

## John N M MacGregor

**Year of Call:** 2007

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### Professional Career to date

2015: Appointed to the Equality and Human Rights Commission's panel of preferred counsel in Scotland

2009: Appointed Standing Junior Counsel to the United Kingdom Government

2007: Admitted to the Faculty of Advocates

2003 - 2005: Trainee Solicitor, Dickson Minto WS

2002 - 2003: Tutor in Private Law at the University of Glasgow

### Education & Professional Qualifications

Bachelor of Civil Law, with distinction, University of Oxford (St Hugh's College), 2006

Diploma in Legal Practice, University of Glasgow, 2003

LLB, with first class honours, University of Glasgow, 2002

Faculty of Advocates' Scholarship, 2006

### Areas of Expertise

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

### Professional Experience

John MacGregor specialises in commercial and public law. He has been instructed in many significant cases in these areas, including six Supreme Court cases.

### Commercial Law

John has been instructed in a wide range of commercial disputes, including litigations concerning commercial contracts, shareholder agreements, partnership, banking, commercial leases, product liability and civil fraud. He has acted in professional negligence actions against solicitors, accountants, architects, surveyors, actuaries and financial advisers.

Recent cases include: acting for a high street bank in resisting a multi-million pound damages claim based on alleged mis-selling of a financial product; successfully resisting a multi-million pound damages claim brought against a local authority for alleged breach of contract; resisting an application for rectification of a deed of appointment on behalf of HMRC; and resisting a damages claim based on alleged wrongful sequestration.

### Public Law

John has significant experience in public law and has acted in a large number of judicial review, public procurement, planning, proceeds of crime and freedom of information cases. He has a particular interest in professional discipline. He has been instructed in disciplinary proceedings, and has conducted appeals to the Court of Session in relation to such matters.

He has been a standing junior counsel to the United Kingdom Government since 2009 and was appointed to the Equality and Human Rights Commission's panel of counsel in Scotland in 2015.

John has been described by Chambers & Partners as "...one of the very best public law juniors."

He has acted for a range of Government and public bodies, including: The United Kingdom Government, the Scottish Ministers, local authorities, Police Scotland, Scottish Fire & Rescue Service, the Scottish Legal Complaints Commission, the Mental Health Tribunal for Scotland, the Security Industry Authority, the Care Commission, and various health boards.

Recent cases include: advising and representing the UK Government in the challenge by the Scotch Whisky Association to the proposed minimum pricing legislation for alcohol; representing Police Scotland in a challenge by a senior police officer to the refusal of management vetting; resisting an appeal under the freedom of information legislation on behalf of Police Scotland; and resisting a petition for judicial review challenging the de-registration of a respite foster carer by a local authority.

#### **Directories**

John is ranked by the Chambers & Partners, the Legal 500 and Who's Who Legal.

#### **Recent Cases**

##### **Commercial Law**

*Lord Nickson v HMRC* [2016] CSOH 119

- Acted for HMRC & successfully resisted an application for rectification of a deed of appointment.

*PIP 3 Ltd v Glasgow City Council* [2015] CSOH 119

- Acted for Glasgow City Council and successfully resisted a multi-million pound damages claim arising from the rescission of an option agreement on land.

*Glare v Clydesdale Bank plc* [2015] CSOH 184

- Successfully resisted a claim for alleged mis-selling of a financial product.

*L Batley Pet Products Ltd v North Lanarkshire Council* 2014 SC (UKSC) 84

- Supreme Court case clarifying the legal principles in relation to dilapidations claims under a commercial lease.

*Grant Estates Ltd v Royal Bank of Scotland* [2012] CSOH 133

- Acted as junior counsel for the Bank in successfully resisting a claim alleging mis-selling of interest rate swap agreements.

##### **Public Procurement**

*Scott & Co (Scotland) LLP v Aberdeenshire Council* [2016] CSIH 71

- Acted for the Pursuer in a public procurement dispute and successfully resisted the Defender's application to lift the automatic prohibition on the contract award.

*British Telecommunications plc v Common Services Agency* [2014] CSOH 44

- Acted for BT & established a breach of the principle of transparency in the procurement of a major IT contract.

*Glasgow Rent Deposit Scheme v Glasgow City Council* [2012] CSOH 199

- Acted for Glasgow City Council in successfully resisting a challenge to a procurement exercise for

homelessness services.

*Amey LG v Scottish Ministers* [2012] 182

- Acted as junior counsel for Amey in a challenge to the procurement of motorway maintenance services by the Scottish Ministers.

### **Public Law**

*CW, Petitioner* [2016] CSOH 56

- Acted for a local authority in successfully resisting a petition for judicial review seeking to challenge the de-registration of a respite foster carer.

*Gilroy v Scottish Information Commissioner & Police Scotland* [2016] CSOH 18

- Acted for Police Scotland & successfully resisted an appeal under the freedom of information legislation.

