



Call 1993
MA (Hons) (Cantab)

Michael Horton

AREAS OF PRACTICE

Children, Ancillary Relief and Property Law

Mike Horton undertakes all aspects of family related work. He has a particular interest in ancillary relief and family property.

His ancillary relief practice is wide and varied, ranging from big money cases to transfer of tenancy claims. He is familiar with cases involving family companies, discretionary trusts, pension sharing, bankruptcy issues avoidance of disposition orders and *Barder* appeals. He has particular experience of cases involving third party "intervenor" property claims in ancillary relief proceedings.

He also acts in claims for financial provision for children under Schedule 1 to the Children Act 1989 (including claims made by young adults against their parents) and has extensive experience of claims under the Inheritance (Provision for Family and Dependants) Act 1975 in both the family courts and the Chancery Division. He also advises in relation to pre-nuptial agreements. He continues to undertake publicly funded ancillary relief work.

He also has an extensive practice in property disputes between cohabitants and other family members under s14 of the Trusts of Land and Appointment of Trustees Act 1996. His property law practice has included a successful claim against the executors of an estate for ownership of property by virtue of proprietary estoppel, drug confiscation proceedings in the Court of Appeal on a property law point as well as a claim to an interest in a holiday home in Spain. His experience also extends to cases of undue influence.

He has also acted for local authorities and the Official Solicitor in declaration proceedings in respect of mentally incapacitated adults.

He has extensive experience of injunctions and of divorce proceedings including defended divorces and stays under Brussels IIA and the 1973 Act.

He advises in cases of alleged professional negligence in his areas of expertise.

His children practice includes acting for local authorities, parents and children in adoption, care and placement proceedings. He acts for both parents and children in private law proceedings. He also has experience of child abduction work, both under Brussels IIA and the Hague Convention.

He has written extensively on family law matters. He is author of *Family Homes and Domestic Violence: The New Legislation* (FT Law & Tax 1996) and co-authored *Residence and Contact: A Practical Guide* (FT Law & Tax 1996) and *Child Support: A Practitioner's Guide* (FT Law & Tax 1996). He lectures on a wide variety of

family law topics including financial provision for children, domestic violence injunctions (including the recent introduction of s42A Family Law Act 1996), property rights of cohabitants, the interaction between bankruptcy and family law and the Civil Partnership Act 2004.

In 1997, Mike took a sabbatical to work in South Africa as a research adviser on family law matters to the Deputy Minister of Justice, Manto Tshabalala-Msimang.

He undertakes pro bono work in family cases through the Bar Pro Bono Unit.

MEMBERSHIPS

Family Law Bar Association
Liberty / NCCL

LANGUAGES SPOKEN

Some French

REPORTED CASES

RE F (Children) (Restriction on Applications) [2005] 2 FCR 176 (CA)

Contact - Contact order - Order limiting parent's right to make further applications - Judge making order restricting application by father without leave of court - Investigation into allegations of domestic violence by father - Parties reaching agreement over contact - Judge not proceeding with fact-finding exercise - Whether judge in error - s 91(14) Children Act 1989

R v Mills [2001] EWCA Crim 2875

Drug confiscation and matrimonial property

INTERESTS

Percussion, cricket and cinema

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