



# Martha Gray

Call: 2012

Martha specialises in proceedings concerning children. She is instructed in complex private and public law proceedings, many of which have an international dimension. Martha frequently appears in the High Court, as well as recent appearances in the Court of Appeal. She has been shortlisted for 2024's International Family Lawyer of the Year.

Alongside this, Martha specialises in cases concerning the health and welfare of vulnerable adults in the Court of Protection. She is a recognised practitioner in the field, having just been appointed as a contributor to the "bible" on Court of Protection law (the Court of Protection Practice).

## Public Law Children

Martha has extensive experience of complex public children work including cases of non-accidental injury and human rights claims. She has particular skill in cases involving incapacitated or learning disabled parents.

### Notable Public Law Children cases

- **Royal Borough of Kensington and Chelsea v NM & Ors [2024] EWFC 48**  
Care proceedings. Hearing to determine whether there should be a fact finding with respect to allegations made by the mother against the former allocated social worker.
- **N (Refusal of Placement Order) [2023] EWCA Civ 364**  
Represented First Respondent Mother in appeal by local authority against refusal of application for a placement order in respect of a child, who is aged rising three. Appeal dismissed.

#### London

2 Harcourt Buildings, Temple, London, EC4Y 9DB  
T: +44 (0)20 7242 355  
e: [clerks@harcourtchambers.co.uk](mailto:clerks@harcourtchambers.co.uk)  
DX: DX 373 LDE

#### Oxford

Churchill House, 3 St Aldate's Courtyard, 38 St Aldate's, Oxford OX1 1BN  
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DX: DX 96453 Oxford 4

- **Prospective Adopters v a County Council [2021] EWHC 91 (Fam)**  
A case concerning the extent of any legal obligation under the Vienna Convention to notify foreign consular authorities of an application for an adoption order in relinquished babies cases with a view to identifying the birth father and/or wider family.
- **OCC v C [2020] EWFC B47**  
Care proceedings involving parents and children with learning disabilities.
- **OCC v L [2018] EWFC B13**  
Care proceedings in a case of long-running and chronic neglect.
- **A Local Authority v CD & Ors [2016] EWHC 1769 (Fam)**  
Complex fact finding in a case involving the death of a young child.
- **Re Z (Application for Release of DNA Profiles) [2014] EWHC 1999 (Fam)**  
A high profile case in which the father had murdered the mother and disclosure of DNA profiles taken from the crime scene was sought in order to establish the children's paternity.

## Private Law Children

Martha has extensive experience within the private law field including cases involving relocation, surrogacy and assisted reproduction and mental health issues.

## International Family Law

A large part of Martha's practice involves cases with an international element. She is currently instructed in a high profile case concerning two missing children which has attracted national media attention. She is regularly instructed in international abduction, forced marriage and stranded spouse cases in the High Court. Martha also has experience of international public law cases involving such issues as radicalisation, sex trafficking, international adoption and the placement of children abroad.

### Notable International Family Law cases

- **A (A Child) (Removal To Non-Hague Country) (No 2) [2024] EWHC 2016 (Fam)**  
Application by father for summary return of seven year old to England and Wales.
- **C (1980 Hague Convention: Child Objections) [2024] EWHC 1875 (Fam)**  
Application by father for summary return of 9 year-old child to Romania.

