



## Andrew Marsden

**MA (Oxon)**

**Call date:** 1975

**Inn:** Middle Temple

**Appointments:**

Recorder

**Memberships:**

South Eastern Circuit

Family Law Bar Association

Planning & Environment Bar Association

Andrew Marsden joined East Anglian Chambers in 1977 after completing pupillage with Adrian Brunner (QC as he now is) in Henderson Chambers, 2 Harcourt Buildings. He was Head of Chambers from 2008 to 2011.

He gained experience with a typical young barrister's diet of family cases, personal injuries claims and a wide variety of civil cases, including landlord and tenant and boundaries.

He has always practised throughout all four counties of the East Anglian region.

Latterly, he has specialised in all aspects of property dispute resolution.

### **Civil Practice**

Approximately two-thirds of Mr Marsden's practice involves both private and public law civil cases for local authorities, developers and private clients.

As a member of the Planning and Environment Bar Association, he regularly appears at Public Local Inquiries (appeals concerning planning applications and established use certificates) and in connection with environmental issues (nuisances by smell and noise, waste control, etc).

He has particular expertise in private land law issues (boundary disputes, restrictive covenants, rights of way and other easements, adverse possession cases), where he appears in such cases in the High Court, County Court and before the Adjudicator to HM Land Registry.

At an advisory level, he frequently advises local authorities, developers and private clients on development problems (for instance old encumbrances on registered and unregistered title, shared drainage and rights of way).

He accepts instructions in all commercial disputes (having particular experience in mortgage/banking cases).

### **Family Practice**

The remaining third of Mr Marsden's practice relates to family property disputes: divorce finance, claims under the Inheritance (Provision for Family and Dependents) Act 1975 and Trusts of Land and Appointment of Trustees Act 1996, constructive and resulting trusts and contested probate (removal of executors, disputed wills etc).

He is a member of the Family Law Bar Association and is now one of the three longest-serving matrimonial finance practitioners of the Eastern regional bar.

### **Professional History**

Appointed Assistant Recorder in 1998, he is now a Recorder licensed to sit in civil, criminal and private family cases. A past Centre Head of Chambers for Colchester and then Head of Civil Litigation, Mr Marsden was elected Head of Chambers for the whole of East Anglian Chambers (Norwich, Ipswich, Colchester & Chelmsford) in 2008.

He has been a pupilmaster for about 25 years, and is pleased to record that all his pupils who chose a career at the independent bar are now in practice: save one, now appointed a District Judge.

### **Method of instruction**

Andrew Marsden accepts instructions from solicitors and all other instructing professionals (e.g. chartered surveyors and chartered town planners). Instructions may, by prior notice to his clerks, be by email. Mr Marsden advises submitted by e-mail and, in cases of continuing negotiation, regularly advises by e-mail on a daily basis if necessary. He attends conferences at any of his four chambers premises, professionals' offices, clients' homes and on site. Where his clients wish for an early negotiated settlement, he welcomes involvement in the practicalities of dispute resolution. His practical experience of negotiation over more than 30 years is regularly employed, whether attending mediations and 'round table' meetings or merely settling offer letters and recommending tactics.

### **Interesting Cases**

*Smith v Braintree District Council* [1990] 2 AC 215, HL (bankruptcy and rating)

*MFI v Colchester Borough Council* (superstore proposal defeated)

*Mason v Ipswich Borough Council, CA* (delegated powers of local authority officers)

*T v T* [1996] 2 FLR 640 (setting aside consent orders for ancillary relief)

*R v Watson (deceased)* [1999] 1 FLR 878 (qualifying as a 'cohabitant' under the Inheritance (Provision for Family and Dependents) Act 1975)

*Allen v Thurrock Borough Council* (1998)(successful defence of carbon monoxide poisoning claim)

*Crowfield Airfield v Mid Suffolk District Council* (first ever local inquiry into a discontinuance order)

*Mid-Suffolk District Council v Clarke* (second ever IPPC permit inquiry)

### **Interests:**

Andrew and his wife Penelope live on the Essex/Suffolk border and are both heavily involved in local music. Andrew sings in a number of choirs which his wife (a professor of piano at the Junior Guildhall School of Music) accompanies.

Andrew started collecting historic records at the age of 4, and now has over 10,000 (and a tolerant wife). He gives lectures on the early days of recording, particularly by British composers of their own music, but follows his clerk's advice 'not to give up his day job'.

He is a churchwarden, parish councillor and church organist.