



Gregor Hogan

Year of Call: 2016

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Practice Overview

Gregor is developing a busy commercial and chancery practice with a particular interest in commercial litigation, contentious trusts and probate (onshore and offshore), 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, Isle of Man, BVI and the UAE. Gregor is also a contributing author on the forthcoming edition of *Tudor on Charities*. Recent instructions include advising on a claim related to allegations of fraudulent breaches of directors' duties in the context of a property development, drafting pleadings for municipal claimants in England's largest environmental tort claim arising out of a South American mining disaster (*Municipality of Mariana & Ors v BHP Billiton plc* (the Fundão Dam Litigation)), 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. His recent instructions include advising on a cross-border commercial dispute involving allegations of fraud and breach of duty, acting for one of Dubai's largest construction companies, and seeking freezing relief against an international bank. Gregor has also contributed the Arbitration chapter in the forthcoming publication *DIFC Courts Practice* and accepts instructions on arbitration matters.

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 Dependants) 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 and was a research assistant to Professor Jeremias Prassl on his book *The Concept of the Employer*.

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 has also appeared in the Companies Court representing a judgment creditor for the enforcement of a Tomlin Order.

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. 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.

In the DIFC, Gregor is also advising a multi-national financial services firm in relation to claims arising out 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.

Assisted Matthew Morrison in a case management hearing of a s.994 unfair prejudice petition in a six-party dispute concerning allegations of undue directors' remuneration and a failure to pay dividends.

Assisted Matthew Morrison in advising on directors' rights of access to company documents under the Companies Act 2006 and at common law, and steps that can be taken to enforce such rights.

Assisted Jennifer Haywood in advising a company director as to his liability to repay certain pension contributions and other remuneration under ss.171 and 172 of the Companies Act 2006.

Private Client Trusts and Probate

Gregor recent instructions include 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 Dependants) Act 1975. He is also currently advising the trustees of a multi-billion-dollar structure involving complex cross-border and choice of law issues.

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. 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.

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 in capacity and Court of Protection work.

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.

Assisted James Weale in a three-day trial defending an application to remove trustees and executors on the grounds that they were unable to properly investigate potential claims of the estate (*Griffin v Higgs & Others* [2017] EWHC 2559 (Ch)).

Assisted Constance McDonnell in preparing Chambers' seminar on *Ilott v The Blue Cross* [2017] UKSC 17 following hand down of the Supreme Court's first judgment on the Inheritance (Provision for Family and Dependants) Act 1975.

Assisted Constance McDonnell in defending an application to rectify a trust or to set aside a deed of appointment for mistake (*RBC Trustees (CI) Ltd v Stubbs* [2017] EWHC 180 (Ch)).

Partnership and LLP

Assisted Thomas Elias in a five-day trial concerning a dispute about the existence of a partnership or joint venture to develop commercial property, and whether there had been any breaches of duty or contract (*Kiwak v Reiner* [2017] EWHC 3018 (Ch)).

Assisted Jonathan McDonagh in a three-day trial concerning a dispute as to whether a residential and commercial property development was partnership property and allegations of a failure to account for rental monies (*Akhtar v Arif*).

Property

Gregor represented the Canal & River Trust in successfully obtaining an order for the seizure of a riverboat pursuant to the British Waterways Acts as a result of the owner having failed to comply with the terms of his continuous cruising licence. Gregor regularly appears in the County Court on residential property possession matters and has experience advising on TOLATA disputes in the context of the breakdown of co-habiting relationships.

In the Middle East, Gregor has advised one of Dubai's largest construction companies on contractual disputes and has an interested in construction disputes generally.

Assisted Thomas Elias in a five-day trial concerning a dispute about the existence of a partnership or joint venture to develop commercial property, and whether there had been any breaches of duty or contract (*Kiwak v Reiner* [2017] EWHC 3018 (Ch)).

Assisted Jonathan McDonagh in a three-day trial concerning a dispute as to whether a residential and commercial property development was partnership property and allegations of a failure to account for rental monies (*Akhtar v Arif*).

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. Recent offshore/international instructions include advising on the law of capacity, undue influence and breach of fiduciary duty in Jersey, acting (led by Philip Jones QC) for directors of a Manx company in claims for fraudulent breach of duty under Manx law, and advising trustees of a multi-billion-dollar structure on complex conflicts of laws issues.

Gregor has developed a busy Middle East practice, with a particular focus on the DIFC. He is currently acting (led

by Rupert Reed QC) for a financial services firm in a commercial dispute arising from a joint venture and investment agreement. Gregor has also acted (led by Rupert Reed QC) in seeking freezing relief against a Middle East bank.

In 2019, Gregor (along with a team of barristers from Serle Court) was instructed in *Municipality of Mariana & Ors v BHP Billiton plc* (the Fundão Dam Litigation) and led a sub-team of counsel responsible for drafting pleadings for 26 municipality claimants worth several billion dollars.

Gregor has contributed the Arbitration chapter to the forthcoming *DIFC Courts Practice* publication.

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. During his secondment, Gregor 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.

Assisted Matthew Morrison in advising an English company as to its response to proceedings brought in Italy under a contract with an exclusive English jurisdiction clause.

Assisted James Weale (led by Dakis Hagen QC and Jonathan Harris QC (Hon)) in preparing for a three-day trial and a further application for permission to appeal in Gibraltar in a high value divorce case involving offshore trusts.

Commercial Litigation

Gregor is developing a busy commercial practice, including both onshore and offshore instructions. He is currently instructed (led by Matthew Morrison) in an unfair prejudice/breach of duty claim involving historic allegations of quasi-partnership, diversion of corporate opportunities and proprietary claims. Gregor is acting (led by Philip Jones QC) for directors of a Manx company in claims for fraudulent breach of duty under Manx law.

Gregor has developed a busy Middle East practice, with a particular focus on the DIFC. He is currently acting (led by Rupert Reed QC) for a financial services firm in a commercial dispute arising from a joint venture and investment agreement. Gregor has also acted (led by Rupert Reed QC) in seeking freezing relief against a Middle East bank.

Gregor frequently appears in the Companies Court as sole counsel, and recently appeared for a judgment creditor in the High Court in relation to the enforcement of a Tomlin Order.

Many of Gregor's offshore instructions involve the interaction of trust and corporate structures.

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*).

Assisted Matthew Morrison in advising a small educational charity regarding a claim under the Financial Services and Markets Act 2000 for the mis-selling of interest rate swaps by a large high street bank.

Assisted Thomas Elias in a five-day trial concerning a dispute about the existence of a partnership or joint venture to develop commercial property, and whether there had been any breaches of duty or contract (*Kiwak v Reiner*).

Assisted Jonathan McDonagh in a three-day trial concerning a dispute as to whether a residential and commercial property development was partnership property and allegations of a failure to account for rental monies (*Akhtar v Arif*).

Chancery

Assisted Jennifer Haywood in advising a members' club on various actions taken by its chairperson and the committee, and their constitutional arrangements generally.

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.

Publications

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

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

Registered Part II Practitioner before the DIFC Courts – July 2020
