

MICHAEL HORTON

Call 1993

ABOUT ME

Mike specialises in complex financial remedy cases and in ToLATA disputes. He has particular experience of appellate work and work with an international element, including cases involving Brussels I Recast, Brussels II Revised and the Maintenance Regulation. Mike also undertakes some children work (but not public law work), and some adult social care work.

In Chambers UK 2012, Mike was described as ‘one of the set’s most promising juniors. He is known for his “keen analytical brain” and “tremendous knowledge” of the law.’ Mike has appeared as a leading junior in family law in Legal 500. In the 2017 UK Legal 500, Mike again appears as a leading junior: ‘He has great intellect, grasps idea quickly and is a real fighter.’

In December 2014, Mike was appointed to the Family Procedure Rule Committee.

Mike has written extensively on family law matters. His book, *Compromise in Family Law: Law and Practice*, was published in December 2016, and has been described as a ‘handy, concise – yet comprehensive and informed – reference book’ and making ‘a highly distinctive contribution to family law literature.’ Since summer 2017, Mike has also been responsible for editing chapter 21 of *Rayden & Jackson on Relationship Breakdown, Finances and Children*, which is the chapter dealing with property and ToLATA disputes. He is also a Consultant Editor for the *Jordans/ Lexis Nexis looseleaf* and online publication, *Family Law Precedents Service*.

Mike’s practice now focusses on more complex cases.

His broad practice extends to:

- Conventional financial remedies disputes;
- Property disputes between cohabitants or other family members who are not married or in a civil partnership;
- Cases where insolvency impacts on financial remedy cases: Mike has appeared in the bankruptcy court on contested annulment and other applications;
- The enforcement of pension sharing orders (especially where the pension fund to be shared was under the control of the respondent spouse);
- Intervenor’s property claims in financial remedy proceedings;
- Avoidance of disposition orders;
- Cases where a financial remedy claim is in conflict with confiscation orders made in the Crown Court (in cases both before and after the Proceeds of Crime Act 2002 came into force);
- Advising on and drafting pre-nuptial and other marital agreements;

- Claims under the Inheritance (Provision for Family and Dependents) Act 1975. In recent years Mike has experience of such claims settling at mediation and has appeared in contested trials;
- Child support cases (including advising on a recent appeal from the Upper Tribunal to the Court of Appeal);
- Concurrent Schedule 1 and ToLATA claims;
- Cases where one party appears to be caught by the ‘remarriage trap’; and
- Costs disputes.

Mike, leading Alex Laing, has recently been instructed in an important case on whether an English court can make orders for maintenance under s 27 of the Matrimonial Causes Act 1973 where the divorce proceedings are in Scotland. The case involved consideration of how the UK had chosen to implement the Maintenance Regulation between the different legal systems within the UK, under the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011. Mike and Alex obtained permission to appeal from the Court of Appeal against the decision of Parker J (reported at [2016] EWHC 668 (Fam) [2017] 1 FLR 1083) holding that the court did have jurisdiction, as reported in Family Law Week.

Mike has a particular forte in property law claims, especially those made under ToLATA (the Trusts of Land and Appointment of Trustees Act 1996).

His practice extends to:

- A successful proprietary estoppel claim against the executors of an estate in relation to the major asset of the estate;
- Drug confiscation proceedings in the Court of Appeal on a property law point;
- A ToLATA and Partnership Act claim relating to 27 properties purchased over 10 years;
- A claim to an interest in a holiday home in Spain, brought here under the provisions of Brussels I;
- A disputed application for a restriction resulting in proceedings before the Property Chamber of the First-Tier Tribunal;
- A claim for rectification of a declaration of trust;
- A case where an illegality argument was used to defeat the claim;
- A dispute over the ownership of a houseboat;
- The effect of mutual wills;
- Contested probate matters; and
- Undue influence cases.

Notable cases include:

- Magiera v Magiera, an appeal in a jurisdiction dispute under Brussels I in ToLATA proceedings, where the spouses were divorced in France, were already litigating over property in Poland and where one spouse had brought proceedings in England;
- Barnes v Phillips, an important recent ToLATA decision of the Court of Appeal on how the presumption of beneficial joint tenancy may be rebutted;
- WD v HD, a decision on appeal against the imposition of a clean break and on the admissibility of a Calderbank offer in relation to the costs of the appeal;
- Hamilton, the leading Court of Appeal case on whether it is possible to draft orders for the payment of money over time as a series of lump sums as opposed to a single but variable lump sum payable by instalments;
- Gourisaria (led by Valentine Le Grice QC) which involved competing financial remedy proceedings in England and property proceedings in India.

