

# 1GC | Family Law

## Eleri Jones

Year of Call: 2009



## Practice Overview

Eleri practises in both private children and family finance cases, including financial provision for children but she is increasingly highly sought after to advise upon the international aspects of both children and divorce/financial work, including questions of jurisdiction, recognition and enforcement. Eleri is known for her particular expertise and specialisation in relation to the operation of the Maintenance Regulation, Brussels IIa and the 1996 Hague Convention. Her work in the international arena also extends to reciprocal enforcement of maintenance and cases concerning the 2007 Hague Convention and 2007 Lugano Convention.

Eleri regularly presents seminars and has written a number of articles, particularly on international family law topics. In October 2017, she drafted a paper submitted to the UK Government commissioned by Resolution, the FLBA and IAFL addressing Brexit and Family Law. Eleri continues to participate in a working group of leading international family lawyers and academics considering the effect of Brexit on Family Law and works closely with a small group in consultation with the Ministry of Justice considering reforms to legislation required arising out of Brexit. Eleri is also a member of the Resolution International Committee.

In November 2019, Eleri was recognised as International Family Lawyer of the Year at the Lexis Nexis Family Law Awards and in March 2020, she was announced as the winner of the IAFL European Chapter Young Lawyers Award 2020.

## International Family Law

A significant amount of Eleri's work has an international element, from issues of jurisdiction to questions of recognition and enforcement of orders across borders. Eleri has an excellent knowledge of the European and other international instruments and is regularly asked to advise in cases where there are complex technical points of international family law and where tactical considerations come to the fore. She is repeatedly instructed to act alone in cases against leading counsel and in relation to complex international matters well beyond her call.

Eleri has appeared in a number of leading international Family Law cases considering the issue of jurisdiction, from child abduction to international finance cases:

*Re M (Children)(Non-Hague Convention State)* [2020] EWCA Civ 277

*Re I-L (Children) (1996 Hague Child Protection Convention: Inherent Jurisdiction)* [2019] EWCA Civ 1956

*C v C* [2019] UKPC 40

*Y and Z v W and X* [2017] EWFC 60

*AR v RN* [2015] UKSC 35

*Re H (Children) (Jurisdiction: Habitual Residence)* [2014] EWCA Civ 1101

*O v P (Jurisdiction Under Children Act 1989 Sch 1)* [2012] 1 FLR 329

Eleri has participated in, and spoken at, several international family law seminars both in England and abroad, and regularly provides training to solicitors on such topics with particular concentration in recent months on the issues for Family Law arising out of Brexit.

## Family Finance & Property

Eleri covers all aspects of family finance, from matrimonial matters following divorce and Schedule 1 cases between unmarried parents to Part III cases under the 1984 Act, and the equivalents following separation of civil partners. Eleri's cases have included questions of jurisdiction to bring financial claims, recognition of foreign divorces, child support legislation and those in which the capacity of one of the parties is in question. Eleri has experience of cases of significant value and disputes involving allegations of sham trusts, family trusts, issues of insolvency and farming cases.

Eleri also regularly advises in cases where there are combined considerations of children and finance arrangements, providing holistic advice to clients. Her involvement in the case of *C v C* [2019] in the Privy Council combined elements of children and financial law in an appeal from Jersey, concerning the recognition of a foreign order regarding the status of the appellant as a 'parent' and his consequential liability to pay child maintenance.

## Children (Private Law)

Eleri's work in the private law arena covers all aspects of disputed child arrangements, from questions of residence and contact, change of name or schooling to relocation cases, both domestic and international, surrogacy work and child abduction. She has experience of representing parents accused of, or alleging, serious domestic abuse in which attention to detail is of paramount importance.

The international aspect of Eleri's private children work has encompassed questions of jurisdiction, recognition and enforcement of foreign orders. Her recent case of *Re I-L* [2019] in the Court of Appeal, led by Deirdre Fottrell QC for the appeal, involved a contested 1980 Hague abduction Convention application and subsequently issues of recognition and enforcement of Russian orders under the 1996 Hague Convention.

## Modern Families & Surrogacy

Eleri undertakes work in the field of international surrogacy. Her work in this arena includes the case of *Y and Z v W and X* [2017] EWFC 60 in which she was led by Deirdre Fottrell QC. The focus was the domicile criterion in a parental order application, but the application also involved consideration of other novel points of law concerning the interpretation of the Human Fertilisation and Embryology Act 2008 and parental responsibility.

Eleri's finance and private child practice includes work with modern families, including advising and representing parties following the breakdown of same sex marriages and civil partnerships, both domestically and internationally.

## What the Directories Say

*'Is poised, self-assured and copes incredibly well in difficult situations.'* **Legal 500, 2020**

*'Eleri Jones is making a name for herself as one of the go-to people for cases involving tricky European jurisdiction issues.'* **Chambers and Partners, 2020**

*'She's helpful and proactive and is a real Trojan when dealing with complicated children cases.'* **Chambers and Partners, 2020**

*'Explains difficult legal concepts very clearly to her instructing solicitors and clients.'* **Legal 500, 2019**

*'She is superb – a really bright young barrister who is incredibly thorough, easy to work with and technically brilliant.'* **Chambers and Partners, 2019**

*'A future superstar of the Family Bar.'* **Chambers and Partners, 2019**

*'She is an absolute expert on European legislation. She has an encyclopaedic knowledge and a razor-sharp mind. Eleri is a rising star with a bright future ahead.'* **Chambers and Partners, 2018**

*'Exceedingly thorough and her grasp of complex technicalities is excellent.'* **Legal 500, 2017**

*'Her encyclopaedic knowledge and fierce intelligence means she is at her best in complex cases.'* **Legal 500, 2016**

## Notable Cases

*Re M (Children)(Non-Hague Convention State)* [2020] EWCA Civ 277 - A case concerning permission to travel temporarily to Qatar and the UAE in which an analysis of the risk of retention and the efficacy of proposed safeguards was central.

