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Gregor Hogan

Year of Call: 2016

"Gregor Hogan is very responsive, very thorough and he's a real team player. He is very receptive to ideas and good at getting things done quickly. His drafting is absolutely spot-on; he is very strong on the papers."

"Gregor is hardworking, receptive to client feedback, and has real clarity of thought. He understands his practice area and is an impressive barrister." "Gregor Hogan is very bright and very eloquent in his advocacy. I have no doubt that he will go far."

Chambers Global, 2022 & Legal 500 Middle East: The English Bar: Commercial 2023

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Practice Overview

Gregor has a busy commercial and chancery practice with a particular interest in commercial litigation, contentious trusts and probate (onshore and offshore), trusts issues in financial remedy proceedings, company and insolvency, and civil fraud. He regularly appears in the High Court, where he is instructed in his own right on interlocutory matters, and in the County Court. Gregor has acted for a range of clients, including trustees, high net worth individuals, insolvency practitioners, national charities and international companies, and in jurisdictions including Jersey, Guernsey, the Isle of Man, BVI and the UAE. Gregor is also a contributing author for the 11th edition of *Tudor on Charities*.

Gregor Hogan was admitted to The British Virgin Islands Bar in July 2023.

Recent instructions include advising on a claim related to allegations of fraudulent breaches of directors' duties in the context of a super-prime property development, advising the trustees of a number of offshore trusts holding business assets worth over \$2billion, appearing as sole trusts counsel in matrimonial proceedings on the question of the validity of a Cypriot law trust, and acting for the trustee-executors in the *Cowan v Foreman* litigation.

Gregor is also regularly instructed on cases involving the DIFC and the Middle East generally, and he is admitted as a Part II Practitioner before the DIFC Courts. His recent instructions including obtaining worldwide freezing relief on behalf of a major Dutch bank against entities within the NMC Group and its personal guarantor, obtaining worldwide freezing relief with the first notification order in the DIFC in support of the enforcement of an arbitration award, and acting in the leading DIFC authority on sovereign and inter-Emirate immunity. Gregor is also instructed on a number of DIFC-LCIA arbitrations involving complex commercial issues and questions of jurisdiction, and he is the contributing author of the Arbitration chapter in the recent *DIFC Courts Practice* publication.

After completing pupillage in Chambers in 2017, Gregor spent seven months in the Contentious Trusts and Succession group at Withers LLP, during which he worked on a number of Inheritance (Provision for Family and Dependents) Act 1975 claims involving dynastic and high net worth estates as well as advising offshore trustees and charities on a range of contentious and non-contentious matters.

Before joining Chambers, Gregor was a Lecturer in Constitutional, EU and Administrative Law at St Hugh's College, University of Oxford.

Areas of Expertise

Company

Gregor appears regularly in the Companies Court, including making applications for the late registration of company charges and for the removal of accounts from the Companies Register. He also acted in a number of substantial interlocutory applications and trials.

Recent instructions include:

Acting (led by Daniel Lightman QC) for the defendant to an unfair prejudice petition seeking a variation of the date for valuation under a buy-out order in light of the Covid-19 pandemic: *Dinglis v Dinglis* [2020] EWHC 1363 (Ch); [2021] 1 All ER 685; [2020] 2 BCLC 607. See Daniel and Gregor's article on the decision in the New Law Journal [here](#).

Gregor's recent instructions include acting, led by Philip Jones QC, for directors of a Manx company in a multi-million-pound breach of duty claim arising from a 2007 super-prime London residential property development. This case is expected to be heard over six weeks in 2021.

Gregor is also instructed, led by Matthew Morrison, on an unfair prejudice/breach of duty claim, involving historic allegations of quasi-partnership and proprietary claims, which is due to come to trial in January 2021.

In the DIFC, Gregor is also advising a multi-national financial services firm in relation to claims arising out of a joint venture and investment management agreement. Many of Gregor's other offshore cases will involve offshore corporate structures, and he has particular interest in instructions involving cross-border trust and corporate structures.

Private Client Trusts and Probate

After completing pupillage in Chambers in 2017, Gregor spent seven months in the Contentious Trusts and Succession group at Withers LLP, during which he worked on a number of Inheritance (Provision for Family and Dependents) Act 1975 claims involving dynastic and high net worth estates as well as advising offshore trustees and charities on a range of contentious and non-contentious matters.

