

Martin Richardson QC

Year of Call: 2004 Year of Silk: 2017

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Professional Career to date

Devil Masters: David Johnston QC, Simon Bowie QC and Chris Shead.

2004: Called to the Bar

2003-2004: Devilling

2001-2003: Assistant solicitor with Pinsent Masons, solicitors, working in construction litigation

2000-2001: Stage at the Commission of the European Communities in Brussels

2000: Qualified as solicitor having trained for two years in construction litigation at MacRoberts, solicitors

Education & Professional Qualifications

LLM, Rijksuniversiteit Leiden, The Netherlands (1996-1997)

LLB (Hons), University of Edinburgh (1992-1996)

Areas of Expertise

- Commercial Contracts
- Commercial Property
- Professional Liability
- Construction and Engineering
- Public Law, Judicial Review and Human Rights
- Insolvency

Professional Experience

Martin deals primarily with commercial litigation, in particular in the fields of professional negligence and construction. These two fields can overlap, with Martin acting for and against insurers of architects, engineers and other construction professionals in professional negligence claims arising out of construction projects. Martin is also frequently instructed in the field of financial services acting for both pursuers and defenders.

Martin's experience of dealing with complex contractual disputes has also enabled him to develop a practice dealing with disputes relating to the oil and gas sector.

Since coming to the Bar, Martin has developed an interest in human rights issues in a criminal context in a number of high-profile cases. From 2006 until 2009, Martin was retained as Junior Counsel for the appellant in the appeal of Abdelbaset Al Megrahi in relation to the Lockerbie incident. This longrunning appeal raised a number of complex and previously unresolved legal issues including: the role of the Advocate General in criminal proceedings; the resolution of public interest immunity objections; and the use of special advocates. Martin has also been instructed as Junior Counsel in appeals to the Appellate Committee of the Privy Council and the Supreme Court. Most notably, Martin acted as Junior Counsel in the appeals to the Supreme Court in the case *Cadder v HMA* which resulted in changes in

the law relating to an accused person's right of access to a solicitor.

Since coming to the Bar, Martin has built upon his previous experience as a solicitor working in contentious construction for several major firms, continuing to be instructed in the Court of Session, Sheriff Court, arbitrations and adjudications. He has also been instructed to act in mediations both in Scotland and internationally.

Recent Cases

Commercial Contracts

Richard Bishop v 3i plc [2015] CSIH 66 (Inner House): Construction of Contract; Limited Partnership agreements;

East Ayrshire Council v Zurich Insurance PLC [2014] CSOH 102 (Outer House): Construction of On Demand Bond

Fordell Estates Limited v Deloitte LLP [2014] CSOH 55 (Outer House): formation of contract; 'without prejudice' correspondence

Harbro Group v MHA Auchlochan [2014] CSIH 105 (Inner House): ability of parent company to recover losses of subsidiary

Lloyd's TSB Foundation For Scotland v Lloyd's Banking Group PLC [2011] CSOH 105 (Outer House): construction of a Deed of Covenant

John Brown v Rysaffe Trustee Company (CI) Ltd [2011] CSOH 26 (Outer House): Construction of contract: designation of defenders as trustees.

Brian and Jean Gray v William Welsh [2008] CSIH 11 (Inner House): Concurrent liability in contract and delict; recovery of pure economic loss.

Autolink Concessionaires (M6) PLC v Amey Construction Limited & Ors [2007] CSOH 81 (Outer House): Contractual interpretation of PFI contract.

E&J Glasgow Limited v UGC Estates Limited [2005] CSOH 63 (Outer House): Contractual interpretation of development agreement, contractual waiver, Royal Brompton issues.

Thomas Graham Gillespie v Toondale Limited [2005] CSIH 92 (Inner House): Diligence on the dependence.

Professional Negligence

Rex Procter & Partners Retirement Benefits Scheme's Trustees v Edwards [2015] CSOH 83 (Outer House) - Professional negligence; claim against an actuary for advice connected with the transfer out of a pension scheme; applicable law; English law of limitation; prescription

Royal Bank of Scotland v Halcrow Waterman [2013] CSOH 173 (Outer House): Prescription; exercise of reasonable diligence

Charles Copeland v Tenon Group PLC (unreported) Aberdeen Sheriff Court 11 February 2011: Professional negligence; prescription.

