

Heriot Currie QC

Year of Call: 1979 Year of Silk: 1992

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Professional Career to date

Devil Master: The Hon Lord Hamilton.

2005 - 2010: Practice at English Bar (Monckton Chambers)

1992: Silk

1987: appointed Standing Junior Counsel to Department of Trade and Industry

1979 (to date): Practice as Advocate

1979: Year of call

Education & Professional Qualifications

Called to English Bar (Grays Inn) (1991)

Member of Faculty of Advocates (1979)

LLB Edinburgh (1977)

MA (Oxon) (1975)

Areas of Expertise

- Alternative Dispute Resolution
- Commercial Contracts
- Commercial Property
- Competition and Public Procurement
- Construction and Engineering
- EU
- Intellectual Property Rights
- Planning
- Public Law, Judicial Review and Human Rights
- Product Liability

Professional Experience

Heriot has long experience in the following areas of practice in which he is regularly instructed: intellectual property; a wide variety of commercial disputes; commercial contracts; administrative law; planning and environmental law; construction law (including PFI and PPP projects); advice to arbiters and adjudicators; public procurement cases; divorce cases with large sums at stake where commercial issues arise such as the valuation of a business or share in a partnership; valuation for rating appeals; pensions; and professional negligence actions against solicitors, accountants, architects, surveyors and others, including actuaries and financial advisers; criminal cases involving allegations of commercial fraud.

He is instructed by the leading solicitors firms in Scotland, leading London law firms, and professionals with rights of direct access.

He has extensive experience of advising clients at consultation and in writing. He is highly experienced in dealing with the demands imposed by lengthy and complex litigation. He is used to dealing with foreign lawyers and co-ordinating litigation in more than one jurisdiction. He has appeared in major public inquiries such as the Piper Alpha Inquiry and the fatal Accident Inquiry arising out of the Lockerbie disaster.

He has received Band 1 recommendations in Chambers UK's section on the Scottish Bar for commercial litigation, intellectual property, EC law and construction law.

Recent Cases

Public Inquiries

2012: Inquiry under the Harbours Act 1964 into a proposed international container terminal at Rosyth

1989: Piper Alpha Disaster Public Inquiry - Junior Counsel representing interests of insurers and reinsurers of platform contractors.

1989: Lockerbie Disaster Fatal Accident Inquiry - Counsel representing interests of Chief Constable of Dumfries and Galloway.

Intellectual Property

According to Chambers UK 2013, which gives Heriot a Band 1 recommendation in IP law, 'Heriot Currie QC "is one of the leading commercial silks in Scotland, and is very experienced in presenting cases in court." He appeared in the medical patent infringement case of Verathon Medical (Canada) ULC v Aircraft Medical Ltd.'

2011: *Forbes v Strathclyde Transport Partnership*- copyright in drawings of rail link to Glasgow Airport.

2010: *Verathon Medical v Aircraft Medical* - patent infringement/validity (laryngoscope).

2008: *Arrow Generics v Akzo Nobel*- Reclaiming Motion.

2006: *Arrow Generics v Akzo Nobel*- action by generic drug manufacturers to invalidate pharmaceutical patent.

2006: *Trunature v Scotnet*- infringement of machine designed to manufacture meat netting.

2003 - 2004: *ITP v Coflexip*

- patent infringement action concerning sub-sea pipelines. Appeal to Inner House involved human rights issues arising out of invalidation of patent by EPO-client (major engineering multi-national).

2001 - 2002: *Scottish Power plc v British Energy*

- Senior Counsel in complex major dispute concerning the contractual position regarding Nuclear Energy Agreement with British Energy following changes to market for electricity.

2000: *Lancaster/Joop/Davidoff*- Senior Counsel in Scottish part of UK trade mark proceedings against parallel importers.

1997 - 1999: *Redrow Homes v Bett*- Senior Counsel in copyright dispute with Bett Builders plc (House of Lords 1997 on issue of "additional damages").

1983-1985: *Santa Fe v Napier Shipping*

- major patent litigation concerning North Sea semi-submersible crane vessels (Case settled after 194 days of evidence).

Commercial

2009 - 2010: *Tullis Russell Papermakers Ltd v Inveresk plc*- contractual dispute arising out of sale and purchase agreement.

2007: *Mackays Stores v Topward*- dispute relating to sales contract.

2007: *Arawak Corporation v Nicholas Baxter*- directors' fiduciary duties.

2006: *Innspirit v Scottish Widows*- negligent mis-statement.

June 2005: *WS Karoulias v Drambuie*- contractual dispute concerning distribution agreement.

2004: *Scottish Health Boards v Generic Drug Producers*- advice to health Boards on alleged drug price fixing (competition law).

1993 - 2000: Senior Counsel in major litigation between Insurers of Occidental Petroleum and Piper Alpha subcontractors concerning proper interpretation and application of contractual indemnities. Case reached House of Lords in December 2001: (Trial 356 days, Appeal 51 days).

1997 - 2000: *Highland & Universal v Safeway*

- Senior Counsel for property company in action to enforce "keep-open" clause in lease - successful at first instance and on appeal in arguing that *Co-Op v Argyll* should not be applied in Scotland (case due to be heard in the House of Lords 2001 but settled) - a case of great general importance to commercial leasing in Scotland.

