

## Roddy Dunlop QC

Year of Call: 1998 Year of Silk: 2010

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### Professional Career to date

Devil Masters: Andrew Smith QC, Peter Gray QC.

2010: Silk

1995-1997: Assistant Solicitor, Drummond Miller WS

1993-1995: Trainee Solicitor, Drummond Miller WS

### Education & Professional Qualifications

LLB (Hons), DipLP Edinburgh University (1988-1993).

### Areas of Expertise

- Commercial Contracts
- Intellectual Property Rights
- Media Law
- Product Liability
- Professional Liability
- Public Law, Judicial Review and Human Rights
- Commercial Property
- Clinical Liability
- Construction and Engineering

### Professional Experience

Roddy Dunlop has a wide and varied caseload which has given him a great deal of experience in court, appearing at every level within the Scottish civil court system. His expertise covers media law, professional negligence, professional discipline, insurance law, commercial disputes, procurement, intellectual property, human rights, prescription and limitation, and judicial review. He is the only Scottish silk to be ranked in seven separate practice areas by Chambers UK, who place him as a Band 1 Silk in the areas of professional discipline, professional negligence, commercial dispute resolution, media law, medical negligence and public procurement.

### Recent Cases

#### Professional Negligence / Professional Discipline

*Anderson Strathern LLP v Scottish Legal Complaints Commission* [2016] CSIH 71

*Professional Standards Authority for Health and Social Care v General Dental Council* [2016] CSIH 58

*A J Allan (Blairnyle) Ltd v Strathclyde Fire Board* 2016 S.L.T. 253

*Morrison v Carmichael* 2016 S.L.T. 163

*Robertson v Council of the Law Society of Scotland* 2016 S.L.T. 103

*Bell v Alliance Medical* 2015 S.C.L.R. 676

*Moore v Council of the Law Society of Scotland* [2015] CSOH 182

*Heather Capital Ltd (in Liquidation) v Burness Paull* [2015] CSOH 150

*Munro v Scotmaps* [2012] CSIH 35: defence of claim for professional negligence made against compiler of route notes prepared for Scottish Rally Championship.

*Singh v Truscott* [2011] CSIH 84: defence of claim for damages raised against member of the Senior Bar.

*Sandeman v Council of the Law Society of Scotland* 2011 S.C. 596: opposition to appeal against finding of professional misconduct.

*Dad v General Dental Council* [2010] CSIH 75: opposition to appeal against order striking off dentist.

*Hepburn v Royal Alexandra Hospital NHS Trust* 2011 S.C. 20: whether competent et separatim appropriate to dismiss medical negligence claim on the basis of unwarranted delay in prosecution.

*Sheldon v Nursing & Midwifery Council* 2010 S.L.T. 1195: opposition to appeal against disciplinary decision by NMC.

*Cameron v Council of the Law Society of Scotland*, Extra Division, unreported, 15 December 2009: opposition to appeal against decision of SSDT, appeal refused in an ex tempore decision.

*Pentland-Clark v Wilson & Others* 2009 G.W.D. 30-490: opposition to reclaiming motion in action for damages based on alleged negligence on the part of judicial factor and his solicitor.

*W Y v Council of the Law Society of Scotland* 2009 SC 430: opposition to appeal by solicitor following finding of misconduct.

*Swanney v GMC* 2008 SC 592: opposition to appeal by doctor against order of GMC finding him guilty of serious professional misconduct.

*Robson v Council of the Law Society of Scotland* 2008 S.C. 218 : opposition to appeal by solicitor against striking off.

*Mallon v General Medical Council* 2007 SC 426: opposition to appeal by General Practitioner following finding of serious professional misconduct – first Scottish GMC appeal.

*Beaumont v Council of the Law Society of Scotland* 2006 SC 659: opposition to appeal by solicitor against striking off.

*Thomas v Council of the Law Society of Scotland* 2006 S.L.T. 183: opposition to plea of res judicata raised in appeal in disciplinary proceedings.

*Sutherland-Fisher v Council of the Law Society of Scotland* 2003 S.C. 562: defence of appeal by solicitor contending that absence of legal aid meant he could not receive a fair hearing in disciplinary proceedings.

*McMahon v Council of the Law Society of Scotland* 2002 S.C. 475: defence of appeals by three solicitors against sanctions imposed for professional misconduct.

### **Contract / Commercial Disputes**

*Campbell v Peter Gordon Joiners Ltd* [2016] 3 W.L.R. 294

*Murray Group Holdings Ltd v Revenue and Customs Commissioners* 2015 S.L.T. 765

*Global Port Services (Scotland) Ltd v Global Energy (Holdings) Ltd* [2015] CSIH 42

*Homebase Ltd v Grantchester Developments (Falkirk) Ltd* 2016 S.C.L.R. 45

*Royal Bank of Scotland Plc v Carlyle* 2015 S.C. (U.K.S.C.) 93

*Ralph Lauren v Trustee of London Borough of Southwark Pension Fund: ex tempore decision overturning Outer House decision* ([2011] CSOH 103) and granting interim interdict against letting of commercial premises.

