

Gavin Walker QC

Year of Call: 2003 **Year of Silk:** 2017

gavin.walker@axiomadvocates.com
07739 639143



Professional Career to date

Devil Masters: Alistair M. Clark QC, Gary J.G. Allan QC.

2007: Joined Axiom Advocates at its inception
2003: Admitted to the Faculty of Advocates
1997 - 2003: Solicitor McGrigor Donald, Glasgow
1996 - 1997: Solicitor Central Criminal Lawyers
1994 - 1996: Trainee Solicitor

Education & Professional Qualifications

Dip LP, Aberdeen University (1994)
LLB (Hons), Aberdeen University (1993)
Broughton High School, Edinburgh

Areas of Expertise

- Commercial Contracts
- Commercial Property
- Company, Corporate Finance and Tax
- Construction and Engineering
- Insolvency
- Intellectual Property Rights
- Professional Liability

Professional Experience

Gavin has been involved in a broad range of commercial dispute cases throughout his career. As a solicitor his career spanned from criminal defence work to high-value commercial litigations. He spent over a year living in Holland as part of the team that successfully defended one of the Libyan men accused of the Lockerbie bombing.

As an advocate his career has focussed on commercial litigation with a particular interest in the field of construction and engineering law, intellectual property and professional liability. Gavin has acted in many multi-million pound litigations. This has included highly complex and challenging professional liability cases for architects, engineers and surveyors as well as other technical construction and IP disputes. He has been appointed as arbiter's and adjudicator's clerk providing legal advice in construction cases. He has also acted for such professionals in a number of fee claims cases brought by them against former clients.

Outside his interest in construction, professional negligence and IP related cases Gavin also has experience in company law, insolvency, property litigation and product liability. Between 2005 -2006 he acted exclusively for a multi-national pharmaceutical company in a multi-million pound product liability

claim. He has gained particular experience in handling complex, technical cases involving specialist expert evidence such as engineering or medical/biochemical evidence.

Gavin's recent instructions include cases for: The Professional Football Association; Rangers International Football Club plc; Scottish Power plc; Retail Property Holdings Limited; Brew Dog plc; Bank of Scotland plc; Dunfermline Building Society; Allied Irish Bank plc; Dunvale Investments Limited; Kier Construction Limited; Vital Energi Utilities Limited and numerous other blue chip companies. However, Gavin also accepts instructions in smaller cases for private individuals who require to take on large corporate entities, particularly in the fields of construction and professional negligence.

Gavin has been regularly instructed as leading counsel (with a junior) in several complex high value cases.

Recent Cases

Construction:

Chambers UK quotes:-

*"An outstanding junior who draws praise for his expertise in construction-related professional negligence cases. He is regularly instructed by high-profile developers and contractors."
"He can see the bigger picture."
"He gets to heart of a problem and gives practical advice."*

Acotec UK Limited -v- McLaughlin & Harvey Limited [2016] CSOH 134 - Successfully defended a claim for payment and also successfully presented a counterclaim for damages in a case concerning a defective cofferdam used in marine engineering contract.

Kier Construction Limited -v- WM Saunders Partnership LLP [2016] CSOH 17 – Successfully sought specific implement against an architect to require it to execute a collateral warranty. Instructed as sole counsel.

Dumfries & Galloway Council -v- Kier Construction Limited – Instructed for main contractor in a £10m+ action by a local authority concerning alleged defects in a community leisure facility.

Retail Property Holdings Limited -v- Dunne Building & Engineering Limited – Successfully represented the employer in £7m claim related to defects in a multi-storey car park. Instructed as leading counsel with a junior.

Fern Trustees (No 1) Limited -v- McLaughlin & Harvey Limited – Instructed for main contractor in claims of £10m by building owner arising under collateral warranty agreement. Case involves follow on claims against various third parties (sub-contractors and designers).

