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## Hugh Miall

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Described as “**a star to watch for the future**”, Hugh specialises in commercial chancery matters, with a particular emphasis on commercial litigation, complex civil fraud, insolvency, company law and contentious trust litigation. He has significant experience of asset tracing claims, and his work often includes offshore or other international elements. He is in high demand both as sole Counsel and as junior on significant pieces of litigation, including disputes being resolved at arbitration. He is frequently instructed in relation to urgent and ex parte applications.

Hugh is recommended as a leading junior across his primary areas of practice, being ranked in [Chambers and Partners UK Bar](#) (2021) for Commercial Dispute Resolution, Chancery: Commercial and Insolvency, and by [Legal 500](#) (2021) for Commercial Litigation, Civil Fraud, Company & Partnership and Insolvency. Praised as being “**just brilliant**”, he is “**considered a rising star in the commercial chancery market**” who “**excels across a broad spectrum of shareholder disputes, trusts work, property litigation and civil fraud matters.**” Hugh has been praised as being a “**terrific advocate**” with “**immaculate written work**” and as being able to “**combine a robust style with considerable expertise and brain-power**”. He is recommended as being “**Super bright, down to earth and approachable**” and “**brilliant - incredibly intelligent but also personable and good to work with.**”

Hugh is renowned both for his technical skill as well as for his robust advocacy in the court room and his straightforward and astute advice. He is described as being “**incredibly bright and very pragmatic**”, “**very clever, very capable**” and “**very down to earth, highly knowledgeable**” as well as being “**an effective and persuasive advocate**” whose “**grasp of the detail is terrific**” and who “**gives clear advice**”. Clients have also described him as having “**excellent judgement and a most incisive and agile mind**” and that “**He distils complicated concepts into easy to understand language.**”

Hugh’s commercial and collaborative approach has also been the subject of praise from his extremely loyal client base. Solicitors say “**He is just brilliant; he explains things in a pragmatic way and he is really good at providing support to the client.**” Hugh is also “**extremely commercial and good at understanding the big picture**”, “**very easy to deal with, takes a sensible view and is very good at talking directly without offending the clients**” and is “**very supportive of both solicitors and clients, highly collaborative and good at making himself available. He is more than willing to chat through the challenges in a case**”. He is known as being someone who “**goes the extra mile to be available**”.

He has also been described as an “**Excellent junior. Focussed and hard working**” and “**a pleasure to work with and a charming practitioner who provides quality advice and always offers a clear litigation strategy**” and well as being a “**prodigiously hard worker**” who “**turns around big pieces of work in the blink of an eye.**”

Please tick the boxes below to display further information on specialist areas of Hugh's practice.

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## Arbitration

Hugh is an experienced arbitration practitioner and advocate. He has acted in arbitration proceedings both as sole counsel and as part of a large team. His experience includes complex, international and high value commercial disputes for individuals and corporate clients across a range of sectors, including oil and gas, banking and financial services, pharmaceuticals and aviation. Recent and current arbitration related work includes:

- **LCIA Arbitration** – Acting (with Stephen Moverley Smith QC) for a Panamanian company in relation to an LCIA arbitration concerning a shareholders' agreement dispute and contested liability to repay loans totalling over \$750m. The case concerns a BVI company incorporated to act as a joint venture company for investments in Nigerian oil and gas entities.
- **LCIA Arbitration** – Acting and advising on a stay of proceedings under s.9 Arbitration Act 1996;
- Advising on whether an Arbitral Tribunal has jurisdiction in relation to disputes arising in relation to matters exempted from the scope of the relevant contractual arbitration clause.
- **LCIA Arbitration** – Acting (as sole Counsel) in a dispute between Kuwaiti family members concerning the contractual division of proceeds of banking litigation.
- **LCIA Arbitration** – Acting (with Steven Thompson QC and Emma Hughes) in multiple arbitration proceedings between international parties concerning disputes relating to the manufacture and supply of aeronautical components.
- **LCIA Arbitration** – Acting (as sole Counsel) in disputes between international parties concerning the supply and recall of, and defects in the manufacturing processes of, pharmaceutical products.

Hugh is also familiar with the rules of other major arbitral institutions, including the ICC, ICDR, DIFC-LCIA and the UNCITRAL rules.

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## Aviation

Hugh has a keen interest in aviation work and several of his recent and ongoing cases, involving both litigation and arbitration, have related to the aviation sector. His work in this area overlaps heavily with his expertise in commercial dispute resolution, insolvency and civil fraud.

Examples of Hugh's aviation work include:

- Acting for an owner trustee of a leasing corporation in an action against a Turkish airline following a repudiation of the leases and failure to return the aircraft in serviceable and airworthy condition.
  - Successfully representing a Dutch Ryanair Pilot at trial in a claim brought by an intermediary management company for damages following his resignation from his post. The claim was dismissed on the basis the damages were claimed pursuant to an unenforceable penalty clause.
  - Advising on a dispute and settlement between a major bank, Bahraini leasing and aircraft companies and a Bahraini national.
  - Acting for an Isle of Man aircraft purchase and leasing company and its various subsidiaries in claims for breach of fiduciary and non-fiduciary duties, conspiracy, dishonest assistance, conversion and breach of contract against its commercial agent and maintenance company, its foreign subsidiary and its directors.
  - Acting (with Steven Thompson QC and Emma Hughes) in multiple arbitration proceedings between international parties concerning disputes relating to the manufacture and supply of aeronautical components.
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## Banking and Financial Services

Hugh has significant experience of acting and advising in relation to cases involving the financial services sector. Such claims include disputes concerning guarantees, indemnities and security rights over property, including issues of receivership as well as significant litigation arising out of commodities trading relationships.

