

Nick Davies

Year of Call: 2006
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Family

Nick specialises in family law and practises across the full range of this area at all levels of the family court as well as the High Court and Court of Appeal.

Nick is also qualified to accept cases under the direct public access scheme. He accepts direct access instructions in family cases to advise generally in respect of proceedings or proposed applications, assist in the preparation of paperwork, and represent clients at Court from the beginning to the end of a case.

Finance

Nick also has extensive experience in financial remedy proceedings, at all stages from first appointment to final hearing and appeal, including preliminary issues concerning the beneficial ownership of assets.

He has particular experience in dealing with cases involving the following issues:

- Assets located overseas and disputes over their ownership and valuation, particularly in India and South Asia
- Land, including third-party interests and the effect of planning permission on valuation.
- Companies, their valuation and ownership including family-owned companies
- Family and other trusts
- Maintenance pending suit, interim periodical payments and school fees
- Share options and other deferred compensation scheme
- Emergency remedies such including search and freezing injunctions
- Disabilities and their impact on earning capacity including personal injury awards including structured settlements
- Pensions, particularly police and military pensions

Nick also undertakes case under schedule 1 of the Children Act 1989. He also acts regularly in TOLATA matters and other beneficial ownership disputes, including those involving boats.

Nick has worked with clients from a wide range of backgrounds and is experienced in dealing with various cultural issues that arise from divorce proceedings. He is experienced in working with clients with disabilities particularly the deaf and blind/partially sighted.

Nick also provides representation at Child Support Tribunal, both at First Tier and Second Tier level. His experience in this context includes issues of contested jurisdiction and habitual residence.

Nick is also experienced in dealing with divorce proceedings themselves including defended divorces and related

applications such as preventing the grant of decree absolute.

Recent cases include:

E v E: Successfully negotiated a settlement when final hearing was ineffective due to a lack of judicial availability. Case involved complex issues of military pensions including ring-fencing of non-matrimonial elements and Early Departure Payments.

F v F: Successfully negotiated a settlement on behalf of a profoundly deaf client. Case involved issues of post-nuptial agreement and significant delays over 10 years in bringing claims for financial remedies.

W v S/TOLATA: case on behalf of the claimant establishing a 50% beneficial interest in the property. Successfully obtained orders for sale and vacant possession. Obtained costs orders on the indemnity basis with a rare instance of 100% of costs being awarded.

G v G: Representing a husband resisting applications by the wife to set aside a Rose settlement in financial remedy proceedings; interim maintenance and Legal Services Payment orders. Successfully had applications dismissed with costs.

G v G & A: Negotiated settlement on behalf of an intervenor at FDR.

F v EE (Enforcement under Schedule 1 CA : s.423 Insolvency Act 1986) [2026] EWFC 249 (B): Successful representation of the mother in an application to enforce the judgment in proceedings under sch. 1 of the Children Act 1989. The respondent father had between final hearing and judgment declared a trust in favour of his sister in respect of a property. This was the only asset remaining in the jurisdiction against which the mother would have been able to enforce a lump sum order for capitalised maintenance. On the mother's application the court applied s.423 of the Insolvency Act 1986 to set aside the transaction which was found to have been made at an undervalue and with the intention of putting assets beyond the reach of the mother.

L v L: Successfully negotiated a settlement on behalf of the husband in a long-running case involving property in Bulgaria.

H v L: Successfully obtained enhanced capital for a wife with disabilities and limited earning capacity. Complex case involving contested expert evidence concerning valuation and liquidity of a company and occupational therapist's evidence concerning wife's earning capacity.

H v H: Negotiated a financial settlement on behalf of the wife which enabled her to retain a specialised property necessary for her business.

H v H: Representation of the husband in final hearing with complex issues concerning valuation of interrelated companies. Successfully excluded a range of conduct allegations from the court's consideration.

A v A: Negotiated a settlement in a complex financial remedies case involving issues of family trusts and contested extent of matrimonial properties. Assets involved amounted to £5.5 million.

Z v Z: Representation of the husband who was both primary carer and high earning in a complex case where child arrangements were contested. The case also involved allegations of conduct and potential add backs.

HG v G: Negotiated a settlement in a financial remedy matter involving issues of lack of capacity.

A v A: Represented the wife in a case where the husband was arguing that there were no assets available for distribution on the basis that these were held on trust for the benefit of the parties' son. Successfully demonstrated that the properties were not held on trust and obtained a fair share of these for the wife.

SV v AV [2024] EWFC 86 (B): Financial remedies case acting on behalf of a husband with minimal assets. Wife was making claims that he was the beneficial owner of a substantial property portfolio owned by other family members. Wife also alleging that the husband had transferred properties to defeat her claims. The case was complicated by the husband's vulnerability by reason of suffering from paranoid schizophrenia and requiring an intermediary. The court found that in the husband's favour that he had no beneficial interest in the property portfolio. The court also applied the principle in *MCJ v MAJ [2016] EWHC*

1672 that living off the income from non-matrimonial property does not render it matrimonial.

