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The Chambers of
Harendra de Silva QC
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FAMILY TEAM



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MALCOLM BISHOP QC
CALLED 1968 (SILK 1994)

Synopsis

Malcolm Bishop Q.C. is a deputy High Court Judge in the Family Division of the High Court, a Recorder in the Crown Court authorised to try criminal, civil and family cases. Malcolm is former Chair of the Isle of Man Legal Services Commission, Master of the Bench of the Inner Temple and hon. Standing Counsel to Regent's Park College, Oxford University.

Practice

Malcolm took Silk in 1993 as a family law specialist. He was the leading family practitioner in Wales and acted throughout the Principality in numerous high profile cases. He was the counsel of choice for 'big money' cases as well as the invariable advocate for all the local authorities in that area. Malcolm has strong links with Parliament and as well as drafting numerous amendments to family related Bills has also advised many politicians of all parties (up to and including cabinet level) on their matrimonial affairs in circumstances of absolute confidentiality. He is the author of a number of amendments, lectures, speeches and Parliamentary statements delivered by Government ministers.

Advisory work

Innumerable opinions and advices on all aspects of family, education, child care Innumerable opinions and advices on all aspects of education, child care and public law matters for many local authorities particularly in South Wales and South West England.

Extra jurisdictional work

Strong connections with Bermuda. Lead Q.C. in prospective actions re allegations of child abuse in Jersey.

He has acted in several leading reported family cases as well as in other areas of the law including:

House of Lords

- Re M and H [1988] 2 FLR 431 Family child care
- Re Birmingham County Council: Family child care

R(Champion) v Gwent County Council. Judicial Review of Chief Constable's disciplinary powers
R v Ireland and Burstow: Crime ingredients of assault

Court of Appeal

R v Wood : C.A. [2008] EWCA Crim 1305: involuntary intoxication in murder cases
R v Jabber: C.A. new guidelines on permissible inferences
R v Carmona: C.A. [2006] EWCA Crim 508: Article 8 and deportation rules: permission to appeal to House of Lords granted
R (Sezek) v Sec. of State for Home Dept. C.A.[2001] EWCA Civ 795: judicial review: Article 8 and deportation.
R v Special Educational Needs tribunal ex parte South Glamorgan County Council; C.A. Admin civil procedure

Administrative Court

R(B) v Gloucestershire County Council: child care; parents' right of appeal
Burston v Rawlins: judicial review of magistrates taxation of costs
R v Governor of Brixton prison ex parte Marais [2001] EWHC Admin 1051: Extradition application of Act to South Africa
R (C) v Regent's Park College, Oxford: [2008] EWHC 739 judicial review of order of Conference of Colleges Appeal Tribunal
R (South Glamorgan County Council) v XY: judicial review of Sec. of State's failure to rule on school closure
R (Gwent County Council) v X: judicial review of school closure
R (Gurmit Singh Nahal v Law Society. [2003] EWHC 2186 (QB): powers of Law Society to strike off solicitor
Gwent Area Health Authority v X: judicial review of hospital closure
R (Robinson) v Sutton Coldfield Magistrates Court [2006] EWHC 307 Admin: new guidance on hearsay and bad character evidence.

Other

Re LC (Medical Treatment: Sterilisation) [1997] 2FLR 258 : sexual abuse: sterilisation of mentally handicapped patient
NSPCC v H and h [1989]2FLR 131: locus of NSPCC in care proceedings.



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GRACE ONG
CALLED 1985

Synopsis

I was a tenant at 1 Essex Court between 1994 – 2000 before merging chambers with then 2 Paper Buildings, now Argent Chambers. I was regularly instructed by a firm of solicitors, Plampin and Co, by its then principal partner, Christine Plampin, in numerous family cases, ranging from domestic violence proceedings to contested care proceedings and contact proceedings. I regularly appeared in Chelmsford County Court, usually on behalf of the parents, in such proceedings, and in the High Court and the Principal Registry. I was also instructed in numerous ancillary relief proceedings, both private and legal aid. I also worked for several London solicitors.

In 1996 I appeared in the High Court on a contested contact application (the trial lasting 3 days) on behalf of an Asian mother who, by reason of her divorce, had lost contact with her son. The son exhibited considerable hostility towards her and refused to see her despite all her efforts to establish a relationship with him. Cross-examination of the father revealed that he had actively turned the son against the mother, and the judge ruled that this was the case.

In 2000 I was instructed on behalf of a wife on a bitterly contested ancillary relief matter. There were numerous hearings and applications in this case and eventually the District Judge was persuaded that the issues were complex enough to transfer the case to the High Court. The wife had been “sectioned” at one stage due to the husband not wanting her to return to the matrimonial home. She was, at the time of the application, living on state benefits and in a women’s refuge. The husband was a film producer and lived in Chelsea. He claimed not to have any disposable income and produced bank statements showing overdraft balances, although his regular monthly expenditure was in excess of £10 000 per month. I was not satisfied that his bank would grant him such generous overdraft facilities without there being other, as yet, undisclosed assets. Through a paper trail I discovered the existence of a Swiss bank account which had not been disclosed. This totally changed the attitude of the husband (rather unsurprisingly) and his legal team who then offered a generous settlement of the case.