Recent instructions include:

Acting (led by Emma Hargreaves) in relation to contentious litigation in Cayman and in England involving assets held in a STAR trust.

Acting for the trustee of a Jersey law trust in family proceedings concerning the sale of the former matrimonial home held by an illiquid trust structure.

Advising on the distribution of property between separating non-married couple where property had been acquired shortly before the breakdown of the relationship and purchased from inherited wealth [2020].

Acting (led by Richard Wilson QC) for the executor-trustees in the *Cowan v Foreman* litigation, involving high-value claims under the Inheritance (Provision for Family and Dependents) Act 1975 [2020].

Advising (led by Giles Richardson) the trustees of a multi-billion-dollar offshore structure involving complex cross-border and choice of law issues [2020].

Appeared as sole trust counsel at trial in the Central Family Court in matrimonial proceedings successfully challenging the validity of various English and Cypriot-law trusts and the appointment of receivers by way of equitable execution [2020]. This was one of the first decisions concerning the application of the Privy Council's decision in *Webb v Webb*.

Advising the settlor of a Jersey law trust on various claims alleging that he had lacked capacity or was acting under undue influence when he exercised various powers reserved to him under the trust instrument involving complex issues of jurisdiction and choice of law [2020].

Gregor has also previously acted for the beneficiary of a high net worth estate in relation to claims pursuant to the 1975 Act and various commercial claims, which also involve aspects of BVI trust law [2019]. He was also instructed (as sole counsel) to advise in relation to potential claims against and an application to remove an independent administrator of a multi-million-dollar estate following eight years of administration, including appearing unled in the High Court on an interlocutory application [2019].

Gregor also enjoys regularly advising on smaller estate and probate disputes, including construction disputes and claim arising under the 1975 Act. Gregor also has experience advising those representing minor and unborn beneficiaries in trust and estate disputes.

During his secondment, Gregor acted for the independent administrators of a dynastic estate in relation to an

application to set aside a financial divorce order and on two separate 1975 Act claims. Gregor also advised a number of offshore trustees in relation to the dissolution of trusts following extensive intra-beneficiary litigation and in relation to potential fraud and money laundering offences.

International and Offshore

Much of Gregor's work involves offshore and cross-border elements. Gregor has acted for clients in and matters involving Jersey, Guernsey, Isle of Man, BVI and the UAE. Gregor has developed a busy Middle East practice, with a particular focus on the DIFC. He is registered as a Part II Practitioner before the DIFC Courts and regularly appears in arbitrations in the wider region. Gregor has also contributed the Arbitration chapter to the recent *DIFC Courts Practice* publication.

Recent cases include:

Advising (led by Rupert Reed QC) a leading international law firm in relation to complaint arising from the proper interpretation and application of the Rules of the DIFC Court [2021].

Acting (led by Rupert Reed QC) in defending an application in the DIFC Court to set aside USD 30million summary judgment with findings of fraud following the defendant's failure to engage with proceedings for over two years [2021].

Acting (led by Rupert Reed QC) for the defendant in the leading authority on sovereign immunity in DIFC law: *FAL Oil Company v. Sharjah Electricity and Water Authority* [2019] DIFC ENF 221 (16 Feb 2021). The Court disproved the previous obiter comments on sovereign immunity in *Pearl Petroleum* and considered in detail, by reference to American, Canadian and Australian authorities identified by the defendant, the applicability of the concept on an inter-Emirate basis.

Acting (led by Emma Hargreaves) in relation to contentious litigation in Cayman and in England involving assets held in a STAR trust.

Acting for the trustee of a Jersey law trust in family proceedings concerning the sale of the former matrimonial home held by an illiquid trust structure.

Advising a Chinese judgment creditor on its entitlement to challenge the jurisdiction of the DIFC Court by applying for a determination by the Dubai Joint Judicial Committee [2021]. Gregor was duly instructed to draft the challenge.

