

Ruth Crawford QC (Treasurer)

Year of Call: 1993 Year of Silk: 2008

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Professional Career to date

Devil masters: James Peoples QC, Derek Ogg QC

2008: Silk

2002-2008: Second Standing Junior Counsel to Scottish Ministers

1993: Year of call

Education & Professional Qualifications

LLB (Hons), Dip LP Aberdeen University (1982- 1987)

Areas of Expertise

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

Professional Experience

Ruth Crawford has a wide-ranging public law practice, and a wealth of experience in planning and environmental law (including major infra-structure and energy projects), commercial disputes, extradition, discrimination/equality, freedom of information, licensing, procurement, professional negligence and professional disciplinary/regulatory procedures, and social welfare law. Ruth has appeared in Courts and Tribunals at all levels in Scotland. She has particular experience of complex and lengthy litigation and inquiries, and is skilled in the strategic direction of those. In addition to appearance work, Ruth is frequently consulted to provide oral and written advice. She is instructed by the UK and Scottish Governments, local government and other public bodies (such as the Scottish Legal Aid Board, the Scottish Criminal Cases Review Commission, the Serious Organised Crime Agency, the Scottish Police Federation, COSLA and the Financial Conduct Authority), as well as by corporations and firms. Ruth has an expertise in public procurement matters (and related areas of state aid and competition law), having been instructed on many occasions by both contracting authorities and by tenderers seeking advice about procurement exercises.

Ruth is ranked in Chambers UK in the areas of administrative and public law, commercial dispute resolution and public procurement. Ruth is ranked as a leading silk in Legal 500 in the areas of civil liberties, human rights, public inquiries, and public and administrative law; and planning environment and licensing.

Recent Cases

Public Inquiries

2018 - Public Local Inquiry into Roads Orders for A96 Dualling Inverness to Nairn, appeared for Transport Scotland

2011 - Inquiry under the Town and Country Planning (Scotland) Act 1997 into development of a new village at Perth West (for Perth and Kinross Council)

2010 - Parliamentary Bill Inquiry into the new Forth Road Crossing (for Transport Scotland)

2007 - Public Inquiry under the Electricity Act 1989 into the construction of an extra high voltage overhead transmission line between Beauly and Denny (for Highland Council, Perth and Kinross Council, Stirling Council and Cairngorms National Park Authority)

Planning

No to Kingsford Stadium Ltd - judicial review [2019] CSOH 17

Ruth acted for Aberdeen City Council in the unsuccessful judicial review of grant of planning permission for new football stadium for Aberdeen FC on greenbelt.

Grahams the Family Dairies v Scottish Ministers [2019] CSIH 13

Ruth acted for SMs in this appeal against refusal of planning permission for a housing development on greenbelt.

Gladman Developments Ltd v Scottish Ministers [2018] CSIH 17

Ruth acted for SMs in this unsuccessful appeal against adoption of Clydeplan, and in particular its policies relative to housing land supply.

Wildland Ltd and Another v Scottish Ministers 2017

Ruth was instructed for SMs in this judicial review of the grant of planning permission for a wind farm, partly located in an area of wildland. First grant of permission for a wind farm in wild land. The JR unsuccessfully challenged the application of the SMs policies relative to development in wild land.

Cemex UK Ltd v Scottish Ministers 2017

A planning appeal in respect of refusal of permission for quarrying operations near to New Lanark World Heritage Site. Ruth was instructed by the Scottish Ministers. The SMs disagreed with the recommendations of the appointed Reporters to grant permission. The case raised issues relative the adequacy of reasons and the protection afforded to a WHS.

East Ayrshire Council v Scottish Ministers [2015]

Challenge to consent of a wind farm, including to the refusal to hold a public inquiry. Ruth acted for EAC. The case settled extra-judicially.

Uprichard v Scottish Ministers [2013] UKSC 21, 2013 UKSC 219; 2012 SC 172, [2011] CSIH 59

Challenge to the approval of the Fife Structure Plan. Ruth acted for the Scottish Ministers in the Supreme Court and Inner House to successfully oppose the appeal.

Dawn Developments Ltd v Scottish Ministers [2013] CSOH 154

Appeal against Reporter's refusal of planning permission for large retail development at East Kilbride, and his approach to retail impact assessment.

