

Antonida Kocharova

Year of Call: 2015
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Overview

Antonida's practice encompasses all areas of family law, residential property law, and Court of Protection.

Her experience across these areas complements her growing specialism in TOLATA, Schedule 1, and cohabitation disputes, and other cases where those areas overlap. In addition, Antonida has advised on probate and Inheritance Act issues.

Antonida is a native Russian speaker. She is happy to accept work in any of Chambers' geographical locations and is also fully qualified to represent clients on a public access basis.

Outside of law, Antonida enjoys singing opera on a semi-professional level.

Academic qualifications

- University of Oxford, MA Jurisprudence
- BPP University, BPTC (Outstanding)

Scholarships

- Buchanan Prize (Lincoln's Inn)
- Lord Denning Scholarship (Lincoln's Inn)
- Hardwicke Entrance Scholarship (Lincoln's Inn)

Professional bodies

- Family Law Bar Association
- Property Bar Association
- Housing Law Practitioners' Association
- Contentious Trusts Association
- Court of Protection Bar Association
- Haldane Society of Socialist Lawyers

Expertise

Family

Antonida undertakes work in all areas of family law and often represents clients in more than one application, enabling them to have continuity of representation through what is always a difficult period. Her practice covers the following:

Matrimonial Finance

Antonida has successfully represented both husbands and wives at all stages of financial remedy proceedings, including FDA, FDR, Final Hearings, mediation, and enforcement proceedings. She always favours achieving a settlement which works for her clients but is not phased by voluminous documentation and detail, and she has successfully proven fraudulent doctoring of bank statements in two cases.

Recently, Antonida has acted in several cohabitation cases with cross-applications under TOLATA and Schedule 1 of the Children Act, including two cases concerning Islamic marriages in circumstances similar to the developing jurisprudence in *Akhter v Khan*. She has also represented clients in TOLATA proceedings between other family members and has advised a same-sex couple on pre-nuptial agreements.

Notable cases have included:

- **V v V (2023)** – Represented and advised husband throughout matrimonial finance, TOLATA and Children Act proceedings on a direct access basis, successfully proving contempt of court by fraudulent falsification of bank statements.
- **H v W (2023)** – Acted in contemporaneous TOLATA and Family Law Act proceedings between unmarried couple.
- **C v B (2022)** – Negotiated a Tomlin order settlement in TOLATA claim between unmarried couple with children.
- **A-D v D (2021)** – Successfully settled at FDR a medium-asset case achieving an 80/20 split of assets in favour of the wife.
- **K v S (2021)** – Advised wife on landlord and tenant law as part of enforcement of a financial remedies order, drafted possession proceedings, and attended possession hearing.
- **A v A (2020)** – Represented husband throughout Family Law Act, Children Act, and matrimonial finance proceedings in a matter involving doctored bank statements and Imerman disclosure, successfully proving fraud by the wife.
- **V v P (2020)** – Achieved outright lump sum for rehousing in settlement of TOLATA and Schedule 1 proceedings, and drafting a charge on a property as security.
- **P-B v D (2020)** – Represented mother in children proceedings together with a joint TOLATA and Schedule 1 proceedings, successfully settling at FDR, and representation for enforcement and trial of children matters and dispute about contents of the home.
- **B v B (2019)** – Advised a military wife on maintenance pending suit.

Private Law Children

Antonida undertakes a wide range of private children work and has been instructed by mothers, fathers, grandparents and NYAS in applications for child arrangement orders, prohibited steps orders and specific issue orders. She has represented clients at all stages of proceedings and her cases often involve sensitive elements such as intractable hostility, domestic and sexual abuse (including allegations of sexual abuse towards the child and threats to kill), and witness protection. Frequently Antonida works through interpreters and intermediaries.

Recent cases have included:

- **Z v S-H (2023)** – Stepped in to cover part-heard trial on behalf of NYAS Guardian in child arrangements proceedings

involving significant physical abuse by father to mother and emotional abuse to children.