Hugh has previously advised on mis-selling claims in relation to interest rate hedging products, including swaps, collars and caps, particularly in relation to small businesses. He has also advised financial institutions in relation to factoring agreements, and has been involved in litigation arising out of the demise of major brokering firms.

Examples of such work include

- ***Societe Generale v Goldas Kuyumculuk Sanayi Ithalat Ihracat AS & Ors [2017] EWHC 667 (Comm)*** – Hugh, led by Stephen Moverley Smith QC, successfully obtained orders striking out claims worth \$½Bn, discharging world-wide freezing orders and obtaining an inquiry as to damages for the Defendant gold trading and manufacturing companies. The applications were heard in January 2017 over 5 days on grounds including failure to serve, abuse of process and want of prosecution. Hugh and Stephen are instructed in relation to the inquiry as to damages. The underlying proceedings related to allegations of conversion of bullion and debts arising from international commodities trading.
- ***In re a Company (2016)*** – Hugh is instructed a sole Counsel for a foreign insurance company and its liquidator in a claim abroad for over £35m in respect of allegedly unlawful distributions made purportedly as commercial payments to a connected entity.
- ***Ward & Ors v Savill & Ors (Commercial Court)*** – Hugh is instructed for over 100 claimant investors in a complex civil fraud claim worth over £35m in relation to allegedly fraudulent tax avoidance film schemes (each of which was an unregulated collective investment scheme) where the total fraud alleged exceeds £100m.
- Successfully obtaining summary judgment for the claimants in a claim for unpaid margin calls on investors arising out of the special administration of MF Global (UK) Ltd. Ancillary action included successfully obtained a freezing injunction in aid of enforcement of the judgment and costs, and resisted applications to set aside both the injunction and the summary judgment.
- Acted for RBS's factoring division resulting in the successful obtaining of default judgment arising out of a claim in fraud relating to fresh-air invoicing.
- Acting in a claim for undue influence against a bank in a typical *Etridge* type case.

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## Civil Fraud, Asset Tracing & Recovery

A substantial core of Hugh's practice includes litigation concerning allegations of fraud, dishonesty or other impropriety. Such work often includes consideration of large scale complex fraud claims, including claims involving deceit, breach of trust, breach of fiduciary duty, dishonest assistance, knowing receipt, conspiracy and conversion and the recovery of assets held on trust. Alongside the usual armoury relating to commercial litigation generally, Hugh often advises on the use of pre-action relief in relation to such claims, including the use of both proprietary and non-proprietary freezing injunctions, whether domestic or international and often on an urgent basis. Other forms of relief often considered include application to preserve evidence, to preserve important documents, and for information from third parties.

Recent and current work includes:

- ***HMRC v Infinity Distribution Ltd (In Administration) [2016] EWCA Civ 1014*** – Appeared (with Malcolm Davis-White QC) in the Court of Appeal for the (largely successful) Respondent in a second appeal brought by HMRC against a decision to strike out evidence of MTIC fraud relied upon by HMRC in circumstances where HMRC did not plead, and maintained they were not pleading, a case in fraud against the Respondent.
- ***St Austell Brewery Company Ltd v Freestone & Anr (Chancery Division)*** – Instructed as sole Counsel for his client in an ongoing fraud claim, Hugh successfully obtained both domestic freezing and proprietary injunctions with associated disclosure relief on an *ex parte* and urgent basis against a former employee of the Claimant alleged to have been stealing monies for over 9 years during her employment. Hugh subsequently obtained *Bankers Trust* disclosure orders against 3 banks which held accounts into which the misappropriated monies were paid.
- ***Ward & Ors v Savill & Ors (Commercial Court)*** – Hugh is instructed for over 100 claimant investors in a complex civil fraud claim worth over £35m in relation to allegedly fraudulent tax avoidance film schemes where the total fraud alleged exceeds £100m.
- ***Fraud and Tracing Claim (Chancery Division)*** – Hugh is instructed for the Claimants in proceedings to recover from a company in liquidation monies paid into an escrow account where the initial payment was procured by fraud.
- ***Arcadia Petroleum Ltd v Bosworth & Ors (Commercial Court)*** – Acting (with Charles Dougherty QC) for two of 10 Defendants in a claim relating to an alleged oil trading fraud presently estimated to be worth in excess of \$300m.
- ***JPC SPC 4 & Another v Schools & Others (Chancery Division)*** – Acted (with Robert Levy QC) for one of 15 defendants in a complex £110m claim by the receivers of an offshore fund alleging, inter alia, fraud, breach of fiduciary duty and unlawful means conspiracy, also involving multiple world-wide freezing injunctions. A successful settlement was reached in relation to the represented party.