Acting (led by Rupert Reed QC) in obtaining a worldwide freezing order in the Chancery Division against a director and shareholder of a UAE conglomerate in support of New York proceedings against him as "alter ego" of the UAE holding company, alternatively in setting aside fraudulent transfer to himself and others of company assets to frustrate enforcement of the award rendered in an ICC arbitration seated in New York [2020].

Obtaining (led by Rupert Reed QC) an order for the recognition of a London arbitration award, a worldwide freezing order and the first notification order made by the DIFC Court against a UAE resident entrepreneur: [2020] DIFC ARB 014 (17 June 2020). Gregor was then instructed to pursue contempt proceedings against the respondent.

Appeared as sole trust counsel at trial in the Central Family Court in matrimonial proceedings successfully challenging the validity of various English and Cypriot-law trusts and the appointment of receivers by way of equitable execution [2020]. This was one of the first decisions concerning the application of the Privy Council's decision in *Webb v Webb*.

Gregor continues to act (led by Philip Jones QC) for the directors of Manx property development company in defending allegations of fraudulent breach of duty. The case is expected to come to trial over six weeks in 2021/2022.

Acting (led by Rupert Reed QC) for the major Dutch Bank, CEBD, to obtaining a worldwide freezing order against Dr BR Shetty, founder of the troubled NMC Group: *Credit Europe Bank (Dubai) Ltd v. (1) NMC Trading LLC (2) NMC Healthcare LLC (3) Bavaguthu Raghuram Shetty* [2020] DIFC CFI 031. The decision also confirmed that an applicant need not demonstrate any assets of the respondent in the jurisdiction of the DIFC to obtain a worldwide freezing order.

Advising the settlor of a Jersey law trust on various claims alleging that he had lacked capacity or was acting under undue influence when he exercised various powers reserved to him under the trust instrument involving complex issues of jurisdiction and choice of law [2020].

Advising (led by Rupert Reed QC) a financial services firm in a commercial dispute arising from a joint venture and investment agreement involving allegations of fraud and negligence [2020].

Acting (led by Rupert Reed QC) with DAC Beachcroft for a BVI company in a DIFC-LCIA arbitration in Dubai on claims for over USD 100 million in a dispute arising from the termination of a joint venture in the UAE defence sector [2020].

Acting for large commodities trading company defending a breach of contract claim involving a challenge to the jurisdiction of the DIFC-LCIA arbitral tribunal [2020].

Acting (led by Rupert Reed QC) for an oil trading company in its appeal to the DIFC Court of Appeal from the order of Justice Field refusing to grant a freezing order to prevent the disposal of assets up to \$755 million on the basis of conduct by the respondent Lebanese bank showing an 'unacceptably low standard of commercial morality' in terminating a facility whilst retaining a related deposit of \$1billion: *IMMS Ltd v. BankMed SAL* [2019] DIFC CA 013 (16 December 2019)

Advising the settlor of a Jersey law trust on various claims alleging that he had lacked capacity or was acting under undue influence when he exercised various powers reserved to him under the trust instrument involving complex issues of jurisdiction and choice of law [2020].

Settling a claim for recognition and enforcement of a foreign judgment at common law in the Jersey Royal Court [2019].

Previous instructions have included advising the beneficiary of a high net worth estate in relation to claims pursuant to the 1975 Act and various commercial claims, which also involved aspects of BVI trust law [2019].

Commercial Litigation

Gregor is developing a busy commercial practice, including both onshore and offshore instructions. Gregor accepts instructions across Chambers' range of commercial specialisms, including company, civil fraud and insolvency, and he is registered as a Part II Practitioner before the DIFC Courts and regularly advises on arbitration matters.

Recent cases include:

Advising unsecured lenders to a distressed property development on recovery of debt and potential counterclaims in conspiracy and inducement to breach contract [2021].

Advising the transferee of guarantees in relation to debt extend through a group lending platform on the recovery of the underlying guaranteed debt [2021].

Acting (led by Rupert Reed QC) in defending an application in the DIFC Court to set aside USD 30million summary judgment with findings of fraud following the defendant's failure to engage with proceedings for over two years

[2021].

