



LINCOLN
HOUSE
CHAMBERS

Matthew Howarth

Call to the Bar: 2016

Matthew Howarth joined chambers in 2016 under the supervision of Alex Leach. Prior to this he worked at Baker and McKenzie in Regulatory (Banking and Finance Litigation – large-scale prosecution for market manipulation), Eurozone Real Estate Team of the Year 2015 and was Chair for Pro Bono dealing with the International Refugee Crisis and EU structures for accepting Asylum seekers. He also worked with Jones Myers Family Law Solicitors dealing with a number of legal matters relating to abduction and children.

Matthew currently specialises in a number of areas, namely Crime, Road Traffic Offences, Civil Law, Property (TLATA, landlord and Tenancy), Immigration and Regulatory work (including licensing matters). At present, he is instructed on the Independent Inquiry into Child Sex Abuse.

Crime

Matthew deals with every aspect of criminal work from chambers. He has a particular niche for POCA proceedings. He has conducted a number of Crown Court and Youth Court Trials. In addition to holding seminars on the law, Matthew often addresses a number of legal points relating to Defendant Costs Orders at the Crown Court.

Matthew is a Level 2 CPS Prosecutor and is on the Government Legal Department's Junior List.

Most Notable Cases

R v FVG – secured the acquittal of a renowned footballer who allegedly assaulted a witness in court proceedings.

R v BWA – successfully excluded a interview with 15 admissions of guilt under section 76 PACE after a day of legal argument at voir dire.

R v DH – mitigated on behalf of a dangerous offender who had mugged a number of people at knifepoint. He was able to mitigate the sentence from a life sentence to a six-year sentence with an extended licence period.

R v ML – successfully represented the wife of a defendant in confiscation proceedings. The Police sought to confiscate money that was legitimately acquired from her Hair Styling business.

Prison Law

Matthew has attended a number of Oral Recall Hearings on a range of cases in front of Panels within Her Majesty's Prison Services. He is able to offer advice and advocacy assistance to solicitors and lay clients for these types of hearings.

Most Notable Cases

HMP Strangeways – This case involved a number of competing Public Interest and Human Rights arguments both for and against release following a self declared recall. Release was allowed following the hearing and submissions of counsel. The Prisoner was serving a life sentence for murder.

Road Traffic Act Offences

Matthew is routinely instructed in a range of RTA Offences in the Magistrates Court and the Crown Court. He deals with a wide range of matters at trial and sentence.

Most Notable Cases

R v CW – successfully argued special reasons for a medical professional who responded to a medical emergency and exceeded the legal speed limit.

R v MH – successfully argued on appeal to the Crown Court that that disqualification of a driver amounted to exceptional hardship. The Driver was a specialist engineer who needed to drive for work and would lose his job otherwise.

R v TS – instructed to represent a defendant charged with Death by Dangerous Driving at Bradford Crown Court. This trial involved the death of one older gentleman and the serious injury to his wife.

Immigration

Matthew's previous Pro Bono work enabled him to undertake work as a Junior for the Home Office upon joining chambers. The majority of his immigration work is for Appellants in the First Tier Tribunal and Upper Tribunals.



CONTACT DETAILS

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PRACTICE AREAS

- Business Crime & Financial Regulation
- Civil Law
- Criminal Law
- Health & Safety
- Housing Law
- Immigration & Asylum Law
- Industrial Disease
- Inquests
- Judicial Review Law
- Licensing
- Local Government
- Regulatory
- Property Law
- Professional Negligence
- Environmental Law
- Legal Professional Privilege

ASSOCIATIONS

- Northern Circuit
- Personal Injury Bar Association

AWARDS

Diana Princess of Wales Major Scholar
(Awarded by HRH Duke of Cambridge)

EDUCATION

RBAI

Newcastle Law School - LAW LLB
City Law School - BPTC

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Most Notable Cases

HO v SA – instructed to draft grounds of appeal to the UTT on the basis of a decision based on an error of fact in the first tier tribunal.

Ethiopia – secured an appeal in the FTT for an asylum seeker based on Humanitarian Protection and Human Rights arguments.

EA v SSHD – representations made against appeal in the Upper Tribunals on an appeal of a asylum decision from the FTT.

Property

Previously Matthew volunteered as a Duty Advocate in Housing Matters at Brent Council. As a result he represents a number of Local Councils and Estate Agents on Possession Hearings and Landlord and Tenant Disputes. Equally his brief Family Law background has enabled him to deal with applications under TLATA.

