



PUMP COURT  
CHAMBERS

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## MARK ABLETT

Call: 2014

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Mark Ablett has a specialist practice in family law, appearing at all levels of the Family Court and High Court having completed pupillage in October 2017. His background as the senior paralegal at a leading family law solicitors firm lends an experience of working on big money divorce cases.

He is frequently instructed on family finance cases with a complex element, often involving asset-protection structures, as well as private and public children cases. He also handles Family Law Act injunctions and is building a practice in TOLATA claims.

In all practice areas, Mark is sensitive to the benefits of settlement where achievable but does not hesitate in taking a robust approach where necessary. Profiling his expertise, Mark regularly provides talks and case updates to leading law firms as well as writing articles for key publications (both online and in print), and has been published in the Guardian. Mark was also proud to achieve recognition when awarded the IBA Family Law Committee scholarship in 2017, enabling him to attend and talk at the IBA annual conference in Sydney (2017).

## Family Finance

Mark's practice encompasses all aspects of the financial consequences of relationship breakdown, having been instructed both in applications under the Matrimonial Causes Act 1973 and Schedule 1 Children Act 1989.

Mark came to the Bar with a background in family finance, having worked for two years pre-pupillage as a paralegal on big money divorces, handling one case involving assets worth several billion dollars held in a Cayman Islands trust. He has applied the meticulous approach, developed through previous specialised experience, to his cases at the Bar. This enables him to deal confidently with cases involving issues such as complex structures which obfuscate the assets available for distribution as well as non-disclosure. He also brings this experience to smaller money cases

where a practical and proportionate approach is needed to achieve a favourable result for his clients.

Mark also deals with the broader issues related to family finance, for example advising and acting in cases where there is disputed divorce jurisdiction, as well as advising clients who are contesting child maintenance awards through the tribunal.

He has also advised on the validity and recognition of marriage and divorce and the consequences thereof. Conflict of laws is a particular interest and was the subject of a talk given by Mark at the IBA annual conference in Sydney in 2017.

## Selected Cases

### X v Y & Z

Junior counsel in an ongoing case where H asserts the majority of matrimonial assets are subject to loan agreements.

### M v S

Adverse inferences drawn against H due to serious non-disclosure, resulting in all UK-based capital being transferred to W (Mark's client).

### J v D

Contested domicile hearing in the context of divorce jurisdiction.

### F v A

Contested divorce jurisdiction hearing applying forum conveniens principles

## Children Law (Private)

A significant element of Mark's practice is in the sphere of private children. He has experience dealing with cases of intractable hostility to contact and has acted with and on behalf of 16.4 guardians. Mark is well-used to dealing with cases involving domestic violence and the impact of the new PD12J, particularly on alleged perpetrators of domestic violence.

Mark is familiar with related issues arising from children cases, including declarations of parentage as well as complications arising from surrogacy arrangements.

Mark also deals with both internal and international relocation cases, having been instructed to assist in the preparation of the father's case in *S v S (Relocation)* [2017] EWHC 2345 (Fam). This has given Mark added experience in contact disputes where geography is a particular issue.

Mark's international practice includes recognising overseas child arrangements agreements or similar and cases involving non-EU and non-Hague Convention 1996 countries.

Lastly, Mark is building a practice in child abduction, in which he gained significant experience during pupillage.

## Selected Cases

### B v B

Ongoing case where the children have been joined and are represented, with intractable hostility to contact.

### R v G

Successful appeal against fact-finding, leading to Mark's client seeing his children for the first time in 2 years.

### M v F

Fact-finding where one of the children gave evidence.

## Children Law (Public)

Mark is instructed on behalf of parents, interveners and the guardian in public law proceedings and has experience of cases involving very young children and older teenagers. Mark is used to representing a wide range of clients, including those where mental capacity under the 2005 Act is at large. Mark has acted at all stages of proceedings, from contested ICOs to final hearings.

Mark also has experience of cases post-care proceedings, for example contact disputes where the child is in care and discharge of special guardianship orders.

During pupillage, Mark gained significant experience of cases involving non-accidental injury allegations and issues of radicalisation, as well as the use of closed material procedures.

## Selected Cases

5-day final hearing in which it was successfully argued by Mark on behalf of the mother that the LA had not worked with mother sufficiently to justify a placement order.

Acted for the guardian throughout proceedings, persuading the LA to agree to a residential rehabilitation placement for mother resulting in mother and child remaining together.

Achieved joinder for maternal grandfather where there was initially a negative viability assessment.

## TOLATA

Mark is building a practice in TOLATA claims, for which he advises in writing and appears in court. With cohabitation rights still largely unprotected, TOLATA claims must be considered as one remedy available on the breakdown of the relationship and Mark is familiar with cases where there is an inter-relation between TOLATA and Schedule 1 Children Act 1989.

## Qualifications

- French & History – University of Warwick
- GDL – University of Law
- BPTC – University of Law (Middle Temple Blackstone Entrance Exhibition Award)
- IBA Family Law Committee 2017 scholar

## Professional associations

- Bar Pro Bono Unit
- Family Law Bar Association
- International Bar Association

## Outside Interests

Mark is a food fanatic and when not in court can be found in his garden smoking sides of salmon and roasting coffee beans (although not simultaneously), to the mild irritation of his long-suffering neighbours. Mark is also an avid follower of the travails of Liverpool FC and their never-ending quest for that elusive Premier League title.

## Publications

- Brexit and Family Law, The Review, Issue 199
- **Costs in fact-finding proceedings against the legally aided litigant – [2019] Fam Law 407**.co-author with Alice Scott
- “The without prejudice rule in children proceedings: myth or reality?” Family Law Journal, [2018] Fam Law 208
- “Costs: Reassessing the Starting Point”, Family Law Week, 27 January 2017
- “Why it pays for the wealthy to divorce in Singapore (and not Hong Kong)”, Trusts & Trustees, Vol. 22, No. 5, June 2016, pp. 525–530 (co-author)
- “Ordering the would-be undertaker: the equitable reach of the Family Court”, Family Law Week, 8 July 2016 (co-author)