- ***Brown v Gooding & Nearn (Chancery Division)*** – Acting for a fourth party defendant in a multi-million pound claim in respect of alleged fraud and negligence in respect of which the loss alleged was the Part 20 Claimant directors' liabilities to a Liquidator for alleged misfeasance
- ***Norcross & Anr v Constantine & Anr (Commercial Court) [2015] EWHC 2405 (Comm)***– Acting (with David Lord QC) for the estate of the deceased former defendant in a commercial court claim concerning, inter alia, allegations of fraud and breach of fiduciary duties. Successfully defeated the claims both by way of summary judgment application and, for the remainder, at trial.
- Advising (with Robert Levy QC) as to the legitimacy of international tax mitigation schemes which involve allegations of fraudulent misrepresentation and the circular use of funds.

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## Commercial Litigation

A significant part of Hugh's practice centres on commercial or business disputes and associated applications, often of significant value and complexity. His clients value his approachable style, and his hard working and commercial approach. He has advised or appeared in matters involving a full spectrum of contractual disputes, claims involving allegations of breach of fiduciary duty or misfeasance, both lawful and unlawful means conspiracies and other tortious claims. His experience includes disputes arising out of, inter alia, agency agreements, joint venture agreements, share sale arrangements, guarantees, investment schemes and tax mitigation schemes. Much of his work includes allegations of fraud and dishonesty.

Hugh advises and acts at all stages of the litigation process, from initial advice and providing pleadings to appearing on interim applications and through to trial. He has experience in relation to various interim remedies, including interim injunctions, freezing orders, search and seizure orders and disclosure orders, including Norwich Pharmacal and Bankers Trust applications. Hugh is particularly interested in the international elements of his practice, and has provided advice on the application of conflict of laws rules to commercial disputes including the use of anti-suit injunctions.

Hugh also advises and appears for clients in relation to alternative dispute resolution procedures.

Typical current and recent commercial work includes:

- ***O'Keefe & Anr v Caner & Ors (Chancery Division)*** – [2017] EWHC 1105 (Ch). Hugh, together with Terence Mowschenson QC and Nicole Langlois, act for offshore directors and a corporate services provider in claims and Insolvency Act applications by two Jersey companies and their liquidators in relation to allegedly wrongful payments from the companies of c. €34m. A 6-day preliminary issue trial of a previously undecided issue of Jersey prescription law took place in March 2017.
- ***Contested BVI winding-up proceedings and LCIA Arbitration*** – Acting (with Stephen Moverley Smith QC) for a Panamanian company in contested winding up proceedings (and an ensuing LCIA arbitration) in the British Virgin Islands concerning a joint venture company incorporated to invest in Nigerian Oil entities.
- ***St Austell Brewery Company Ltd v Freestone & Anr (Chancery Division)*** – Instructed as sole Counsel for his client in an ongoing fraud claim, Hugh successfully obtained both domestic freezing and proprietary injunctions with associated disclosure relief on an *ex parte* and urgent basis against a former employee of the Claimant alleged to have been stealing monies for over 9 years during her employment. Hugh subsequently obtained *Bankers Trust* disclosure orders against 3 banks which held accounts into which the misappropriated monies were paid.
- ***Ward & Ors v Savill & Ors (Commercial Court)*** – Hugh is instructed for over 100 claimant investors in a complex civil fraud claim worth over £35m in relation to allegedly fraudulent tax avoidance film schemes.
- ***Societe Generale v Goldas Kuyumculuk Sanayi Ithalat Ihracat AS & Ors (Commercial Court) [2017] EWHC 667 (Comm)*** – Hugh, led by Stephen Moverley Smith QC, successfully obtained orders striking out claims worth \$½Bn, discharging world-wide freezing orders and obtaining an inquiry as to damages for the Defendant gold trading and manufacturing companies. The applications were heard in January 2017 over 5 days on grounds including failure to serve, abuse of process and want of prosecution. Hugh and Stephen are instructed in relation to the inquiry as to damages.
- ***Harvil Roofing Ltd v Lakehouse Services Ltd*** – Hugh is instructed as sole Counsel for the Claimant in an assigned claim against the Defendant building contractor for alleged breaches of contract relating to the exclusivity of future work where damages sought run to multiple £millions.
- ***Blackstar (Isle of Man) Ltd v Imperium Trust Company Ltd & Ors [2016] EWHC 3216 (Ch)***– Hugh acted (with Bajul Shah) for the Defendants at the trial of the claims for the costs of litigation said to be due under contractual indemnities.