Acting (led by Rupert Reed QC) in obtaining a worldwide freezing order in the Chancery Division against a director and shareholder of a UAE conglomerate in support of New York proceedings against him as “alter ego” of the UAE holding company, alternatively in setting aside fraudulent transfer to himself and others of company assets to frustrate enforcement of the award rendered in an ICC arbitration seated in New York [2020].

Acting (led by Matthew Morrison) on an unfair prejudice/breach of duty claim, involving historic allegations of quasi-partnership and proprietary claims, which heard in January and March 2021. Judgment is awaited.

Acting (led by Philip Jones QC) for directors of a Manx company in a multi- million-pound breach of duty claim arising from a 2007 super-prime London residential property development. This case is expected to be heard over six weeks in 2021/2022.

Acting (led by Rupert Reed QC) in obtaining a worldwide freezing order in the Chancery Division against a director and shareholder of a UAE conglomerate in support of New York proceedings against him as “alter ego” of the UAE holding company, alternatively in setting aside fraudulent transfer to himself and others of company assets to frustrate enforcement of the award rendered in an ICC arbitration seated in New York [2020].

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Advising (led by Rupert Reed QC) a financial services firm in a commercial dispute arising from a joint venture and investment agreement [2020].

Acting (led by Rupert Reed QC) with DAC Beachcroft for a BVI company in a DIFC-LCIA arbitration in Dubai on claims for over USD 100 million in a dispute arising from the termination of a joint venture in the UAE defence sector [2020].

Acting for large commodities trading company defending a breach of contract claim involving a challenge to the jurisdiction of the DIFC-LCIA arbitral tribunal [2020].

Acting (led by Rupert Reed QC) for an oil trading company in its appeal to the DIFC Court of Appeal from the order of Justice Field refusing to grant a freezing order to prevent the disposal of assets up to \$755 million on the basis of conduct by the respondent Lebanese bank showing an ‘unacceptably low standard of commercial morality’ in terminating a facility whilst retaining a related deposit of \$1billion: *IMMS Ltd v. BankMed SAL* [2019] DIFC CA 013 (16 December 2019)

Civil Fraud

Many of Gregor’s instructions involve allegations of dishonesty and fraudulent conduct, and he has a particular

interest in asset-tracing claims. Recent instructions involve advising on allegations against Manx directors arising out of a failed property venture, acting for a firm accused of participation in an email phishing fraud and seeking freezing relief in the DIFC against a Middle Eastern bank.

Assisted Matthew Morrison in the Court of Appeal, representing a pro bono client, successfully obtaining a retrial of a claim by a large high street bank for breaches of overdraft facilities on the basis of inappropriate accounting following the disclosure of new evidence (*Dixon v Santander Asset Finance Ltd*).

Charities

Gregor regularly advises Charities on a range of regulatory matters and is a contributing author to the forthcoming edition of *Tudor on Charities*.

During his secondment, Gregor acted for a number of large and small charities in defending both probate claims and in relation to charities regulation more generally. Gregor provided advice on the procedure and scope of Charity Commission investigations and inquiries by Parliamentary Select Committees.

Insolvency

Gregor regularly appears in the Winding Up Court for both petitioners and companies, and is well-versed in insolvency procedure generally. Recent instructions also include advising on personal bankruptcy and the potential for actions under s.399 and s.400 of the Insolvency Act.

Private International Law

Gregor also has a strong interest in private international law and is regularly instructed on matters involving questions of choice of law and jurisdiction.

Recent cases include:

Acting (led by Rupert Reed QC) for the defendant in the leading authority on sovereign immunity in DIFC law: *FAL Oil Company v. Sharjah Electricity and Water Authority* [2019] DIFC ENF 221 (16 Feb 2021). The Court disproved the previous obiter comments on sovereign immunity in *Pearl Petroleum* and considered in detail, by reference to American, Canadian and Australian authorities identified by the defendant, the applicability of the concept on an inter-Emirate basis

Acting for a national sporting association (led by Jonathan Harris QC) on the giving of witness evidence by deposition following a letter of request from the Californian courts [2021].

Acting (led by John Machell QC) for the claimants defending a jurisdiction challenge to their claims to enforce loan agreements against various foreign-domiciled defendants pursuant to an English jurisdiction clause.

Acting for large commodities trading company defending a breach of contract claim involving a challenge to the jurisdiction of a DIFC-LCIA arbitral tribunal on the grounds of lack of corporate capacity [2020].