H v L: Successful application for maintenance pending suit.

S v S: Negotiated settlement to a complex financial remedies case involving issues of family trusts.

W v W: Complex financial remedies case involving significant issues of delay and post-separation accrual.

K v K: Successful application for enforcement of a maintenance pending suit application including an attachment of earnings order an award of costs.

H v H: Negotiated a settlement in a complex financial remedy matter involving multiple rental properties with significant capital gains tax implications.

W v A: Preliminary issue concerning allegations of sham trusts.

P v H: Successful maintenance pending suit application. Obtained an order for maintenance together with costs. Case involved issues of declining incomes on rental property portfolio resulting from interest rate rises.

K v K: Successful application for maintenance pending suit on behalf of the wife. Obtained full sum sought together with costs.

F v M: Resolution of a financial remedy application through arbitration, avoiding substantial delay.

K v K & K: Negotiated resolution of an intervenor's claim in financial remedy proceedings.

M v S & S: Application on behalf of a wife to set aside transactions intended to avoid claims for a financial remedy by transferring proceeds of sale to a third party. Successfully obtained funds from third party to meet the original award together with costs. The underlying proceedings had been particularly complicated and long-running involving a factual dispute as to the duration of the marriage, requiring the intervention of the Queen's Proctor. The factual issue was resolved in the wife's favour.

B v B & A: Acting on behalf of the intervenor in financial remedy proceedings. Case resolved with the husband withdrawing their claim to the intervenor's assets and paying intervenor's costs.

S v S & S: Acting on behalf of an intervenor in financial remedy proceedings involving questions of US Law. Successfully obtained repayment of loan made by the intervenor to the husband and wife together with costs.

Y v N: Schedule 1 Children Act case concerned centred around issues of housing needs, mortgage capacity and childcare costs.

E v E: Successfully resisting application for variation of periodical payments orders.

K v K: Financial remedy case involving multiple properties and civil service pensions. Resolved by negotiation and agreement at FDR.

J v J: Financial remedies case involving the role of the needs and potential dependence of an adult child with special needs.

D v O: Representing a wife in financially remedy proceedings brought by a husband over 10 years after the divorce proceedings. Successfully resolved without any substantive orders being made against the wife's assets and with a pension sharing order being made against the husband's pension. Case involved consideration of how to approach compensation provided by the Thalidomide Trust.

S v S: Representing the husband in a case concerning an alleged post-nuptial agreement. Whilst the court accepted that factually a verbal agreement had been reached the husband's case that it should not be taken into account was accepted.

S v S & S Ltd: Representing the wife in proceedings concerning the husband having transferred property to his brother's company. The court was considering both the company's application to intervene and the wife's application for setting aside

the transactions under s.37. The case was concluded by agreement with the wife receiving satisfactory financial provision from the brother.

G v G: Representing husband in financial remedy proceedings. The issues included the recovery of the husband's pet which was being withheld by the wife at an undisclosed location. The case was resolved with the pet being successfully returned to the husband.

S v S: Successfully obtaining freezing injunction on behalf of the wife in financial remedy proceedings.

S v S: Representing the mother in complex and high value Schedule 1 proceedings. Issues involved concealed assets; the extent of the father's profit from companies and transactions in various European countries; concurrent divorce proceedings abroad and the value and liquidity of shares.

Private Remote FDR Hearings

Nick is available for private remote FDR hearings. For more information on private remote FDR hearings please click here.

Private Law Children, Injunction and Domestic Abuse

Nick has extensive experience in private law children in all areas of arrangements for children, appearing for parents, grandparents and Guardians. Nick has extensive experience of all stages of proceedings from FHDRA to final hearing and appeal. His experience includes the following areas:

- Fact finding hearings concerning both domestic abuse and child abuse
- Intractable contact disputes including those requiring the appointment of a Guardian
- Parental alienation and change of residence
- Disputed medical treatment
- Relocation cases both internal and international
- Change of name case
- Representation of grandparents following the death of a parent
- Declarations of paternity

Nick provides representation in injunction proceedings relating to domestic abuse including non-molestation orders, occupation orders and transfer of tenancy.

Recent cases include:

B v F: Representation of a mother defending allegations of parental alienation and an application by father for change of residence. No findings of parental alienation made or change of residence. Successful application on behalf of mother to change the child's school.

P v P: Successful representation of a mother resisting father's application for a change of residence.

C v M: Representation of grandfather in freezing injunction arising out of child abduction proceedings.