- ***Arcadia Petroleum Ltd v Bosworth & Ors (Commercial Court)*** – Acting (with Charles Dougherty QC) for two of 10 Defendants in a claim relating to an alleged oil trading fraud presently estimated to be worth in excess of \$300m.
- ***Bicester GP Ltd & Ors v London & Metropolitan International Ltd & Ors (Commercial Court)*** – Acting as sole Counsel for 2 of 6 defendants in a multi-million pound claim brought by Bermudian, Irish and English companies in respect of false invoicing during the development of shopping villages and involving claims of deceit, proprietary relief, restitution, inducement of breach of contract and conspiracy.
- ***Brown v Gooding & Nearn (Chancery Division)*** – Acting for a fourth party defendant in a multi-million pound claim in respect of alleged fraud and negligence in respect of which the loss alleged was the Part 20 Claimant directors' liabilities to a Liquidator for alleged misfeasance.
- ***Norcross & Anr v Constantine & Anr (Commercial Court) [2015] EWHC 2405 (Comm)*** – Acting (with David Lord QC) for the estate of the deceased former defendant in a commercial court claim concerning, inter alia, allegations of fraud and breach of fiduciary duties. Successfully obtained summary judgment in respect of the significant majority of the claims made, some 3 weeks ahead of trial: see the separate judgment at [2015] EWHC 1290 (Comm). Successfully defeated the remainder of the claims at trial, even after late amendments were (partially) allowed.
- Advising (with Robert Levy QC) as to the legitimacy of several international tax mitigation schemes.
- ***Hakmi v Hakmi & Ors [2014] EWHC 1444 (Ch)*** – Acted for the Claimant (with Michael Booth QC) in a dispute alleged by Ds to be worth in excess of £20m between brothers and Marshall Islands companies concerning interests in property in England, allegations of sham charges and Dubai based partnership agreements. The 10-day trial included questions of the application of both substantive and procedural Dubai/UAE Law. Hugh was instructed as sole Counsel in a related costs appeal.
- ***JPC SPC 4 & Another v Schools & Others (Chancery Division)*** – Acted (with Robert Levy QC) for one of 15 defendants in a complex £110m claim by the receivers of an offshore fund alleging, inter alia, fraud, breach of fiduciary duty and unlawful means conspiracy, also involving multiple world-wide freezing injunctions. A successful settlement was reached in relation to the represented party.
- ***Brookfield Aviation International Limited v Van Boekel (26 July 2013, Unreported)*** Successfully appearing for a former Ryanair pilot in litigation concerning the enforceability of a sum as a penalty demanded by an employment agency for failure to give full notice.
- Successfully obtaining summary judgment for the claimants in a claim for unpaid margin calls on investors arising out of the special administration of MF Global (UK) Ltd. Ancillary action included successfully obtained a freezing injunction in aid of enforcement of the judgment and costs, and resisted applications to set aside both the injunction and the summary judgment.
- Acted for RBS's factoring division resulting in the successful obtaining of default judgment arising out of a claim in fraud relating to fresh-air invoicing.
- ***Gaynord v Generation (UK) Limited QB/2012/0091 (appeal)*** – Successful appeal in relation applications to set aside default judgment.

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## Company

Hugh has experience in a wide range of company law matters. His work includes acting in claims for breach of fiduciary duty, both for and against company directors; acting in relation to derivative claims brought against directors; acting in relation to shareholder disputes, including under s.994 Companies Act 2006 and in relation to shareholder agreements. Hugh also advises on company law and procedure generally, and in relation to company related agreements and corporate documents.

Hugh's company law work often overlaps with Insolvency practice, and he frequently advises Liquidators, Administrators and Directors on both insolvency procedures and Company law claims brought in an insolvency context.

Hugh also has experience of defending Company Director Disqualification Act 1986 proceedings, as well as applications for permission to act under the same legislation.

Other experience includes winding up petitions, including injunctions restraining presentation of petitions or of advertisement, civil fraud claims in a corporate context and actions for the restoration of companies.

Examples of work recently include:

- ***O'Keefe & Anr v Caner & Ors [2017] EWHC 1105 (Ch)***– Hugh, together with Terence Mowschenson QC and Nicole Langlois, act for offshore directors and a corporate services provider in claims and Insolvency Act applications by two Jersey companies and their



liquidators in relation to allegedly wrongful payments from the companies of c. €34m. A 6-day preliminary issue trial of a previously undecided issue of Jersey prescription law took place in March 2017.

- ***Bridge v Daley & Ors (Chancery Division)*** – Acting as sole counsel for the 1st – 6th Defendants in a derivative claim brought by a shareholder alleging wide-ranging misfeasance. The Defendants were successful in resisting the Claimant’s application for permission to continue the claim.
- ***In re a Company (2016)*** – Hugh is instructed for a shareholder in relation to a complex corporate structure where the parties are in deadlock and unable to progress the operation of the companies involved, necessitating Court intervention.
- ***In re a Company (2016)*** – Hugh is instructed a sole Counsel for a foreign insurance company and its liquidator in a claim abroad for over £35m in respect of allegedly unlawful distributions made purportedly as commercial payments to a connected entity.
- ***In re a Company (2016)*** – Hugh was instructed as sole Counsel for company and its liquidators to bring proceedings (i) against its parent company under a contractual indemnity in a hive-up agreement; alternatively (ii) against the parent company and a director in respect of unlawfully paid dividends. Hugh also represented the Claimant at mediation.
- ***R Realisations 2012 Limited (In Liquidation) v Stead (Chancery Division)*** – Acting (with Michael Booth QC) for liquidators of a company seeking the recovery of multi-million pound sums alleged to have been wrongfully paid to a sole director as purported dividends.
- ***Lakehouse Contracts Ltd v UPR Services Ltd – [2014] EWHC 1223 (Ch)*** – Successfully argued for a substantial reduction in costs awarded to a party in light of a failure to agree to mediation or to act reasonably within the context of an application to restrain advertisement of a winding up petition.
- ***In re Aston Lloyd & Partners International Limited (In Liquidation)*** – Advising the liquidators (with Michael Jefferis and Adam Chichester-Clark) of an international property development company on the existence of trusts over assets held by the company for investing clients and advisory and drafting work in relation to applications under s.112 IA 1986 regarding 8 international commercial development sites and for *Berkeley Applegate* relief
- ***Re A Company (6236 of 2013) [2014] EWHC 2295 (Ch)*** – Successfully restraining advertisement of winding up petitions and obtaining an order striking out the same.
- ***Augustine Housing Trust v Official Receiver & Anr (Unreported, Chancery Division)*** – Successfully opposing the rescission of a winding up order made against a Charitable Company, and resisting the subsequent application for permission to appeal.
- Acting for company directors in disqualification proceedings under the CDDA 1986.
- Advising on the effect of shareholder hive-up agreements in the context of a business buy-out and subsequent liquidation.

