

## Ross McClelland

Year of Call: 2011

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### Professional Career to date

Devilmasters: Roisin Higgins QC, Mark Lindsay QC, Thomas Ross.

2011: Admitted to the Faculty of Advocates

2011 - 2013: Tutor, University of Edinburgh (Diploma in Legal Practice and Professional Competence Course)

1999 - 2010: Maclay Murray & Spens LLP, Commercial Dispute Resolution

1998, 1999: Research assistant, Scottish Law Commission (Partnership law)

1998 - 1999: Tutor, University of Edinburgh (Commercial Law and Scottish Legal System)

### Education & Professional Qualifications

Diploma in Legal Practice, University of Edinburgh (1999)

LLM First Class, University of Cambridge (Jesus College) (1998)

LLB (Hons) First Class, University of Aberdeen (1997)

### Areas of Expertise

- Alternative Dispute Resolution
- Commercial Contracts
- Commercial Property
- Professional Liability

### Professional Experience

Ross has a broad civil and commercial practice, with particular interests in property litigation and professional negligence. He is presently instructed as junior counsel to the Edinburgh Tram Inquiry.

The scope of his practice includes:

#### Property law

- Rectification
- Warrandice
- Rent review
- Dilapidations and statutory repair scheme disputes
- Litigation under the Telecommunications Code
- Compulsory purchase
- Validity of commercial lease notices
- Service charge disputes
- Single survey litigation

#### General commercial

- Commercial contract disputes

- Restrictive covenants and confidentiality (interim interdicts and dawn raids)
- Sale of goods
- Product liability
- Recovery of evidence under the Evidence (Proceedings in Other Jurisdictions) Act 1975

#### **Professional negligence**

- Pursuer and defender
- Mortgage lender claims against solicitors and surveyors
- High-value claim arising from defective rent review clause

Before calling to the Bar, Ross worked for 9 years as a commercial litigation solicitor with one of Scotland's large commercial law firms.

In addition to his court appearance and advisory work, he has represented clients at mediation, third party expert determination and arbitration.

#### **Recent Cases**

##### *PDPF GP Limited v Santander UK plc*

[2015] CSOH 40 - Commercial Court debate on the correct construction of repair obligations under a commercial lease

*Worbey & Farrell v Elliott* [2014] CSOH 19 - Commercial Court debate on jurisdiction in actions of count, reckoning and payment

##### *Abram v British International Helicopters Limited*

[2013] CSOH and [2014] CSIH 53 - first reported case on dismissal of an action for delay under chapter 21A of the Rules of the Court of Session

##### *Prow v Argyll & Bute Council*

[2012] CSOH 77 - Commercial Court debate on the validity of rent review notices, and whether time was of the essence in relation to a tenant's counternotice. (Decision upheld on appeal: [2013] CSIH 23)

##### *Public local inquiry in connection with The Rosyth International Container Terminal (Harbour Revision) Order*

- Acting as junior counsel in the public inquiry into the proposed Rosyth International Container Terminal, under the Harbours Act 1964.

The Edinburgh Tram Inquiry

#### **Cases worked on as a solicitor include the following:**

##### *Blower and others (the Trustees of the WTL International Limited Retirement Benefits Scheme) v Edwards and Scottish Widows plc*

[2010] CSOH 34 (alleged professional negligence of pension scheme actuary).

*Robert Purvis Plant Hire Limited v Alex Brewster & Sons*[2009] CSOH 28 (interpretation of lease).

*West Coast Capital (Lios) Limited, Petitioner*[2008] CSOH 72 (shareholder's unfair prejudice application concerning Tesco and Dobbie's Garden Centres).

#### **Other**

Successful resolution, without concluded litigation, of: high-value professional negligence claim against solicitors arising out of advice on a land acquisition option agreement (at mediation); professional negligence claim against life insurance company arising out of defective pension scheme rules.

#### **Advocates Courts & Tribunals**

Ross has appeared in the Inner and Outer House of the Court of Session, the Lands Tribunal and in

the Sheriff Court (first instance and appeal). He has appeared regularly in the commercial courts.

### **Directories**

Chambers UK Bar Guide:

"An in demand junior ... adept at complex contractual disputes".

"His attention to detail is meticulous and he always gives clients clear and well thought-out advice."