

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



John Buck

Year of call
1987

John Buck specializes primarily in family and public law, having had a broad background in criminal and civil litigation, the latter ranging from residential landlord and tenant disputes, professional and clinical negligence and Inheritance Act claims. He is instructed in cases against the police.

His public law practice encompasses Care Proceedings and Court of Protection work. His Private Client work includes Trusts of Land and Financial Remedies, Wills and Probate as well as cases with an international element such as leave to remove and child abduction.

Landlord & Tenant

John has considerable experience advising and representing residential landlords and tenants in disputes involving disrepair, dilapidations, service charges and unlawful eviction.

Also advising and representing landlords and tenants of commercial premises in disputes involving the L & T Act 1954 including renewals, rent reviews, liability for repairs and their apportionment.

He has successfully prosecuted a senior court bailiff in a civil jury trial obtaining substantial damages for assault, wrongful arrest and false imprisonment as well as malicious prosecution of a tenant's husband whose bipolar disorder was reactivated as a result. Successfully argued that his detention in court pursuant to s14 County Courts Act 1984 amounted to a malicious process.

He recently successfully defended a solicitor instructed via direct access in her capacity as tenant in a claim by her landlord for part of the costs of building works to the property of which her flat formed a part. He

forced the landlord/agent to discontinue two claims the first on the grounds the claimant had no title to sue in the first place, the second on grounds of non-service or faulty service of statutory notices under L & T Acts 1985 and 1987 as well as the scope of the works amounting to improvement rather than repair.

Care Proceedings

Regularly instructed on behalf of Local Authorities, parents, grandparents and Guardians, often representing those with severe and unusual personality disorders or those accused of or who are the victims of the most serious violence. Have appeared in all courts to Court of Appeal level. In 2011 he represented a grandfather in a 10-day fact finding accused of the serial rape of his daughter (when a minor) and the grooming of his grandchildren, and the keeping of bestial pornography at the highest end of the scale. In subsequent criminal proceedings on conviction he was sentenced to 17 years' imprisonment.

International Dispute Resolution

Represented parties in the County Court and the High Court in applications to remove children to Scotland, Japan, The Netherlands, Switzerland and Australia; also in child abduction cases, on one occasion representing a young mother whose own mother had abducted her child to the Phillipines.

Private Client

Regularly instructed in the County Court and High Court in private Children Act, TOLATA, financial remedies claims, Wills and Probate. Recently appeared in the Court of Appeal for a Direct Access client in her appeal against a refusal to award her spousal maintenance. Gave seminar on pensions in financial remedies claims, which was published and widely distributed by an association of actuaries.

Judicial Review

Experienced in judicial review especially of local authorities in cases involving provision of services to children in care and in housing and homelessness cases.

Actions against the Police

Considerable experience in civil jury actions, usually against the police, triable in the County Court by a civil jury of 8. Successfully prosecuted a senior court bailiff from his assault, false imprisonment and malicious prosecution of the husband of a person whose house he was repossessing, obtaining compensation for personal and psychiatric injury (re-activation of a bi-polar disorder). Successfully prosecuted the Sussex police for their negligent bailment of a flock of sheep. Recently involved in an extremely high-profile case against the Metropolitan Police Commissioner.

Notable Cases

Matthews v Matthews (2013) EWCA 1211; (2014) FLR forthcoming

Appeal to the Court of Appeal against part of a final order in financial remedies proceedings before Mostyn J refusing to make an award of spousal maintenance to a wife who had been handicapped in the labour market as a consequence of saddling matrimonial debt. Both the leave application before Jackson LJ (successful in part) and the substantive hearing before the full court dismissing the appeal have been widely reported.

Waad Al-baghdadi v Metropolitan Police Commissioner (2013) Central London County Court

Represented the victim of misfeasance by the high-ranking ex-police officer Commander Ali Dizaei, twice convicted on the same facts as those giving rise to this claim of perverting the course of justice and misconduct in a public office and sentenced to 4 years' imprisonment. Obtained a summary judgment when the MPC refused to admit liability and thereafter negotiated an award of £41,000.00 damages.

RE H-T (Children) (2012) EWCA Civ 1215; (2013) 1 FLR

Represented one of two successful appellants against an order under s34(4) CA 1989 allowing a LA to withhold contact to the parents' children in interim care. Although the parents were the only persons in the frame for having sexually abused two of their own children, the appeal was allowed on the basis the circuit judge had wrongly based his decisions on assumptions as to what might happen at a final hearing rather than weighing up the advantages and disadvantages of contact at an interim stage; and, in particular, whether it could be safely supervised. The leading judgment was by MacFarlane LJ. This is an important case usefully summarizing all the authorities of the last 20 years or so on the issue of contact to children in interim care.

RE T (Child), Lawtel Feb 6th 2013

Represented successful appellant mother in the Court of Appeal against an adoption order set aside on the grounds of material irregularities and unfairness in the court below where the judge had been unaware the mother (appearing in person) had not had sight of an adverse report from a Guardian who had not been properly appointed, and had been given no opportunity to challenge it or make submissions upon it. Matter remitted for re-hearing in Hereford County Court by a different judge.

Treasure Island v Care Standard Commission (2003) 223/EA Care Standards Tribunal

Represented owner in her appeal against the Commission's refusal to register her as a fit person to run a child fostering agency under the Care Standards Act 2000. Involved some 27 live witnesses over 16 days against a QC as an opponent. Benchmark case on burden and standard of proof to establish fitness.

Publications

- Pensions In Ancillary Relief: Seminar Distributed By Association Of Actuaries (2006)
- Enforceability Of Dowries In Ancillary Relief: Family Law (2005)

Qualifications

- MA (Christ Church, Oxford)

Memberships

- FLBA

Languages

- English
- French
- German