



NEW STREET CHAMBERS

Family and Civil Law Specialists

Mark Wyatt

Timothy Clark

Kathleen Hayter

Alexandra Scott

Sally Barnett

Andrew Harper

Prof. Alan Neal

Jane O'Reilly

Emma Burden

Elizabeth Allingham Nicholson

Heather Popley

Clare Coles

Claire Howell

Laura Vickers

Vivian Chapman QC

Steven Gasztowicz QC

BARRISTERS CHAMBERS

2 New Street Chambers is one of the oldest sets of Chambers on the Midland Circuit. We have a long-established tradition of providing a positive, enthusiastic and professional service.

Members of 2 New Street provide specialist civil and family law advocacy and advice. Tenants form dedicated teams ensuring that work is carried out in an efficient and professional way as does our highly experienced clerking team.

Members' work appears before courts on the Midlands Circuit and elsewhere. These include the Supreme Court (formerly the House of Lords), the Court of Appeal, the High Court (all divisions), County Courts, Crown Courts (in particular cases concerning public interest immunity matters and other applications), Family Proceedings Courts, the Court of Protection, H. M. Coroners' Courts, Lands Tribunal, Employment Tribunals, E.A.T., Planning Inquiries and other civil tribunals including the Criminal Injuries Compensation Authority.

Former members of Chambers continue to play a prominent role in the legal life of the Midlands and further afield. Amongst them are County Court and Crown Court Judges and Chairmen of Tribunals.

Chambers provides a telephone enquiry service and is open from 8.30am to 6pm Monday to Friday.

Tel: 0116 2625906

Fax: 0116 2512023

DX: 10849 LEICESTER 1

e-mail: clerks@2newstreet.co.uk

www.2newstreet.co.uk

DOROTHY STONELEY

Practice Manager



JUNE PAYNE

Fees & Administrative Clerk



EMMA WATSON

Clerk





MARK WYATT

Head of Chambers

Call: 1976 Middle Temple
M.A. (OXON)

Mark Wyatt is a member of the Family Team.

He represents parents in private law disputes about residence, contact, prohibited steps and specific issues.

In public law cases, he appears in the High Court, County Court and Family Proceedings Court and represents parents, local authorities and children. These cases regularly involve complex expert evidence and disputed allegations of physical and sexual abuse.

He represents spouses and intervenors in ancillary relief applications, including high net worth cases and appears in property disputes between former cohabitants (TOLATA).

He sits as a Deputy District Judge (Civil and Family).



TIMOTHY CLARK

Call: 1974 Middle Temple
B.A. (Hons) English and American Studies East
Anglia University and
Oklahoma State University

Timothy Noel Clark is a senior member of the Family Team.

Tim completed his pupillage at 2 New Street and has remained a member of Chambers throughout his career.

Tim has a general common law background but for more than 20 years has practised exclusively in all areas of family law.

He has considerable experience when dealing with matters of divorce. He regularly represents parties in ancillary relief proceedings and this has involved him in representing parties in cases ranging from assets of modest to multi-million pound values.

Tim appears regularly in Children Act cases, both public and private law, representing parents, guardians and local authorities. He also has experience of representing parties in cohabitee disputes.

He sits as a Recorder (Public and Private Family Law, Criminal and Civil).



KATHLEEN HAYTER

Call: 1982 Middle Temple
LL.B. (Hons) University of Leicester

Kathy Hayter is a member of the Family Team.

Kathy practises in all aspects of Family Law, including ancillary relief, public and private law Children Act proceedings, inheritance, adoption, special guardianship orders and international child abduction. Children Act and Ancillary Relief cases form the core of her practice.

In Children Act proceedings she undertakes both public and private law work. She regularly represents Local Authorities, parents and Guardians in public law matters mainly in the County and the High Court. Kathy's ancillary relief work ranges from very modest to multi million pound cases.

These often include significant business assets and pensions, involving financial expert evidence and preservation of assets by way of Injunction.

The balance of her work includes and extends to international child Abduction cases under the Child Abduction and Custody Act.

In addition to the above Kathy has completed the Alternative Dispute Resolution Family Foundation Mediation Training and is a member of the Family Mediators' Association.

ALEXANDRA SCOTT

Call: 1983 Gray's Inn
LL.B. (Hons) University of Leicester

Alexandra Scott is a member of the Family and Civil Team.

She has practised exclusively in these areas since 1990. She covers the full area of family law matters, with half of her work concentrating on ancillary relief or related applications including Section 37 injunctions and acting on behalf of Intervenors. The balance of her family work encompasses public law and private law Children Act cases.

