



Barrister

CLIVE MATTHEWS

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Call: 2019





Specialist in

Family

## Experience

Clive was admitted as a solicitor in 1981, and, in 1983, he co-founded Farrell Matthews and Weir (which was incorporated, as FMW Law Ltd, in 2010, and which became part of GT Stewart Ltd, in 2018).

He became a children panel solicitor in 1984 and was appointed a children panel interviewer and assessor in 2000. He has had higher rights of audience (all proceedings) since 1996 and has always conducted his own advocacy. Clive transferred to the Bar and was called in 2019.

In his 40 years of practice, his advocacy specialism has been representing children in public law proceedings. He has represented children and parents at every level of court and has proved to be a fearless advocate for children.

“Clive represented a vulnerable mother in a final hearing, which involved alleged findings of physical harm to a child, amongst other matters.

He was new to the case as at final hearing, but it was clear at the conference that he had an excellent grasp of the history and facts of the case. His manner with the client was kind and reassuring. During the final hearing, he provided regular updates and challenged the evidence in analytical detail, going above and beyond in fighting for the client.” – National Legal Services

## CASES

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### Re C (PRFD) [2014] (unreported) HHJ Michael Horowitz QC.

I represented and advocated for the two children in private law Children Act proceedings. A children's Guardian had been appointed for the children under rule 16(4). The children were abducted by their father to Italy, whilst on holiday with their mother in Spain. I obtained emergency, out of hours, High Court orders, which assisted in the children being returned to the jurisdiction. The final hearing was 5 days with witnesses giving evidence by video link from abroad. HHJ Michael Horowitz QC, unusually, made a cost order against the father due to the exceptional nature of the case

The Father was represented by Aidan Vine; the Mother by Piers Pressdee QC and Lucy Owens

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### Re CT (CFC) [2019] (unreported) HHJ Robin Tolson QC

I represented and advocated for a child in private law Children Act proceedings. A children's Guardian had been appointed for the child under rule 16(4). The mother was a litigant in person and was intractably hostile to any contact with the father. The mother was ordered to carry out 100 hours of

unpaid work under s11J-L of the Children Act 1989 for breaching a Child Arrangements Order requiring her to use her best endeavours to encourage the child to read the fathers letters and give the child a mobile phone. This was one of the first uses of this power. Joy Brereton was for the father; the mother was a litigant in person

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### Re K (High Court) [2013] (unreported) Hogg J

I represented and advocated on behalf of the children, in private law Children Act proceedings. A children's Guardian had been appointed for the children under rule 16(4). The father was originally represented by silk but then acted in person with a McKenzie friend. The father sent email to Baker J in which he made very abusive allegations of corruption, negligence and prejudice. Baker J ordered the matter listed before another Judge. At the final hearing Hogg J took the unusual step of making a cost order against the particularly difficult father due to the exceptional nature of the case.

The father was represented by Stephen Cobb QC, after which he was a litigant in person with his McKenzie friend, the Mother was represented by Piers Pressdee QC

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### Re P (Representation) Court of Appeal [1996] 1 FLR 486, [1996] 1 FCR 457, CA (Russell and Thorpe LJJ and Sir Ralph Gibson)

I acted for seven children in High Court care proceedings. The eldest then instructed their own solicitor. Then the 2nd eldest sought her own solicitor: she opposed the care plan. Douglas Brown J refused. I appealed to clarify the representation of children with conflicting views. The Court of Appeal held that for a solicitor to represent all the children including a dissenting child was a task incapable of due performance. It was impossible for a single advocate to support the care plan and at the same time mount an all-out attack upon that plan on behalf of one dissenting child.

Indira Ramsahoye for the local authority and Roderic Wood, QC for the guardian ad litem.

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### Re R (A Minor) (Wardship; Consent to Treatment) [1992] Fam 11; [1991] 3 WLR 592; [1991] 4 All ER 177; [1992] 1 FLR 190; [1992] 2 FCR 229; The Times, 31 July 1991; The Independent, 25 July 1991, CA (Lord Donaldson MR, Staughton and Farquharson LJJ)

I represented the father whose child, aged 15, suffered from a fluctuating mental disability. She absconded from a children's home and attacked her parents. She was placed in the psychiatric ward of a hospital and then was transferred to an adolescent psychiatric unit. She was given sedative medication with her consent. A doctor wished to administer anti-psychotic medication. The child

refused to consent. She was Gillick competent. The Court decided that Gillick competence was not the appropriate test and the court in its wardship jurisdiction could decide whether or not to consent having regard to welfare as the paramount consideration.

Charles Geekie for the local authority, Miss V Gilbert for the father and James Munby QC for the child. Several national newspapers wanted to interview my client or me but my client did not want this. They ran the story anyway.

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