William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98

Important case about the difference in approach between section 36 consent under the Electricity Act 1989 and section 57 planning consent under the Town and Country Planning (Scotland) Act 1997.

Greenland Developments (UK) Ltd v Scottish Ministers [2012] CSIH 3
Appeal against refusal of planning permission to construct flats in Stockbridge, Edinburgh. Court addresses the proper construction of the Town and Country Planning (Scotland) (Appeals) Regulations 2008.

Hallam Land Management Ltd v Scottish Ministers [2009] SC 347
Case concerned a certificate of appropriate alternative form of development and whether the planning authority had taken account of the "no scheme" world.

Moray Council v Scottish Ministers [2006] SC 691
Appeal in respect of a wind-farm development. Inner House approves the approach in *South Bucks District Council v Porter (No 2)* [2004] 1 WLR 1953 in respect of reasons challenges.

Lafarge Aggregates Ltd v Scottish Ministers [2004] SC 524
Interpretation of an old minerals planning permission in respect of a quarry on Harris.

Procurement

RJ Macleod Ltd v Scottish Ministers 2019

RJM challenged the award to construct the Maybole Bypass, arguing that the successful tenderer no longer satisfied the selection criteria. The challenge and the award upheld. Ruth acted for SMS.

Pentland Ferries Ltd v Scottish Ministers [2019] CSOH 39

PFL judicially reviewed procurement of the Northern Isles Ferry Services arguing that a subsidised service would be unlawful state aid. The challenge was refused at first instance. PFL have reclaimed. Ruth acts for the SMS.

Sysmex v Grampian Health Board 2019

A challenge to the award by GHB of a contract for haematology diagnostic equipment. Ruth acted for GHB. The case settled extra-judicially following intimation of a motion to lift the standstill.

Ballyclare Ltd v Scottish Fire and Rescue Service 2017

Ballyclare challenged the decision of SFRS to award a contract to supply PPE to a competitor. The case raised issues of whether the challenge to the technical requirements is too late, and whether the procurement was conducted in accordance with the ITT. SFRS sought to procure PPE for use across Scotland and which will protect its firefighters. This and the following case settled shortly before proof.

W.L.Gore and Associates Ltd v Scottish Fire and Rescue Service 2017

A further challenge to the decision of SFRS to award a contract to supply PPE. Gore are the manufacturers of certain material which they, in turn, supply to PPE suppliers and manufacturers. PPE using its material failed certain technical requirements specified by SFRS. Gore is not an "economic operator" so had no action under the Public Contract (Scotland) Regulations. Gore sought judicial review of the decision, averring general breaches of EU Law. SFRS argued that Gore has insufficient interest to review the decision.

Construcciones v Strathclyde Partnership for Transport [2016]

Ruth acted for SPT in this challenge to the procurement for the new Glasgow underground system. The case raised issues relating to the construction of the procurement documents, and time bar. The case settled extra-judicially.

Ibena Textilwerke v Scottish Fire and Rescue Service [2016]

Ibena challenged an award of a contract to supply PPE. Ruth acted for SFRS and argued that Ibena were not an "economic operator" as they did not offer to supply the PPE. They were manufacturers of textiles used in PPE. The action settled extra-judicially.

Kenman Holdings v Comhairle nan Eilean Siar [2015] CSOH 170 and [2017] CSIH 10

Ruth acts for CnES. CnES successfully argued in the Outer House that the petitioner was barred by mora. The procurement was a concession contract so the Regulations did not apply. The petitioner

reclaimed, and amended the case to argue that the action is in effect a private right of action. Following the amendment, which altered the claim to one for Francovich damages, the Inner House granted the reclaiming motion and has allowed the action to proceed. The action now proceeds alleging breaches of general EU Law principles.

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

Ruth acted for the pursuer in this challenge under public procurement regulations to the award of a multi-million contract. This is the first case in Scotland where the pursuer succeeded in establishing a breach of the relevant Regulations. The case continues on the question of damages.

Commercial

Highland Wood Energy Ltd v The Highland Council [2018] CSOH 77

This action was for damages averring breach of a call-off contract relative to the supply of biomass fuel. THC counterclaimed in respect of HWE's failure to perform the contract. There was a debate in respect of the proper construction of the terms of the call-off. Ruth acted for THC. The action thereafter settled.

