

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 is a "highly sought after junior" (Chambers UK Bar 2020) with a busy and wide-ranging practice focusing on a range of commercial disputes including commercial contracts, professional negligence, insurance and construction project litigation. He has also developed a growing practice in shipping, maritime and admiralty litigation; and also contentious trusts and executors.

He is ranked in both *Chambers UK Bar* and the *Legal 500* where instructing solicitors commend him for: having a "common sense, practical" and "commercial" approach; being "very good on strategy"; and being "excellent on his feet and very persuasive" in court. Scott is also listed as a "Future Leader" in respect of construction litigation in *Who's Who Legal*.

He is regularly instructed by most of the leading litigation firms in Scotland 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 also advises and appears in Arbitrations and Adjudications.

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. He is a member of the Society of Construction Law.

Recent Cases

Reported Cases

***Autauric Limited v Glasgow Stage Crew Limited* 2020 SLT 331** - counsel for the pursuer in £1m damages action for breach of contract by the promoter of an aborted outdoor concert in Glasgow which was to feature *Green Day*. Judgment concerned with the modern approach to amendment applications in commercial court procedure following successful opposition to defender's application to receive an amendment. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh111.pdf?sfvrsn=0>

***Caithness Flagstone Limited v Ballyvesey Holdings Limited* [2020] SAC (Civ) 1** - appeared for the successful defender finance company at proof (with Gerry Hanretty QC) and on appeal (with Garry Borland QC) in £1.1m damages claim for breach of implied terms as to quality and title in relation to industrial stone crushing machine. The defender succeeded, at proof and on appeal, in establishing the fairness and reasonableness of an exclusion clause for the purposes of UCTA 1977; and that there had been no material breach of an implied term to title. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020-sacciv-001.pdf?sfvrsn=0>

***WPH Developments Ltd v Young & Gault LLP (In Liq.)* [2020] SC GLA 27** - counsel for defender architects in professional negligence action concerned with the design of a substantial residential property development. Debate concerned with the operation of prescription (time-bar) in relation to "wasted expenditure" arising out of the decisions in *Gordon's Trustees* and *Midlothian Council*. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020scgla27.pdf?sfvrsn=0>

***Vipond Fire Protection Limited v SPP Pumps Limited* [2020] SC LIV 20** - counsel for the defender in action for relief under the Law Reform (Misc. Provisions) (Scotland) Act 1940 concerned with the design, manufacture and installation of a complex industrial fire safety system. The pursuer's case based upon design duties was dismissed at debate owing to the operation of time-bar and a want of fair notice. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020scliv20.pdf?sfvrsn=0>

***Transform Schools (North Lanarkshire) Limited v Balfour Beatty Construction Limited* [2020] CSOH 19** - appeared for the defender (with Garry Borland QC) in proceedings to enforce adjudicator's award where breach of natural justice alleged in connection with admission and use of without prejudice correspondence by the adjudicator. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020csoh19.pdf?sfvrsn=0>

***Scot Roads Partnership Project Ltd v Scottish Ministers* [2019] CSOH 113** - appeared for the pursuer (with Garry Borland QC) in commercial court proof concerned with a dispute between the main contractor and the Scottish Government arising from the M8 motorway improvement project. Judgment provides important guidance on the admissibility of evidence bearing upon contractual construction; and the appropriate procedure to adopt in taking objections to evidence in witness statements in commercial court procedure. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh113.pdf?sfvrsn=0>

***Loretto Housing Association Ltd v Cruden Building & Renewals Ltd & others* [2019] CSOH 78** - appeared for the clerk of works (without senior) in a multi-party debate before the Commercial Court on prescription in a complex construction project litigation concerned with the redevelopment of a historic hospital building in Glasgow. <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh78.pdf?sfvrsn=2>

***Arbitration Appeal No.1 of 2019* 2019 SLT 1309** - counsel for successful respondents in resisting

application for leave to appeal against arbitrator's decision on interpretation of notice and termination provisions of contract: <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh60.pdf?sfvrsn=0>

Hughes & others v Turning Point 2019 SLT 651 - Appeared for successful defender (with Roddy Dunlop QC) in three week proof concerned with the scope of duty owed by an adult crisis centre following the death of a service user together with a series of questions on legal and medical causation: <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh42.pdf?sfvrsn=0>