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## Construction & Projects

Hugh has particular experience in relation to litigation, company and insolvency claims arising in the context of construction disputes including scaffolding, plant, crane and access equipment hire.

His work in this field includes numerous claims for conversion of and damage to equipment on hire, delivery up of plant and tools, contractual disputes (including JCT form contracts) and disputes arising in relation to payments and pay-less notices in the construction industry.

Recent or current examples include:

- ***Harvil Roofing Ltd v Lakehouse Services Ltd (TCC)*** – Hugh is instructed as sole Counsel for the Claimant in an assigned claim against the Defendant building contractor for alleged breaches of contract relating to the exclusivity of future work where damages sought run to multiple £millions.
- ***Lakehouse Contracts Ltd v UPR Services Ltd – [2014] EWHC 1223 (Ch)*** – Successfully argued for a substantial reduction in costs awarded to a party in light of a failure to agree to mediation or to act reasonably within the context of an application to restrain advertisement of a winding up petition.
- ***Bicester GP Ltd & Ors v London & Metropolitan International Ltd & Ors (Commercial Court)*** – Acting as sole Counsel for 2 of 6 defendants in a multi-million pound claim brought by Bermudian, Irish and English companies in respect of false invoicing during the development of shopping villages and involving claims of deceit, proprietary relief, restitution, inducement of breach of contract and conspiracy.

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## Energy, Oil & Gas

Hugh has been instructed in various court and arbitration proceedings arising out of energy related matters. Current and recent work in this sector includes:

- **Arcadia Petroleum Ltd v Bosworth & Ors (Commercial Court)** – Acting (with Charles Dougherty QC) for two of 10 Defendants in a claim relating to an alleged oil trading fraud presently estimated to be worth in excess of \$300m.
- Advising in relation to a claim for commission arising out of the funding and development of a significant tidal lagoon to be built within the British Isles.
- **Contested BVI winding-up proceedings and LCIA Arbitration** – Acting (with Stephen Moverley Smith QC) for a Panamanian company in contested winding up proceedings (and an ensuring LCIA arbitration) in the British Virgin Islands concerning a joint venture company incorporated to invest in Nigerian Oil entities.
- Advising numerous investors in relation to a multi-million pound fraudulent carbon-credit trading tax relief scheme.

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## Insolvency

Hugh has a substantial insolvency practice. His experience includes both personal and corporate insolvency work, acting for numerous creditors, debtors and all of the major Insolvency Practices. His work frequently includes asset recovery after bankruptcy or liquidation, claims involving antecedent transactions, misfeasance and wrongful and fraudulent trading and other ancillary matters arising out of winding up proceedings, liquidation and administration as well as all other insolvency procedures including IVAs and CVAs.