- **T v B and W (2022)** – Negotiated return of children in a father's urgent application following the mother's relocation by agreement involving the grant of a licence on a house for the mother, which was drafted at court.
- **R v H (2022)** – Successfully obtained no order for contact in a case where the father suffered from alcoholism and the children did not wish to see him.
- **A v D (2019)** – Successfully represented a respondent mother in resisting an application by the father for contact where the 12-year-old child's wishes and feelings were strongly against any direct contact exhibited through school non-attendance, self-harm and suicidal thoughts.
- **M v L (2018)** – Represented the grandmother of children at a directions hearing in the context of the children's move into witness protection meaning she would be denied all contact.
- **I v B (2018)** – Successfully adjourned final hearing and resisted applications for amendments to interim child arrangements instructed to stand in for a colleague with 30 minutes' notice.
- **R v R (2017)** – Successfully representing a mother in her application for the discharge of a Special Guardianship Order.

Public Law Children

Antonida has appeared in the Family Court and High Court on instructions by parents, grandparents and Local Authorities in all stages of public law proceedings, including interim and final care and supervision orders, secure accommodation orders and other applications, including under the inherent jurisdiction. She has also been instructed on emergency protection orders at short notice.

Recent cases have included:

- **Re D (2022)** – Acted in inherent jurisdiction proceedings in relation to 15-year-old boy with behavioural difficulties.
- **Re M (2021)** – Represented father in 8-day final care hearing, prepared following advice and grounds of appeal, and advised on revocation of placement order.
- **Re O'M (2020)** – Represented a father in an application for a secure accommodation order and deprivation of liberty orders in relation to a 16-year-old girl.
- **Re G (2019)** – Represented local authority for application in High Court case involving unexplained death of a baby.
- **Re W (2018)** – Represented a mother at final hearing arguing for placement of the children with their grandmother.
- **Re K (2018)** – Instructed by a local authority in an application by a 16-year-old child to live with his grandmother under a care order by agreement.
- **Re R (2017)** – Attended on behalf of a local authority at a final hearing where the authority would take over responsibility for a care plan in proceedings brought by a different local authority where the carer was moving between local authority areas.
- **Re S (2017)** – Noting brief on behalf of the local authority in a 10-day fact-finding hearing in a case involving incest between children in the family.

Domestic Abuse

Antonida regularly represents both applicants and respondents in applications under the Family Law Act 1996, including for non-molestation and occupation orders.

Notable cases include:

- **B v G (2018)** – Successfully obtained a transfer of tenancy for a mother in the context of private law children proceedings.
- **O v O (2018)** – Represented a wife in an application for an occupation order in the unusual circumstances of her husband's mental breakdown.

- **P-R v R (2018)** – Secured discharge of a non-molestation order on behalf of the respondent father on the basis of undertakings.
- **T v M (2017)** – Settled applications for non-molestation orders by way of cross-undertakings as well as resolving numerous disputes about chattels.

FDR Hearing Service

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

Property and Estates

Antonida regularly advises and represents clients in property law disputes at application hearings, mediations, CCMCs, PTRs and trials, as well as drafting necessary documents for issuing and defending claims. She undertakes work in all areas of property law including:

- Boundary disputes and claims for trespass and nuisance
- Disputes over covenants, easements and rights of way
- Landlord and tenant disputes, including possession hearings and breaches of covenant and housing disrepair
- Forfeiture and possession of commercial premises, including dilapidations and leasehold renewal proceedings
- Assured agricultural occupancies
- Service charge disputes
- Applications under the Trusts of Land and Appointment of Trustees Act 1996
- Inheritance Act claims and probate disputes
- Proceedings relating to social housing, mobile homes and licensed premises
- Registration issues
- Vesting orders.

In addition to pure property work, Antonida is growing a particular specialism in cases where property and family issues overlap in the context of TOLATA applications. She has recently represented two clients in TOLATA/Schedule 1 cross-applications in the context of Islamic marriages (where a Nikah ceremony was not followed by a civil ceremony).

Notable cases have included:

- **R v R (2023)** – Advised and drafted pleadings for parallel proceedings between siblings, as well as representing in defending application for occupation order.
- **L Ltd v A and A (2023)** – Advising, representation, and drafting of standstill agreement in commercial claim by a shop owner against landlord for disrepair resulting in water damage to stock.
- **S v G (2023)** – Successfully settled protracted boundary dispute at mediation.
- **Re W (2022)** – Advised on Inheritance Act dispute between siblings.
- **S v G (2021)** – Won appeal establishing an assured agricultural occupancy for estate overseer/farm manager.
- **S v B (2021)** – Advised on and won preliminary issue trial on whether heads of terms reached at mediation were binding.
- **H&H v D&D (2021)** – Advised parents who had sold their house to help their adult child purchase a house as to their rights

in the annex built for them.