*Mauger v Police Scotland* [2016] CSOH 22

- Acted for Police Scotland & successfully resisted a petition for judicial review by a senior police officer regarding a decision to refuse management vetting.

*Hendrick v Chief Constable of Strathclyde Police & Police Appeals Tribunal* 2014 SLT 955

- Acted for the Chief Constable in a judicial review concerning a decision of the Police Appeals Tribunal.

*Common Services Agency v Scottish Information Commissioner* 2008 SC (HL) 18

- acted as junior counsel to the Advocate General in the first House of Lords case that considered the relationship between data protection laws and freedom of information

### **Constitutional Cases**

*Scotch Whisky Association v Lord Advocate & others* [2014] CSIH 38; [2013] CSOH 70

- Acted as junior counsel for the United Kingdom Government in the challenge by the Scotch Whisky Association to the proposed minimum pricing legislation for alcohol.

*Joint Liquidators of Scottish Coal Co Ltd* 2014 SC 372

- Represented the United Kingdom Government in the petition for directions by the liquidators of Scottish Coal.

*Fox Solicitors Ltd*, 2013 SLT 1169

- Judicial review concerning introduction of fees in employment tribunal cases. Junior counsel for the UK Government.

*H v Lord Advocate* 2012 SC (UKSC) 308

- Supreme Court case concerning extradition and Article 8 ECHR. Junior counsel for the Advocate General.

*AXA General Insurance Limited, Petitioners* 2011 SLT 1061; 2011 3 WLR 871

- Acted as junior counsel for the Advocate General in the Inner House and Supreme Court in relation to the challenge to an Act of the Scottish Parliament.

### **Civil Liberties & Human Rights**

*BG v Mental Health Tribunal for Scotland and Mark McLwraith* [2015] CSIH 18

- Acted for a Responsible Medical Officer in an appeal to the Court of Session in relation to a decision of the Mental Health Tribunal for Scotland.

*G v Mental Health Tribunal for Scotland* 2014 SC (UKSC) 84

- Supreme Court test case concerning the principles to be applied by the Mental Health Tribunal in cases concerning alleged detention in conditions of excessive security. Junior counsel for the Mental Health Tribunal.

*IA v Secretary of State for the Home Department* [2014] 1 WLR 354; 2014 SC (UKSC) 105

- Supreme Court case concerning the significance of mandated refugee status when the Secretary of

State considers an asylum application. Junior counsel for UK Government.

*SA v Secretary of State for the Home Department* 2014 SC 1

- Inner House appeal clarifying the test to be applied in judicial reviews concerning unappealable decision of the Upper Tribunal.

*MJ v Secretary of State for the Home Department* [2014] CSOH 107

- Judicial review concerning Article 8 ECHR and the best interests of the child.

*Mauger v Police Scotland* [2016] CSOH 22

- Acted for Police Scotland & successfully resisted a petition for judicial review by a senior police officer regarding a decision to refuse management vetting.

*Lord Nickson v HMRC* [2016] CSOH 119

- Acted for HMRC & successfully resisted an application for rectification of a deed of appointment.

*Scott & Co (Scotland) LLP v Aberdeenshire Council* [2016] CSIH 71

- Acted for the Pursuer in a public procurement dispute and successfully resisted the Defender's application to lift the automatic prohibition on the contract award.

*CW, Petitioner* [2016] CSOH 56

- Acted for a local authority in successfully resisting a petition for judicial review seeking to challenge the de-registration of a respite foster carer.

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### **Advocates Courts & Tribunals**

House of Lords/Supreme Court; Court of Session; High Court of Justiciary; Sheriff Court; Upper Tribunal; First Tier Tribunal; Employment Tribunals.

### **Advocates Appointments & Memberships**

2009: Appointed Standing Junior Counsel to the Home Office.

### **Publications**

*Contractual Freedom versus Statutory Protection: Melville Dundas Ltd (in receivership) v George Wimpey UK Ltd in the House of Lords* 2007 SLT (News) 165.

### **Directories**

Ranked "Band II" by Chambers and Partners for Civil Liberties and Human Rights  
("strong expertise in deportation cases" (2016); "He is a robust and unflappable advocate" (2015))

Ranked "Band II" by Chambers and Partners for Public and Administrative Law  
("He is good to deal with, very clever and can handle his cases" (2016); "There is no doubt he is one of the very best public law juniors." (2015))

Ranked "Band I" by Chambers and Partners for Public Procurement  
("He is easy to work with; his advice is clear and user-friendly"; "He provides fantastic procurement advice" (2016); "very good with clients and very easy to communicate with, and explains complicated concepts clearly." (2015))

Ranked by the Legal 500 for Civil Liberties, Human Rights and Public and Administrative Law.

Ranked by Who's Who Legal for Government Contracts