Peart v Promontoria (Henrico) Ltd [2018] CSIH 35

This was an appeal against the grant of interim interdict of bankruptcy proceedings following the expiry of a charge. Ruth appeared for PHL and argued that interim interdict was not competent, failing which could only be granted in exceptional circumstances which had not been made out.

Dunfermline Building Society v Dickerson 2017

An action for reduction of a lease entered in breach of commercial loan conditions. Ruth acted for the pursuers.

Taylor Wimpey UK Ltd v Angus Council 2017

TW seek declarator that it is entitled to access certain land because it is a "road" within the meaning of the Roads (Scotland) Act. Ruth acts for TW.

Kirby v Network Rail Infrastructure Ltd 2017

Application to Lands Tribunal for compensation/injurious affection arising from compulsory purchase of land to construct the Borders Railway. Ruth acts for Network Rail.

Glen Clyde Whisky Ltd v Campbel Meyer [2015] CSOH 79

In this action, Ruth acted for the defenders. The case concerned the proper construction of a contract for the supply of whisky.

Trygort (No 2) Ltd v UK Home Finance Ltd 2009 SC 100

Exercise of a break option. Construction of lease, and whether a prior (albeit remedied) breach precluded tenant from exercising its option as it had been in breach of its obligations "at any time".

PIK Facilities v Shell UK and BP Oil [2005] CSOH 14

Construction of commercial lease, and whether it was competent for landlord to seek specific implement following termination of the lease.

Public Law

AA v Secretary of State for Business 2019

Ruth appeared for the Sec of State in this reclaiming motion. AA argues that the failure to provide the Employment Tribunal with power to grant diligence on thr dependence breaches EU law, as she is not afforded an effective remedy. The EHRC also argue that teh failure is a breach of rights under Article 6 ECHR, and that there is a lack of equivalence.

Beggs v Scottish Legal Aid Board [2018] CSOH 13

The petitioner is seeking legal aid to appeal a freedom of information appeal to the Supreme Court. SLAB refused legal aid and was judicially reviewed. The case provides a useful summary of the

relevant case law relative to review of SLAB decisions. Ruth acted for SLAB. This was the second attempt to review SLAB's refusal of legal aid.

Glasgow City Council v Scottish Legal Aid Board [2018] CSIH 37

GCC sought to review SLAB's practices and procedures for the intimation of legal aid applications to opponents, arguing that this did not afford them a fair hearing or proper opportunity to object. GCC succeeded at first instance but that decision was reversed on appeal. Ruth acted for SLAB.

Campbell v Scottish Ministers and others [2017] CSOH 35

Former prisoner sought damages in respect of his being cuffed during hospital visits, alleging breaches of his Article 3 and 8 rights. Ruth acted for the third defenders to argue that the action is time-barred under HRA, and the pursuer's damages were irrelevant. The action was dismissed at first instance as time-barred and also as irrelevant.

Barnes - Petition for Judicial Review [2017] CSOH 92

In this action, a police officer successfully sought a declaration about his duty hours. The respondents argued that he had an alternative remedy in the Employment Tribunal. The case raised important legal and policy issues regarding the status of police officers, and the proper construction of the relevant documents. Ruth acted for the petitioner.

A v Secretary of State for Home Office [2016-17]

Ruth was instructed to oppose the Secretary of State's application for leave to appeal to the Supreme Court, and to appear in the Supreme Court if the application was granted. The case concerned the claim of a spouse (subject to domestic violence) of a refugee to remain indefinitely in the UK. Leave was refused.

Dualeh v Glasgow City Council 2016

Ruth acted for GCC in this judicial review challenging an age assessment. The case settled extra-judicially.

Khan v Financial Conduct Authority 2016

Ruth acted for the FCA in this appeal against sanctions imposed by the Upper Tribunal against a former mortgage adviser for misconduct. The case raised issues relative to the FCA's policies for sanction.

McGeoch v The Lord President of the Council [2013] UKSC 63; [2011] CSOH 67

Prisoner challenged his disenfranchisement to vote on Scottish Parliament, European Parliament and local elections. The challenge was brought under EU law, arguing that the petitioner had a directly effective right to vote, and that EU citizenship rights could extend to "internal" situations.

Comhairle Nan Eilean Siar v Scottish Ministers [2012] CSOH 2094; [2013] CSIH 6 and [2013] CSIH 45
Challenge to call-in by Scottish Ministers of decisions to close schools in Western Isles Court address the proper construction of the Schools (Consultation) (Scotland) Act 2010, and the extent of the call-in power.