Vital Energi Limited -v- Bouygues E&S Contracting Limited [2014] CSOH 115; [2014] CSOH 149 – Instructed for main contractor in claims by and against sub-contractor concerning the design and installation of a community heating system in Dunfermline. Claims worth £7m+

City Refrigeration -v- Dawn Construction - Instructed as sole counsel for the pursuer, the employer under a building contract, in an action for £1m+ against the main contractor (and architect) relative to leaks in a new building. Case settled with a payment to the pursuer.

Professional Negligence

Chambers UK quotes:-

*"Well regarded for his expertise in pursuing and defending claims in construction and engineering. He has also been active recently in pursuing valuation claims for financial institutions."
"He is highly accessible and adaptable to different working practices."*

Retail Property Holdings Limited -v- Heery International and Others – Successfully represented pursuer who was the employer under a building contract in claims worth £7m against the design team

in respect of a multi-storey car park. Case involved complex technical issues and also prescription. Instructed as leading counsel with a junior. Case settled with payment to the pursuer.

Eardley International –v- Woolgar Hunter – Successfully represented the pursuer in a professional negligence action against an engineer concerning the use of fibre reinforcement in place of air entrainment in a concrete yard. Case settled with payment to the pursuer.

Bank of Scotland –v- DM Hall – Instructed for pursuer in £6.75m surveyor's negligence case by a bank alleging under-valuation of a large commercial development site. Involved complex valuation methodology when dealing with 'hope value'. Acted as sole counsel throughout.

City of Edinburgh Council –v- DLA Piper – Instructed as junior counsel in £40m of claims by City of Edinburgh Council and it's SPV TIE Limited against solicitors relative to the Edinburgh Trams project. Allegation of failure to properly advice on the terms of a complex public procurement contract. Also instructed to represent DLA Piper as a core participant at the on-going Trams Public Enquiry. Instructed along with Roddy Dunlop QC.

Dunvale Investments Limited –v- Burness Paull [2015] CSOH 32; 2015 SCLR 567. Instructed for pursuer in £2.7m action by a client against its solicitors for failing to ensure that adequate security was put in place to avoid the client breaching its loan to value covenant in its bank lending agreement. Pursuer was successful after proof.

Dunfermline Building Society –v- Gerald Eve – Instructed for the pursuer building society in a professional negligence claim against a surveyor concerning a negligent valuation of commercial property. Case settled with payment to the pursuer.

Dunfermline Building Society –v- BLM – Instructed for the pursuer building society in a professional negligence claim against a solicitor concerning negligence surrounding the obtaining of security over commercial property.

Forth Estuary Transport Authority –v- Fairhurst – Instructed as sole counsel for the pursuer in a £7m professional negligence claim against a firm of consulting engineers concerning defective bolts on the Forth Road Bridge. Case settled confidentially.

Margaret Blackwood HA –v- URS – Instructed as sole counsel for the defender, a firm of engineers, in an action by a housing association concerning the catastrophic detachment of a lightweight roof of a block of flats. Involving complex issues of engineering, architecture and construction. Defender convened two third parties (architect and main contractor).

Dem-Master –v- McLay Leonard – Instructed as leading counsel, with a junior, for the defender, a firm of engineers, in multi-million pound professional negligence dispute concerning delay and disruption to a demolition contract concerning the re-development of the GPO building in Edinburgh.

Intellectual Property

Chambers UK quotes

"An intellectual property advocate whose practice is complemented by his experience in commercial contracts and construction law."

"Easy to work with and very good at forming a relationship with clients."

Professional Football Association –v- Various – Instructed as sole counsel in Scotland for the English FA in numerous actions against the owners and operators of licences premises in Scotland. Action seeking interdict and damages plus ancillary orders in relation to copyright infringement by the defenders who show live football matches and display logos belonging to the pursuer without permission.

Schuh Limited –v- Shhh.. Limited [2011] CSOH 123 – Instructed as sole counsel for the successful defender in a passing off and copyright infringement claim by a major High Street shoe retailer against a small bespoke high end designer shoe selling company.

Brooker –v- Krueger & Flirties Limited – Instructed for the pursuer in multi-million pound claim for

passing off and copyright infringement concerning self-tanning products.