Advising (led by Prof Jonathan Harris QC) on the applicability of the test of a domicile under the Brussels Recast Regulation in relation to a Brazilian national and his Swiss-domiciled children in a multi-billion-dollar anti-trust claim [2020].

Advising (led by Giles Richardson) the trustees of linked offshore settlements on the applicable law relating to the construction of trust deeds and personal status [2020].

Arbitration

Gregor has a growing arbitral practice and is the contributing author of the arbitration chapter in the recent *DIFC Courts Practice* publication.

Recent cases include:

Acting (led by Rupert Reed QC) in obtaining a worldwide freezing order in the Chancery Division against a director and shareholder of a UAE conglomerate in support of New York proceedings against him as “alter ego” of the UAE holding company, alternatively in setting aside fraudulent transfer to himself and others of company assets to frustrate enforcement of the award rendered in an ICC arbitration seated in New York [2020].

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Acting (led by Rupert Reed QC) with DAC Beachcroft for a BVI company in a DIFC-LCIA arbitration in Dubai on claims for over USD 100 million in a dispute arising from the termination of a joint venture in the UAE defence sector [2020].

Acting for large commodities trading company defending a breach of contract claim involving a challenge to the jurisdiction of the DIFC-LCIA arbitral tribunal [2020].

Matrimonial Finance: Trusts and Company law

UAE & DIFC Litigation

Group Litigation

Recommendations

Commercial: Middle East: The English Bar (Legal 500 EMEA 2023)

Private Client: Trusts and Probate (Legal 500 “Rising Star” 2023)

Dispute Resolution: The English Bar - United Arab Emirates (Chambers Global, 2022)

Quotes

"Gregor is hardworking, receptive to client feedback, and has real clarity of thought. He understands his practice area and is an impressive barrister." Legal 500 Middle East: The English Bar: Commercial 2023

"Gregor Hogan is very bright and very eloquent in his advocacy. I have no doubt that he will go far." Chambers

Global, 2022

"Gregor Hogan is very responsive, very thorough and he's a real team player. He is very receptive to ideas and good at getting things done quickly. His drafting is absolutely spot-on; he is very strong on the papers." Chambers Global, 2022

Publications

Tudor on Charities, 11th Ed. (2022, Sweet & Maxwell), co-author with [William Henderson](#) and [Jonathan Fowles](#)

New Law Journal, 19 August 2020: [Unparalleled Circumstances](#)

Trusts & Trustee, 22 January 2020: [Legal and practical issues arising from Lehtimaki v Children's Investment Fund Foundation \(UK\)](#)

Knect365, Issue 1, 20 December 2018 pp 29-30: [Defaulting Trustees: A Broad Brush Approach to Interest?](#)

New Law Journal, 26 October 2018: [Keeping it in the family?](#)

Trusts & Trustee, Vol 24, Issue 2, March 2018, pp.212-215: *Mezhrom Bank v Pugchev [2017] EWHC 2426 (Ch)*

Freezing Orders: A Return to Orthodoxy?

[FM Capital Partners v Marino and others \[2018\] EWHC 2889 \(Comm\)](#)

Scholarships and Prizes

Buchanan Prize, Lincoln's Inn

Lord Mansfield and Hardwicke Scholarships, Lincoln's Inn

University of Law Prize for Best Performance in Professional Ethics

President's Award, University of Law

Barton Scholarship for the BCL, Merton College, University of Oxford

Prizes for Finals and BCL Results, Merton College, University of Oxford

Academic Exhibition, Merton College, University of Oxford

In the Press

'[COVID-19 fallout: Businesses will soon be testing UAE's legal boundaries](#)' Gulf Business, with [Rupert Reed QC](#), 17 July 2020

Education & Qualifications

Merton College, University of Oxford: BA Law with Law Studies in Europe (First Class)

Merton College, University of Oxford: BCL (Distinction)

Université Panthéon-Assas, Paris II: *Certificat Supérieur de Droit Français et Européen (mention assez bien)*

University of Law: BPTC (Outstanding)

Appointments

Admitted to The British Virgin Islands Bar in July 2023