In the public law Children Act arena she has represented local authorities, the child, parents and interested third parties. The work extends through care orders, placement orders and special guardianship orders.



In private law works she does the full range of section 8 application and relocation cases.

The civil work undertaken is broadly associated with family issues and includes TOLATA applications; "Inheritance Act" Claims and Schedule 1 Children Act applications.

She appears regularly in the County Court and the High Court. Further work is undertaken in the Court of Appeal and the Family Proceedings Court (generally care applications). She has a great deal of experience when dealing with work that requires an interpreter to assist the client or witnesses in the case.

She sits as a Deputy District Judge (civil & family).



SALLY BARNETT

Call: 1987 Middle Temple
LL.B. (Hons) University of
Birmingham

Sally Barnett is a member of the Family Team.

Sally has practised at the Bar full time for over 20 years almost exclusively in the field of family law. Her practise is wide ranging over the following areas; contested divorce and nullity proceedings, ancillary relief (covering all aspects from substantial assets to nil /debt situations, non disclosure, tracing issues, pensions and the use of actuarial evidence where appropriate, third party intervenors, assets abroad and cases linked with other litigation, for example ongoing private law disputes in respect of children (residence and contact disputes including applications by grandparents), child care proceedings (primarily for parents and other family members) trust claims, Civil Partnership and Inheritance claims.

Sally understands the needs of clients in what are usually very stressful and emotional situations. She is very experienced in negotiating fair and exceptional settlements on behalf of her clients as well as conducting contested hearings. Her work covers the Midlands area. Conferences can take place in chambers or other venues to suit the needs of the client.

Examples of work

2008

S v S - Residence dispute between parents and members of a well established religious closed community. Other side were represented by a QC. Expert evidence of Professor Eileen Barker. Succeeded in obtaining residence for the client who was very vulnerable. (Leicester)

DCC v M - Contested care proceedings. Acted for the local authority. Parents members of a travelling community. (Derby)

R v R - Ancillary relief where client had advanced Multiple Sclerosis. Issues in relation to care home fees and local authority funding. (Derby)

N v W - Contested residence and contact proceedings spanning a number of years and many hearings. NYAS represented the child and the local authority was involved. Numerous expert reports. Client with mental health difficulties. (Coventry)

2009

B v B - Contested ancillary relief. Acting for the wife. Issues in respect of planning permission and valuations. Numerous case management hearings to keep the case on track and to ensure a fair valuation was being obtained. Also issues of inheritance. Succeeded in obtaining a lump sum from an inheritance received three years after the parties had separated. Substantial legal arguments on both sides. (Leicester)

S v S - Contested maintenance claim for arrears and capitalisation. Substantial assets and dissipation of over £1,000,000 on internet gambling. Represented professional client with massive income generating opportunities and serious addictions. Legal arguments on capitalisation by way of a further pension share, injunctions and legal charges. Represented the client in the original ancillary relief hearing. Settlement negotiated to client's satisfaction. (Leicester)

K v S - Contested ancillary relief proceedings spanning a number of years. Client represented by the Official Solicitor due to mental health difficulties unusually limited to an inability to be cross examined and later take part in the proceedings. Issues of conduct, non disclosure contributions short marriage allegation. Case described by the judge as "unique". (Leicester)

ANDREW HARPER

Call: 1989 Middle Temple
L.LB (Hons) Leicester University 1987



Andrew Harper is a member of the Civil Team.

Andrew has a practice which encompasses all aspects of property work – conveyancing, land law, landlord and tenant (both residential and commercial), wills, probate and administration, Inheritance Act claims, trusts and settlements (including charities) together with the associated capital taxation. In addition, he has many years of experience of mortgage lending and retail banking work, acting in the main for the lender/banker.

He always seeks to accommodate the client's commercial requirements in the context of the advice he gives. He is happy attend solicitors offices for conferences and is comfortable working to deadlines.

Andrew maintains an interest in researching and writing about his subjects and a selection of his recent published articles can be seen on the chambers web-site.



ALAN NEAL

Call: 1975 Gray's Inn
LL.B. University of Warwick
LL.M. London School of Economics
D.G.L.S. University of Stockholm

Alan Christopher Neal is Professor of Law in the University of Warwick. He sits as part-time Chairman of Employment Tribunals (London Central) and is Convenor of the European Association of Labour Court Judges. A specialist in British and European Employment Law, he is the author of numerous books and articles in those fields.

