



## SIMON ROWBOTHAM

Year of call  
2011

Simon Rowbotham has recently moved to London from Manchester, where his practice included all areas of family and Court of Protection law.

He built a solid private client practice, with regular instructions from top family law solicitors in the North West and further afield. In 2017, two of his children cases gained national attention (one leading to legislative changes) while clients to date have included high-profile sportspeople. Simon has appeared as a legal guest on television and radio, including BBC Breakfast and Radio 4's Today programme.

Simon is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

## LEGAL EXPERTISE

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### Family Law

Simon is regularly instructed in all areas of family law. His work includes:

- Children Law (private and public)
- Divorce, financial remedies and Schedule 1
- Family Law Act applications
- Pre-nuptial, post-nuptial and cohabitation agreements
- TOLATA/cohabitation disputes
- Court of Protection

- Mental Health

## Private Law Children Proceedings

Simon accepts instruction in all areas of private law children work, including applications for child arrangements (both residence and contact), removal from the jurisdiction, relocation cases and issues of surrogacy and parental responsibility. He also acts in cases of international child abduction and wardship proceedings.

His experience to date includes cases involving child sexual abuse, press restriction orders, administration of drugs to children, domestic violence and relocation to non-Hague Convention countries. He has experience of conducting lengthy Finding of Fact Hearings and has appeared at all levels, including the Court of Appeal. Simon also has experience of cases involving on-going police investigations and media attention.

## Selected Cases

[H v B \(BIIa: Enforcement of Domestic Return Order\) \[2020\] EWHC 961 \(Fam\) \(27 April 2020\)](#)

[D \(Children\) \[2016\] EWCA Civ 89, \[2016\] 1 FCR 545, \[2016\] 4 WLR 52, \[2016\] EWCA Civ 89, \[2016\] WLR\(D\) 89](#)

An appeal to the Court of the Appeal involving a novel point of law concerning the authority of the Family Court to order payments to third parties. The Court observed that Simon had “presented the arguments in support of the application in writing and orally with clarity and thoroughness”.

## Family Finance & Divorce

Simon is an experienced financial practitioner who is regularly instructed following divorce and the dissolution of civil partnerships. He has received instructions on cases that range from modest means to cases of a high-net worth, involving pensions and companies. He is experienced in working with expert evidence (particularly in relation to forensic accountants, pensions and health) and has conducted hearings at all levels, including preliminary issue hearings on third-party interests.

Simon has experience of drafting pre- and post-nuptial agreements and has worked with cases involving the interpretation of the same. He has acted in high-net Schedule 1 applications for child maintenance, including cases with inter-jurisdictional issues and high profile clients.

He has experience of cohabitation cases under ToLATA 1996 and regularly accepts instructions to draft Pre-Action Letters and Particulars of Claim. Simon has drafted cohabitation/separation agreements for non-married couples.

Simon has acted in cases of contested petitions for divorce.

## Selected Cases

### H v H [2015] EWHC B24 (Fam)

A High Court, "big money" financial remedy matter involving the interpretation of a pre-nuptial agreement and the application of section 27 of the Matrimonial Causes Act 1973.

## Court of Protection

Simon specialises in all fields of Court of Protection work, acting for local authorities, Clinical Commissioning Groups, the Official Solicitor on behalf of protected parties, NHS bodies and wider family members.

Simon regularly appears before the Court of Protection in cases involving section 21A challenges and other welfare decisions, with associated issues of human rights. His experience includes cases involving challenges to medical evidence concerning fluctuating mental capacity and applications involving serious medical treatment.

Simon has experience acting in cases involving property and affairs decisions, including disputed deputyship appointments, powers of attorney, financial abuse and ratification of gifts.

Simon is also instructed in cases concerning the Mental Health Act 1983, particularly applications to displace a nearest relative.