- **O’Keefe & Anr v Caner & Ors [2017] EWHC 1105 (Ch)**. Hugh, together with Terence Mowschenson QC and Nicole Langlois, act for offshore directors and a corporate services provider in claims and Insolvency Act applications by two Jersey companies and their liquidators in relation to allegedly wrongful payments from the companies of c. €34m. A 6-day preliminary issue trial of a previously undecided issue of Jersey prescription law took place March 2017.
- **Fraud and Tracing Claim (Chancery Division)** – Hugh is instructed for the Claimants in proceedings to recover from a company in liquidation monies paid into an escrow account where the initial payment was procured by fraud.
- **In re a Company (2016)** – Hugh is instructed a sole Counsel for a foreign insurance company and its liquidator in a claim abroad for over £35m in respect of allegedly unlawful distributions made purportedly as commercial payments to a connected entity.
- **In re Telrock Communications Ltd** – Acted for the Joint Liquidators in relation to applications against decisions to refuse proofs of debt. The case was one of the first to utilise the new Early Neutral Evaluation (ENE) process in the Companies Court.
- **In re a Company (2016)** – Hugh was instructed as sole Counsel for company and its liquidators to bring proceedings (i) against its parent company under a contractual indemnity in a hive-up agreement; alternatively (ii) against the parent company and a director in respect of unlawfully paid dividends. Hugh also represented the Claimant at mediation.
- **R Realisations 2012 Limited (In Liquidation) v Stead (Chancery Division)** – Acting (with Michael Booth QC) for liquidators of a company seeking the recovery of multi-million pound sums alleged to have been wrongfully paid to a sole director as purported dividends.
- **Lakehouse Contracts Ltd v UPR Services Ltd – [2014] EWHC 1223 (Ch)** – Successfully argued for a substantial reduction in costs awarded to a party in light of a failure to agree to mediation or to act reasonably within the context of an application to restrain advertisement of a winding up petition.
- **Re A Company (6236 of 2013) [2014] EWHC 2295 (Ch)** – Successfully restraining advertisement of winding up petitions and obtaining an order striking out the same.
- **Khader v Aziz CH/2013/0083 (on appeal) (Mr Jeremy Cousins QC)** – Successful appeals in the High Court in relation to (i) the appropriate test to be applied in the annulment of bankruptcy orders where the debt is disputed; (ii) the proper beneficiary of an order for costs made in favour of joint claimants payable to solicitors.
- **In re Aston Lloyd & Partners International Limited (In Liquidation)** – Advising the liquidators (with Michael Jefferis and Adam Chichester-Clark) of an international property development company on the existence of trusts over assets held by the company for investing clients and advisory and drafting work in relation to applications under s.112 IA 1986 regarding 8 international commercial development sites and for *Berkeley Applegate* relief.

- Acting as sole counsel for the liquidators of a pharmaceutical company in relation to multi-million pound proceedings against its former directors for misfeasance and asset recovery;
- **Sanders v Donovan [2012] BPIR 219** – Acted for a Trustee in Bankruptcy in a matter raising the application of cross-border insolvency regulations in English law in relation to obtaining property in Morocco.
- **Re Integral Ltd [2013] EWHC 164 (Ch)** – Application for Administration
- **Generation (UK) Ltd v Dickens CH/2012/0529 (appeal)** – Successful appeal in relation to the applicable test for setting aside statutory demands.

Hugh has also contributed to Corporate Rescue and Insolvency journal: The Inadvertent Trustee: Handling Trust Assets as an Office-holder – (2015) 1 CRI 6, has given seminars and talks for various professional organisations and frequently contributes to the XXIV Insolvency Update.

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## International & Offshore

A significant portion of Hugh's work includes international or offshore elements, often including parties, assets or claims located in or connected to jurisdictions such as the BVI, Cayman Islands, UAE, Channel Islands and Switzerland. Recent and current examples of such work includes:

- **Societe Generale v Goldas Kuyumculuk Sanayi Ithalat Ihracat AS & Ors [2017] EWHC 667 (Comm)** – Hugh, led by Stephen Moverley Smith QC, successfully obtained orders striking out claims worth \$½Bn, discharging world-wide freezing orders and obtaining an inquiry as to damages for the Turkish and UAE incorporated Defendant gold trading and manufacturing companies. The applications were heard in January 2017 over 5 days on grounds including failure to serve, abuse of process and want of prosecution. Hugh and Stephen are instructed in relation to the inquiry as to damages. The underlying proceedings related to allegations of conversion of bullion and debts arising from international commodities trading.
  - **O'Keefe & Anr v Caner & Ors (Chancery Division) – [2017] EWHC 1105 (Ch)**. Hugh, together with Terence Mowschenson QC and Nicole Langlois, act for offshore directors and a corporate services provider in claims and Insolvency Act applications by two Jersey companies and their liquidators in relation to allegedly wrongful payments from the companies of c. €34m. A 6-day preliminary issue trial of a previously undecided issue of Jersey prescription law took place in March 2017.
  - **Contested BVI winding-up proceedings and LCIA Arbitration** – Acting (with Stephen Moverley Smith QC) for a Panamanian company in contested winding up proceedings (and an ensuring LCIA arbitration) in the British Virgin Islands concerning a joint venture company incorporated to invest in Nigerian Oil entities.
  - **Blackstar (Isle of Man) Ltd v Imperium Trust Company Ltd & Ors [2016] EWHC 3216 (Ch)** – Hugh acted (with Bajul Shah) for the Defendant at the trial of the claims between off-shore trust entities for the costs of litigation relating to the management of EBTs said to be due under contractual indemnities.
  - **Fraud and Tracing Claim (Chancery Division)** – Hugh is instructed for the Claimants in proceedings to recover from a company in liquidation monies paid into an offshore escrow account where the initial payment was procured by fraud.
  - **Ward & Ors v Savill & Ors (Commercial Court)** – Hugh is instructed for over 100 claimant investors in a complex civil fraud claim worth over £35m in relation to allegedly fraudulent tax avoidance film schemes (each of which was an unregulated collective investment scheme) where the total fraud alleged exceeds £100m. The scheme involves numerous offshore entities, trusts and assets, including in the BVI, Monaco and Switzerland.
  - **JPC SPC 4 & Another v Schools & Others (Chancery Division)** – Acted (with Robert Levy QC) for one of 15 defendants in a complex £110m claim by the receivers of an Cayman Islands fund alleging, inter alia, fraud, breach of fiduciary duty and unlawful means conspiracy, also involving multiple world-wide freezing injunctions. A successful settlement was reached in relation to the represented party.
  - Advising numerous investors in relation to a multi-million pound fraudulent carbon-credit trading tax relief scheme involving companies from numerous jurisdictions including Ireland, Mauritius and the Marshall Islands.
  - **Bicester GP Ltd & Ors v London & Metropolitan International Ltd & Ors (Commercial Court)** – Acting as sole Counsel for 2 of 6 defendants in a multi-million pound claim brought by Bermudian, Irish and English companies in respect of false invoicing during the development of shopping villages and involving claims of deceit, proprietary relief, restitution, inducement of breach of contract and conspiracy.
  - **Hakmi v Hakmi & Ors [2014] EWHC 1444 (Ch)** – Acted for the Claimant (with Michael Booth QC) in a dispute alleged by Ds to be worth in excess of £20m between brothers and Marshall Islands companies concerning interests in property in England, allegations of sham charges and Dubai based partnership agreements. The 10-day trial included questions of the application of both substantive and procedural Dubai/UAE Law. Hugh was instructed as sole Counsel in relation to a costs appeal.
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## Partnership and Joint Ventures