- **T v T (2021)** – Possession hearing in probate context.
- **W and C v S (2021)** – Advised on misrepresentation on sale of house.
- **S v P Ltd (2020)** – Prepared claim for disrepair of roof on behalf of leasehold owner of flat.
- **B v F (2019)** – Representing the claimant in possession proceedings between family members where defences were based on TOLATA constructive trust arguments and proprietary estoppel.
- **P, E v C (2019)** – Drafting possession proceedings where executors succeeded as landlord.
- **Ground Rent Estates 5 Ltd v Pell Buy It Investments Ltd (2018)** – Representing a long leaseholder pro bono as junior counsel to Cheryl Jones in the First-Tier Tribunal challenging service charges for a waking watch and post-Grenfell remedial works to cladding on a residential tower block;
- **S v K (2019)** – Advising a leaseholder on rectification of a mistake in registration of a garage under two titles.

Court of Protection

Antonida takes on both property and welfare matters in the Court of Protection.

Some of the cases she has worked on have involved:

- **Re CG (2023)** – Resisted application for revocation of Enduring Power of Attorney.
- **Re LTG (2022)** – Advised on exercise of Lasting Powers of Attorney in relation to maintenance payments to P's spouse.
- **Re MI (2022)** – Representing local authority for section 21A application.
- **Re CB (2021)** – Advised P's son direct access and prepared court forms in an application for deputyship and residence.
- **Re MG (2021)** – Provided advice on the role of P's preference for location of accommodation in a case involving incapacity following brain injury.
- **Re MDK (2019)** – Acted on behalf of P's daughter in section 16 residence dispute between siblings.
- **Re N (2018)** – Preparing local authority evidence in a section 21A application relating to the deprivation of liberty where the protected party's daughter objected to and caused the failure of several placements as well as making numerous complaints and online posts against care home staff and local authority staff from various local authority departments.
- Advising social workers on appropriate procedures and drafting of applications for standard authorisation.
- Drafting a position statement on behalf of a local authority in a residence dispute relating to aftercare under s117 MHA 1983.

Antonida is keen to grow this area of her practice and will accept Court of Protection work relating to both property and welfare.

Court of Protection

Antonida regularly advises and represents attorneys, family members, and local authorities in both property and welfare cases, including cases involving dementia, mental illness, brain damage, and significant learning disabilities in young adults. Her work has encompassed advising on applications for standard authorisation, deputyships, and aftercare under section 117 of the Mental Health Act 1983.

As part of her public family law practice, Antonida has appeared at High Court level in cases involving the deprivation of liberty of children under the inherent jurisdiction, and she has also advised on the exercise of the inherent jurisdiction in relation to adults in the Court of Protection. In addition, she has undertaken secondments with two different local authorities advising on a large number of individual cases and has provided representation in court, with a particular

emphasis on deprivation of liberty cases.

Notable cases

- Re CG (2023) – Resisted application for revocation of Enduring Power of Attorney.
- Re LTG (2022) – Advised on exercise of Lasting Powers of Attorney in relation to maintenance payments to P's spouse.
- Re D (2022) – Acted in inherent jurisdiction proceedings in relation to 15-year-old boy with behavioural difficulties.
- Re MI (2022) – Representing local authority for section 21A application.
- Re KSC (2021) – Acted in a case where the issue was whether a 66-year-old man had capacity and whether the inherent jurisdiction should be exercised to protect him from catfishing scams.
- Re CB (2021) – Advised P's son direct access and prepared court forms in an application for deputyship and residence.
- Re MG (2021) – Provided advice on the role of P's preference for location of accommodation in a case involving incapacity following brain injury.
- Re O'M (2020) – Represented a father in an application for a secure accommodation order and deprivation of liberty orders in relation to a 16-year-old girl.
- Re MDK (2019) – Acted on behalf of P's daughter in section 16 residence dispute between siblings.
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Articles

3PB's family law barrister Antonida Kocharova provides a case law update.

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