He was for 10 years the Editor in Chief of The International Journal of Comparative Labour Law and Industrial Relations.

Professor Neal is a specialist employment lawyer who, in addition to practising before the Employment Tribunals, deals with the law relating to health and safety at work, together with a wide range of other matters concerning employers and employees.



JANE O'REILLY

Call: 1991 Lincoln's Inn
LL.B. (Hons) Wolverhampton
Polytechnic

Jane O'Reilly is a member of the Family Team.

She practises in all areas of family law, with an emphasis on ancillary relief, public and private law Children Act proceedings.

Jane has experience in all areas of ancillary relief. Her work in this area has included dealing with pensions, trusts and company accounts.

Her public and private law Children Act work has involved her representing parents, grandparents, guardian-ad-litem and local authorities. She has appeared in the County Court, High Court and Court of Appeal.

Jane's other areas of work include applications relating to property and finance relating to cohabitants under TOLATA and applications under Schedule 1 Children Act 1989.



EMMA BURDEN

Call: 1994 Lincoln's Inn
LL.B. (Hons) University of
Newcastle upon Tyne

Emma Burden is a member of the Family Team.

She practises in all areas of family law and has particular experience in public and private law Children Act proceedings, representing parents, Local Authorities, Guardians ad Litem, and other parties joined with the leave of the court.

Emma's experience includes all areas of ancillary relief and applications under the Family Law Act 1996.

She is a member of the Family Law Bar Association.



ELIZABETH ALLINGHAM NICHOLSON

Call: 1995 Lincoln's Inn
LL.B. (Hons) University College London
B.A. (Hons) Trinity College
University of Toronto

Elizabeth Allingham Nicholson is a member of the Family and Civil Team.

Elizabeth has a general common law practice and specialises in the following areas of law: ancillary relief, injunctions, cohabitee property disputes (TOLATA claims), inheritance (claims under the Inheritance (Provision for Family and Dependants) Act 1975), probate, and disputes concerning children (private and public law). Elizabeth also handles other civil claims relating to contract disputes, personal injury claims, professional negligence, boundary disputes, property and trusts.

Elizabeth is a member of the Family Law Bar Association.

Reported Cases

W (A Child); A (A Child); B (Children) [1999] 2 FLR 930

Languages

English and French



HEATHER POPLEY

Call: 2003 Gray's Inn
LL.B. (Hons) University of Hull

Heather Popley is a member of the Family and Civil Team.

Since completing her pupillage at 2, New Street in September 2005, Heather has developed a family and civil practice.

Her family practice comprises of Children Act work, both public and private law, Family Law Act injunctions and Ancillary Relief.

Heather's private law children work includes section 8 Children Act 1989 applications and Schedule 1 Children Act 1989 applications. Her public law work involves representing Local Authorities, parents, grandparents and Children's Guardians in care proceedings, including Special Guardianship and Placement Applications. Heather also has experience of wardship proceedings and cases involving child abduction.

Heather's ancillary relief practice includes representing parties in FDAs, FDRs and final hearings, but also Maintenance Pending Suit applications, section 37 Matrimonial Causes Act 1973 applications and cases involving Interveners.

Her civil practice comprises personal injury work, contract disputes and property disputes, including boundary disputes and those involving co-habitees under the Trusts of Land and Appointment of Trustees Act 1996 provisions. She regularly appears in small, multi and fast track claims.

Heather provides written advices in all areas of her practice along with other written work, such as Particulars of Claim, Defences, Replies and threshold documents. She is happy to attend conferences not only at New Street Chambers but at instructing solicitor's offices if this is more convenient.

She is a member of the Family Law Bar Association.



CLARE COLES

Call: 2003 Inner Temple
LL.B. (Hons) Nottingham
Trent University

Clare Coles is a member of the Family and Civil Team.

Before completing pupillage in January 2006, Clare worked for a number of years as a Legal Adviser in various Magistrates' Courts throughout the West Midlands and Derbyshire.

Clare accepts instructions in all areas of family law, with particular emphasis on Children Act work, both public and private law. She represents parents, Local Authorities and Children's Guardians, as well as grandparents and other extended family members. Her private law practice includes residence and contact applications. Her public law work includes applications for care and supervision orders and special guardianship orders.

She has particular expertise in dealing with cases involving domestic violence, and regularly accepts instructions in Family Law Act injunctions.

She also has extensive experience in cases involving the CSA, including applications for liability orders.

