

## COLM Ó HOISÍN SC

Year of call: 1987

Clerked by: Gary Young

AREAS OF EXPERTISE:

Arbitration Commercial Litigation Company EU & Competition  
Law International & Offshore Mediation Partnership  
Professional Negligence Technology & Construction Sport



## Partnership

### Profile

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Colm Ó hOisín SC has been in practice at the Irish Bar since 1988 and became a Senior Counsel in 2005. He is also a member of the Bar of England and Wales.

His practice involves commercial and public law. He has particular experience in the areas of company and shareholder disputes, maritime law, banking and financial services law, construction, competition law, insurance law, environmental law, general contract and judicial review. He has a particular interest in international commercial arbitration and has been appointed arbitrator in both domestic and international disputes and is a Chartered Arbitrator.

Colm is currently President of Arbitration Ireland – the Irish Arbitration Association. He is the Alternate Irish member of the ICC International Court of Arbitration. In July 2012 he was designated by the Irish Government to the Panel of Conciliators and Arbitrators of ICSID (the International Centre for Settlement of Investment Disputes). He has been an accredited mediator since 2004.

Colm was President of the Irish Maritime Law Association from 2007 to 2010 and is a titular member of the Comité Maritime International (CMI).

### Practice Areas

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Arbitration

Commercial Litigation

Company

EU & Competition Law

International & Offshore

Mediation

Partnership

Professional Negligence

Sport

Technology & Construction

### Significant Recent Cases Include

Environmental Protection Agency v. Greenstar Holdings Ltd, Bank of Ireland and ors. [2014] IEHC 178  
Counsel for EPA in Irish Commercial Court Claim in claim arising out of insolvency of landfill companies and concerning the requirements and interpretation of the Polluter Pays Principle under EU Waste Framework and Landfill Directives. Request for Reference to European Court of Justice.

National Asset Loan Management v. Tom Coyle [2014] IESC 27  
Counsel for borrower before Supreme Court in banking dispute

Emerald Meats Limited v. the Minister for Agriculture, Ireland and the Attorney General [2012] IESC 48, Supreme Court.  
Counsel for Defendants in appeal in long-running dispute between meat trading company and the Irish State in connection with the allocation of GATT quota.

Island Ferries Teo.v.The Minister for Communications, Marine and Natural Resources, Ireland and the Attorney General.  
Counsel for Plaintiff Ferry Company in a competition law/public law claim against the Minister for the Marine in connection with charging orders imposed on a harbour under the control of the Minister.

SPV Sam Dragon Inc. v. GE Transportation Finance (Ireland) Limited.  
[2012] IEHC 240  
Counsel for Plaintiff in maritime law claim involving issues of Belgian, Korean and Irish law in connection with the judicial sale of a ship.

Reaney and Another v. Interlink Ireland Limited trading as DPD (unreported 31st July 2012 and 30th November 2012)  
Counsel for Plaintiff franchisee in claim against franchisor.

Kelly v. Kelly & Charles Kelly Limited [2010] IEHC 38, [2011] IEHC 349, [2012] IEHC 335, 2012 IEHC 330.  
Counsel for Petitioner in shareholder oppression claim.

Manor Park Home Builders Limited v. AIG Europe (Ireland) Limited [2008] IEHC 174.  
Counsel for Plaintiff /Insured in claim against insurer arising out of the repudiation of an insurance policy. Decision sets out the insurer's duty uberrimae fidei and to deal fairly with the insured.

Barnmore Demolition and Civil Engineering Ltd. v. Alandale Logistics Ltd and anor. [2010] IEHC 544  
Counsel for the Defendant in one of the first stay applications under the Irish Arbitration Act 2010

CAO v. The Minister for Community, Rural and Gaeltacht Affairs [2010] 3 IR 674.  
Counsel for Defendant in public law claim brought by Plaintiff challenging its designation by the Minister as a public body.

Dowley v. O'Brien (Application by Anglo Irish Bank plc) [2009] 4 IR 752.  
Acted for a bank seeking to vary the terms of a mareva injunction to allow the bank to exercise a right of set-off.

Director of Corporate Enforcement v. Brennan [2008] IEHC 132.  
Counsel for Director of National Irish Bank in director's disqualification application brought following publication of court appointed inspectors.

Gillen v. Commissioner of An Garda Siochana [2012] 1 IR 574  
Counsel for Defendant in Judicial Review relating to Garda Disciplinary Proceedings

Abbey International Finance Limited v. Point Ireland Helicopters Limited and Elitaliana SpA [2012] IEHC 374  
Counsel for Defendant in action in respect of leased aircraft

Re Mitek Holdings Ltd: Grace v. Kachkar [2010] 3 IR 374  
Counsel for Defendant in case relating to restriction order on the directors of a company in liquidation

## Memberships

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Hon. Society of King's Inns  
Hon. Society of the Middle Temple  
Chairman of ADR and Arbitration Committee of Bar Council (2007 to 2014)  
Vice Chairman Bar Council of Ireland (2014-2015)  
Alternate Irish member of ICC International Court of Arbitration  
Current President and Founding Member of Arbitration Ireland  
Vice Chairman of British Irish Commercial Bar Association  
Member of International Bar Association  
Member of LCIA European Users' Council  
Professional Member of International Council for Commercial Arbitration (ICCA)  
Titular member of Comité Maritime International (CMI)

## Career & Education

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1985 - University College Dublin - Bachelor of Civil Law  
1987 - Hon. Society of King's Inns - Degree of Barrister at law