Scottish Ministers v Stirton and Anderson [2013] CSIH 81, 2014 SC 218, 2013 SLT 1141; [2012] CSOH 81

Ruth acted for the petitioners in this long-running and complex case to recover the proceeds of crime. The proof itself lasted over 100 days. The reclaiming motion provides clear authority on a number of issues, including the definition of extortion, the standard of proof, bias, and public interest immunity, as well as addressing A1,P1 ECHR.

M and others v Secretary of State for Work and Pensions 2013 UT

An appeal to the Upper Tribunal challenging the SSWP's process of converting IS/IB awards to ESA. The appeal addresses the correct construction of the relevant Regulations, and the consequences of any failure to comply therewith.

Axa General Insurance & Others v Lord Advocate and Advocate General [2011] UKSC 46

Ruth appeared for the Advocate General in respect of what was the proper scope of any common law review of an ASP.

K v Advocate General [2011]

As amicus curiae. The case concerned the competency of a Rule of Court applying the "second appeals" test to applications for leave to appeal from the Upper Tribunal to the Court of Session.

O'Neill Petition for Judicial Review and Note of Objections [2010] CSOH 79

Construction of the Legal Aid (Scotland) Act and Regulations on the question of Counsel's fees.

Lloyds Pharmacy v National Appeal Panel [2010] CSIH 55

Provision of pharmaceutical services in cases of relocation of a pharmacy.

B v Scottish Ministers [2010] SLT 537

A patient sought to be discharged from a hospital order following conviction. Discussion of the test of "risk of serious harm", standard of proof, and weight and quality of evidence.

Scottish Ministers v Doig 2009 SC 474

Proceeds of Crime Act 2002. Appeal raised issues about the standard of proof and whether the proceedings were a breach of Article 6, ECHR.

Niven v Lord Advocate 2009 SLT 676

Scope of the right under Article 2, ECHR to an inquiry following an unexplained death. A prosecution, albeit unsuccessful, would normally be sufficient to discharge the state's obligation under Article 2. Article 2 does not guarantee a result.

Infant and Dietetic Foods Association Ltd v Scottish Ministers (No 2) 2008 SLT 723

EU Directive, and whether it had been correctly transposed. Consideration of reference to ECJ.

Common Services Agency v Scottish Information Commissioner 2009 SC (HL) 184

Appeal to House of Lords about disclosure of personal data, and the relationship between the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998.

Campbell v Lord Advocate 2006 JC 265

Extradition appeal, and consideration of test of if a delay was "unjust or oppressive" and of deliberate absence from trial.

Advocates Courts & Tribunals

Supreme Court, House of Lords, Court of Session (Inner and Outer House), High Court of Justiciary, Sheriff Court, Lands Tribunal, Land Court, Upper Tribunal, Public Inquiries, Parliamentary Bill Inquiries, European Court of Human Rights (written submissions)

Advocates Appointments & Memberships

National Library of Scotland, Board member
United Kingdom Supreme Court Users Group, member
Access to Justice sub-committee of Scottish Civil Justice Council, member
Faculty of Advocates Anti-money Laundering Committee, Convener
Faculty of Advocates, Disciplinary Rules: Panel of Prosecuting Counsel
Faculty of Advocates, Board of Assessors

Faculty of Advocates, Finance Committee, member
Ad Hoc Advocate Depute
Second Standing Junior Counsel to Scottish Ministers: 2002-2008
Standing Junior Counsel to Keeper of the Land Registers: 2000-2002
Amicus Curiae: 2011, 2003 and 1998

Publications

Greens Planning Encyclopaedia, Author of Chapter on section 75 agreements.

Directories

Ruth is ranked in Chambers UK in the areas of administrative and public law; commercial dispute resolution and public procurement law. Chambers note about Ruth that "She is a very smooth operator in Court", "She speaks with great authority, she's highly impressive in Court" and that "She has a very good grasp of detail and is always highly familiar with her brief. She presents clearly and concisely".

Ruth is ranked as a leading silk in Legal 500 in the areas of civil liberties, human rights, public inquiries, and public and administrative law; and planning environment and licensing. Legal 500 comments that Ruth has "a rare ability to absorb vast amounts of information and get immediately to the issue in hand".