

# Hugh O'Donoghue

Call 2004



[hughodonoghue@mountfordchambers.com](mailto:hughodonoghue@mountfordchambers.com)



0207 936 6300

Hugh O'Donoghue concentrates on a strong commercial and chancery practice.

He projects a multi jurisdictional presence holding practising certificates in a number of jurisdictions, is an acknowledged specialist in International laws (presently instructed to advise on Congolese claims to traditional mineral rights) and is a registered with OHIM (EU) as a European trade mark attorney. He is regularly instructed in high-end litigation including a milestone bailment case taken against a nationwide bank revolving around priceless Swedish postage stamps. He has recently appeared in the High Court Business and Property Courts and Insolvency & Company Courts representing shareholders who petitioned for unfair prejudice Companies Act relief and in winding up- related issues. He has been instructed in patent and trade mark disputes. He has also been instructed in the past year by Isle of Man lawyers in an international trust dispute before the Manx High Court.

Hugh has a wealth of injunctive experience, including (world-wide) freezing orders, interim relief and applications to restrain presentation or advertisement of a winding up petition. Many of his cases are reported. Hugh is known as a stunningly competent advocate with outstanding trial experience. He is also regularly instructed in CPR-based applications (for example, contested security for costs applications and strike out & summary judgment application).

Hugh O'Donoghue also accepts instructions in matters relating to public law, regulation and mixed regulation and crime and judicial review. He has a special interest in aviation being a qualified pilot himself. He has In the past year represented a pilot prosecuted jointly by the Civil Aviation Authority and the CPS following a crash landing near Manchester.

He brings enormous energy and commitment to his professional life, has a strong following of solicitors and lay clients (direct public access) (both large and small) that will always pick him for their work. He prides himself on giving clear and practical advice, quickly absorbing complicated instructions in order to give clear bite-sized

advice and sharing the workload with his instructing solicitors. Hugh is regarded as being user-friendly and accessible. He is open to CFA arrangements in suitable cases. He promises speedy turn-around and guarantees thorough research.

Hugh is Chair emeritus of the EU and International Affairs of the Law Society in Ireland and served in the years 2004-2006; Vice-Chair 2003-2004. Member of the Irish Law Society Standing Committee on Curriculum Development (CDU) 2005-2007. Vice-Chair 2006. He represented Ireland on the prestigious Union International du Notariat Latin between 2005 and 2007. He holds membership of the Association of Law Teachers (IALT) and Canon La Society of England and Wales and is currently accredited by OHIM (EU). He is a member of the South East Circuit. He is also a member of the Administrative Bar Association, the PNBA and the British Institute of International & Comparative Law.

Hugh has lectured extensively in International Human Rights protection and was while based in Ireland an associate faculty member of the Law School of the Irish Law Society. He lectured in Warsaw (2003) and also in Pretoria, South Africa (2004-2005) where he contributed to a programme extensively funded by the Irish Government to assist local lawyers become skilled in the rewarding but monopolised commercial field. His manual of human rights was published by the Oxford University Press. His continuing interest in education is reflected in a lecture at the College of Law Bloomsbury in London on the topic of Military Law. He has assisted the Inner Temple undertaking an extensive review of a published work on International Arbitration which was a serious contender for the coveted Pegasus prize. He is a member of the Kings Inns Dublin and has a seat at the Irish Law Library.

## Expertise

### Crime

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#### Notable Crime cases

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[Regina v Robert Murgatroyd \[2019\] Manchester Crown Court.](#)

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Hugh was engaged as lead advocate in a split three-week trial. Included in what the Manchester jury had to consider were allegations of endangering the safety of an aircraft and various breaches of the Civil Aviation Act 1982 and the Air Navigation Order. The case was exceptional in that it involved a joint prosecution by the CPS and the Civil Aviation Authority. The case attracted wide attention.

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[R v Wilson Court of Criminal Appeal sitting in Cardiff.](#)

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An appeal against a domestic rape conviction. Instructed by Sonn Macmillan & Walker. May 2021.

