

# Mark Elliott

**Year of Call:** 2007

**Email Address:** [mark.elliott@3pb.co.uk](mailto:mark.elliott@3pb.co.uk)

**Telephone:** 01202 292 102



## Family

Mark is a family law specialist with particular experience in matrimonial finance and private children disputes. Mark is able to accept instructions from members of the public under the Direct Access scheme. Before being called to the Bar, Mark served as an Army Officer and an Operations Officer with the United Nations. These roles provided valuable experience in negotiating and mediating in high-profile, high-pressure environments.

Mark regularly advises and represents clients in financial cases under the Matrimonial Causes Act 1973 and Schedule 1 of the Children Act 1989 as well as trusts of land cases, pre-nuptial agreements and other co-habitation disputes. Recently Mark has acted on a number of high net-worth cases involving material non-disclosure and assets outside of the jurisdiction.

Mark has considerable experience of private children cases including those involving difficult or demanding clients and/or litigants-in-person, complex fact-finding hearings, the appointment of guardians, leave to remove and risk of abduction (both within and outside of the jurisdiction).

Mark is happy to discuss aspects of a case prior to instruction.

### Private Remote FDR Hearings

Mark is available for private remote FDR hearings. For more information on private remote FDR hearings please click [here](#).

### Recent Notable Cases

*A v B* [2017] EWFC B9 – Application to enforce and/or set aside a consent order made in financial remedy proceedings as well as a parallel application under Children Act 1989, Schedule 1 on behalf of the Intervenor (current husband of the Respondent Wife). The key legal issue was whether FPR 2010 Rule 4.1(6) and Matrimonial and Family Proceedings Act 1984, section 31F(6), and now FPR 2010 Rule 9.9A had changed the test to be applied by the courts when considering whether to set aside. The approach urged on behalf of the Applicant Husband was rejected at final hearing and a costs order made in favour of the Respondent Wife and Intervenor.

*N v C* [2017] Unreported – TOLATA proceedings before Master Davison (sitting as a Circuit Judge) on behalf of the Respondent. Dispute regarding rental property portfolio of the parties with a total value of just under £1m accumulated over the course of a 16-year cohabiting relationship. The crux of the Claimant's case was that he was entitled to 50% of the rental income received by the Respondent from her solely-owned property over the previous 16 years and that the Respondent had no beneficial interest in two of the rental properties. Following a 4-day final hearing the Claimant's case re rental income was rejected and the Respondent was found to have a 32% and 37% beneficial interest in the disputed properties.

*Re B* [2017] Unreported – Change of living arrangements. Acting on behalf of the guardian in private children proceedings heard over 5 days. Allegations of sexual abuse against the father had been dismissed after a fact-finding hearing and findings made that the mother had coached the child to make allegations and would remain implacably hostile to the father/ frustrate contact if child remained living with her. Transfer of living arrangements ordered. Child to live with the father and have supervised contact with the mother.

S v S [2017] Unreported – Financial remedy proceedings on behalf of retired doctor serving an 18-year prison sentence for historic sexual offences against patients that pre-dated the 35-year marriage. Key issue was the effect the Husband's conduct should have on the division of the assets and whether his future housing needs on release should be addressed immediately. At the final hearing the parties agreed a 1/3rd to 2/3rd division of the capital assets.

T v T [2016] Unreported – Application to set aside a consent order made in financial remedy proceedings in 2000 on behalf of the Husband. Evidence that the Wife had failed to disclose a property and savings at the time the consent order was made. Husband now living in Canada and the Wife was in the process of making a REMO application for alleged arrears of maintenance.

Re T [2015] EWCA Civ 453 – Appeal on behalf of grandparents. Resulted in general guidance from the Court of Appeal re grounds for granting a stay pending appeal. In handing down judgment, Lord Justice McFarlane stated inter alia: "Mr Elliott has conspicuously and very effectively stood up for the interests of the paternal grandparents in these proceedings."

G v G [2015] (unreported) – Financial remedy proceedings for applicant wife. Multiple business assets owned by Husband. Prior to proceedings being issued annual turnover had been £12m. The final hearing involved cross-examination of a jointly instructed forensic accountant and the accountant who acted on behalf of two of the companies run by Husband. The court found that the Husband had failed to provide full disclosure, repeatedly breached orders, dissipated assets and deliberately run down the companies. Bulk of available assets awarded to the Wife and suspended order for sale made against the Husband's home to ensure compliance. Costs order made against the Husband.

E v E [2015] (unreported) – Financial remedy proceedings for applicant wife. Husband self-employed and living abroad. Following a final hearing, findings made that Husband had misled the court, manipulated his finances and that his non-compliance with court orders and maintenance payments was "disgraceful". Husband's home transferred outright to Wife (with a right to occupy) as security against future breaches by Husband.

S v B [2015] (unreported) – Private law proceedings on behalf of the Mother. Disclosures made by child that the Father had sexual abused him. Not supported by any physical evidence. Father alleged Mother was the cause of the disclosures. Local Authority involvement was very ineffective. Guardian instructed. Matter resolved by consent at a final hearing.

Re T [2015] EWCA Civ 606 – Representing the 3rd and 4th Respondent Guardians (9 children). General guidance given re delay and the need for updating information before handing down a delayed judgment.