*Re I-L (Children) (1996 Hague Child Protection Convention: Inherent Jurisdiction)* [2019] EWCA Civ 1956 - Eleri succeeded at first instance in opposing an order for return to Russia under the 1980 Hague Convention but the court made an order for return under the inherent jurisdiction, which was set aside on appeal following consideration of the provisions of the 1996 Hague Convention.

*C v C* [2019] UKPC 40 - Eleri was part of the respondent's team which successfully resisted an appeal to the Privy Council by a man who had been ordered to pay child maintenance by the Jersey courts in relation to a child in relation to whom he was registered as the legal father in Latvia (but he is not his biological father). The case concerned the recognition of a foreign court's order in relation to status and the concept of parentage.

*AR v RN* [2015] UKSC 35 - Eleri was part of a team representing an intervener, CFAB, to assist the court in relation to its determination about the question of habitual residence. In this appeal from a Scottish case, the Supreme Court held that there is no requirement that a child should have been resident in the country in question for a particular period of time or that one or both parents intend to reside there permanently or indefinitely in order to establish habitual residence, which remains a question of fact.

*Re H (Children) (Jurisdiction: Habitual Residence)* [2014] EWCA Civ 1101 - Deirdre Fottrell QC and Eleri Jones represented the children, instructed by CAF/CASS, in this appeal in which the Court of Appeal considered the effect of Article 10 of Brussels IIa which was not limited to intra-EU disputes and emphasised that habitual residence is a question of fact: the previous 'rule' that one parent could not unilaterally change the child's habitual residence should be consigned to history in favour of a factual inquiry into the circumstances.

*O v P (Jurisdiction Under Children Act 1989 Sch 1)* [2011] EWHC 2425 (Fam) - Eleri assisted John Stocker in representing the Official Solicitor as *amicus curiae* in a case concerning jurisdiction to entertain an application under Schedule 1 for financial provision filed 11 years previously.

## Education

MA (Cantab) Law, University of Cambridge

Bar Vocational Course, London

## Awards

Erasmus Scholar (University of Regensburg, Germany)

Astbury Scholarship (Middle Temple)

International Family Lawyer of the Year at the Lexis Nexis Family Law Awards 2019

IAFL European Chapter Young Lawyers Award 2020

## Memberships & Associations

[Family Law Bar Association \(FLBA\)](#)

## Resolution

### Resolution International Committee

### The Honourable Society of the Middle Temple

#### Seminars, Publications and Training

Throughout 2019 and 2020, Eleri has given regular seminars to solicitors (including Resolution National Conference) regarding the implications of a no deal Brexit for Family Law.

"Brexit: The Future for Family Finance" as part of the 1GC Family Law Webinar Series (June 2020).

Jurisdictional reciprocity – avoiding arrogant attempts to mark the foreign court's homework – International Family Law Journal, [2020] IFL 46 (Deirdre Fottrell QC and Eleri Jones)

Child abduction—use of the 1996 Hague Convention as opposed to the inherent jurisdiction (Re I-L (children) (1996 Hague Child Protection Convention—inherent jurisdiction)) - Thought Leaders 4 HNW Divorce

Co-author with Deirdre Fottrell QC of 'Family Law' in Daniel Clarry (ed), The UK Supreme Court Yearbook, Volume 9: 2017–2018 Legal Year (Appellate Press 2019) 559.

Domicile criterion for parental order after international surrogacy arrangement (Y and another v W and another), Lexis PSL (Family), (January 2018)

Brexit and Family Law – a paper submitted to the UK Government setting out the options available in respect of Brexit and Family Law, commissioned by Resolution, FLBA and IAFL (October 2017)

Post-Brexit frameworks—what are the options? Analysis of the UK government policy papers outlining the legal mechanisms for engaging with the EU after Brexit

Contributor to Divorce jurisdiction after Brexit (February 2017)

Co-author of DIY Divorce & Separation: The Expert Guide to Representing Yourself (Jordan Publishing), 2014

Contributor to Butterworths' Civil Court Precedents, Family Breakdown division

HP v PB [2013] EWHC 1956 (Fam), Legal Analysis Interview for Lexis@PSL Family on 22 July 2013.

Re B (A Child) - Social Engineering or Proportionate Response to Risk of Future Harm? (June 2013)

The 1996 Hague Convention: The Fourth Dimension (November 2012)

All Bark and No Bite? Enforcement in Private Child Disputes, December 2011, Key Authorities in Family Law

The New Maintenance Regulation: A Guide for Family Lawyers, (June 2011)

## Languages

German (conversational)

## Personal

Eleri is an accomplished pianist, harpist and choral singer with a keen interest in travel. She enjoys skiing, cooking, jazz and fine wine.