration (LCIA) arbitration in respect of the supply of electricity to a Ukrainian company, which did not pay the balance due on the basis of (amongst other matters) illegality concerns arising out of Russia's invasion of Ukraine.
- Previously instructed in a US\$42 million International Chamber of Commerce (ICC) arbitration between shareholders in

relation to the delayed construction of a shipping port (previously led by Philip Edey KC).

- *Bathsystem S.p.A. v Pitacs Limited* (claim no: J20CL093) £250,000 claim regarding the terms on which bathroom components were supplied for use in a commercial construction project and the extent of their compliance with contractual requirements.
- Previously acted as tribunal secretary (to Julian Lew KC) in a US\$6 million *ad hoc* arbitration under UNCITRAL Arbitration Rules concerning the construction of a joint venture and financing agreement in relation to oil and gas exploration.

Insolvency and restructuring

- *Health & Home Ltd (in liquidation) and others v Elite Property Holdings Limited and others* (claim no: CR-2022-003036): Acting for a company in liquidation and its liquidators in a claim against former directors, shareholders and associated companies to recover over £2 million alleged to be due in debt, by reason of unlawful dividends, and as compensation for company assets sold at an undervalue prior to a creditor's voluntary liquidation.
- *Re NMC Healthcare LTD (in administration) (subject to deed of company arrangement) and others* (claims nos: ADGMCFI-2020-020 and ADGMCFI-2022-063): Acting for the administrators of several companies in contested applications for the provision of documents relating to the collapse of a FTSE100 company following suspected fraud (with Tony Beswetherick KC).
- *Re DeceasedUmbrella.com Limited* (claim nos: CR-2021-000623 and CR-2017-006482): Acted for the successful liquidators in a claim against a former director, seeking an account of certain dealings which were held to constitute wrongful dissipation of over £1 million of company assets to preferred third parties in the face of the company's impending insolvency.
- *Re Robson Asset Management ManCo* [2020] EWHC 2880 (Ch): Acted for the petitioner in a contested winding up petition, where the operator of a major London hotel sought the liquidation of its former management company in respect of a £1million debt.
- *Re Charter Projects (Developments) Limited* (claim no: CR-2019-008202): Acted for the successful former administrators of a company in a series of applications by both the director and the former administrators respectively to challenge and fix the basis of the former administrators' remuneration.
- Previously instructed for the petitioning creditors seeking the liquidation of a Cayman Islands entity in respect of certain sums due under arbitration awards (led by Stephen Atherton KC).

Jurisdiction, conflicts and enforcement

- *Denisov v Delvecchio and others* [2022] EWHC 377 (Comm): Oral application for permission to serve a civil fraud claim out of the jurisdiction where a foreign domiciled claimant brought proceedings against foreign domiciled defendants in respect of an alleged fraud perpetrated on the claimant in the course of the purchase of real property abroad.
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): Contested application to enforce a Tomlin order in respect of a US\$3.7 million claim in the Commercial Court in which the bank claims in respect of an apparent commodities trading fraud perpetrated against it by its former customer.
- *Empeirikos v Xanthouli* (claim no. QB-2019-004578): €3 million claim in the Queen's Bench Division for an enforcement at common law of a Greek judgment which was under appeal.
- *Unwired Planet v Huawei* (claim no. HP-2014-000005): Previously instructed to obtain an anti-suit injunction to restrain litigation in the courts of the People's Republic of China, where that litigation was alleged to be an attempt to re-litigate a dispute relating to mobile communication patents (led by Thomas Raphael KC).
- Previously instructed in a €24 million London Court of International Arbitration (LCIA) arbitration concerning a shipbuilding contract where the yard had entered a foreign insolvency process, raising cross-border insolvency issues.

Shipping

- *CM P-Max III v Petroleos del Norte (The Stena Primorsk)* [2022] EWHC 2147 (Comm): US\$200,000 claim in the Commercial Court for demurrage, defended on the basis that the vessel allegedly failed to comply with Charterers' order by leaving berth for safety reasons.
- Instructed in a €4.7 million London Maritime Arbitrator's Association (LMAA) arbitration claim for damages arising out of the termination of a ship repair contract for scrubber installation on the alleged basis of the yard's negligence in respect of its work on another vessel (led by David Lewis KC).
- *CH Offshore v Internaves Consorcio Naviero and others* [2021] 1 Lloyd's Rep 465: Instructed by the arbitration claimants in an appeal from an arbitration award, wherein the claimant brokers were successful in their US\$10 million London

Maritime Arbitrator's Association (LMAA) arbitration claim for commission in respect of certain long-term charters (led by Christopher Hancock KC).

