

James Mure QC

Year of Call: 1995 **Year of Silk:** 2009

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Professional Career to date

Devil Masters: Derek A. Ogg QC, Donald C. Rae.

2009: Appointed QC

2008(to date): Special Counsel appointed under the Prevention of Terrorism Act 2005

2007-2009: First Standing Junior Counsel to the Scottish Government

2001-2007: Standing Junior Counsel to the Scottish Executive

1995: Called to the Bar

Education & Professional Qualifications

Faculty Scholarship (1994)

LLB (Dist) & Dip LP, University of Edinburgh (1991, 1992)
(Prizes in Company Law, Constitutional Law, Contract Law)

MA (Hons) Clare College, University of Cambridge (1984)
Edinburgh Academy

Areas of Expertise

- Commercial Contracts
- Commercial Property
- Competition and Public Procurement
- EU
- Planning
- Professional Liability
- Public Law, Judicial Review and Human Rights

Professional Experience

James read history at Clare College, Cambridge, before joining the Diplomatic Service. After serving in London and Rome, he studied law at Edinburgh University and served his traineeship at Tods Murray WS.

After calling to the Bar in 1995, James quickly developed a broad civil practice. Early involvement in judicial review led to his appointment as a Standing Junior to the Scottish Executive, and for nearly three years before taking Silk he was First Standing Junior Counsel to the Scottish Government. He has been involved in several major litigations for the government, and has often appeared before the House of Lords/Privy Council/Supreme Court. Acting mainly for public authorities, he has extensive knowledge and experience of human rights law, and has drafted the United Kingdom's submissions in a number of cases before the European Court of Human Rights.

He has also a wide experience of commercial litigation, in particular construction disputes, public procurement, commercial property, professional liability, and planning and environmental law. He has

appeared before professional disciplinary tribunals, and a parliamentary bill inquiry. In addition to his court practice, James is regularly instructed to provide opinions on a wide range of public law and commercial matters. Among recent instructions, James has advised on: damages claims under EU law; various wind farm consent decisions, and other utility issues; compensation for the effects of public works; and several litigations arising out of a local development plan process.

James has been described as "an exceptional public lawyer" and in Chambers 2015 was listed as "a very effective and efficient advocate", "exceptionally thorough, and very bright"; "His written work and oral submissions are both superb."

Recent Cases

Trump International Golf Club Scotland Ltd v Scottish Ministers [2016] 1 WLR 85: challenge against wind farm development offshore near golf course

Angus Growers Ltd v Scottish Ministers 2016 SLT 529: claim for damages for breach of EU law

John Muir Trust v Scottish Ministers [2016] CSIH 61: judicial review of wind farm consent; protection of wild land

Retail Property Holdings Ltd v Renfrewshire Council [2015] CSIH 69: challenge to validity of part of a local development plan

Walton and others v Scottish Ministers [2013] PTSR 51: challenge against the Road Schemes and Orders for the Aberdeen Western Peripheral Route.

R (on the application of F) v Home Secretary [2011] 1 AC 331: challenge to notification requirements for sex offenders.

Multi-Link Leisure Developments Ltd v North Lanarkshire Council 2010 SLT 57 (Extra Division) and 2011 SLT 184 (Supreme Court): commercial property; construction of purchase option in lease.

Axa General Insurance Ltd v Lord Advocate [2012] 1 AC 868: human rights; validity of Act of the Scottish Parliament.

Imperial Tobacco Ltd v Lord Advocate 2013 SC (UKSC) 153: challenge to legislative competence of an Act of the Scottish Parliament prohibiting the display of tobacco products, and their sale in vending machines.

Anderson v United Kingdom (ECtHR app. no. 19859; 9th February 2010): human rights - delay in civil proceedings.

Sainsbury's Supermarkets Ltd v Perth and Kinross Council [2009] CSOH 138: judicial review; planning law.

B.S.A. International S.A. v Irvine (OH) 2009 SLT 1180: commercial contracts; confidentiality.

Autolink Concessionaires (M6) plc v Amey Construction Ltd (IH) (2009) BLR 411; 124 Con. L.R. 116: construction law.

Spiers v Ruddy [2008] 1 AC 873; 2009 SC (PC) 1: human rights; delay in court proceedings.

Friend v Lord Advocate 2008 SC (HL) 107: human rights; validity of Act of the Scottish Parliament.

Beggs v Scottish Ministers (HL) [2007] 1 WLR 455; 2007 SLT 235: judicial review; contempt of court.

X v Scottish Ministers (1st Div) 2007 SLT 657: human rights; prisoners' voting rights.

Davidson v Scottish Ministers (No. 1) 2006 SC (HL) 41: public law; crown proceedings; interdict.

Land Securities Group plc v Scottish Ministers 2006 SLT 1019 (HL): planning; challenge to alteration of Structure Plan to include regeneration of Ravenscraig.

Standard Commercial Property Securities Ltd v Glasgow City Council 2004 SLT 655 (OH), 2005 SLT 144 (IH), 2006 SLT 1152 (HL): judicial review; exercise of compulsory purchase powers.

Davidson v Scottish Ministers (No. 2) 2005 1 SC (HL) 7: human rights; bias.

Commissioners of Inland Revenue v Wm Grant & Sons (Distillers) Ltd 2005 SLT 888 (IH): tax and revenue law (later reversed on appeal to the House of Lords).

Whitbread Group plc v Goldapple Ltd 2005 SLT 281 (OH): commercial property; lease and banking law.

Scottish Power Generation Ltd v Scottish Environment Protection Agency 2005 SLT 98 & 2005 SLT 641 (OH): judicial review; environmental law (dispute about the application in Scotland of the EU Waste Incineration Directive).

Lafarge Aggregates Ltd v The Scottish Ministers 2004 SC 524 (IH): planning and environmental law; old mineral permissions.

Magnohard Ltd v United Kingdom Atomic Energy Authority 2003 SLT 1083 (OH): judicial review; statutory liability for nuclear contamination of beach.

Booker Aquaculture v Secretary of State for Scotland 2000 SC 9 (IH) and (2003) 3 CMLR 6 (ECJ): human rights; EU Law; compensation under EU law for destruction of fish.

SHBA Ltd v Scottish Ministers 2002 SLT 1321 (OH): judicial review - planning law.

Advocates Courts & Tribunals

European Court of Justice; European Court of Human Rights (written submissions); House of Lords, Privy Council and Supreme Court; Sheriff Courts; Court of Session; Professional Tribunals; Parliamentary bill and planning inquiries.

Advocates Appointments & Memberships

2000-2005; 2008-2009: Deputy Director, European Young Lawyers Scheme
2003-2007: Member, British Council Law & Governance Advisory Committee for Scotland
2003-2006: Director, Faculty Services Limited
2011-2012: Member of the Advisory Panel to the Commission on a Bill of Rights
2014- : Member of the Costs and Funding Committee of the Scottish Civil Justice Council
2017- : Convener, International Committee of the Faculty of Advocates