

Almira Delibegovi?-Broome QC

Year of Call: 2003 Year of Silk: 2017

almira.db@axiomadvocates.com
07739 639041



Professional Career to date

Devil Masters: Michael P. Howlin, QC, Sheriff Chris Shead, Louise J. Milligan.

2018/19 (Autumn): Visiting Scholar, Harvard Law School

2003: Called to the Bar

1999 - 2002: Solicitor, Dundas & Wilson CS

1998: Legal & Transactions Manager, Hodgson Martin Ltd

1996 - 1998: Trainee Solicitor, McGrigor Donald

Various dates: Edinburgh Law School (Tutor (constitutional law, international private law) and Lecturer (international private law, international finance)).

Education & Professional Qualifications

LLM, Harvard Law School (2002)

Dip. LP, Edinburgh Law School (1996)

LLB (Hons), Edinburgh Law School (1995)

Sarajevo Law Faculty (1989 - 1992 (commencement of war))

Sarajevo Faculty of Philosophy (1989 - 1992 (commencement of war))

Areas of Expertise

- Commercial Contracts
- Company, Corporate Finance and Tax
- Competition and Public Procurement
- International
- Insolvency
- Alternative Dispute Resolution
- Commercial Property
- EU
- Intellectual Property Rights

Professional Experience

Almira regularly advises on insolvency and corporate matters. She is experienced in complex evidential hearings in commercial disputes, in conducting legal debates and appeals.

Almira is rated by Chambers & Partners as a Band 1 silk for insolvency/restructuring. She is rated by Legal 500 as a Leading Silk for commercial dispute resolution and for corporate and insolvency.

Recent Cases

Selected cases:

Panel on Takeovers and Mergers v King 2018 SC 459

Acted for the Panel, in first enforcement proceedings in the UK under section 955 of the Companies Act 2006. The proceedings sought an order for Mr King to make a mandatory offer under the Takeover Code, to acquire all the issued ordinary shares of Rangers International Football Club plc.

SSE Generation Ltd v Hochtief Solutions [2016] CSOH 177

A dispute arising out of the collapse of a hydropower tunnel built by Hochtief for SSE, and involving NEC2 contract interpretation. One of the longest evidential hearings in the Scottish courts in recent years, with the first instance factual inquiry taking two court terms to complete. Acted for SSE at first instance, as part of the quantum team (the aspect on which SSE was successful at first instance and which was not appealed).

Inveresk plc v Tullis Russell Papermakers Ltd 2010 SC (UKSC) 106

In this and the connected case between the same parties, Almira together with senior counsel acted for Tullis Russell, in successfully claiming at the Supreme Court level that the payment of deferred consideration under an asset purchase agreement was not as yet due and that, in any event, Tullis had right to retain any sums due pending the resolution of their claim for damages against Inveresk. A complex factual hearing on the damages claim concluded after the Supreme Court case and Tullis were awarded significant damages against Inveresk.

Martin v Most 2010 SC (UKSC) 40

This was the first judgement by the Supreme Court dealing with the challenge to the extent of legislative competence of the Scottish Parliament on grounds other than compliance with the European Convention on Human Rights. The judgment contains important considerations of section 29 of the Scotland Act, which lies at the heart of the division between matters reserved for the UK Parliament and matters within the powers of the devolved legislature.

Farstad Supply AS v Enviroco Ltd 2010 SC (UKSC) 87

The case concerned a claim for damages and repair costs in relation to damage caused by a fire on board an oil supply vessel. The main issue in the case was whether the terms of a contract between the pursuers and the third party resulted in the defenders being unable to claim relief from the third party.

Scottish Lion Insurance Co Ltd v First Goodrich Corp 2010 SC 349

Acted for Scottish Lion, a solvent insurance company, in their successful appeal relating to a scheme of arrangement under s. 899 of the Companies Act 2006. The court held that the existence of an adverse situation facing both the company and its creditors might be a factor in favour of granting sanction of the scheme, but was not a precondition thereto, whether the company was solvent or otherwise. The fact that insured with long tail policies were asked to accept current estimated values in lieu of their contingent claims was not so overwhelming a factor against the granting of sanction that Scottish Lion could be denied the opportunity of establishing the positive benefits of the scheme and robustness of its valuation procedures.

Anderson v Dickens 2009 SCLR 609

Successful challenge of two transactions as 'unfair preferences' on behalf of the liquidator against the company's director and sole shareholder.

Arrow Generics Ltd, Petitioners 2008 SC 518

In this challenge to a European patent, acted for Akzo Nobel in successfully overturning on appeal the first instance finding that the patent lacked novelty, while also successfully defending the first instance finding that the patent was not obvious.

Calor Gas Ltd v Express Fuels (Scotland) Ltd 2008 SLT 123

Acted for Express Fuels, who were successful in defending an action for damages for breach of

contracts by showing that the relevant contracts were void due to breach of European competition law.

