

## Christopher Stirling

Call: 1993



Christopher practises in the fields of matrimonial finance, property law, probate and inheritance and commercial law. These specialisms are built on a strong foundation of advocacy skills developed in a broad early practice that included extensive experience of criminal jury advocacy. He believes that strong advocacy and forensic skills remain the unique selling point of the Bar to the lay and professional client. He has an approachable and user-friendly manner and recognises the importance of commercial pragmatism in solving clients' legal disputes. He regularly delivers specialist seminars.

He wrote two chapters in the [2nd edition of Cohabitation Claims](#) published by Resolution in April 2019.

Christopher is a Recorder on the South Eastern Circuit and sits in the Financial Remedies Court.

He has been ranked a 'leading junior' by Legal 500 continuously since 2012- 2023.

'Christopher is always available to discuss cases with instructing solicitors at any stage. He is incredibly knowledgeable and technically excellent and a strong advocate.'

Christopher is able to accept instructions directly from members of the public within his specialist practice areas.

## Financial Remedies

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Christopher practises all aspects of matrimonial finance but specialises in matters involving complicated assets and involving aspects of company, property and trusts law. Christopher is often instructed in matrimonial cases that involve property disputes with third parties – intervener proceedings. Christopher has lectured on both the procedure in relation to intervener disputes and also on the impact of the bankruptcy jurisdiction on matrimonial proceedings.

Christopher also regularly advises and drafts ante and post nuptial agreements and separation agreements for both married and unmarried parties. He has lectured on this topic and recently made a podcast discussing developments in the law in this area.

As part of his civil practice Christopher is often asked to advise in relation to claims of professional negligence in respect of matrimonial proceedings.

## Selected Cases

- Kremen (also known as Agrest) v Agrest [2011] 2 FLR 506 – Court of Appeal decision on setting aside transfers of property from husband to intervener, through BVI company, designed to frustrate wife’s claim under the matrimonial legislation – considering what transferee must show to avail himself of “equity’s darling” defence.
- Kremen (also known as Agrest) v Agrest (Everclear Ltd (BVI) intervening) [2011] 2 FLR 490 – First instance decision in the above where Mostyn J also considered the circumstances in which it was appropriate to pierce the corporate veil in matrimonial finance cases.
- Kremen v Agrest (Financial Remedy: Non Disclosure: Post Nuptial Agreement) [2012] 2 FLR 414 – Significant review of law post Radmacher in relation to the enforceability of post nuptial agreements. Also considered the extent to which the court can infer hidden assets where spouse refuses to provide proper disclosure.
- S v M [2012] All ER (D) 175 (Nov); [2013] 1 FLR 1173 – Appeal in relation to interim maintenance where husband supported by (and any maintenance ultimately to be paid by) member of extended family – Coleridge J gave guidance on the forensic exercise necessary before any award could be made in these circumstances.
- Kremen v Agrest (Chesnokov Intervening) [2013] EWCA Civ 41; [2013] 2 FLR 187 – Considering balancing exercise between rights of third party creditor and spouse when considering making charging order absolute at same time as final matrimonial order. Review of guidelines in Harman v Glencross and an example of the exceptional case where no charging order was made.

## Property, Landlord & Tenant

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Christopher practices in all areas of property law, including commercial and residential landlord and tenant, boundary disputes and easements, and in disputes as to the co-ownership of property under TOLATA. He has lectured on the House of Lords judgment in Stack v Dowden its application for co-owners both including and beyond the paradigm case of the co-habiting couple.

Christopher also has a niche interest in the charging orders jurisdiction and its overlap with other proceedings. This arises from his involvement in Kremen v Agrest (Chesnokov Intervening) [2013] EWCA Civ 41; [2013] 2 FLR 187

## Selected Cases

- *Colwill v European Heritage Ltd* [2014] EWCA Civ 238 (12 February 2014)

## Probate and Inheritance

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Christopher's probate and inheritance practice covers all aspects of wills litigation and includes the whole range of claims under the Inheritance (Provision for Family and Dependants) Act 1975. He also advises in relation to related claims such as those against Estates for proprietary estoppel.

## Insolvency

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Christopher's practice encompasses all areas of both personal and corporate insolvency. He has a particular interest in the interaction of insolvency matters with other areas of law such as commercial disputes and matrimonial finance and in particular challenges to transactions as either being at an undervalue or as preferences. He is instructed by both private parties and trustees in bankruptcy in dealing with these overlap cases. He has lectured on many occasions on the specific application of insolvency to matrimonial finance. One of his lectures has been broadcast as a podcast on the Family Law Week website.

## Professional Negligence

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Christopher acts in matters of professional negligence in relation to his specialities with particular experience in relation to solicitors' negligence in connection with matrimonial finance matters. In recent years this has involved a number of cases in relation to negligence in considering the valuation and sharing of pensions in matrimonial proceedings.

## Commercial

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Christopher's commercial practice encompasses representing individuals and corporations on commercial contract matters including debt recovery, sale of goods, factoring and related company law matters. Christopher has a special interest in the interaction between contract and the economic torts and in particular the liability of directors for the contractual liabilities of their companies. Additionally Christopher acts in employment related contractual disputes including those connected to performance related bonuses.

## Selected Cases

- *Crystalens Limited v Dr John Charles White & others*, 7th July 2006, QBD (Com), Gloster J, (ex tempore) – clarifying the extent of the liability of a company director for procuring a breach of contract by his company in light of an ambiguous passage in the then edition of Clerk & Lindsell on Torts.

## Direct Access

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Christopher is able to accept instructions directly from members of the public within his specialist practice areas.

## Education

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- LLB (Newcastle) 1992

## Memberships

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- Family Law Bar Association
- Chancery Bar Association
- Resolution

## Publications

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- Wrote two chapters in the 2 edition of *Cohabitation Claims* published by Resolution in April 2019.
- Articles: "Equity's darling" in the spotlight – 161 NLJ 653 May 2011
- Author of the chapter on costs in *Civil Courts Practice and Procedure Handbook*, Tolley 2000.