Human Rights and Criminal

Sheridan v News Group Newspapers [2016] CSIH 67 (Inner House): Defamation; Motion for a new trial; effect of conviction for perjury

Fraser v HMA 2011 SLT 515 (Supreme Court): failure to disclose; right to a fair trial; effect of appeal to High Court of Justiciary

Cadder v HMA [2010] 1 WLR 2601 (Supreme Court - 7 Judges): Right of access to legal advice in

terms of Article 6 ECHR; Right to a fair trial.

Al Megrahi v HMA [2009] HCJAC (High Court of Justiciary): Petition for the recovery of documents; procedure to be adopted when public interest immunity asserted; use of special advocates; compatibility with Article 6 ECHR; preparation of protocol by Court regulating appointment of special advocates.

Burns v HMA [2009] 1 AC 720 (Privy Council): Instructed by the Crown; commencement of reasonable time guarantee under Article 6 ECHR.

Al Megrahi v HMA 2008 SLT 333 (High Court of Justiciary): role of the Advocate General in criminal proceedings.

Construction and Engineering

SSE Generation Ltd v Hochtief Solutions AG [2015] B.L.R. 774 (Outer House) - £130m claim arising out of the collapse of a tunnel forming part of a hydro-electric scheme. A decision is awaited following 6 month proof before Lord Woolman in the Commercial Court.

Secretary of State for Defence v Turner Estate Solutions Ltd [2014] EWHC 244 (TCC): Serious irregularity appeal under the Arbitration Act

Joint Administrators of Connaught Partnership Limited v Perth & Kinross Council 2014 SLT 149 (Outer House): Enforcement of adjudicator's decision; Insolvency

Miller Construction Limited v Building Design Partnership Limited [2014] CSOH 80 (Outer House): Enforcement of adjudicator's decision; adequacy of reasoning

Greater Glasgow Healthboard v GHI Contracts Limited [2012] CSOH 174 (Outer House): Construction of JCT Contract - Variation provisions.

Carillion Utility Services Limited v SP Power Systems Limited [2011] CSOH 139 (Outer House): enforcement of adjudicator's decision; breach of natural justice; severability

Carillion Utility Services Limited v SP Power Systems Limited [2011] CSOH 138 (Outer House): construction of PFI framework agreement

Profile Projects Limited v Elmwood (Glasgow) Limited [2011] CSOH 64 (Outer House): Enforcement of adjudicator's decision; Tolent clauses.

Operon v Pihl UK Limited [2010] CSOH 80 (Outer House): Insolvency; enforcement of an adjudicator's decision.

John Stirling v Westminster Properties Scotland Limited [2007] CSOH 117 (Outer House): Enforcement of adjudicator's decision, definition of a "dispute".

Tax

Lord Nickson v HM Revenue & Customs [2016] CSOH 119 (Outer House) Rectification of deed of appointment

Murray Group Holdings Ltd (in liquidation) v HM Revenue & Customs 2015 SLT 765 (Inner House): Taxation; Income Tax; employee benefit trusts

HM Revenue & Customs v Sir Fraser Morrison 2015 SC 392 (Inner House): Taxation; Capital Gains Tax; Contingent liabilities

Commercial Property

BAM Buchanan Limited v Arcadia Group Limited [2013] CSOH 107A (Outer House): Dilapidations; Remit to an Expert

Advocates Courts & Tribunals

Supreme Court; Appellate Committee of the Privy Council; Court of Session (Inner and Outer House); the High Court of Justiciary; Sheriff Courts; the Lands Tribunal; arbitration, adjudication and mediation.

In 2013, Martin was granted temporary admission to the English Bar in order to appear in proceedings before the English High Court.

Advocates Appointments & Memberships

2015: Appointed as Standing Junior to the Advocate General for Scotland

2012: Appointed as Standing Junior to the Scottish Government

Directories

Recommended in Chambers in the years from 2008 onwards: Leader at the Bar - Band 1 Junior for commercial dispute resolution; from 2012 onwards - Band 1 for Professional Negligence; from 2015 onwards - Band 1 for Construction

Recommended in Legal 500 from 2011 "one of the leading junior counsels at the Scottish Bar in the area of construction law" and from 2015 in Commercial Litigation