



CLARE MONTGOMERY QC

MAIN AREAS OF PRACTICE:

Crime and criminal due process
Regulatory and health and safety
Commercial fraud
Administrative law
Extradition and mutual assistance
International criminal and
regulatory law
Human rights

Called to the Bar 1980

Appointed to Silk 1996

CONTACT:

claremontgomery@matrixlaw.co.uk
+44 (0)20 7404 3447
Paul Venables, Practice Manager
paulvenables@matrixlaw.co.uk

SELECTED CRIMINAL CASES

HKSAR v Pang Hung Fai (2014) 17 HKCFAR 778 Review of the mental element in money laundering

Government of the Republic of South Africa v Dewani [2013] 1WLR 82 Review of the relevance of mental condition in the context of extradition

HKSAR v Wong Chi Wai [2013] 16 HKCFAR 539 Court of Final Appeal decision on ambit of the offence of perverting the course of justice

ICAC v A FAC [2013] 1 HKC 334 Court of Final Appeal decision on the abolition of the right to silence under the Bribery Ordinance

R v Seager [2010] 1 WLR 815 Leading case on piercing the corporate veil in confiscation proceedings

R v George and others [2010] 1 WLR 2676 BA/Virgin cartel case

HKSAR v Egan (2010) 13 HKCFAR 314 Secured acquittal of a solicitor accused of perverting the course of justice

R v GG Plc (No. 2) [2008] EWCA Crim 3061 Case confirming the dismissal of the pharmaceutical cartel case

HKSAR v. Mo Yuk Ping (2007) 10 HKCFAR 386 Case in the Court of Final Appeal in relation to the constitutionality of the offence of conspiracy to defraud

Gilbert v The Queen [2006] 1 WLR 2108 Representing a former government officer in the Privy Council

R v Smith and another [2005] 1 WLR 704 The case explored the sanctity of jury deliberations and led to the guilty verdicts being quashed

Attorney General's Reference No 2 of 1988 [2000] QB 412 Decision dealing with the width of the powers of Companies Act inspectors

EXTRADITION CASES

Assange v Swedish Prosecuting Authority [2012] 2 AC 471 Power of a prosecutor to issue EAW

Deuss v Attorney General of Bermuda [2010] 1 All ER 1059 Leading decision on power to issue provisional warrant

McKinnon v The Government of the United States of America [2008] 1 WLR 1739 The propriety of plea bargaining in the context of extradition

R (on the application of Rottman) v Commissioner of Police of the Metropolis [2002] 2 AC 545 Challenge to the legality of search and seizure powers

R (on the application of Kashamu) v Governor of Brixton Prison (No 2) [2002] QB 887 The leading case on the duty in extradition to apply Article 5.4

R v Bow Street Magistrate ex parte Pinochet (Nos 1-3) [2000] AC 61 Clare Montgomery led the presentation of the case before the House of Lords in all three appeal hearings

ADMINISTRATIVE/PUBLIC LAW CASES

R (oao Lord Carlile and ors) v SSHD [2013] EWCA Civ 199 Challenge to a controversial exclusion decision
R (on the application of Gujra) v Crown Prosecution Service [2013] 1 AC 484 Review of the power of the DPP to discontinue a private prosecution
R (Wellington) v Secretary of State [2009] 1 AC 325 Controversial decision on scope of Article 3 and whole life imprisonment
R v Asfaw [2008] AC 1061 The meaning of article 31 of the Refugee Convention
Yukos Oil Co v Financial Services Authority London Stock Exchange [2006] EWHC Admin 2044 A challenge to the floatation of Russian oil group Rosneft on the London Stock Exchange
Bright v Central Criminal Court [2001] 1 WLR 662 The use of special procedure powers against newspapers

CIVIL CASES

Wiese v UK Border Agency [2012] EWHC 2549 (Admin) Securing the return of a large amount of cash seized at the UK border
SOCA v Perry [2010] 1 WLR 910 Case concerning territorial jurisdiction in a civil recovery action
Kostic v The Conservative Party Association [2007] EWHC 2298 (Ch) Probate action where testamentary capacity was in issue
Three Rivers DC v Governor and Company of the Bank of England [2003-2005] Acted for the liquidators of Bank of Credit and Commerce International in its misfeasance action against the Bank of England
Hall v Simons [2002] AC 615 Represented the Bar in relation to Barristers immunity
Bolkiah (HRH Prince Jefri) and Others v State of Brunei Darussalam and Brunei Investment Agency (No 2) and other appeals - [2001] 2 LRC 134 Challenge to the independence of the Brunei judiciary
Bermuda Fire & Marine litigation [1999-2000] Led for the Claimants in this trial in the Bermuda Supreme Court that dealt with the circumstances of the liquidation of a leading insurance company