Callum Innes –v- Rocco Forte & Family Hotels - Instructed for the pursuer in an action by a celebrated Scottish artist against a global hotel chain in relation to copyright infringement in paintings which the hotel is alleged to have copied. Case settled with all infringing paintings being handed over to the pursuer.

Inverary Inn Limited –v- Byrne Ventures Limited - Instructed for the defender in an action for passing off by a hotel against another hotel in the same town. Defending an urgent interim interdict hearing. Successfully had the action dismissed.

Real Estate Litigation

Chambers UK quotes:-

"Builds on his previous experience as a solicitor in the areas of construction and engineering to offer a strong practice as an advocate in real estate litigation. He also possesses ancillary strength in professional negligence."

"He makes himself readily accessible both to those instructing him and the clients themselves."

"He is easy to deal with, sensible and he also thinks outside the box."

William Tracey –v- SP Distribution Networks [2016] CSOH 14; [2016] CSOH 131 – Instructed for the defender, a utility provider in claims of over £6m made by a recycling company claiming that power lines encroach on to its land and have caused it loss. Case was dismissed after proof. Also successfully defended a subsequent petition on similar subject matter.

Scottish Gas –v- Skene – Instructed as leading counsel. £7m claim in relation to alleged damage done by an adjacent quarry to land through which a high pressure gas main is running.

Thistle Property Holdings –v- Green – Instructed as sole counsel for the sub-tenant in a claim by a head-landlord concerning dilapidations and personal guarantees.

Clowes Developments –v- Silverbrae – Instructed for the landlord and heritable proprietor of an industrial estate in an action against a tenant concerning service charges under a lease.

Commercial Dispute Resolution

Chambers UK quotes:-

"He is very user-friendly and easy to get on with. He is approachable and good to discuss and debate issues."

"He gets to the heart of a problem and figures out practical advice."

Commercial First Business plc -v- Sweeney [2016] SAC (Civ 3) - Appointed by Lord President to appear as amicus curae in one of the first appeals decided by the new sheriff appeal court. advised the court in relation to its powers under the rules. The court followed the advice given.

Charles Green –v- Rangers International Football Club plc - Reported 26 November 2015 (reporting restrictions in place). Instructed for prominent football club. Successfully defeated claims by a former director under his compromise agreement in which he sought to require the Club to meet his legal fees and expenses in relation to a criminal indictment in which he is accused of fraud and serious organised crime. Also successfully defended that judgement in the inner house.

Glen Clyde Whisky –v- Campbell Meyer [2015] CSOH 97 –Instructed as sole counsel for a Russian importer against senior and junior counsel in a claim and counter claim worth £3m concerning the sale and distribution of whisky in Russia.

Brauhoff –v- Brew Dog plc – Instructed as sole counsel for the defender in claims related to a distributorship agreement. Pursuer seeks interdict to prevent termination of the agreement.

Nolan –v- Advance Construction [2014] CSOH 4; unreported 8 July 2013 – Instructed for defender who was sued in relation to contamination of land. Successfully defeated claim at proof. Also acted for the

same party in sequestration proceedings against the pursuer who failed to meet an award of expenses in the main action.

Scottish Water –v- Scottish Gas Networks – Instructed for the defender in claim for damages in relation to a water main bursting due to alleged negligence of the defender.

Sheehan –v- Dunbar Bank plc – Instructed for the defender bank in an action to have a European Enforcement Order that is being enforced in Ireland against a US resident reduced.

Advocates Courts & Tribunals

Court of Session (Inner and Outer Houses); Sheriff Court; CICA Tribunal; Arbitration; Adjudication; Expert Determination; Mediation

Directories

In 2016 Chambers UK Gavin has again been listed as a 'Star of the Bar'. He is the only junior at the Scottish Bar to have achieved that accolade in two successive years. Gavin is ranked by Chambers in five practice areas being: Construction; Professional Negligence; Intellectual Property; Real Estate; and Commercial Dispute Resolution. <http://www.chambersandpartners.com/uk-bar/person/343916/gavin-walker>