Mike has also acted for local authorities and the Official Solicitor in Court of Protection cases. He represented a local authority in the Court of Protection in an important test case on the appointment of welfare deputies: London Borough of Havering v LD & Anor [2010] EWHC 3876 (COP) (25 June 2010).

Mike has extensive experience of other family law work, including injunctions under the Family Law Act and of divorce proceedings, including defended divorces and jurisdiction disputes. He advises in cases of alleged professional negligence in his areas of expertise. His children practice includes acting for parents and children in all forms of private law proceedings. He also has experience of international work and child abduction work, under Brussels IIA and the Hague Convention.

Mike is a qualified Arbitrator (MCI (Arb)) and accepts instructions to arbitrate financial remedy and ToLATA disputes. He is also trained in collaborative law.

Mike undertakes direct Public Access work.

Mike frequently lectures for a number of CPD course providers.

Recent topics have included:

- Setting aside for non-disclosure
- Pensions on divorce (especially the impact of pensions liberalisation);
- ToLATA claims procedure: a Practical Guide for Family Lawyers
- ToLATA case law update
- Nuptial agreements: drafting tips and traps
- Bankruptcy, Financial Remedies and the Family Home

– The enforceability of family arbitration awards

Mike also gives in-house seminars for firms of solicitors. If you wish to arrange for such an in-house talk, please contact the clerks.

EDUCATION

Mike graduated from Trinity Hall, Cambridge in 1991 with an Upper Second Class Honours degree in Law.

LANGUAGES

Some French

APPOINTMENTS

Family Procedure Rule Committee, December 2014

PUBLICATIONS

Compromise in Family Law: Law and Practice. London: Lexis Nexis/ Family Law, December 2016

Rayden & Jackson on Relationship Breakdown, Finances and Children: Contributing Editor of chapter 21 on property law disputes

Consultant Editor, Family Law Precedents Service (Jordans/ Lexis Nexis looseleaf and online service)

The variability of lump sum orders [2013] Fam Law 411 – (Download PDF)

This article was published by Family Law (a publishing imprint of Jordan Publishing Ltd) in the April 2013 issue of the journal Family Law, at [2013] Fam Law 411. It deals with an aspect of the decision in *Hamilton v Hamilton* [2013] Fam 292

The Family Court: “Be careful what you wish for” – (Download PDF)

This article was published in June 2012 by Family Law Week and examined the then recently introduced Crime and Courts Bill and its proposals for the creation of a single family court, the reasons for its establishment, how it might work and whether it was necessary at all

Consulting editor, *Child Support: A Practitioner’s Guide* (by Wendy Mantle) (FT Law & Tax) (1996)

Family Homes and Domestic Violence: A Practical Guide. London: FT Law & Tax, 1996

Residence and Contact: A Practical Guide. London: FT Law & Tax, 1996 (with Lyn Ayrton)

CASES

Magiera v Magiera [2016] EWCA Civ 1292 [2017] Fam 327 [2017] 3 WLR 41 [2017] Fam Law 286

G v G [2015] EWHC 2101 (Fam) [2016] 4 WLR 22

Barnes v Phillips [2015] EWCA Civ 1056 [2015] All ER (D) 206 (Oct)

WD v HD [2015] EWHC 1547 (Fam) (28 April 2015)

Yordanova v Iordanov [2013] EWCA Civ 464

Hamilton v Hamilton [2013] Fam 292 [2013] Fam Law 539 [2013] 2 FCR 343 [2013] WLR(D) 26 [2013] 2 WLR 1440 [2014] 1 FLR 55 [2013] EWCA Civ 13

Gourisaria v Gourisaria [2011] 1 FLR 262 [2010] EWCA Civ 1019

London Borough of Havering v LD & Anor [2010] EWHC 3876 (COP) [2010] COPLR Con Vol 809

Fallon v Fallon [2010] 1 FLR 910 [2008] EWCA Civ 1653

RE F (Restrictions on Applications) [2005] 2 FLR 950 [2005] EWCA Civ 499

R v Mills [2001] EWCA Crim 2875