

Scott Manson

Year of Call: 2014

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Professional Career to date

Devil Masters: Gordon S. Balfour; Gavin L. MacColl, QC; Thomas L. Ross, QC

July 2014: Admitted to the Faculty of Advocates
2013 – July 2014: Devil, Faculty of Advocates
2012 – 2013: Solicitor, MacRoberts LLP
2009 – 2012: Solicitor, BTO Solicitors
2007-2009: Trainee Solicitor, BTO Solicitors

Education & Professional Qualifications

Faculty of Advocates' Lord Reid Scholar (Joint Award) (2013-2014)
Faculty Scholar (2013-2014)
Postgraduate Diploma in Legal Practice, University of Glasgow (2007)
LL.B (Hons) (1st Class), University of Glasgow (2006)

Areas of Expertise

- Commercial Contracts
- Commercial Property
- Company, Corporate Finance and Tax
- Construction and Engineering
- Insolvency
- Intellectual Property Rights
- Product Liability
- Professional Liability
- Alternative Dispute Resolution
- Public Law, Judicial Review and Human Rights

Professional Experience

Scott has a busy and wide-ranging practice with a focus on commercial contract, professional negligence, insurance and construction project litigation. *Chambers UK Bar* lists Scott as an "up and coming" junior in the fields of commercial and real estate litigation: "A rising star - super smart, very commercial and very pragmatic. He quickly gets to the crux of a matter and is very easy to deal with." "He handles clients very well and has a commercial approach". *Legal 500* ranks Scott as a leading junior in the fields of commercial, property and construction litigation: "Very bright, technically astute and good on his feet...a fighter in court".

Scott is regularly instructed in complex high value cases before the Commercial Court on a range of issues and appears there regularly but also before the Sheriff Court, Sheriff Appeal Court and Inner House. He has developed expertise in litigations concerned with contentious trusts and executors.

Scott is a tutor in civil litigation at the University of Glasgow and a member of the Faculty of Advocates' public communications, assessment and reparation sub-committees.

Recent Cases

Reported Cases

***Crabbe v Reid & others* 2019 SLT (Sh Ct) 83** - Appeal concerned with the competency of appealing against an un-opposed motion in the Sheriff Court and the meaning of "consent" in relation to Sheriff Court motions in the context of a long-running partnership dispute amongst partners in former firm of solicitors: [https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019-sac-\(civ\)-006.pdf?sfvrsn=0](https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019-sac-(civ)-006.pdf?sfvrsn=0)

***Scanmudring AS v James Fisher MFE Ltd* 2019 SLT 295** - Acted and appeared for the successful respondents (with Garry Borland QC) in appeal before the Inner House concerned with the construction and application of the terms of a hire contract for marine equipment operating offshore. <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/2019csih10.pdf?sfvrsn=0>

***Anwar v Britton & Barclay* 2019 SLT (Sh Ct) 23** - Acted and appeared for the successful pursuers and respondents (with Robert Howie QC) in property case concerned with the construction of the Scottish Standard Conveyancing clauses and the question of interaction between breach of contract and misrepresentation and the remedy of reduction. [https://www.scotcourts.gov.uk/docs/default-source/default-document-library/2018-sac-\(civ\)-27.pdf?sfvrsn=0](https://www.scotcourts.gov.uk/docs/default-source/default-document-library/2018-sac-(civ)-27.pdf?sfvrsn=0)

***Philp v Highland Council* [2018] CSIH 53** - appeared for respondent local authority in appeal against decision to dismiss action for want of relevancy in connection with alleged wrongdoing of local government employees causing economic harm. <http://scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018csih53.pdf?sfvrsn=0>

***Armstrong & others v ERS Syndicate Management Ltd* [2018] SAC (Civ) 28** - The first reported case in Scotland concerned with the admissibility of expert evidence in circumstances where skilled witness acting under a contingent fee arrangement. Appeared for the successful appellant at proof and on appeal. [https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018-sac-\(civ\)-28.pdf?sfvrsn=0](https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018-sac-(civ)-28.pdf?sfvrsn=0)

***Bilfinger Construction UK Ltd v the Rt Hon. Lord Hardie of Blackford* [2018] CSOH 46** - Judicial Review of a decision of the Chairman of the Edinburgh Tram Inquiry to order the disclosure of information which the petitioner argued was commercially sensitive and confidential. <http://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018csoh46.pdf?sfvrsn=2>

***David MacBrayne Limited v ATOS IT Services (UK) Ltd* [2018] CSOH 32** - 4 week Commercial Court proof concerned with termination of complex IT services contract by Caledonian MacBrayne. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018csoh32.pdf?sfvrsn=0>

