



Barrister

CHARLIE PEAT

Email: cpe@onepumpcourt.co.uk

Call: 2003



Specialist in

Family

Direct Access Trained

Qualified Mediator

Array

Experience

Charlie is an experienced family barrister who is passionate about access to justice and ensuring that quality legal representation continues to be provided to all members of society especially the most disadvantaged.

Charlie trained as a “pupil” at One Pump Court prior to being taken on as a “tenant”. He now has a specialist family practice and has gained a great deal of experience in all areas of family law including financial remedy proceedings for divorcing couples, property disputes for cohabiting couples (“TOLATA”), disputes over where children live and the time spent with them and representation of parents and children caught up in care proceedings.

Known for providing frank and sound advice in a down to earth manner Charlie has represented clients from all walks of life at every level of the family justice system except the Supreme Court. Reported cases include the Court of Appeal case *Critchell v Critchell* [2015] EWCA Civ 436 where Charlie advised and represented a Wife in her successful *Barder* appeal described on one website as a “rare beast indeed.”

Charlie’s extensive legal experience prior to being called to the Bar in 2003 includes working as an outdoor clerk for a number of legal aid solicitors and also working for the Refugee Legal Centre, representing refugees at all stages of the asylum process including presenting appeals.

From Direct Access Client:

Charlie was recommended to me by a barrister friend who sadly does not deal with children’s cases any more. I have been using Charlie for a period of over a year now in what is a complex case, that has a few differences from the normal vanilla separation.

I would have no hesitation whatsoever in recommending Charlie to anyone requiring a direct access barrister. If you are capable of listening, and performing the duties that are required of a litigant in person, he will be a highly cost effective route to excellent legal representation. His recommendations

and position statements make perfect sense, his presentation of them is immaculate, and that ensures a sensible outcome with the bare minimum of fuss.

Charlie is affordable, affable and highly effective; a superb addition to the direct access to the bar scheme.

Education

B.Sc (Econ.)

CASES

Critchell v Critchell

[2015] EWCA Civ 436

Judgment in financial remedy proceedings in which the Court of Appeal restated the application of the principle in *Barder v Barder* (Caluori intervening) [1987] 2 FLR 480.

This was a needs-based case where the parties had settled at FDR. A consent order was agreed which provided that the wife retain the matrimonial home, worth £190,000, and there be a charge in favour of the husband equal to 45% of the equity.

However, within a month of the consent order, the husband's father died, leaving him an inheritance of £180,000. The wife sought to appeal on the basis that the husband's inheritance was a *Barder* event which invalidated the basis upon which the consent order had been made.

Her Honour Judge Wright allowed the wife's appeal and varied the consent order by extinguishing the husband's charge over the former matrimonial home. Her Honour Judge Wright considered the four conditions in *Barder* and held that the husband's inheritance had invalidated the basis of the consent order. Judge Wright reasoned that since the original order had been based upon need, while the wife's need had remained the same, the husband's inheritance meant that he no longer needed his share in the former matrimonial home.

The husband sought to appeal that decision. In dismissing the husband's appeal, Lady Justice Black endorsed the reasoning of Her Honour Judge Wright. Lady Justice Black stated that Judge Wright was correct to analyse the consent order as being the only way, in the circumstances then prevailing, that the husband could be enabled to pay off his debts at a future date, leaving the parties in fairly equal capital positions in terms of the equity in their properties. The impact of the inheritance so soon after the hearing was that the husband no longer needed his interest in the former matrimonial home to discharge his indebtedness. There had been a fundamental change in the needs of the parties. Finally Lady Justice Black commented that it is rare for a case to come within the *Barder* principles.

Area of Law:

Family

Related Barristers:

Charlie Peat