- Previously instructed in a US\$200 million London Maritime Arbitrator's Association (LMAA) arbitration concerning default under four bareboat-hire-purchase agreements (led by Nevil Philips of Quadrant Chambers).
- Previously instructed in a US\$3.5 million London Maritime Arbitrator's Association (LMAA) arbitration concerning the consequences on a time charter of an unexpected seizure of the vessel by a national authority whilst the vessel was at anchor in a common waiting area (led by Henry Byam-Cook KC).
- Previously instructed in a US\$2 million ad hoc arbitration concerning the termination of a liner agency agreement and whether the liner agent was in breach of fiduciary duties owed to the shipping line.

Technology, media and telecoms

- *AQA Education v Persons Unknown* (claim no. BL-2023-001318): Claim brought by a public examination provider against specific persons unknown and 'newcomers', seeking injunctions to restrain those persons from attempting to obtain advance access to A-Level and GCSE examination papers or selling those papers online (leading Eliza Bond).
- *TIBCO Software (Ireland) v Tesco Stores* (claim no. HT-2022-000135): £86 million claim in the Technology & Construction Court in respect of alleged under-licensing by Tesco of TIBCO software products (led by Lawrence Akka KC).
- *NR v Bitstamp Limited* (claim no. CL-2021-000329): Anonymised claim in the Commercial Court to obtain disclosure in England from a cryptocurrency exchange to assist in proceedings abroad against those responsible for the multi-million pound theft and laundering of cryptocurrency.
- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud obtained permission to use disclosure obtained from a bank to pursue a claim against the bank directly, alleging that the bank is liable for the US\$250,000 fraud as having received and subsequently paid out the proceeds of the fraud.
- *CMOC v Persons Unknown and others* [2019] Lloyd's Rep FC 62: US\$8 million claim in the Commercial Court to trace and recover funds that were stolen in a 'business email compromise' fraud, involving the first-known occasion that a worldwide freezing injunction has been granted against 'persons unknown' (led by Paul Lowenstein KC).
- *Hussain v Rezaie & Malhotra* (claim no. H0QZ49M6): Acted *pro bono* for an individual alleging that the Defendants had defrauded him by persuading him to invest in an Initial Coin Offering of a new cryptocurrency, which is now alleged to have been a pyramid scheme.
- Previously instructed in a US\$200,000 London Maritime Arbitrator's Association (LMAA) arbitration between counterparties where a fraudster had perpetrated a cyber attack so as to procure the paying party under the contract to pay the fraudster instead of the payee party.

Recommendations

He is exceptional and adept in his cross-examination. [Chambers and Partners UK Bar 2024](#)

Matthew has a fantastic skill set, a sharp eye for detail and a commercial, practical approach. [Chambers and Partners UK Bar 2024](#)

Matthew is excellent in both his legal and commercial approach. [Chambers and Partners UK Bar 2024](#)

Matt understands the important issues and knows what is important to instructing solicitors. [Chambers and Partners UK Bar 2023](#)

Matthew is hugely hard-working, and has knowledge and instinct beyond his years. [Chambers and Partners UK Bar 2023](#)

Matthew advises us on a complicated area of law with creativity, force and foresight. [Chambers and Partners UK Bar 2023](#)

A honed analytical mind with knowledge beyond his years. Extremely user friendly with excellent communication skills. Thoroughly recommended. [The Legal 500 UK Bar 2022](#)

Matt understands the important issues and knows what is important to instructing solicitors [Chambers and Partners UK Bar 2023](#)

Matthew is hugely hard-working, and has knowledge and instinct beyond his years. [Chambers and Partners UK Bar 2023](#)

A bright, clear thinker, who has demonstrated a knack for devising creative legal arguments. [The Legal 500 UK Bar 2021](#)