In 1997 I was instructed in criminal proceedings of a father charged with historical rape of his natural daughter. I secured him an acquittal of all charges due to the unreliability of his daughter’s evidence.

The younger daughter then sought to change her surname to relinquish all further contact with the father. I managed to successfully argue against this at the County Court. The daughter subsequently appealed to the Family Division (Re S (change of surname) [1999] 1 FLR 672) and this remains a leading case on change of surname of a child in care who is Gillick competent.

In 1998 I represented a father who had pleaded guilty to manslaughter of the mother of a young baby. The baby was taken into care and the local authority recommendation was that it was adopted without any further contact with the father. The eventual trial took 7 days at the Hove County Court and involved cross-examination of expert witnesses.

In 2008 I represented a Chinese mother in contested care proceedings where both parties had mental health problems and domestic violence issues, which had a knock-on effect on the child. The hearing took 5 days at the Portsmouth County Court before a circuit judge. Fortuitously, the child was placed with the paternal grandmother and the local authority approved a placement with her. The trial, however, proceeded as the mother took issue to a number of matters raised by the psychiatrist called on behalf of the local authority which she said were unsustainable or unfair. It transpired that the psychiatrist was seeking to make decisions on the mother's suitability as a carer based on assumptions of the mother's cultural and family background when he in fact had no knowledge of Chinese culture. The effect of the cross-examination was to turn the judge's and the local authority's attitude from being against the mother as a possible future carer to one that she was now being actively considered as one.

I am currently instructed in a case where the father kept the child after contact and refused to return him, then applying for a prohibited steps order and a residence order for the child. Both mother and father have criminal convictions and are drug users.



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SAMINA IQBAL
CALLED 1999

Areas of Practice

- § Family Law (Children, private and public law)
- § Public Law

As a family practitioner, I have worked in private and public law proceedings, involving children. I have also regularly represented vulnerable adults, who are victims of domestic violence.

In respect of private law matters, I have undertaken work in the following areas:

- § Contact and Residence Disputes
- § Specific Issue and Prohibited Steps Orders (dealing with, amongst others, schooling, religion and domicile)
- § Applications to remove children from the jurisdiction
- § Parental responsibility agreements and orders

In public law Children Act proceedings, I have had experience in representing parents, children and relatives in care proceedings and am dedicated to providing a high level of service, in relation to:

- § Care Orders
- § Supervision Orders
- § Contact applications involving children in care
- § Human Rights Act 1998 and the care process

I have also had extensive experience at representing both applicants and respondents in cases involving injunctions under the:

- § Family Law Act 1996
- § Protection from Harassment Act 1997

Languages

- § Punjabi, Urdu, Hindi, Kiswahili, Basic German, Basic Italian



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NAOMI CARPENTER
CALLED 2004

Naomi undertakes all aspects of family law although most of her practice concerns private and public family law. She is briefed in the magistrates' courts, county courts and the High Court.

Practice

Royal Courts of Justice

- Section 8 Children's Act - private family matters.

I have undertaken several case's under this act including one linked to public family law. I act for the father (applicant) and appear against Mr Jackson QC (acting for the borough council). Currently seeking legal aid for a silk. I also act for a mother who was subject to an arranged marriage (domestic violence) which has since finished and the father (applicant) wishes contact with his child.

Principle Family Division

- Public family law – care proceedings.

I have one current case against a borough council. I act for the father. Successful joint argument with the mother and solicitor for the children resulting in the children recently removed from foster care on an interim basis until the final hearing.

- Private family law – section 8 proceedings.

I regularly act for the respondent and applicant. One case involved a father who had not seen his children in a while, was a drug addict, had been in prison and his application for contact coincided with his immigration application, I acted for the mother (respondent).

County Court

- I am instructed in a number of private family law matters and ancillary relief proceedings.



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ALAN EDGE
CALLED 2006

Alan's busy family practice encompasses public and private law and he has developed particular expertise in dealing with care proceedings, contact and residence applications and other cases involving the Children Act 1989. Recently, he succeeded in having two children removed from the Child Protection Register on the basis that the radical Islamist beliefs of their parents did not constitute a real risk of physical or emotional harm. He is also particularly experienced in dealing with cases involving serving prisoners seeking contact with their children.

His tenacious approach means that he is regularly instructed in cases where mediation has broken down due to the unreasonable conduct of the other party and he has an extremely high success-rate. He is also adept at dealing with cases involving parties who are particularly vulnerable.