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[R v Vasili Court of Criminal Appeal.](#)

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The Appeal against conviction of supplying drugs concerned the non-deployment of a defence under Modern Slavery Act that was available at the trial.

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## Business Crime & Fraud

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Hugh O'Donoghue has outstanding know-how in Company Law and is skilled in advising corporate and private individuals in areas involving companies legislation and associated insolvency. He has a proven record in High Court litigation and is associated with several recent senior court successes. He is also experienced in Trademarks and intellectual properties. Hugh is licenced as a EU appointed TM attorney OHIM. He is an expert in Freezing orders both civil and under the POCA criminal asset regime. With his knowledge base and worldwide injunction skills (both civil and Proceeds of Crime) he is a go-to in matters of serious financial crime.

### Notable Business Crime & Fraud cases

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Care Surgical v PSB.

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Criminal contempt application High Court.

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Care Surgical v JMW Ltd and others.

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Civil Fraud (pending).

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Ross V Bank of Scotland (Irish Supreme Court).

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Bank unlawfully registering mortgages.

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Singh v Global Freight Systems Section 994.

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Petition CA.

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Colthurst v Clark and others Section 994 CA.

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Petition and civil fraud claim.

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VTB Capital Plc v Nutritex International Marshall Holdings and Malofoef.

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(Not involved with advocacy advisory role for Mr. Malofoef. (International banking fraud).

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Trustees of Couper Collection v Hutchinson Whampoa and others [2014] EWCA Civ 300.

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Appeal. Permission Hearing. Property dispute. Conducted the appeal on behalf of the Claimant.

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Mackew v Moore.

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Civil fraud and freezing order jurisdictional as to seisin of case v Swiss Courts.

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Holland v Fast.

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Corporate Civil Contempt Proceedings High Court.

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Baron Andre v Clydesdale Bank.

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Unlawful removal of valuable stamps in the custody of the defendant bank.

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Forestmill Investments Ltd (Corporate Governance) High and Supreme Court Dublin.

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## Asset Forfeiture & Civil Recovery

Hugh's impressive career history in worldwide injunctions and proceeds of crime related litigation is second to none.

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### Notable Asset Forfeiture & Civil Recovery cases

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R v Stoica [2020] Wood Green Crown Court.

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POCA Confiscation.

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R v Idris Rasoul [2019] Leicester Crown Court.

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POCA Confiscation.

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R v Davidenco and others [2019].

Money laundering and confiscation POCA proceedings.

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R v Ziobicki Civil Confiscation [2019] Westminster Magistrates Court.

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POCA.

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R v Hopkins and Others [2019] Birmingham Crown Court.

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POCA confiscation.

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Holland v Fast Corporate and Heed [2014] High Court QB.

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Halifax proceedings for the recovery of sums misappropriated in a major carbon credit investment scam. The case has so far involved application for worldwide freezing orders, search orders, summary judgment against one Defendant and committal. to defend application to commit Defendant for contempt being in alleged breach of the High Court Order. Instructed by Rahman Ravelli.

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MacKew v Moore [2012] EWHC 1287 (QB).

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Worldwide Freezing Order. Jurisdictional Dispute involving Swiss and English law conflicts, extensive submissions on EU law and Lugano Convention 2007. Instructed by DWFM Beckman London.

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## Professional Regulation

Hugh has wide experience across the spectrum of professional disciplinary and regulatory bodies.

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### Notable Professional Regulation cases

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Wilson & Army Pension Tribunal [2019] Birmingham.

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Boamah v Health & Care Professional Council [2019].

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Successfully defended social worker against charges of dishonesty.

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Regina v Robert Murgatroyd.

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Defending pilot of crashed passenger aircraft regulatory offences jointly prosecuted by CPS and CAA.

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Fosuhene v The Law Society.

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O'Dwyer v Minister for the Environment & Ors [2001] 1 IR 255.

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Constitutional & administrative regulation of public transport.

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EHB v E. (No. 1) [1999] IEHC 191; [2000] 1 IR 430 (16th August, 1999).

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Represented senior Barrister in disciplinary complaint in Irish High Court (Madam Justice Laffoy).