See also:

Strathedin Properties Ltd v Revenue and Customs Commissioners [2018] UKFTT 293 (TC)
Joint Administrators of Granite City Assets Ltd, Petitioners [2018] CSOH 55
Biffa Waste Services Ltd v Patersons of Greenoakhill Ltd [2015] CSOH 137
West of Scotland Colleges Partnership v Revenue and Customs Commissioners [2014] UKFTT 622 (TC)
Caithness Creels Ltd v Revenue and Customs Commissioners [2014]UKUT 97 (TCC)
G1 Venues Ltd, Petitioners [2013] CSOH 202
Butlers Ship Stores Ltd v Revenue and Customs Commissioners [2014] STC 732
Graeme M Fraser & Co v Royal Bank of Scotland plc [2013] CSIH 56
Sane Investments Ltd v Astrazeneca UK Ltd [2013] CSOH 81
Simpson & Marwick v Revenue and Customs Commissioners [2013] STC 2275
Farstad Supply AS v Enviroco Ltd 2013 SC 302 (IH), 2012 SLT 348 (OH)
Patersons of Greenoakhill Ltd v Biffa Waste ServicesLtd 2013 SLT 729
Joint Administrators of Prestonpans (Trading) Ltd, Petitioners 2013 SLT 138
Official Liquidator of Weir Construction (Contracts) Ltd, Noter 2012 SLT 1098
Kivuwatt Ltd v Dane Associates Ltd [2012] CSIH 27 (IH), [2011] CSOH 118 (OH)
Scottish Lion Insurance Co Ltd, Petitioner [2012] CSOH 5
Tullis Russell Papermakers Ltd v Inveresk Ltd [2010] CSOH 148
Romano v Standard Commercial Property Securities Ltd 2008 SLT 859
Calor Gas Ltd v Express Fuels (Scotland) Ltd 2008 SLT 123
Potter v Scottish Prison Service 2007 SLT 1019
Allen v MacTaggart 2007 SC 482
Drimsynie Estate Ltd v Ramsay 2006 SLT 528
Caterleisure Ltd v Glasgow Prestwick International Airport Ltd 2006 SC 602

Advocates Courts & Tribunals

Supreme Court; Court of Session; Sheriff Court; Tribunals (Tax); Arbitrations.

Advocates Appointments & Memberships

Non-executive member, Advisory Board, Accountant in Bankruptcy

Counsel member of the Court of Session Consultative Committee on Commercial Actions

Scottish Bar representative on the Joint Working Party of the Bars and Law Societies of the United Kingdom on Competition Law

Standing Counsel to Her Majesty's Revenue and Customs (2012 - 2015)

Directories

Almira is rated by Chambers & Partners as a Band 1 silk for insolvency/restructuring. She is rated by Legal 500 as a Leading Silk for commercial dispute resolution and for company & insolvency.

Chambers have commented on Almira and her work over the years as follows:

- 'extremely brainy, does first-class research and is very well-instructed'; 'She is very efficient, easy to deal with and very good on her feet in court. You can trust her to always look at matters quickly and in a lot of depth.'; 'She is intelligent and a real fighter - she likes to think outside of the box.' (2019)
- 'She's a real fighter and she understood and worked well as part of a team.'; 'She was very personable and quick to grasp the details.' (2018)
- 'Almira will fight hard for you. She has a huge brain and is very committed.'; 'She has a keen intellect and isn't afraid of a fight.'; 'Extremely capable and absolutely top-notch.' (2017)
- 'She has a particularly astute brain when it comes to cases with strong technical questions. Good for any mind-bending cases.'; 'She is knowledgeable, user-friendly, bright and pleasant.'; 'She is a very bright advocate who has the ear of the court.' (2016)
- 'She is very good tactically, and recognised as being in the top few juniors at the Scottish Bar.'; 'She is a real team player and a bright advocate.'; 'She is invariably well prepared and adds greatly to the representation of the clients' interests in any case.'; 'She has the most impressive mind. Her understanding of detailed statutory provisions is a great assistance.' (2015)
- 'A highly rated junior who has a significant commercial practice. She is praised by instructing solicitors for her in-depth preparation and vast intellect.'; 'She is a highly intelligent individual with outstanding ability.'; 'She has a keen grasp of legal issues and takes a practical view at all times; she is able to explain complex matters in a manner that can be easily understood by clients.'; 'She is robust and fearless on her feet, and is also highly intelligent and diligent.' (2014)
- 'Almira's background in venture capital and corporate finance assists her when she is handling corporate restructuring and schemes of arrangement disputes. 'Astute' and 'authoritative' she is recommended by solicitors not only for her legal skills but also for being client-friendly and a pleasure to work with.'; 'She is tenacious and is not afraid to roll up her sleeves and fight causes that others will not.' (2013)
- 'combines 'superb academic understanding with a practical and commercial approach'; 'She has a strong background in corporate finance.' (2012)

Legal 500 comment on Almira in this way:

- 'A very bright and tactical silk who has the ear of the court.'; 'She provides creative insights into cases.' (2019)
- 'She is a good commercial advocate with strong drafting skills.' (2016)
- 'Able to deal with the most with the most technical company and commercial matters with ease.'; 'Great intellect and extremely approachable.' (2015)
- 'noted for her 'formidable combination of ability and commitment'; "definitely among the most conscientious barristers at the Bar, and routinely produces written work ahead of schedule.' (2013)
- 'very intelligent' and wonderful to work with'; 'very strong in commercial petitions'; 'very good junior who is committed and creative in her thinking' (2012)
- 'should be seen very much as the rising star in commercial law in Scotland' (2011)