

Simon Lillington

Year of Call: 1981
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Family

Simon is mentioned as having a strong ancillary relief practice in the Legal 500.

In addition to his practice at the Bar in family law Simon also is a qualified family law mediator, registered with the Bar Council as such and will conduct mediations in chambers or at a location to suit clients.

He also is a qualified family law arbitrator and a member of the Chartered Institute of Arbitrators and will act as Arbitrator in qualifying family proceedings.

Money on Divorce or Separation

Although Simon's practice spans most areas of family law, his principal area of work is money on divorce or ancillary relief as it was formerly known or financial order/remedy applications as it is now known. He is regularly instructed in large asset or otherwise complex and difficult cases. His academic background and experience of company and commercial work make him ideally suited for dealing with those unusually complex issues which involve businesses, farms, trusts, foreign interests/assets and insolvency.

Private Remote FDR Hearings

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

Cohabitation and TOLATA

Simon will also accept instructions in the areas of TLATA and cohabitation disputes. He has a great deal of experience of dealing with the many different applications that can be made surrounding these complex areas of law. His expertise in this field ranges from property disputes and undue influence claims, Schedule 1 children Act 1989 applications and occupation order applications through to the more intricate applications for financial relief after a foreign divorce and Inheritance Act claims.

Reported cases

- *Rowland v Blades* [2021] EWHC 426 (Ch) - Claim for declaration of beneficial interests where TR1 incorrectly completed by the conveyancing solicitors.
- *A v B* [2017] EWFC B9 - Hess J3 February 2017 - Application to set aside financial remedy order long after perfection on change of circumstances.
- *Waudby v Aldhouse (Financial Remedies: Delay in Application)* [2016] EWFC B63 (31 May 2016) - Claim for financial remedies after long separation exceeding 20 years
- *Thayalnayagam v Redlich* [2010] - Financial relief after a foreign divorce

- *Shaw v Finnimore and another* [2009] All ER (D) 41 (Mar) [2009] EWHC 367 (Ch) - Undue influence, deceit and misrepresentation. Chancery Division: The claimant succeeded in his claim for the repayment of, inter alia, £643,000 where, on the evidence, it was clear that between the parties there was no contract under which he was obliged to pay the sum to the defendant.
- **R (on the application of Mitchell and another) v Horsham District Council* [2003] All ER (D) 195 (Feb) -
  - Town and country planning – Enforcement notice – Non-compliance – Direct action – Applicability of Convention rights to decision to take direct action – Town and Country Planning Act 1990, s 178 – European Convention on Human Rights, arts 6, 8.
  - Human rights – Fair trial – Civil right – Determination of civil right – Applicability of Convention right to decision to take direct action to enforce planning enforcement notice – Town and Country Planning Act 1990, s 178 – European Convention on Human Rights, art 6.
  - Human rights – Right to private and family life – Gypsies – Caravans – Planning controls – Use of direct action to enforce enforcement notices – Town and Country Planning Act 1990, s 178 – European Convention on Human Rights, art 8.
- *Couzens v Couzens* [2001] EWCA Civ 992 - Contempt of court – Committal – Breach of injunction – Suspended sentence – County court failing to serve suspended sentence order in required form – Judge activating suspended sentence when dealing with subsequent breaches of injunction – Whether judge in error – Whether sentence manifestly excessive
- *Cousins v Cousins* [2001] 2FLR 701 (CA) - Sentencing for breach of non-molestation injunction
- *The Governor and Company of the Bank of Scotland v Jones and another* [1992] - Application for permission to appeal in mortgage possession action

Cases of note

- R v B – dispute between unmarried couple regarding ownership of a substantial property where the conveyancing solicitors incorrectly completed the TR1 – widely reported in the national press.
- A -v- A – financial remedy case involving valuable property in UK held offshore, disputed assets overseas in the millions and overseas property in the names of the parties' children.
- N -v- N – financial remedy case involving numerous EIS investments and complex arguments as to post-separation accrual.
- D -v- D – financial remedies case involving disputes regarding a family company buying back the wife's shares and whether minority discounts should be applied to share values.
- B -v- B – property dispute between 2 brothers and their mother over the timing for disposal of a property in the UK co-owned by the 3 parties and occupied by 2 of them the other being overseas.