Shade v AN Young Ltd & another [2019] SAC (Civ) 22 - Appeared for successful pursuer and respondent at proof and on appeal in case concerned with claim arising from defective building works and the proper construction of a personal guarantee granted over the relevant debt: [https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019-sac-\(civ\)-022.pdf?sfvrsn=0](https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019-sac-(civ)-022.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>

Crabbe v Reid & others 2019 SC (SAC) 33 - Acted for defenders and respondents in appeal concerned with *inter alia* the competency of an appeal against a decision following an unopposed motion in partnership dispute arising from dissolution of a law firm: [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)

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 2019 SC (SAC) 15 - 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 then on appeal when the evidence was excluded. [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>

Current & Recent Cases

Acted in the claims and litigations arising between the Scottish Government and its contractors and sub-contractors in relation to the construction of both the Aberdeen Bypass and the re-development of the M8/M74 motorways (sums claimed running into 100s of millions).

Instructed in various disputes arising out of PFI Hospital projects.

Instructed in complex IP dispute arising out of trade secrets in sub-sea engineering sector.

Successfully defended well known firm of solicitors in £70m damages claim brought by former clients in relation to handling of large group litigation.

Acting for solicitors in £1m damages claim brought by former footballer in relation to handling of a FIFA

Tribunal litigation and tax dispute with foreign football club.

Acting for multi-national company in £1m breach of warranty claim for non-disclosure arising out of a share purchase agreement for a group of companies.

Acting for defender architect in £2m claim brought by co-proprietors of new build flatted development.

Acted for successful trustees of testate estate in defending claim for reduction of a will on the basis of undue influence.

Acted for pursuer lottery winners in £800k damages claim against former financial advisers for defective investment advice.

Acting for defender harbour authority in relation to damages claim brought by vessel owners in relation to berthing instructions.

Acted for defenders in connected actions for damages based on Hague Visby Rules concerned with damage to cargo and "perils of the sea".

Acting for main contractor in £10m damages claim in arbitration with design engineers.

Acted for foreign bankruptcy trustees in relation to cross-border insolvency applications and claims arising out of international company fraud.

Acting for director and shareholder in section 994 "unfair prejudice" application with allegations of director fraud.

Acted for the supervisors in the *House of Fraser* insolvency.

Acted for well known football club in successfully resisting application for interdict brought by former board member in connection with service of proceedings in foreign jurisdiction.

Acting for waste contractor in relation to multi-million pound damages claim against local authority under framework agreements.

Acting for well known firm of solicitors in relation to damages claim brought by disappointed beneficiary arising out of the destination of shares held in group of family companies.

Acted for main contractor in £4m damages claim arising out of the design and construction of new-build production facility for well known company operating in the energy sector.

Acting for landlord in defending claim for material breach of contract by tenant in relation to the construction of a new build car park.

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

Directories

Chambers UK Bar 2020

Construction - Scotland Bar

A highly sought-after junior. He offers particular expertise handling disputes arising from construction projects, including claims of negligence, delays and defects.

Strengths: *"You get a common-sense, practical response from him and he is good on the law and at procedure." "He is commercial and his written work is of a very high standard."*

Commercial Disputes - Scotland Bar

Possesses a growing reputation for his handling of a wide range of commercial disputes, with particular experience in commercial contracts, professional negligence and construction-related matters. His clients include financial institutions, contractors and professional advisers, among others.

Strengths: *"He really is so bright and is very good on strategy. Clients really like him as he's a fighter who will put his all into something." "He's good on the law, good on procedure and definitely one to watch for the future – he is exceptional." "He's excellent with clients and is able to simplify matters and provide commercial, practical advice. Being both bright and quick-witted, he is excellent on his feet and very persuasive in court." "He is precise, strategic and commercial in his approach, with an ability to distil complex matters down into a form which is simple to understand."*

Real Estate Litigation - Scotland Bar

Acts for defenders and pursuers in a wide spectrum of property and real estate issues, he is particularly noted for his insolvency expertise. He also has experience in contracts, damages, leases and landlord and tenant disputes. His clients include renewable energy developers, healthcare professionals and hotel owners.

Strengths: *"He is precise, strategic and commercial in his approach, with an ability to distil complex matters down into a form which is simple to understand." "He has an ever-growing reputation in property law and is never scared to give definitive advice."*