*Whyte & MacKay v Capstone* 2011 S.C. 221: interim orders for specific implement / interim interdict re distributorship agreement.

*Forster v Messrs Ferguson & Forster, MacFie & Alexander* 2010 S.L.T. 867: mutuality of contract in context of partnership.

*Van Klaveren v Servisair Ltd* 2009 SLT 576: whether admission of liability in pre-litigation correspondence contractually binding.

### **Media Law**

*Cayzer v Times Newspapers Ltd* 2015 S.L.T. 501

*Roddie v Associated Newspapers Ltd* 2015 S.C.L.R. 589

*Curran v Scottish Daily Record and Sunday Mail Ltd* 2012 S.L.T. 359: leading modern Scottish authority on defamation of a public figure and qualified privilege relating to statements in the press.

*Ewing v Times Newspapers* 2010 S.L.T. 1093: resistance to appeal against finding of caution in claim for defamation and breach of confidence raised by a pursuer who had been declared vexatious in England and Wales.

*Moore v Scottish Daily Record & Sunday Mail* 2009 S.C. 178: appeal before a Five Judge Bench resulting in the successful challenge to, and overruling of, the decision of the First Division in *Billig v Law Society* 2008 SC 150.

*Appa UK Ltd v Scottish Daily Record & Sunday Mail* 2008 S.C. 145 : defence of action for defamation brought by a company accused of exploitative selling practices.

*Wray v Associated Newspapers Ltd*, Extra Division, 23 January 2002: defence of action for defamation brought by Member of Parliament.

*Thomson v Ross* 2001 S.L.T. 807: defence of action for defamation raised against President of the Law Society of Scotland.

*McCue v Scottish Daily Record & Sunday Mail Ltd (No.2)* 1999 S.C. 332: leading case regarding caution in defamation proceedings.

### **Judicial Review / Human Rights**

*Mash Holdings Ltd v Scottish Football Association Ltd* [2016] CSOH 86

*Principal Reporter v K* 2011 S.L.T. 271: whether declarator of incompatibility should be granted referable to the Children's Reporter's system.

*Mitchell v Glasgow City Council* [2009] 1 A.C. 874: defence of claim under Article 2 (right to life) of the European Convention on Human Rights following killing of council tenant by his neighbour.

*Cantwell v Criminal Injuries Compensation Board* 2002 S.C. (H.L) 1: judicial review of decision of CICB.

*Knox v S 2010 SLT 765: opposition to declaration of incompatibility sought under the Human Rights Act 1998 with regard to the Children's Reporter system.*

*Principal Reporter v JPK and The Lord Advocate 2010 S.L.T. 308 : opposition to declaration of incompatibility sought under the Human Rights Act 1998 with regard to the Children's Reporter system.*

### **Public Procurement**

*Kenman Holdings Ltd v Comhairle Nan Eilean [2015] CSOH 170*

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

*Amey LG Ltd v Scottish Ministers [2012] CSOH 181*

*Shetland Line v Scottish Ministers & Serco Ltd [2012] CSOH 99: motion on behalf of successful tenderer to lift automatic standstill imposed under Public*

*Contracts (Scotland) Regulations 2006.*

*Clinical Solutions International Ltd v NHS 24 [2012] Eu. L.R. 398 - motion on behalf of procuring authority to lift automatic standstill imposed under Public Contracts (Scotland) Regulations 2006.*

### **Other cases**

*Spencer-Franks v Kellogg Brown and Root Ltd 2008 S.C. (H.L.) 159 : construction of Provision and Use of Work Equipment Regulations 1998.*

*Simmons v British Steel Plc 2004 S.C. (H.L.) 94: leading modern case on remoteness of loss.*

*A v Glasgow City Council 2010 S.C. 411: appeal before five judge bench, overruling Carnegie v Lord Advocate.*

*K v Gilmartin's Executrix 2004 S.C. 784: prescription of claim for damages for historical abuse.*

### **Advocates Courts & Tribunals**

Supreme Court, House of Lords; Court of Session (Inner and Outer Houses); High Court of Justiciary; Sheriff Court; Various discipline tribunals.

### **Advocates Appointments & Memberships**

Part time Chairman, Police Appeals Tribunal  
Member of the Scottish Rugby Union, EPCR and Six Nations Discipline Tribunals  
Member of the Association of Regulatory and Disciplinary Lawyers  
Standing Junior Counsel to the Scottish Government (2008-2010)

### **Directories**

Roddy is rated in both the Legal 500 and Chambers Directory, with the latter placing him as Band 1 silk in the areas of professional discipline; professional negligence; commercial dispute resolution, media law; medical negligence and public procurement.