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Salve Marine Ltd. v Information Commissioner, July 19, 2000.

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Unreported, The Irish Times July 20 2000, High Court, Kelly J. Freedom of Information and Data Protection issues.

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## Public Law

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Hugh's academic background is in public international laws including Human Rights. He has lectured and written extensively on the subject. He is skilled in judicial review. He has a specialised interest in the military complaints system and has been the lead advocate in several significant reviews recently held in the High Court. He was lead lawyer in the first European review of the Freedom of Information as far back as 2000 in the Irish Courts legislation in its formative stages.

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## Notable Public Law cases

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MT v Commissioner of the Police of the Metropolis.

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Successful Judicial review of the Directorate of Professional Standards.

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Lt Paul Ross v Secretary of State for Defence.

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Submariner's application for Judicial Review as the victim of unlawful promotion system.

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Petty Officer Hall v Secretary of State for Defence.

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Judicial Review of determination of army council.

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Boateng v Health & Care Professional Council Statutory.

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High Court Appeal from determination of the disciplinary body.

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Ellis-Carr v Solicitors Regulation Authority (March 2012). [2012] EWHC 893 (Admin).

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Appeal from SRA Refusal to reinstate former solicitor.

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Baron Mereworth v The Crown.

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Constitutional (Advisory only). This matter was a court challenge by a Hereditary Peer to the Head of Crown Office refusal to allow him as might have been his right prior to the commencement of the House of Lords Act 1999 to sit and vote in Parliament. The case was argued before Mr Justice Leveson and is reported at [2012] Ch. 325; [2012] 2 WLR 192. I did not appear in the case.

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Fosuhene v The Law Society (the Solicitors Regulatory Authority). [2014]

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Appeal by solicitor against intervention decision.

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Glica v Poland. (instructed by Eshagian & Co Solicitors) High (Divisional) Court April 2008. (Latham LJ and Underhill LJ) [2008] ALL ER (D) 384 (Apr)

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European Arrest Warrants; Extradition Proceedings; translations; validity of European Arrest Warrants.

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Hungary v Mc Goldrick and Turner.(instructed by Pattichi Hill & Croques).

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High Court Extradition challenge in circumstances of a defective European Arrest warrant and Abuse of Process arguments.

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Worsely v Judicial Authority in Portugal [October 2012].

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(instructed by McCormick's Harrogate) [2012] All ER (D) 08 (Nov)[2012] EWCA 2796 (Admin).

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R v Glenton Court Martial.

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Soldier challenged the validity of military orders ( to serve in Afghanistan) on basis of international laws.

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Salve Marine Ltd. v Information Commissioner [July 19, 2000]

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Unreported, The Irish Times [July 20 2000] High Court, Kelly J. Freedom of Information and Data Protection issues.

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Gallagher v Minister for Defence and Ireland and the AG.

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Right of military bandsmen to claim compensation for work related degenerative disability.

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## Education

- BCL. LLB. LLM (NUI) Honours

## Memberships

- Criminal Bar Association
- Administrative and Constitutional Bar Association (ALBA)
- Professional Negligence Bar Association (PNBA)
- OHIM (Office for Harmonization in the Internal Market) EU Trademark Attorney
- British Institute of International & Comparative Law (BIICCL)
- Library Users Committee Inner Temple
- Reviewer Pegasus Prize Inner Temple

## Publications

- [Unlocking the Lockdown – time for another challenge?](#) February 2021.
- Human Rights in Ireland 2nd Ed Oxford University press
- Abolition of the House of Lords and other reforms (2010) 28 ILT 75
- Lecture Forces Law Association Judicial Review 2017
- Lecture to Irish State Solicitors UK constitutional reforms 2010
- Chaired meeting auspices Irish Law Society Speaker Lee Bucheit Cleary Gottlieb New York Restructuring of Iraq sovereign debt
- Lecture University College London Human Rights and Military Law
- Lecture Warsaw University to Polish profession on EU Law.
- Member of visiting faculty to South Africa introduction to corporate and law practice to younger members of SA legal profession.