C v M: Successfully obtained a live with order on behalf of the primary carer father.

P v N: Successful representation of father, who had been subject to an assault by the mother, in child arrangement proceedings.

K v K v K: Successful representation of the child through their Guardian in protracted and complex private law proceedings involving cross-allegations of domestic abuse, as well as threats to remove from the jurisdiction to a non-Hague convention

country.

F v J: Application for leave under a s.91(14) in protracted proceedings concerning both child arrangements and schedule 1 provision.

B v E: Representation of mother in a complex and long running private law dispute. Both parties had learning difficulties and required the assistance of intermediaries. Case resolved successfully with mother retaining the primary care of the child.

B v S: Successful application for a specific issue order for a change of name to a double-barrelled surname.

M v M: on behalf of father successfully obtained and ensured compliance with orders for extensive staying contact after 3 years of proceedings involving significant resistance from mother

D v D: Obtaining a declaration of paternity on behalf of an adult in respect of their late father who resided in France.

M v S: Application on behalf of the mother to relocate with the child to Wales. Application successful at final hearing despite a change in position by CAFCASS from supporting the application to adopting a neutral stance.

S v G: Representing mother in child arrangements proceedings in which father sought a 50-50 shared care arrangement. This was opposed by the mother but supported by the CAFCASS s.7 reporter. Successfully opposed the the 50-50 arrangements and obtained a joint lives with order with the child spending the greater proportion of their time in the mother's care.

C v C: Successfully defended a father in fact finding hearing resulting in all allegations against him being dismissed.

S v A: Successful resistance of a costs application in child arrangements proceedings.

W v W: High Court wardship proceedings concerning alleged wrongful removal to multiple countries. Acted on behalf of a father who was made subject to a without notice freezing injunction where the jurisdiction of the court to make that order was challenged.

S v S: An issue within child arrangements proceedings concerning the necessity of keeping the mother's address confidential for reasons unconnected with the proceedings. Successfully obtained orders for confidentiality of mother’s address.

M v M: Fact finding hearing in child arrangements proceedings. Successfully defended client against all allegations and obtained a finding the other parent had made false allegations and deliberately sought to frustrate contact.

Y v A: Representing mother seeking to relocate with child to Australia.

D v R: Representing mother in domestic abuse fact finding hearing. Case had a complex history including involvement of multiple local authorities. Successful in obtaining findings against the father.

A v A: Representing mother on successful internal relocation application.

F v A: Representation of children in complex and long running wardship proceedings concerning wrongful removal to Dubai.

Care and Adoption

Nick appears regularly in care proceedings at all stages from EPO and ICO until final hearing. He acts for all parties including local authorities, parents, grandparents and children as well as intervenors and special guardians. He has experience in matters involving serious allegations of sexual and physical abuse, including non-accidental injuries, and in dealing with complex medical evidence of these.

Recent cases include:

LA v S: Successfully obtained orders for return of teenager to care of his father having been previously in residential care and subject to deprivation of liberty

L v R, N & P: Represented a grandmother in a complex final hearing which took place over 10 days. Both grandmother and mother were vulnerable by reason of learning difficulties and required intermediaries throughout proceedings.

Re: B: On behalf of the father, successfully resisted interim removal of 5 children in the face of a negative parenting assessment and Guardian supporting removal. Case resolved finally by agreement of all parties that the children remain in their parents' care.

Re: S: Representing a father in care proceedings in which it was alleged that father had been domestically abusive when father asserted that he was sleepwalking. It was further alleged that father had used drugs during a residential assessment on the basis of the results of hair strand testing. Successfully resisted the making of both findings.

LA v D & J: Acting for a mother disputing the basis on which threshold was met. Court accepted the basis put forward by the mother.

LA v A & Others: Acting for an intervenor in a case of alleged salt poisoning.

LA v D: Acting for a learning-disabled mother in care proceedings. Successfully resisted the making of final care and placement orders on the basis of the inadequacy of local authority assessments and evidence.

LA v R, U & K: Acting on behalf of a local authority in a High Court case concerning significant difficulties in obtaining a suitable placement for a teenager in their care.

A County Council v (1) X (By her Guardian Official Solicitor) (2) Y (3) J (By her Guardian) EWCA Civ 581: Court of Appeal judgment concerning post-adoption contact and social media.

Recommendations

"Nick has been amazing throughout this matter. His bedside manner is second to none and his knowledge and advocacy skills are off the scale. My client was more than pleased with the representation and the result achieved by Nick for him."

Sandra D. Lanaway, Managing Partner, Cooper Lingard

Academic qualifications

- BA Philosophy, Politics and Economics at New College, Oxford
- Postgraduate Diploma in Law at City University
- Bar Vocational Course at BPP Law School

Professional bodies

- Family Law Bar Association