

# Tony Watkin

Call: 1998



Tony Watkin has developed a strong practice in Business & Property and Regulatory litigation.

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## Expertise

### Business & Property

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Tony has developed a strong practice in business and property litigation. He has been consistently recognised in the directories for his performance. He has a practical approach to his cases and is known for giving excellent common-sense advice.

Tony is regularly instructed in all aspects of Business and Commercial Law in the High Court, and has appeared in a number of cases in the Court of Appeal.

Recent highlights of his practice include:

- Acting for the Defendants in a breach of confidentiality / fiduciary duty dispute lasting 6 days in the High Court against leading counsel.
- Junior counsel successfully defending an application in the High Court to strike out a defence to a breach of confidentiality claim for alleged breach of an Unless Order.
- Acting on behalf of a development company and its Managing Director in relation to a claim arising out of an alleged multi-million pound fraud alleged to have been perpetrated against them by a former employee and family member.  
Acting for local authority in claim for breach of contract and/or duty of care against the manufacturer of a chemical reinforcing product, builder and services delivery JVC, arising from school having to be closed following chemical exposure from the application of this process to basement.
- Acting for local authority against leading counsel in relation to a high-profile multi-million pound claim against it arising from property development venture to redevelop its headquarters.
- Acting for leaseholder (a large hotel chain) in successful action relating to the interpretation of insurance provision in a lease and

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what is a reasonable percentage for a tenant of a hotel to pay. Successfully acting for home owners in a negligence / Rylands v Fletcher claim against the operator of waste treatment site for nuisance, negligence and Rylands v Fletcher.

- Acting for a company in the High Court to successfully obtain a pre-action freezing order against a former employee alleged to have stolen significant sums of money during the course of her employment

#### Specific practice areas:

- Commercial Property litigation
- Business contract and commercial litigation Partnership and business disputes Partnership Disputes
- Unfair Prejudice Applications
- Landlord and tenant disputes
- Boundaries and Easements
- Equitable remedies
- Fiduciary duties
- Constructive trusts
- Restitution
- Rectification
- Undue influence
- Emergency remedies
- Freezing orders
- Restraint of trade injunction
- Fraud
- Aspects of insolvency and company law

## Notable Cases

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### Abbas v Hussain [2023] EWHC 2322 (Ch)

Successfully representing Defendant in an interfamilial dispute over ownership of a commercial property.

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### Rancom Security v Girling [2023] EWHC 1115 (Ch)

Acting for Defendants in breach of confidentiality case.

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### Gosling v Bradbury [2023] EWHC 199 (Ch)

Acting for the successful Respondents in appeal against first instance decision relating to interpretation and extent of water easement.

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### Warwickshire CC v Matalia [2018] 1340 (Ch)

Round 2 of litigation, acting for local authority in relation to breach of confidentiality claim arising from misuse of examination papers for entry to Grammar Schools.

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### Warwickshire CC v Matalia [2017] EWCA Civ 1991

Round 1 of litigation acting for local authority respondent in relation to breach of confidentiality claim arising from misuse of examination papers for entry to Grammar Schools.

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### Cotterhill Hitchman Solicitors LLP v Whitehouse-Guest [2015] EWCA Civ 1269

Counsel for CH successfully resisting appeal against judgment in their favour where permission had been granted on paper.

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### Birmingham CC v Lee [2008] EWCA Civ 891

Junior Counsel for Respondent in important ruling on the recoverability of pre-action legal costs.

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## Regulatory

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Tony is a well-respected specialist in regulatory law on the West Midlands Circuit, prosecuting and defending at all levels. He has been consistently recognised in the directories for his performance. He has a practical and down-to-earth approach to his cases and recognises the importance of working as a team with his client in order to secure the best outcome.

Tony is regularly instructed by Local Authorities to conduct their most complex cases and is brought in to advise at the very early stages of an investigation. He has significant experience in applications under the Proceeds of Crime Act and recently secured a confiscation order in excess of £500,000 following his successful prosecution of a company and its directors for the largest ever timeshare fraud case brought by Warwickshire Trading Standards. Tony received particular praise from the Trial Judge for the way he conducted the 3-month trial.

Other recent highlights of his practice include:

- Environment Agency v Springhill Farms: Mr Watkin acted for the Defendant in a rare prosecution for unlawful discharge of nitrates into a river.
- Warwickshire Fire Service v Talash Hotels: Mr Watkin successfully prosecuted hotel owners of the Falstaff hotel in Leamington Spa for significant breaches of the Fire Safety Order.
- Cannock Chase DC v Ryan Shenton and others: Mr Watkin acted for the prosecution in a Health and safety prosecution against directors of a company arising from the death of a patron of the Quartz Nightclub.
- Warwickshire CC v The Meat Shack and Simon Drust – Acting for the prosecution in a prosecution for food fraud resulting in substantial sentence of imprisonment for Director and confiscation order for £300K.
- Staffs CC v Foster: Tony successfully prosecuted a counterfeiting case and secured a confiscation order together with costs at £600,000, payable immediately, following the Defendant's earlier conviction for dealing in counterfeit DVDs which led to a 16 month custodial sentence.
- Defending a multinational corporation in the Crown Court in a sensitive prosecution brought against it for Health and Safety at Work Act breaches in which a number of young children were seriously injured whilst using equipment manufactured and supplied by it.
- Junior Defence Counsel in a prosecution at the Old Bailey brought on behalf of the DTI/BERR against the subsidiary of a Japanese multinational corporation and its Managing Director for alleged breaches of the

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UK export control regime.

- Prosecuting a misleading nutritional health claims case against a company and its director where Leading and Junior Counsel were instructed for the defence.
- Prosecuting an Asbestos management and surveying company and its directors for Health and Safety at Work Act offences.
- Prosecuting a number of individual defendants in the Crown Court for conspiracy to defraud and trademarks offences following the seizure of £1.5M of counterfeit clothing from a warehouse in Birmingham.
- Prosecuting a large-scale food fraud case in which the Defendant company and its directors had stolen the identity of a legitimate meat processing and handling plant.
- Acting on behalf of the local authority in a two-week trial against Leading Counsel in an application for an Enforcement Order under the Enterprise Act.

#### Specific Practice Areas:

- Fire Safety
- Health and safety (including related inquests) Consumer protection
- Trademarks and counterfeiting
- Animal welfare
- Food safety
- Fraud
- Export control
- Environmental/Statutory Nuisance
- Director Disqualification
- Proceeds of crime
- Further information

Tony provides regular training to Trading Standards Services in areas such as criminal procedure, large-scale fraud, and consumer protection law.

## Notable Cases

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R (Kelly) v Warley Magistrates & The Law Society [2007] AC 89

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Singh v Solihull MBC [2007] EWHC 552

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## Qualifications

- LLB (Hons) (First Class)

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