Pets in Seperation

Simon was one of the first family lawyers to qualify as a family mediator and remains committed to settling disputes outside of legal proceedings. This can be whole issue mediation or discrete issue mediation. One emotive issue that regularly arises is ownership of pets and who will have them after separation. This is perfectly suited to mediation and should be kept out of the court arena with legal proceedings as a last resort. As a dog owner Simon is sympathetic to these upsetting issues and will happily mediate such disputes in a calm and measured manner.

Recommendations

"I just wanted to express my sincere gratitude and appreciation to you for representing me yesterday. Although it was a very sad day for me I am in no doubt that without your professional advice and counsel the settlement may well have been much less favourable." **Client testimony**

"Simon is an outstanding barrister and person. He very kindly took on my case at the last minute, a complex case with only a weeks notice prior to a 3 day hearing whilst he was on holiday. He worked hard throughout his holiday and kept up to date with the case notes despite being abroad. He was always available and gave me great sincere advice which I valued. In court it is obvious he is extremely experienced. Despite the short time before the hearing and the huge sets of bundles to contend

with, he was thoroughly prepared and showed mastery, kindness and great skill in cross-examination my ex in delicate circumstances which I am certain helped bring her to the negotiating table. He gave me great advice to achieve my desired outcome in protecting my major asset for myself and helped me mitigate against some real risks in my case. I have no hesitation in recommending Simon who is an excellent lawyer. I have utilised a number of barristers and Simon is a class act and stands head and shoulders above his peers." **Client testimony**

''I would just like to say a big thank you for securing the pension share and loan repayment.
It was a pleasure to experience such a learned and eloquent submission on my behalf.
You cut through the other Counsel's defence like a hot knife through butter. You really should have K.C after your name.''
Client testimony

"Thank you for everything so far, your knowledge of the law and application in this case has proven to be exceptional and invaluable, and for which I am very grateful.'' **Client testimony**

"I do not know how I will ever be able to thank Mr Lillington, for supporting me through the four-year long dispute with my ex partner and achieving such an amazing result at my trial. Without Mr Lillington's dedicated support, I could have quite literally have lost everything. He was by my side every step of the way, providing expert advice and encouragement, with the utmost professionalism.

A kind and supportive man who was determined to ensure that justice prevailed. He helped secure my half ownership of the property in law and equity, a minimal occupation rent amount, and most of my costs paid by the other party. A truly amazing result, I will be eternally grateful to Mr Lillington."
Sharon Blades, Client, Rowland v Blades

"Thank you for your advice, patience, the trouble you took to really understand the issues of my case. The result was far beyond my expectations..... I can't adequately express how grateful I am." **Client testimony**

"Simon was fantastic for me throughout my case and at final hearing last week. .... He took so much of the strain onto his own shoulders... I really felt his quiet support. His advocacy was pitched just right - he was focused and gentlemanly throughout, never descending to scorn or malice." **Client testimony**

"I know that without you on board the result would not have been so good!...and the service you provide is invaluable." **Client testimony**

"Highly experienced in family finance cases."
Legal 500 2018/Family

"Recommended for finance cases."
Legal 500 2016/Family

"His workload includes financial remedy cases involving business, trusts and foreign assets"
Legal 500 2015/Family

"A qualified arbitrator and mediator who specialises in financial remedy"
Legal 500 2014/Family

"is highly recommended for finance work"
Legal 500 2013/Family

"Strong ancillary relief practice"
Legal 500

Academic qualifications

- (1981) Middle Temple

- (1979) BA(Hons) Law - Anglia Ruskin University
- (1980) Bar exams
- (1985) LLM (Lond.) (Shipping & Company Law)

Professional bodies

- Family Law Bar Association
- Association of Lawyers for Animal Welfare (ALAW)
- Associate Member of Resolution