***Oil States Industries UK Ltd v Lagan Building Contractors Ltd* 2018 GWD 10-118** - Commercial Court debate concerned with the validity of contractual instructions and the "duty to warn" arising during building works. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018csoh22.pdf?sfvrsn=0>

***Scanmudring AS v James Fisher MFE Ltd (No.2)* 2018 GWD 9-113** Commercial Court proof concerned with sub-sea dredging operations and the interpretation of marine hire contract. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018csoh16.pdf?sfvrsn=0>

Politakis v Spencely & James Scott Engineering (No.2) 2018 SLT 29 - Inner House application which addressed the competency of the disposal of leave to appeal applications by a single judge and the "second appeals test" as it applies to applications to take an appeal from the Sheriff Appeal Court to the Inner House. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017csih74.pdf?sfvrsn=0>

Purewall Appellant 2017 SLT (Sh Ct) 251 - Appeal concerned with the operation of prescription in relation to claims made in sequestrations and judicial omission.
[https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017-sac-\(civ\)-028.pdf?sfvrsn=0](https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017-sac-(civ)-028.pdf?sfvrsn=0)

Muir Construction Limited v Kapital Residential Limited 2017 SLT 1294- Commercial Court debate concerned with the validity of a Pay Less Notice and the meaning of "basis" together with the operation of waiver under a construction contract. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017csoh132.pdf?sfvrsn=0>

Indigo Park Services UK Ltd v Watson 2017 GWD 40-610 - Proof concerned with the contractual validity of private parking arrangements at Ninewells Hospital and the operation of the rule against penalties in contract and consumer rights legislation.

Politakis v Spencely & James Scott Engineering (No.1) 2016 GWD 11-211; 2017 GWD 18-281- Sheriff Court & Sheriff Appeal Court proceedings concerned with the liability of an arbiter in damages to a party in a long running commercial arbitration and title to sue questions arising from the operation of a CVA and assignation together with questions of prescription.
[http://www.scotcourts.gov.uk/docs/default-source/sheriff-appeal-court-\(civil\)/2017-sac-\(civ\)-019.pdf?sfvrsn=2](http://www.scotcourts.gov.uk/docs/default-source/sheriff-appeal-court-(civil)/2017-sac-(civ)-019.pdf?sfvrsn=2)

AWG Business Centres v Regus Caledonia Limited 2017 GWD 9-131; 2016 GWD 22-407 - Commercial Court & Inner House proceedings concerned with contractual interpretation and liabilities under service charge provisions arising from a suite of commercial leases.
<https://www.scotcourts.gov.uk/search-judgments/judgment?id=23772ca7-8980-69d2-b500-ff0000d74aa7> <https://www.scotcourts.gov.uk/search-judgments/judgment?id=741e19a7-8980-69d2-b500-ff0000d74aa7>

Arthur J Gallagher Insurance Brokers Ltd v Hudson 2017 GWD 3-27 - Sheriff Court application for summary decree by defender in action concerned with the economic delicts as they relate to the alleged "poaching" of key employee by business rival. <https://www.scotcourts.gov.uk/search-judgments/judgment?id=636928a7-8980-69d2-b500-ff0000d74aa7>

Fishers Services v All Thai'd Up Limited & another 2013 SLT (Sh Ct) 121 - Appeal to Sheriff Principal concerned with the jurisdiction of the court to entertain an action based upon "place of performance" of a payment obligation <https://www.scotcourts.gov.uk/search-judgments/judgment?id=edce86a6-8980-69d2-b500-ff0000d74aa7>

Commercial litigation & insurance

Acted for defender (with Roddy Dunlop QC) in 3 week proof concerned with the duty of care owed by an adult crisis centre to service users.

Acted for the successful defender (with Gerry Hanretty QC) in proof concerned with unfair contract terms and exclusions of liability for breach of implied terms as to satisfactory quality together with implied terms as to title under moveable hire contract.

Acted for CVA supervisors (with Garry Borland QC) in the *House of Fraser* insolvency.

Acted for pursuer (with Roddy Dunlop, QC) in £1.5m action in Commercial Court for indemnity by hotel owners against insurer following large scale fire at a well-known hotel.

Acting for the pursuer (with Jonathan Lake, QC) in action against local authority under the Riotous Assemblies (Scotland) Act 1822 following a pitch invasion at the Scottish Cup Final.

Acting for foreign trustees (with Craig Sandison, QC) in cross-jurisdictional insolvency proceedings concerned with a complex international bankruptcy arising from the Heather Capital affair.

Acted for the pursuer (with Garry Borland, QC) in £1.5m multi-party Commercial Court action concerned with failure of industrial drying equipment under PFI contract.