Clare undertakes work within the general civil field, including personal injury and negligence.

Clare appears in the Family Proceedings Court, County Court and High Court.

Clare is a member of the Family Law Bar Association.

Languages

French (semi-fluent)



CLAIRE HOWELL

Call: 2006 Lincoln's Inn
LL.B (Hons) Nottingham
Trent University

Claire Howell is a member of the Family and Civil Team.

Prior to commencing pupillage in 2008, Claire worked for a Local Authority Housing Department and also The Insolvency Service, where she conducted investigations and drafted detailed affidavits on behalf of the Official Receiver in Director Disqualification Act proceedings.

She has joined Chambers as a tenant upon the successful completion of her pupillage at 2, New Street from January 2008 to January 2009 and has developed a family and civil practice.

Her family practice comprises of Children Act work, both public and private law, Family Act injunctions and ancillary relief. Claire's private law children work includes Residence and Contact applications, frequently involving Children's Guardians. Her public law work involves representing parents at all stages of care proceedings, as well as some experience acting for Children's Guardians and in Special Guardianship cases. Her ancillary relief practice includes representing parties at FDAs, FDRs and final hearings, as well as Maintenance Pending Suit Applications.

Claire's civil work involves acting for both Claimants and Defendants in all areas of civil law, appearing in small and fast track claims. In addition, she has some experience in appeals, including an appeal against a decision of the Nursing and Midwifery Council. She is also experienced in providing advice on liability and quantum, as well as in preparing pleadings.

Claire appears in the Family Proceedings Court, County Court, High Court and has also appeared in the Court of Appeal.

Claire is a member of the Family Law Bar Association.

Reported Cases

Re W-P (Fact Finding Hearing) [2009] EWCA Civ 216



LAURA VICKERS

Call: 2007 Lincoln's Inn
LLB (Hons 1st Class) Law & French
University of Leeds
Université Nancy 2, France

Laura Vickers is a member of the Family and Civil Team.

Prior to commencing pupillage in 2008, Laura worked at a large Midlands solicitors' firm, specialising in criminal law. Since completing pupillage at 2, New Street in September 2009 she has built a busy family and civil law practice.

Laura practises in all areas of family law, including private and public Children Act proceedings, Family Law Act applications and ancillary relief. She frequently represents parents in residence and contact disputes. She also represents parents, Local Authorities, Children's Guardians and extended family members in public law proceedings of all types.

She is experienced in cases of domestic violence and consequent injunction proceedings.

She represents spouses and interveners at all stages of ancillary relief proceedings, from FDA to final hearing.

Laura accepts instructions in civil matters and is available to prepare written advices and pleadings. She appears in small claims and fast track trials in the County Court.

Laura aims to provide an efficient and professional service for both the lay client and instructing solicitors and therefore welcomes email and telephone correspondence or conferencing whenever required to suit the needs of a particular case.

Laura is a member of the Family Law Bar Association.

Languages

French
German (basic)



VIVIAN CHAPMAN QC

Call: 1970 Lincoln's Inn
MA. LL.M.
Door Tenant

Vivian Chapman's practice encompasses a wide range of chancery and civil areas. He has a particular expertise in property litigation and advice. He was called to the bar in 1970 after taking a double first in law at Christ's College, Cambridge. He was appointed Queen's Counsel in 2006. He is head of chambers at 9, Stone Buildings, Lincoln's Inn. He has appeared in numerous reported cases.

He has a special interest in and is an acknowledged expert on the law relating to commons and greens and was described

- by Lord Hoffmann in *R. v Oxfordshire County Council ex p Sunningwell PC* [2000] AC 335, as "a barrister with great experience in this branch of the law",
- by Lightman J. in *Oxfordshire County Council v Oxford City Council* [2004] 2 WLR 1291, [2004] EWHC 12 (Ch.) as "a senior barrister with wide experience in this field" and
- by Lord Hoffmann in *Oxfordshire County Council v Oxford City Council & Robinson* [2006] 2 AC 674, [2006] UKHL 25 as "a member of the Bar expert in the law of commons and greens".

He has taken part as Inspector or counsel in over 40 public inquiries into village green applications.

Chambers UK Guide to the Legal Profession (2010 Edition) recommend him as a Leading QC in two practice areas, and state: Traditional Chancery: "Vivian Chapman QC is the proverbial 'gentleman and a scholar.' He is noted for his expertise in the laws concerning commons and village greens."

