

Michael Horton

Associate member (Call Date: 1993)



Michael Horton 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.

Chambers UK 2012 noted that Mike is known for his “keen analytical brain” and “tremendous knowledge” of the law.”

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*.

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
- Pension issues, including the enforcement of pension sharing orders
- Intervenors' property claims in financial remedy proceedings
- Avoidance of disposition orders
- Cases where a financial remedy claim is in conflict with confiscation orders
- Advising on and drafting pre-nuptial and other marital agreements
- Claims under the Inheritance (Provision for Family and Dependants) Act 1975
- Child support cases (including advising on a recent appeal from the Upper Tribunal to the Court of Appeal)
- Concurrent Schedule 1 and ToLATA claims

Mike has a particular forte in property law claims, especially those made under ToLATA (the Trusts of Land and Appointment of Trustees Act 1996), including constructive trust and proprietary estoppel claims, as well as claims involving parties resident outside England and Wales or other international elements.

Mike is a qualified Arbitrator (MCI Arb) and accepts instructions to arbitrate financial remedy and ToLATA disputes.

He undertakes direct Public Access work.

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 on 01473 214481.



Education

MA (Hons) (Cantab)

Memberships / Appointments

Gray's Inn
Family Law Bar Association
Chancery Bar Association
MCI Arb

Liberty/NCCL

Family Procedure Rule Committee (Dec 2014)

Publications / Articles

Compromise in Family Law: Law and Practice : LexisNexis (2016)

Rayden & Jackson on Relationship Breakdown, Finances and Children : Editor, chapter 21 (the chapter dealing with property and ToLATA disputes) since 2017

Consultant Editor for the Jordans / LexisNexis looseleaf and online publication, *Family Law Precedents Service*.

Cases

Magiera v Magiera [2017] Fam 327 [2016] EWCA Civ 1292, 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 [2016] 2 FLR 1292 [2015] EWCA Civ 1056, an important recent ToLATA decision of the Court of Appeal on how the presumption of beneficial joint tenancy may be rebutted

WD v HD [2017] 1 FLR 160 [2015] EWHC 1547 (Fam), 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 [2013] Fam 292 [2013] EWCA Civ 13, 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 [2011] 1 FLR 262 [2010] EWCA Civ 1019, which involved competing financial remedy proceedings in England and property proceedings in India.