Acting for pursuers in trade mark infringement and passing off action in the IP Court concerned with ophthalmic care products and services.

Instructed by insurance brokers in damages action in the Sheriff Court concerned with inducement and conspiracy relative to breach of restrictive covenants by former employee.

Instructed by an international hotelier to advise on the construction of rent review and change of use provisions in lease in dispute with landlord.

Instructed by pension fund to advise on the construction of a guarantee and assignation arising from a commercial lease and foreign diligence.

Instructed in Commercial Court interim interdict proceedings in relation to a dispute between large scale marine farmers over salmon stock.

Acting for pursuer in Commercial Court action concerned with liquidate damages following termination of contract of hire of recycling equipment.

Acted for petitioner in interim interdict proceedings in relation to property over-sail in delivery of large wind turbines.

Acting for the petitioner in obtaining interim interdict in relation to the construction of recycling facility in breach of provisions of lease governing erection of structures in vicinity of wind turbines.

Acted for contractor in £1.5m breach of contract claim in Commercial Court concerned with termination of large scale recycling services contract with local authority.

Professional negligence & liability

Acting for solicitors in large scale Court of Session litigation brought by former clients arising from the handling of high volume employment tribunal claims.

Acting for solicitors in defending claim arising from the litigation of a construction dispute and the operation of a non-assignation clause.

Instructed for solicitors in defending "loss of chance" claim by former clients concerned with the failure of a commercial leasing transaction.

Instructed on behalf of solicitors in professional negligence action concerned with lack of procurement of standard securities in commercial loan transaction and questions of reduction of loss through subsequent events.

Instructed on behalf of solicitors in professional negligence action in the Sheriff Court concerned with variation of minutes of agreement, prescription and ex turpi causa rule.

Instructed on behalf of well-known arbiter in defending action for damages relative to conduct of a long running commercial arbitration.

Instructed on behalf of insurance brokers in defending damages action arising from operation of average clause in commercial insurance policy.

Acting for pursuers in Court of Session damages action re advice by company accountants in relation to group restructuring and hive-up of assets resulting in contested liquidation and litigations arising from the same.

Acting for the bank in defending action for damages in relation to the purported mis-selling and

negligence in the sale of life insurance products.

Acted for the Chief Constable in defending action for damages relative to alleged police assault and failure to investigate in purported breach of common law and Convention rights.

Instructed by well-known chain of pharmacists in Court of Session action for damages arising out of alleged over-prescription and over-dispensation of medication.

Construction and Engineering

Acting for main contractor (with Heriot Currie QC) in £7m damages claim before the Commercial Court concerned with the design and construction of a concrete floor slab at company production facility.

Acting for contractor (with Garry Borland QC) in multi-million pound claims arising from the M8/M74 projects.

Acting for a multi-national engineering company in two large-scale multi-million pound claims arising out of the operation of Scottish PFI contracts.

Instructed for contractor in multi-million pound claim by the Scottish Ministers arising from the design and build of a marine facility.

Acting for contractor in a multi-million pound claim by a local authority arising from the upgrade of a leisure centre facility.

Acting for main contractor in relation to payment dispute arising out of the construction of a new wind farm facility.

Acted for employer (with Garry Borland QC) in £9m multi-party construction project dispute in the Commercial Court relative to defects at the DG One Leisure Centre.

Acting for principal contractor (with Garry Borland, QC & Heriot Currie, QC) in £2m extension of time/loss and expense claim in the Commercial Court against principal contractor in the Commercial Court arising out of the Hydro arena in Glasgow.

Acting for contractor (with Garry Borland, QC) in £10m dispute arising out of design, construction & management of water facilities under hospital PFI contract.

Acting for contractor (with Garry Borland, QC) in £3m claim in the Commercial Court arising out of the construction of an industrial facility concerned with defects, validity of notices and stand-still agreement.

Acting for purchaser in £2m claim in the Commercial Court arising out of construction of office building in Glasgow and the operation of retention trust provisions in contract.

Acting for contractor in Commercial Court action arising from retention provisions in construction contract and subsequent compromise agreement.

Advocates Courts & Tribunals

Court of Session (Inner House, Commercial Court, Intellectual Property Court, Outer House), Sheriff Appeal Court, High Court of Justiciary, Sheriff Courts, Disciplinary Tribunals

Advocates Appointments & Memberships

2014 to date - Tutor in Civil Litigation at the University of Glasgow
2016 to date – Member, Faculty of Advocates Public Communications Committee
2016 to date – Member, Faculty of Advocates Reparation Committee
2016 to date – Member, Faculty of Advocates Board of Assessors
2010-2013 – Tutor in Public & Administrative Law at the University of Glasgow