- **Re A (Article 13b, Ukraine) [2023] EWHC 3524 (Fam)**  
Hague 1980 case concerning the wrongful removal of a child from Ukraine in which Martha was successful in achieving the return of the child to Ukraine.
- **WB v VM [2024] EWHC 302 (Fam)**  
Application for a return order under the inherent jurisdiction in respect of a two year old who had been removed to Jordan.
- **NG v CJ [2024] EWHC 338 (Fam)**  
Successful application by mother for return of child to Pakistan, the child having been brought to England by his father in July 2023.
- **Z and X, Re (Children: Article 13(b): Return to Kyiv) [2023] EWHC 602 (Fam)**  
Application by F for permission to withdraw application for summary return of 2 children to Ukraine, M and children having fled following Russian invasion.  
An article on this case appeared in [The Law Society Gazette](#).
- **Y (A Child) [2023] EWHC 583 (Fam)**  
Mother's application for a stay of an order for the summary return of child to Romania, pending determination of an appeal in Romanian court.
- **Y (A Child) (Abduction: Romania: Art. 13(b)) [2023] EWHC 1676 (Fam)**  
Application by F for return of child to Romania. Return ordered, unless M obtained permission from the Romanian court to remain in the UK, by 24 February.
- **Prospective Adopters v A County Council [2021] EWHC 91 (Fam)**  
A case concerning the extent of any legal obligation under the Vienna Convention to notify foreign consular authorities of an application for an adoption order in relinquished babies cases with a view to identifying the birth father and/or wider family.
- **Re J (Care Proceedings: Placement in Bangladesh) [2020] EWHC 490 (Fam)**  
Complex international care proceedings concerning the appropriate legal framework for the placement of a child with family members in Bangladesh.
- **Re R 2020 EWHC 2586 (Fam)**  
Public law proceedings in which the court was invited to make findings of international child trafficking.
- **Re R [2020] EWHC 73 (Fam)**  
Highly unusual factfinding in a child abduction case involving children declared missing, which led to the making of summary return orders under the court's inherent jurisdiction and publicity orders.

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## Court of Protection and Medical Treatment

Much of Martha's work is at the interface between family and Court of Protection jurisdictions including applications under the inherent jurisdiction, medical treatment cases and cross-border issues. Her Court of Protection practice is focussed exclusively on health and welfare disputes concerning vulnerable and incapacitated adults. She has experience of a wide range of cases involving disputes regarding residence, care, contact, deprivation of liberty and serious medical treatment including end of life care. Martha regularly speaks at conferences and seminars and writes widely in the field, editing and contributing to the Court of Protection Law Reports and other publications. First editing and contributing to the Court of Protection Law Reports and more recently being appointed as contributor to the Court of Protection Practice (the "bible" of Court of Protection law).

### Notable Court of Protection and Medical Treatment cases

- **Cambridge University Hospitals NHS Foundation Trust v AH [2021] EWCOP 64**  
Application by Trust seeking a declaration that it is no longer in AH's best interests to receive ventilatory support and treatment. A previous judgment in this case had been set aside by the Court of Appeal for procedural reasons.

## Direct Access

Martha is qualified to accept instructions directly from members of the public under the Direct Access Scheme in appropriate circumstances.

## Appointments

- Contributor to the Court of Protection Practice
- Member of the Bar Council Ethics Committee
- Member of the Bar Council Climate Crisis Working Group

## Publications

- [Capacity & Sexual Relations: A Radical Re-Assessment](#)
- Deprivation of Liberty for 16 & 17 Year Olds: The Decision in In the matter of D (A Child) [2019] UKSC 42 (Family Law Journal, July 2020)
- The Coronavirus Guidance for Local Authorities on Children's Social Care (Family Law Journal, June 2020)

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- The Ethics of Remote Hearings in the Criminal and Family Courts (Counsel Magazine, May 2020)
- Deprivation of Liberty: The Question of Consent (April [2019] Fam Law 402)
- [When Can Judges Change Their Minds? The Supreme Court's Judgment in L and B \(Children\) \(Family Law Week\)](#)

## Memberships

- Family Law Bar Association
- Court of Protection Bar Association
- Child Abduction Lawyers Association
- Resolution

## Education

- Bar Professional Training Course (Outstanding), City University
- Graduate Diploma in Law, City University
- BA in Modern History (Exhibitioner), St Hugh's College Oxford

## Prizes

- Winner of the Rosamund Smith Mooting Competition (2011)
- Diplock Scholar, Middle Temple
- Exhibitioner, St Hugh's College, Oxford

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