

Luke Barnes

Deputy Head of Chambers

Called: 1996



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Practice Overview

Luke practises in the demanding area where Chancery meets Family. His expertise encompasses competing property interests, the subtle and complex issues surrounding trusts of land, and a wide range of family property disputes - frequently in the shadow of separation, divorce, bankruptcy or death.

Luke's entry in the Legal 500 2025 edition was: *'Luke is an exceptional barrister both in terms of his judgement and his people skills. He is bright, respected and highly regarded. He goes out of his way to be helpful and leaves no stone unturned.'* **His 2024 entry was:** *'Luke has a meticulous eye for detail, and his knowledge is unmatched. His advocacy [shows] precision, insight and a sharp intellect.'* **His 2023 entry included:** *'His pleadings are second to none. He is extremely knowledgeable in trusts law. He is realistic in his advice and presents it in a clear and succinct manner.'* **In 2022 he was described as:** *'always enthusiastic and approachable, [able] to turn a difficult case around and will dedicate himself to putting the best possible arguments forward for the client.'*

Best known for his work concerning the establishment and quantification of beneficial interests in real property in TLATA and Intervenor claims, Luke often applies his incisive approach to related issues which may arise in such cases or independently, such as proprietary estoppel, capacity, undue influence, illegality, mistake, entitlement to funds in joint bank accounts, occupation rent, equitable accounting and the equity of exoneration.

A genuine specialist, very experienced in civil and family litigation and equally at home providing persuasive advocacy or carefully reasoned advice, he frequently gives seminars and contributes articles to legal publications.

Click here to see the synopses of his two current seminars. Feel free to contact Luke or the clerks if you would be interested in Luke presenting either of his seminars at your office or in attending a seminar in Chambers. The seminars are kept right up to date and are guaranteed to enhance your knowledge in the Chancery area of Family law.

Luke is qualified to accept instructions under the Bar Council Public Access scheme.

Luke offers Private Neutral Evaluation and Financial Dispute Resolution Appointments in all areas of his practice, both before and after the issue of proceedings. Click here to see his specimen "PNE&FDR" letter.

Cases of note

***Dervis v Deniz* [2025] EWHC 902 (Ch)** Edwin Johnson J. April 2025.

The judgment at first instance was that the parties held the property as joint tenants. Appeal, relying on *Hudson v Hathway* [2023] KB 345, on the basis that the claimant disposed of his beneficial interest by virtue of one or more emails sent to the defendant.

Article: *Reflections on Hudson v Hathway* Law Society Gazette 2025 (17) 23

***Lanyiova v Jones* L00OX128** HHJ Melissa Clarke, County Court at Oxford. April 2025

A joint ownership form signed by the parties to indicate they would purchase the family home as joint tenants in equity was a trust of future property, since it was created for consideration. The trust took effect on the completion of the purchase even though the TR1 form did not indicate the beneficial interests.

Shayler v Yeo REF/2023/553 Judge Michael Michell, Principal Judge, Land Registration Division, Property Chamber, First Tier Tribunal. June 2025.

Public policy would require the Tribunal to deny S the right to assert a beneficial interest in the property on its purchase in another's name. The monies used to purchase the property and pay off the mortgage were the proceeds of crime. Drug trafficking is a social evil and to deny S a remedy would serve to deter others and would not be disproportionate. *Patel v Mirza* [2016] UKSC 42 and *Al-Dowaisan v Al-Salam* [2019] EWHC 301 (Ch) applied.

Springall v Paice E10CL911 HHJ Richard Roberts, County Court at Central London. July 2019. **Widely reported in the regional and national press in 2019**

Complex cohabitants' property dispute involving the family home and three development properties. Total value over £3m.

Griffiths v Cork [2009] WTLR 955 (Ch) Evans-Lombe J.

Capacity to execute disposition of beneficial interest -burden of proof where disporonor suffering from mental illness

Babar v Anis [2005] 3 FCR 216 (Ch)

Promissory estoppel as a defence to possession proceedings brought by former 'husband' against former 'wife' following decree of nullity (case cited in Snell's Equity 32nd Ed at 12-015)

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Degree/University

M.A. Classics (New College, Oxford)

M.A. Law (City University)

Memberships

Property Bar Association,

Family Law Bar Association,

Franco-British Lawyers' Society,

Lawyers for Liberty

Areas of Practice

Real property and trusts of land

Co-ownership, cohabitants' and family property disputes

Intervenor claims in financial remedies proceedings

Resulting and constructive trusts, proprietary estoppel

Undue influence

Mistake

Illegality

Joint bank accounts

Equitable remedies

Equitable accounting and the equity of exoneration

Trusts of Land and Appointment of Trustees Act 1996

Inheritance (Provision for Family and Dependants) Act 1975

Mental Capacity Act 2005 and Court of Protection

Financial provision for children under Schedule 1

Languages

Fluent French

Some Arabic

Outside Interests

Family life, skiing, riverside walks / cycle rides, travel in France

Ben Birtchnell

Called: 2009



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Practice Overview

Ben Birtchnell -Ranked: Tier 4 -FAMILY: CHILDREN AND DOMESTIC ABUSE -'Ben Birtchnell has expertise in handling cases involving jurisdictional issues.' Legal 500 2026

Ben regularly represents clients in the Family Court, the Magistrates and County Courts, the Court of Protection, the High Court (Family and Chancery Divisions) and the Court of Appeal. He also represents in civil and family mediations and family arbitrations.

In Family law, Ben is instructed by parents, guardians and local authorities in the final hearings of public and private law Children Act proceedings throughout the South-East of England. He also conducts cases with a cross-border element, such as international relocation and cases of international child abduction under the Hague Convention 1980 and the inherent jurisdiction of the High Court. In addition, Ben has an extensive matrimonial finance practice, working with high value and complex cases involving pre-nuptial agreements, business valuations, international assets and issues of non-disclosure.

Ben also has a Chancery practice, with particular experience in the law of wills and trusts (including co-ownership of property cases), business partnership disputes and probate and Inheritance Act 1975 claims. An incisive, tenacious advocate with a comprehensive knowledge of the law, Ben also builds the trust and rapport necessary to influence and negotiate, while his calm demeanour is reassuring to clients and judges alike.

Degree/University

MA (Trinity College, Oxford)
BVC (BPP Law School, London) (Very Competent)
GDL (College of Law, Guildford) (Commendation)

Scholarships/Awards/Prizes

Cholmeley Scholarship
Wigglesworth Scholarship
Sir Louis Gluckstein Advocacy Competition Finalist

Memberships

Denning Society
Bar Pro Bono Unit
Family Law Bar Association

Areas of Practice

Family
Family Finance

Public Children Law
Private Children Law
International Family Law
Domestic Violence
Adoption
Costs
Deprivation of Liberty
Fabricated or Induced Illness (FII)
Hague Convention 1980
Hague Convention 1996
Mental Health Issues
Neglect
Non-Accidental Injury
Parental Alienation
Physical Abuse
Sexual Abuse
Special Guardianship
Specific Issue Orders
Vulnerable Witnesses

Matrimonial Finance

Business Assets
Children Act 1989: Schedule 1
Financial Remedies on Divorce
Foreign Assets
Insolvency
Non-Disclosure
Transfer of Tenancy
Validity of Marriage

Chancery

Co-ownership of Property
Court of Protection (Property & Affairs)
Inheritance Act 1975
Partnership
Probate
Trusts of Land and Appointment of Trustees Act 1996 (TOLATA)