Mark Lyne



Year of Call: 1981
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Overview

Mark Lyne has been a specialist family law barrister for over 25 years and has developed a particular expertise in areas of law that relate to the challenges that affect families and family relationships.

Recommendations

"I have known and instructed Mark for most of my professional career. He is accomodating, easy to instruct, empathetic, and communicates well with both clients and judges alike. Mark can be relied upon to give solid, practical and effective advice, and I would have absolutely no hesitation in recommending Mark as a first class advocate and lawyer."

Graham Simm, Family Law Partner at Oerton Simm

"I have had the pleasure of knowing Mark for many years, but only recently had the need to engage him professionally. Mark was thoughtful, empathetic but above all, clear and concise in his professional views on what was reasonable and how best to achieve the desired outcome. I have no hesitation in recommending Mark as an expert and personable barrister who gets results in a fair and balanced way."

Kevin Gemmel, Country Manager, Atlantis Healthcare

Academic qualifications

Downing College, Cambridge – BA (CANTAB)

Professional bodies

Family Law Bar Association

Expertise

Family

Mark Lyne is a senior family law barrister with exceptional expertise in:

- matrimonial finance cases
- applications under Schedule 1 of the Children Act 1989
- applications under the Trusts of Land and Appointment of Trustees Act 1996
- family provision cases
- cases involving bankruptcy and matrimonial finance
- public and private law cases under the Children Act 1989
- child support cases

The fact that Mark offers expertise in areas beyond those relating simply to marital breakdown allows him to offer more comprehensive assistance in financial remedy and related financial disputes such as matrimonial finance cases, applications under Schedule 1 of the Children Act 1989, applications under the Trusts of Land and Appointment of Trustees Act 1996, family provision cases, cases involving bankruptcy and matrimonial finance.

Mark also has many years of experience in both public law and private law children cases. He has plenty of recent experience of cases involving maintenance and child support, international relocation and also of disputes involving the children of same sex relationships.

He has a reputation as someone whom clients find approachable and sensible. Every new case that Mark deals with is a reminder of the uniqueness of each and every family dispute. The width of Mark's experience has gained him a reputation for being able to deal effectively with the cases in which he is instructed.

Mark's most notable cases have included arguing that the White v White principles should not automatically apply to second marriage cases, dealing with one of the very first Presumption of Death Act 2013, acting for a father preventing relocation of a child to South Africa, applying the new provisions on enforcement against properties under the Child Support legislation, along with a wide variety of medium to high value financial remdy cases.

Mark also has specialist profiles on the 3PB website for family finance disputes, Private Law children cases, Care and Adoption disputes and TOLATA cases (Property).

Finance

Mark is a specialist financial remedies barrister. His practice focuses and on complex matters where there are often high value assets, both on and off shore. He is known to have a cool head and sensible approach in often complex legal, and emotionally charged, situations.

His expertise includes advising and representing clients in financial remedies cases against spouses in marriage, children following parents' divorce and those seeking a civil partnership dissolution. He also advises and acts for third parties, interveners, who may have an interest which they seek to protect in divorce proceedings. Whether that be parents, siblings, companies or organisations or trustees.

He has specific expertise in advising on matters where there are international assets involved and where there are allegations of undue influence.

Mark also has substantial experience of Schedule 1 matters, and applications for financial remedies for children by unmarried

parents. As well as TOLATA disputes with cohabitant couples.

Notable cases:

- **K v K** - Matter involving secret assets in Pakistan. Encompassing consideration of land encroachment impact in Karachi
- **P v P** – Substantial assets in India. Had to take in to consideration the effect of wife's charitable donations in India.
- **M v S** – Advising on which jurisdiction to commence divorce proceedings, in UK or in Spain, where the law on pre-existing capital assets is different.
- **Re RH** – Centring around a separation agreement. Husband argued that mental health considerations diluted the quality of the agreement even where the agreement negotiated through solicitors.
- **K v K** - Wife's application to set aside a final Consent order on the grounds of undue influence and misrepresentation; considerations of the impact of delay (Norman v Norman, Wv H, Birkett v James)
- **C v C** – Regarding a short marriage with children. Consideration of the meaning of adjusting without undue financial hardship (C v C [1997]), and analysing the Court expectations for returning to work.
- **L v L** - A Lithuanian divorce. Both domicile in UK, with assets in Lithuania and UK. Application for financial relief under Part III of the Matrimonial and Financial Proceedings Act 1984.

Private law

Mark has considerable experience of family disputes over maintenance, shared care disputes, children with special educational needs (SEN), international and national relocation of children, contests over private adoption and disputes involving children of same sex relationships.

Mark's most notable cases have included arguing that the White v White principles should not automatically apply to second marriage cases, dealing with one of the very first Presumption of Death Act 2013, acting for a father preventing relocation of a child to South Africa, applying the new provisions on enforcement against properties under the Child Support legislation, along with a wide variety of medium to high value financial remedy cases.

Notable cases include:

- **Re R** - private adoption case and application to remove the child permanently to Canada; evidence as to child's sense of identity after some years of no contact with father
- **Re K** - internal relocation case; proposed move from one London Borough to another; consideration of 'de minimis' observations per Black LJ in Re C; consideration of Re F factors
- **Re M –** shared care application; consideration of a change of status quo for a child on the autistic spectrum; difficulties with the portability of an Education, Health and Care plan (EHCP)

Care and adoption

Mark also has many years of experience in public law care and adoption disputes including cases involving teenage children, sexual abuse, physical violence against children, adoption and fostering, and parental and extended family rights over children.

Notable cases include:

- **Re W** - accepted allegations of physical disciplining of teenage children; sibling sexual abuse; management of voluntary accommodation over 16.
- **Re B** - consideration of the purpose of PAMS testing; reliability and evidential value in care proceedings.
- **Re H** - in the context of Re B consideration of whether adoption/long term fostering of six children with different carers was better than placement with a family member of some of the children, where the family member was a capable parent but did not accept the allegations against the parents.
- **FLA application**; consideration of the balance of harm test in the context of the test in G v G where no physical violence was alleged

Property

Mark has a long-established track record in handling TOLATA cases including the noteworthy cases of :

- **D v L** - consideration of the effect of a Notice of Severance served after litigation contemplated on arguments of common intention and/or constructive trust.
- **P v A** – consideration of what amounts to an express declaration of trust; analysis of s53(1) LOPA 1925 and Goodman v Gallant.