Construction

2015 - *6 Prospect Healthcare v Kier Construction* - claim in respect of defective hot water system in a hospital constructed under a PFI contract

2012: *Scottish Widows v Kershaw*- professional negligence action against designers of SW HQ in Edinburgh

2010 - 2011: *Bilfinger Berger v tie* - contractual disputes relating to new Edinburgh tram network.

2008 - 2010: *Autolink Concessionaires plc v Amey* - £40million dispute about surface of M74 motorway.

2004: *Melville Dundas v George Wimpey* - case of major significance concerning effect of receivership on adjudication award (under appeal).

2000 - 2003: *Mowlem v Inverclyde Council* - major construction arbitration instructed by Peter Kerrigan Associates, Birkenhead.

2002: *Andritz v VaTech* - advice to subcontractor in relation to claims arising out of contract for construction of water treatment plant.

2002: *Miller Group v Lloyds TSB* - defence of action brought by contractors against employers' bankers.

2001 - 2002: *Morrison Construction v Mallaig Harbour Authority* - arbitration concerning extent to which standard form of contract modified by the parties.

1998: *O'Rourke v Costain* - preliminary proof contractual terms governing contract for the supply and erection of concrete structures.

1997: *Brand v Orkney Islands Council* - engineering arbitration concerning claims arising out of contract for construction of ferry terminal.

1992: *James Scott Electrical v Caledonian Paper*

- Senior Counsel for claimants in arbitration under ICC rules concerning major electrical contract in paper mill.

1991 - 1992: Senior Counsel (originally Junior Counsel) for consortium of contractors building Storaebelt Tunnel in Denmark in contractual dispute in the Court of Session with Scottish manufacturer

of tunnelling machines (inter-related with Danish arbitration proceedings).

Public Law

2009 -11: *Cooper v Forth Ports plc*- Judicial Review relating to revocation of river pilotage licence.

2007: *Edgar Road Property Company Ltd v Moray Council and British land Co PLC*
- Judicial Review raising issues of title and interest to challenge a grant of planning permission and the plea of mora.

2007: *Co-op v Highland Council* - Judicial Review raising issues of title and interest to challenge a grant of planning permission and the plea of mora.

2006: *Doig & Cameron v Scottish Ministers*.

February 2005: *Judicial review of proposed Edinburgh Congestion Charge Scheme* - clients three affected local authorities, Fife, West Lothian and Midlothian.

2004 - 2006: *Standard Commercial v Glasgow City Council* - whether CPO ultra vires (Outer House, Inner House, House of Lords).

2004 - 2006: *Standard Life/Land Securities*
- statutory appeal to Inner House and House of Lords against approval of alteration to structure plan permitting, in effect, the construction of a New Town on the site of the former steelworks at Ravenscraig.

May/June 2004: *Chartered Accountants Disciplinary Hearing* - client Institute of Chartered Accountants of Scotland.

Competition Law

2011: *Lothian Buses v Edinburgh Airport*- interim interdict hearing relating to alleged abuse of dominant position in the allocation of bus stances

2007: *SanDisk v Sisvel*
- case in High Court of Justice, London raising the issue of the circumstances in which enforcement of intellectual property rights may infringe competition law.

2003: *Scottish Power v Scottish and Southern Energy*
- prospective litigation on equality of treatment by the Government of power generators (competition law).

Advocates Courts & Tribunals

Supreme Court; House of Lords; Inner House (Appellate Court) of the Court of Session; Court of Session (first instance) Public Inquiries (eg Piper Alpha, Lockerbie); Planning Inquiries; VAT Tribunal; Arbitrations; Adjudications; Chancery Division of the High Court of Justice (as a member of Monckton Chambers in London); Mediation (Heriot is a trained mediator and accepts instruction to mediate disputes).

Directories

Heriot Currie QC is ranked Band 1 by Chambers and Partners in Commercial Dispute Resolution, Construction and Intellectual property:

Heriot Currie QC

Extensive experience makes him a strong choice for a variety of commercial, corporate and construction disputes. He is especially acclaimed for acting in intellectual property litigation and remains active in the alternative dispute resolution arena.

Strengths: "He is well known and has a good practical approach. He has the ear of the court." "He's very experienced, one of the most senior people at the Bar. A heavyweight QC."

Recent work: Defended Ticon Insulation in a complex dispute with Deck-Rite Flooring over a subcontract involved in the procurement of guided missiles for the Navy

Heriot Currie QC

A vastly experienced silk who is instructed in the most substantial cases in the construction sector.

Strengths: "He is very persuasive, on top of the detail and a vastly experienced practitioner." "He is an extremely capable court practitioner with a

heavyweight reputation."

Recent work: Acted for the defenders in SSE Generation v Hochtief, a high-value claim which concerned the collapse of a tunnel.

Heriot Currie QC

A leading light of the Scottish IP Bar, boasting enviable experience in some of the most significant intellectual property cases of recent times.

Strengths: "He has huge and largely unrivalled experience and is excellent in and out of court."