Agriculture and Rural Affairs: "Vivian Chapman QC of 9 Stone Buildings is a specialist in common land matters and village green applications. 'Absolutely impeccable in his approach,' he is hailed as being 'direct, scrupulous and clear.'"

He is recommended as a Leading Silk in Property Litigation (including Agriculture and housing) by the Legal 500 in its current 2009 Edition.

Recent reported cases include:

- *Fraser v Canterbury Diocesan Board of Finance (No 2)* [2006] 1 All ER 315 (House of Lords. School Sites Acts)

[Continues...](#)

- *Sangster v Biddulphs (a firm)* [2005] PNLR 33 (Partnership- professional negligence)
- *R (Richards) v Pembrokeshire County Council* [2005] BLGR 105, [2003] EWHC 2532 (Admin) (Court of Appeal: judicial review: ECHR art 6 & 1st Protocol art. 1)
- *Crest Nicholson Residential (South) Ltd v McAllister* [2004] 1 WLR 2409, [2004] EWCA Civ 410 (Court of Appeal: restrictive covenants)
- *Massey v Boulden* [2003] 2 All ER 87, [2002] EWCA Civ 1634 (Court of Appeal: rights of way)
- *Padgham v Rochelle* [2003] WTLR 71, [2002] WTLR 1483 (undue influence)
- *Bettison v Langton* [2002] 1 AC 27, [2001] UKHL 24 (House of Lords: rights of common)
- *Carapeto v Good* [2002] WTLR 801, 1305 & 1311 (probate)
- *Fitzpatrick v Sterling Housing Association Ltd* [2001] 1 AC 27 (House of Lords: landlord and tenant)
- *Fraser v Canterbury Diocesan Board of Finance (No. 1)* [2001] Ch 669 (Court of Appeal: Schools Sites Acts)
- *Barclays Bank Trust Co Ltd v McDougall* (2001) 2 WTLR 23 (trusts: construction of settlement)
- *R v National Assembly of Wales ex p Robinson* (2000) 80 P&CR 348 (public rights of way: deletion from definitive map)
- *Price Meats Ltd v Barclays Bank plc* [2000] 2 All ER (Comm.) 346 (Banking: constructive notice of forgery)

He has been appointed to act as Inspector in numerous non statutory inquiries relating to applications to register new town or village greens by many local authorities, including:

- Blaenau Gwent County Borough Council
- Bradford City Council
- Bristol City Council
- Cardiff City Council
- Cornwall County Council
- Cumbria County Council
- Denbighshire County Council
- Hampshire County Council
- Hertfordshire County Council
- Kent County Council
- Oxfordshire County Council
- Portsmouth City Council
- Reading Borough Council
- Redcar & Cleveland Borough Council
- Shropshire County Council
- Slough Borough Council
- Staffordshire County Council
- West Sussex County Council

He is a bencher of Lincoln's Inn and a Recorder, in which capacity he regularly sits as a part time judge.

He is General Editor of "Chancery Litigation Handbook" Jordans (2005). He has also written numerous articles.

He regularly speaks on property law and litigation at conferences and seminars.





STEVEN GASZTOWICZ QC

Call: 1981 Gray's Inn
LL.B (Hons) University of Nottingham
Door Tenant

Steven Gasztowicz was called to the Bar in 1981 and appointed Queen's Counsel in 2009.

He is also a Recorder.

He specialises in public law (planning, local government/administrative, and regulatory) work, contract, land/property matters, and commercial and other civil litigation.

He appears before the Appeal Courts, the High Court (both the Chancery and Queen's Bench Divisions, including the Administrative Court), county courts, and planning inspectors.

He also has experience of other tribunals ranging from the Lands Tribunal to disciplinary bodies considering professional negligence and other complaints.

He advises on the law, and upon legal problems, within his practice areas. He also advises on evidential and tactical matters, and on how best to press his clients' position and to achieve practical solutions.

As well as being instructed in each of his individual practice areas he is also instructed in situations which span more than one area, where his skill and experience across his practice fields enables him to advise comprehensively on the overall position.

He appears both in London and on circuit (where he has experience of both the Court of Appeal and the Administrative Court sitting regionally as well as the usual divisions of the High Court). He works flexibly and is happy to advise for convenience in consultations held at the offices of solicitors, instructing authorities, and others.



New Street Chambers
2 New Street
Leicester
LE1 5NA

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Tel: 0116 2625906
Fax: 0116 2512023
DX: 10849 LEICESTER 1
Email: clerks@2newstreet.co.uk
Website: www.2newstreet.co.uk