Hugh has experience in relation to partnership disputes (whether in relation to Partnership Act 1890 Partnerships or otherwise) and other joint venture arrangements. Examples of work in include:

- **Lawlor & Ors v Medivet Group Ltd & Anr** (ongoing) – Hugh is instructed for the many Claimant vets in their partnership dispute with Medivet, one of the largest veterinary services providers in the country. He is booked to appear at the 3 week trial in April 2021 with Alan Steinfeld QC.
- **Bugden v Grosvenor Partners LLP & Anr** – Hugh successfully acted for the Defendants in this claim for an account, the action being dismissed after trial.
- Instructed to advise the trustee in bankruptcy of two former partners of an 1890 Act Partnership on the existence and priority of certain debts following a PVA and IVA of one of the partners.
- Successfully appearing for members of various LLPs in application seeking permission to act following the giving of disqualification undertakings.
- Advising on the issues of prospective liability of members of a number of LLPs to make contributions to those LLPs pursuant to respective partnership agreements.
- **Hakmi v Hakmi & Ors [2014] EWHC 1444 (Ch)** – Acted for the Claimant (with Michael Booth QC) in a dispute alleged by Ds to be worth in excess of £20m between brothers and Marshall Islands companies concerning interests in property in England, allegations of sham charges and Dubai based partnership agreements. The 10-day trial included questions of the application of both substantive and procedural Dubai/UAE Law. Hugh was instructed as sole Counsel in a related costs appeal.
- Acting for several partners against a former partner seeking declaratory relief and a final injunction restraining conduct in relation to a breach of restrictive covenant contained in a Deed of Retirement following the cessation of the partnership.
- Acting in a claim seeking an order dissolving a partnership together with an account and associated relief.
- **Contested BVI winding-up proceedings and LCIA Arbitration** – Acting (with Stephen Moverley Smith QC) for a Panamanian company in contested winding up proceedings (and an ensuring LCIA arbitration) in the British Virgin Islands concerning a joint venture company incorporated to invest in Nigerian Oil entities.

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## Real Estate Litigation

Hugh has acted in various property disputes, including possession actions, residential and commercial landlord and tenant claims, constructive trust claims and actions involving proprietary estoppel. He has appeared in trials in both the High Court and First Tier Tribunal (Property Chamber) (formerly the Adjudicator to HM Land Registry).

Hugh often acts in relation to property claims and disputes which arise in the context of insolvency, commercial litigation and civil fraud disputes.

Examples of work include:

- **Hakmi v Hakmi & Ors [2014] EWHC 1444 (Ch)** – Acted for the Claimant (with Michael Booth QC) in a dispute alleged by Ds to be worth in excess of £20m between brothers and Marshall Islands companies concerning interests in property in England, allegations of sham charges and Dubai based partnership agreements. The 10-day trial included questions of the application of both substantive and procedural Dubai/UAE Law. Hugh was instructed as sole Counsel in relation to a costs appeal.
- Successfully contesting the valid execution of leaseholds over several properties subject to claims by bank appointed receivers which led to the rectification of the register and cancellation of charges over the properties concerned: **Garguilo & Garguilo v Gershinson & Brooks (2012) Adjudicator to HM Land Registry REF/2011/0377**
- Acting against BVI Companies to recover commissions due in respect of various sales of properties contained in an off-shore portfolio.
- Seeking recovery of sums due under a hive-up agreement in relation to rent and dilapidation claims arising from long leases of commercial premises.

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## Trusts, Probate & Estates

Hugh was awarded the 3 Verulam Buildings Prize for the highest mark in University Finals in Equity. His practice now encompasses a wide range of matters relating to trusts, equity, probate and estates. Hugh is often instructed to act or advise in relation to complex offshore trust

structures, and in particular in respect of the recovery of assets held both on and off-shore in trust (whether express or as a result of other actions). Many of the commercial and fraud claims referred to above include determination of trust issues or the recover of assets held in various forms of trust, many of which arise in the off-shore context. Hugh has also acted in relation to fraud claims arising out of the insolvency of offshore protected cell companies.