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## Recommendations

Mark's expertise is recognised by both the **Chambers & Partners UK Bar Directory** and the **Legal 500 Bar Directory**:

Mark Elliott offers a respected family law practice covering areas such as financial remedy disputes, TOLATA proceedings and private law children cases. He deals skilfully with matters involving high net worth clients.

Strengths: "Mark is an excellent advocate for matrimonial finance and private children matters. He delivers clear, pragmatic advice and a well-reasoned strategy in cases."

"Mark is such a safe pair of hands both in terms of advocacy and paperwork."

"He is a great all-rounder for both finance and child cases."

### **Chambers UK 2024**/Family/Matrimonial/Western Bar

Strengths: "Mark is a very sound advocate with excellent client care skills."

"Mark is very robust and has passion for his clients. He really fights his client's corner."

"Mark is extremely knowledgeable, has a very pragmatic approach and is extremely good in his client care skills."

### **Chambers UK 2023**/Family/Matrimonial/Western Bar

Strengths: "He is a real presence in court – a good advocate who judges really like. He's well prepared, has a good client manner and is very approachable." "He has a fantastic bedside manner with clients and will fight tooth and nail for them."

### **Chambers UK 2022**/Family/Matrimonial/Western Bar

Offers a respected family law practice covering areas such as financial remedy disputes, TOLATA proceedings and private law children cases. He deals skilfully with matters involving sexual abuse and domestic violence allegations.

Strengths: "He is an excellent advocate and very good with clients." "He really went the extra mile in terms of understanding the need of our client."

### **Chambers UK 2021**/Family/Matrimonial/Western Bar

Strengths: "Mark is completely unflappable. His manner and thorough reputation gives client total confidence." "He's an excellent advocate and always has his eye on the ball. He's also noteworthy for his client management skills."

### **Chambers UK 2020**/Family/Matrimonial/Western Bar

"He is amazing. He has an aura of calm and control. Clients are very confident in him." "He is noted for his thorough preparation and grasp of the salient details of a case. His presentation of the case to the court is also impressive."

### **Chambers UK 2019**/Family/Matrimonial/Western Bar

Strengths: "He displays exceptional skills in court. He is fantastic at cross examining, he is very pragmatic, and he has a fantastic bedside manner with clients." "Has thorough knowledge of matrimonial financial cases, and shows great attention to detail."

### **Chambers UK 2018**/Family/Matrimonial/Western Bar

"He is well regarded for his advocacy style, particularly when faced with challenging cases involving contentious medical evidence and vulnerable witnesses."

### **Chambers UK 2015**/Family/Matrimonial/Western Bar

"Up and Coming Mark Elliott of 3PB Barristers – Lauded for his thorough preparation and attention to the details of a case. He is widely regarded as one to watch for the future. He acts on a broad range of family cases, including finance and children matters."

### **Chambers UK 2014**/Family/Matrimonial/Western Bar

"His attention to detail is phenomenal."

**Chambers UK 2014**/Family/Matrimonial/Western Bar

'Mark is a strategic genius who leaves no stone unturned. He is also utterly devastating in cross-examination.'

**Legal 500 2024**/Divorce and Financial Remedy/Leading Juniors/Western Circuit

'A fearless, clever strategist who commands the courtroom.'

**Legal 500 2023**/Divorce and Financial Remedy/Leading Juniors/Western Circuit

'A formidable advocate who demonstrates great client rapport.'

**Legal 500 2022**/Divorce and Financial Remedy/Leading Juniors/Western Circuit

'Mark is a highly regarded, no nonsense barrister who will fight his client's corner.'

**Legal 500 2021**/Divorce and Financial Remedy/Leading Juniors/Western Circuit

'Particularly good at handling reluctant or evasive litigants.'

**Legal 500 UK Bar Directory 2020**/Family & Children Law/Leading Junior/Western Circuit

'A specialist in family law.'

**Legal 500 UK Bar Directory 2018/19**/Family & Children Law/Leading Junior/Western Circuit

'An impressive advocate.'

**Legal 500 UK Bar Directory 2017**/Family & Children Law/Leading Junior/Western Circuit

'A calm and measured barrister, who quickly gets to the crux of the matter.'

**Legal 500 UK Bar Directory 2016**/Family & Children Law/Leading Junior/Western Circuit

'Extensive knowledge of both financial remedy and Children Act matters'.

**Legal 500 UK Bar Directory 2015** /Family & Children Law/Leading Junior/Western Circuit

"Mark Elliott is recommended... for his expertise in the Western Circuit for his Family expertise at the Bar."

**Legal 500 UK Bar Directory 2014**/Family & Children Law/Western Circuit

"3PB's Mark Elliott has 'a fantastic ability to deal with very difficult litigants-in-person'."

**Legal 500 UK Bar Directory 2014**/Family & Children Law/Western Circuit

## Academic qualifications

- BVC College of Law, London (Outstanding)
- Highest Bar Final Result by a Lincoln's Inn student at the College of Law
- LLB College of Law, London
- GDL College of Law, Guildford (Commendation)
- BA (Hons) Kings College, London

## **Scholarships**

- Buchanan Prize for academic achievement
- Megarry Scholarship for Pupillage
- Lord Denning Scholarship for BVC
- Lord Haldane Scholarship for GDL
- Hardwicke Scholarship from Lincoln's Inn

## **Professional bodies**

- Family Law Bar Association
- Western Circuit