Matthew is routinely instructed on behalf of Respondent and Local Authorities in Business Rates disputes. He has recently done a number of applications for Liability Orders and has contested these applications at trial.

He is routinely instructed to advise on HMO licences and has represented Landlords and Tenants in Business Tenancy proceedings for Forfeiture and on Tenancy renewal applications.

Most Notable Cases

WBC v SD & E – represented a company and a director in proceedings for breach of section 70 and 234 of the Housing Act, in relation to not having an HMO licence and breaching health and safety regulations. He was instructed to draft an advice, for trial and at sentence.

TCC v EP & IP – Matthew is routinely instructed on a range of Business Rates Liability Orders for Local Councils and Respondents. Both at trial and preliminary hearings. He has drafted a number of advices on this area of law.

T v Z – successfully represented a local Manchester Landlord in obtaining forfeiture of a Commercial lease from a non-paying Tenant. Following a fact finding hearing and legal submissions Mr Howarth was able to argue for forfeiture of the lease in a Business Tenancy and was able to obtain costs beyond that normally allowed.

Regulatory

Matthew during pupillage shadowed Lisa Roberts QC and Leila Ghahhary in a wide range of matters relating to Health and Safety Law and licensing matters at the Magistrates and Crown Court. Matthew, has conduct of a number of trials in this area and is able to assist with advices to Police, Council and Applicants on a number of cases.

Matthew is often instructed on a wide range of professional negligence matters against and for doctors, dentists and solicitors. He is routinely instructed to draft advices, assist with letters before action and represent professional clients at court.

Most Notable Cases

CEC v K – instructed on sentence and POCA in relation to an offender who was selling counterfeit goods and tobacco. He was able to secure a stringent Community Order.

MCC v MI – instructed to represent a Taxi Driver who had his licence revoked and lost his appeal in the Magistrates Court. This case involved prolonged argument on the Fit and Proper Person test, including argument on costs.

R v MM – represented, on sentence, a disqualified director of a business that went into liquidation. The Director who was disqualified opted to act for the company when its owner had fallen ill.

SF v OCC – successfully represented at trial a scrap metal dealer on an appeal against a Local Council regarding a revocation of his licence. This case contained considerable legal argument, as there is very little within the case law that defines the applicability of the Legislation.

HSE v R Housing – de facto junior to Ms Roberts on a Section 2 and 3 Prosecution of a Housing Company where a death had occurred due to serious shortcomings by the Company. He drafted a skeleton argument for the Prosecution regarding a reverse burden of proof argument.



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Civil

Matthew is instructed in a wide range of Road Traffic Accident cases, injunctions, civil and contract disputes following his civil/commercial background at Baker and McKenzie.

Most Notable Cases

Anti-Money Laundering Policies – Matthew has experience in drafting and advising on the law on Anti-Laundering Policy. He is able to offer advice and assist in drafting.

LS v EUI – a Fast Track Trial involving three defendant witnesses and one Claimant. Mr Howarth successful represented the Claimant over a two-day trial.

JH v A – a Fast Track Trial involving a RTA where a professional rugby player was injured and returned to the pitch within two weeks. Mr Howarth was able to demonstrate at trial that the player was injured following the collision for the full prognosis period of six months despite the players return to the professional game.

FL – Matthew is retained to advise on litigation and draft a number of pre-litigation papers for a Multi-Million Pound start up in London. He advises on a number of areas mainly Debt Recovery. These often are Multi Track and Fast Track proceedings.

Professional Negligence

Matthew is often instructed on a wide range of professional negligence matters against and for doctors, dentists and solicitors. He is routinely instructed to draft advices, assist with letters before action and represent professional clients at court.

Most Notable Cases

Dr C v EL Solicitors – Professional Negligence against a firm of solicitors who had failed to apply for an extension of a lease. Mr Howarth was instructed to draft an advice on the law and assist with a Letter before Claim including a standstill agreement.

Dr K – Matthew was instructed to draft a Letter Before Action and legal argument on a case involving a Limitation Argument where the Claimant did not issue proceedings within the relevant period when there was a severe Mental Health illness.

Legal Professional Privilege

Matthew has been instructed on the Independent Inquiry into Child Sexual Abuse to conduct a number of reviews. He is routinely instructed by the HMRC, the Manchester Metropolitan Police and defence solicitors to review material for privilege.

Professional

He is currently elected as Northern Chair for the Middle Temple Young Bar Association and has a particular emphasis on Mental Health and is well equipped to deal with vulnerable clients and children.

Matthew was Junior for the Northern Circuit in Trinity Term 2018.

Matthew Howarth is Public Access qualified.



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