

BROADWAY HOUSE

C · H · A · M · B · E · R · S

COHABITATION - The Client - The Law - The Hearing

Guidance on unmarried relationship breakdown

A ONE DAY CONFERENCE ON TOLATA CLAIMS AND COHABITATION DISPUTE RESOLUTION

The latest information and practical guidance in cases of cohabiting/unmarried couples:

- The client - the interview - what information do you need and what must you be alert to?
- TOLATA claim – the procedure
- A guide to the appropriate use of the CPR in TOLATA claims
- Drafting the Particulars of Claim - Defence
- Case Management Conference – the CPR
- Preparing for the Hearing – what does the Court need?
- The impact of *Abbott -v- Abbott*

A SERIES OF 9 FAMILY LAW SEMINARS

The Impact of the Forced Marriage (Civil Protection) Act 2007

Business Valuations – are they worth it?

Removal from the Jurisdiction and Child Abduction

Insolvency and Confiscation and the Impact on Ancillary Relief - a beginner's overview

Barder & Changing Values

Cohabitation and Remarriage as a *Barder* Event

Ancillary Relief in Recessionary Times

The Interpretation and Practical Application of Article 8 ECHR in Immigration Cases
& the Role that Family Proceedings Play

Pre-Nuptial Agreements

Fees

One day seminar - including lunch
at Pizza Express £75

Series of 9 seminars £35

OR

attend all for just £100

£10 per individual seminar

ALL THE ABOVE SEMINARS WILL

TAKE PLACE AT

THE CONFERENCE AND TRAINING SUITE

BROADWAY HOUSE CHAMBERS

25 PARK SQUARE WEST, LEEDS, LS1 2PW

Registration Form

I would like to register for the following

Cohabitation

1 day

9 Seminars

or

Seminar 1

Seminar 2

Seminar 3

Seminar 4

Seminar 5

Seminar 6

Seminar 7

Seminar 8

Seminar 9

(Due to the limited number of places, priority will be given to those booking a place for the 9 seminars. Bookings for individual seminars will not be processed and allocated until Wednesday 5th May 2010 and will be allocated only if there are places left.)

I enclose a cheque for: £.....

PLEASE COMPLETE CLEARLY IN BLOCK CAPITALS

All fields marked with * must be completed

Title* First Name*

Surname*

Position* Firm/Organisation*

Address*

.....

Postcode* DX

Email address*

Telephone* (landline) Fax

PLEASE MAKE CHEQUES PAYABLE TO "BROADWAY HOUSE CHAMBERS" and return, together with a copy of this booking form**, to Mrs Val Verity,
Broadway House Chambers, 9 Bank Street,
BRADFORD, BD1 1TW,
DX 729860 BRADFORD 22

** Please copy this form to register more than one delegate



COHABITATION – The Client –The law – The hearing

A one day conference on TOLATA Claims and Cohabitation Agreements presented by, Jonathan C. Walker-Kane, Joanna Moody, Ian Miller, Matthew Rudd, Robert Cole and Nick Power with a panel discussion to include members of Broadway House Chambers

Wednesday 30th September 2009

Registration & coffee 9.30 am
Lunch at 12 noon at Pizza Express

Programme commencing at 10 am - 5.30 pm

5.5 CPD points

The Programme

Has the client got a claim?

- The questions you need to ask
- Evidence - what should you be looking for to determine the strength of the case?
- Pending proceedings - protecting the property?
- How have the parties conducted their finances – have they made a financial contributions?

The Current Law

- The basic principles of trust law to be applied
- Recent case law
- The distinction between Resulting Trusts and Constructive Trusts – to what type of case do they apply
- The relevance of *Laska v Laska*
- The impact of *Abbott v Abbott*

What type of Claim – Part 7 or Part 8?

- Which forum?
- Consider how to draft the statement of claim and the rules governing the Particulars of Claim
- The Defence – what type?
- Part 8 Witness Statement
- Drafting tips

Negotiation – terms of settlement

- Tactical considerations – correspondence – Part 36 Offers
- Tomlin Orders – when are they applicable?
- When might the need arise to seek an injunction?
- Will you need expert evidence?

Solicitors Regulation Authority and ILEX Continuing Professional Development 5 hours 30 minutes
Bar standards Board New/Established Practitioners Programmes 5 hours 30 minutes

5.5 CPD Points

Ref CGK/BHCH

Two in depth case studies

Case Study One

- The parties met in 1996. Mrs. S. had been recently widowed and by survivorship the marital home was now in her sole name. Life insurance policies, pensions and endowment policies had paid the mortgage and left Mrs. S reasonably well provided for.
- There are three children – two are still dependant.
- Mr. G moves in with Mrs. S and persuades her to undertake a programme of renovation. It is agreed that the whole family are going to undertake the work, predominantly at weekends.
- Mr. G makes only a minimal financial contribution and there are issues as to whether this is a loan or a contribution - he does however give up his job and work exclusively on the property.
- The works go horribly wrong and takes nine years during which the parties have to move out and rent alternative accommodation.
- Mr G retains his own home and an investment property.
- The renovation is never complete and before they resume occupation of the property the relationship breaks down.