Hugh also has experience of probate matters and estate claims, including Inheritance Act 1975 claims and advising in relation to seeking grants of administration under the Non-Contentious Probate Rules.

Aside from those cases already mentioned in above sections which include trusts issues, specific examples of recent or current work in this area include:

- ***Blackstar (Isle of Man) Ltd v Imperium Trust Company Ltd & Ors [2016] EWHC 3216 (Ch)*** – Hugh acted (with Bajul Shah) for the Defendant trust company at the trial of the claims for the costs of litigation relating to the management of EBTs said to be due under contractual indemnities.
- ***Re Ricks, Deceased*** – Hugh was instructed for the Defendant executors and beneficiaries in relation to claims contesting the validity of a will and an alternative Inheritance Act 1975 claim. The claim successfully settled.

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## Recommendations

### Chambers and Partners (2021)

“He is just brilliant; he explains things in a pragmatic way and he is really good at providing support to the client.”

“He’s super bright, down to earth and approachable. He distils complicated concepts into easy to understand language.”

“He’s very easy to deal with, takes a sensible view and is very good at talking directly without offending the clients.”

“His grasp of the detail is terrific.”

“He’s brilliant – incredibly intelligent but also personable and good to work with. He goes the extra mile to be available.”

“Hugh is hard-working and will go the extra mile.”

### Legal 500 (2021)

“He is a highly effective advocate both on paper and in person.”

“Excellent junior. Focussed and hard working. Good written style.”

“Very commercial but also technical at the same time. Bright and approachable.”

“Very good grip of the authorities and superb ability to marshal the facts and present them persuasively.”

### Chambers and Partners (2020)

“Considered a rising star in the commercial chancery market, born out of his impressive roles in a number of significant recent commercial matters. He excels across a broad spectrum of shareholder disputes, trusts work, property litigation and civil fraud matters.”

“He is incredibly bright and very pragmatic. He’s very down to earth, highly knowledgeable on insolvency and gives clear advice.”

“What I appreciated was that from the beginning we were able to have an open and direct conversation and to discuss the strategic direction of proceedings. He was able to tackle procedural hurdles and he was very supportive of us and the client. He was good at being available, collaborative, and able to chat through challenges.”

“He is a pleasure to work with and a charming practitioner who provides quality advice and always offers a clear litigation strategy.”

“He is an effective and persuasive advocate.”

“Extremely commercial and good at understanding the big picture.”

“Very supportive of both solicitors and clients, highly collaborative and good at making himself available. He is more than willing to chat through the challenges in a case.”

“A well-regarded junior with a broad insolvency and restructuring practice spanning both contentious and non-contentious work. He is particularly adept at advising on cross-border matters and foreign insolvencies. He also offers expertise in asset recovery after bankruptcy or liquidation, claims involving antecedent transactions and misfeasance, IVAs and CVAs and winding-up proceedings.”

#### **Legal 500 (2020)**

“He manages to combine a robust style with considerable expertise and brain-power, and is a star to watch for the future.”

“Terrific advocate, immaculate written work.”

“A prodigiously hard worker, he turns around big pieces of work in the blink of an eye.”

“He has excellent judgement and a most incisive and agile mind.”

#### **Legal 500 (2019)**

“Very clever, very capable.”

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## **Academic History**

- Lincoln's Inn (Lord Mansfield Scholarship, Buchanan Prize, Hardwicke Entrance Award)
- MA (Hons) Gonville and Caius College, Cambridge (Choral Scholarship, Academic Scholarship, Tapp Postgraduate Scholarship, 3 Verulam Buildings Prize for Trusts and Equity in University Finals)
- BVC at BBP Law School (Outstanding, joint-highest mark in year)

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## **Professional Memberships**

- Chancery Bar Association
- Commercial Bar Association
- Commercial Fraud Lawyers Association
- Contentious Trusts Association (ConTrA)
- Volunteer for the Personal Insolvency Lawyers Advice and Representation Scheme (PILARS)
- Denning Society of Lincoln's Inn

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## **Lecture and Seminars**

Hugh is regularly asked to deliver lecture and seminars to clients and professional associations on issues arising across his practice areas. Details of upcoming events, topics and Hugh's availability can be obtained from the practice management team at [clerks@xxiv.co.uk](mailto:clerks@xxiv.co.uk).

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## **Business details**

**VAT number:** 118569587

**Registered name:** Mr Hugh Miall

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## **Practice Managers**

**James Ladbrook**  
Senior Practice Manager

**Joel Banks**  
Practice Manager

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## News

[Secret shareholders, ostensible authority and the Duomatic principle in offshore corporate structures](#)

[Suspension of Liability for Wrongful Trading – A Cause for Comfort or Concern?](#)

[Hugh Miall secures complete dismissal of wide-ranging unfair prejudice petition](#)

## Events

[Annual Commercial Litigation Conference 2020](#)

[XXIV Old Buildings Birmingham Conference 2020](#)

[XXIV International Trust Litigation Conference Geneva 2016](#)

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