Case Study Two

- The parties cohabit for nearly 20 years and have four children – at the time of separation two are dependant and live with mother, two are at university.
- During the course of their relationship they acquire an impressive property portfolio consisting of ten properties – they are held variously in their sole names and one is in fact in the name of a relative – it is unclear of their status.
- When the parties first met they lived in a modest property but Mr. P was good at DIY and he improved and renovated the property and they sold it at a considerable profit. He was then made redundant and they moved “up market” considerably. He improved and renovated this property and they once again moved “up market”.
- Using some monies from his redundancy and some from the sale proceeds of the properties they had lived in, they acquired their first investment property.
- Mr. P improved this significantly and on the basis of his work its value improved such that significant sums were borrowed against it and they purchased another property. This they continued to do until they had ten such properties, some in their joint names and some in their sole names.
- They each had a bank account and one joint account. There was no systematic use of these accounts and often rents were paid in cash and it is unclear as to whose accounts these monies went into. Housing Benefit cheques for their tenants were always paid into Mrs. P's account irrespective of whether the property was in her name or not.
- Mrs. P has worked throughout and been a mother. She has never done any work on any of the properties and nor has she actively collected rents.
- There is an issue with the Inland Revenue regarding an under payment of tax.
- They have separated – their home and the portfolio come to in excess of £3 million.
- Mr. P remains in the parties' home. Mrs. P has moved into one of the investment properties with two of the children.

SERIES OF 9 SEMINARS

Registration & Coffee 5.15 pm Seminars commence 5.30-7.00 pm
Followed by Wine & Canapes 7.00-7.30 pm

1. The Impact of the Forced Marriage (Civil Protection) Act 2007 -

Presented by Sharn Samra and Semaab Shaikh

Wednesday 12th May 2010

- Background to the Act
- Forced Marriage Protection Orders
- Applications to the Court
- Practical Issues
- Role of the Forced Marriage Unit
- Impact on Immigration Law

2. Business Valuations – are they worth it? -

Presented by Robert Cole

Wednesday 19th May 2010

- When are valuations of use?
- What is the current judicial attitude to company valuations?
- What should you be valuing and what type of valuation do you want?
- Some practical tips on what to ask and what to look for.

3. Removal from the Jurisdiction and Child Abduction -

Presented by Nick Power

Wednesday 2nd June 2010

- A review of recent case law
- Removal to/from Hague Convention countries
- Defences
- Removal to/from non-Hague Convention countries
- Permanent or temporary removal
- Procedure

4. Insolvency and Confiscation and the Impact on Ancillary Relief - a beginners overview -

Presented by Ian Miller

Wednesday 16th June 2010

- The principle statutory provisions in the Insolvency Act 1986 and proceeds of crime legislation
- Relevant case law
- What assets are vulnerable, which assets may be preserved?
- Applications which may be brought by the non bankrupt spouse
- Tips, pointers and strategy

5. Barder and Changing Values -

Presented by Paul Isaacs

Wednesday 30th June 2010

- What is meant by changing values - the old cases revisited
- The dicta in *Cornick*
- The recent cases including *Myerson*, *Horne* and *Walkden*
- Mistaken valuations - not a *Barder* event

6. Cohabitation and Remarriage as a *Barder* Event -

Presented by Joanna Moody

Wednesday 8th September 2010

A consideration of the law concerning applications for leave to appeal an ancillary relief order out of time based upon the cohabitation or remarriage of a party after the order is made.

- The 4 conditions to be satisfied as set out by Lord Brandon in *Barder*
- Exceptional circumstances
- Fundamental assumption
- Concept of foreseeability
- Occurrence of the event within a short period of time.
- Promptness of applications
- Third parties' interests

7. Ancillary Relief in Recessionary Times -

Presented by Duncan Adam, District Judge, Swindon Combined Court

Wednesday 22nd September 2010

- Orders for Sale – how long to allow for sale?
- Lump Sum Order – how long to pay the money?
- Variation of maintenance
- What constitutes a *Barder* event in a challenging economic climate?
- Setting aside Consent Order/extracting from an Agreement

8. The Interpretation and Practical Application of Article 8 ECHR in Immigration Cases & the Role that Family Proceedings Play -

Presented by Tasaddat Hussain

Wednesday 6th October 2010

- What constitutes family life under Article 8 ECHR?
- What is the significance of ongoing family proceedings to your client's immigration status?
- How can family practitioner contribute to the task of securing a client's stay in the UK in order to facilitate participation in family proceedings and /or contact?
- What evidence is required to establish the above?
- What, in practical terms, can you do to assist in helping prove a decision to remove is unlawful under Article 8 ECHR?

9. Pre Nuptial-Agreements -

Presented by Jonathan C. Walker-Kane

Wednesday 20th October 2010

- Background to Pre-Nuptial Agreements
- Reasons to have one
- Recent Authorities
- *Crossley v Crossley – Radmacher v Granatino*
- Drafting points and case study

Solicitors Regulation Authority and ILEX Continuing Professional Development 1 hr 30 mins
Bar Standards Board New/Established Practitioner Programmes 1 hr 30 mins
1.5 CPD Points per Seminar Ref CGK/BHCH

In view of the fact that the majority of the lectures will be delivered by busy practitioners, it may be necessary due to listing difficulties to change the programme at short notice. The content of the Seminars may, and in all likelihood will, change in order to accommodate new cases and changes in the law, which post date the publication of this brochure.