

The Lord (Neil) Davidson of Glen Clova QC

Year of Call: 1979 **Year of Silk:** 1993

Lord.Davidson@axiomadvocates.com



Professional Career to date

Devil Master: The Hon. Lord McGhie.

2006-2010: Advocate General

2000-2001: Solicitor General

1993: Year of Silk

1993 - 2000: Director of City Disputes Panel

1990: Called to Bar of England and Wales

1982 - 1993: Standing Junior Counsel to the Registrar General, Departments of Health and Social Security

1979: Called to Bar

Education & Professional Qualifications

BA, University of Stirling

MSc, University of Bradford

LLB & LLM, University of Edinburgh

Areas of Expertise

- Public Law, Judicial Review and Human Rights
- Media Law
- International
- Intellectual Property Rights
- EU
- Construction and Engineering
- Company, Corporate Finance and Tax
- Competition and Public Procurement
- Commercial Contracts
- Alternative Dispute Resolution

Professional Experience

Lord Davidson resumed practice in 2010 after 4 years as Advocate General, a UK Minister of the Crown. His practice covers all aspects of commercial, public and constitutional law and has a substantial international flavour. He frequently appears in Appellate courts. Recently he has appeared in the Inner House in an international business case and in a contested scheme of arrangement of an insurance company. He has acted as leading counsel in cases involving banking, information, EU law, judicial independence and human rights in over 20 cases before the Supreme Court, the House of Lords, the Privy Council and the European Court of Justice.

As Advocate General he was closely involved in the formation of UK and Scottish legislation, in representing the UK government in the higher courts and assessing issues arising out of such matters

as the international financial crisis and the UK's devolution settlement. He represented the Foreign and Commonwealth Office in the Lockerbie appeal.

His non-government practice is broadly in the commercial and public law spheres. He has been Solicitor General for Scotland, a founding Director of the City Disputes Panel (for the wholesale financial sector), a commissioner of the Scottish Council for International Arbitration and he is a member of the English Bar and the House of Lords. He has experience in dealing with difficult issues, including arbitration, in a number of overseas jurisdictions especially in China and has recently acted in an international construction mediation. More recently he led a case with Central Asian, Caribbean and Latvian components to a successful conclusion.

Lord Davidson produced, for the UK government, "The Davidson Review of UK Implementation of EU Regulation" in 2006 and co-wrote the first Scottish textbook on Judicial Review. He is an Opposition spokesman on Law and Treasury matters in the House of Lords.

Recent Cases

Cases

Commercial

Henderson v Foxworth Investments Limited and another [2014] UKSC41 - Limitation on appeal court's scope to reverse findings-in-fact at first instance

McGraddie v McGraddie [2013] UKSC 58 - gift; challenge to first instance findings-in-fact

City of Edinburgh Council v SCRE [2013] CSIH 15 - interpretation of pensions regulatory framework

Henderson v Foxworth Investments [2013] CSIH 13 - asset shifting; challenging first instance findings-in-fact

Patersons of Greenoakhill v Biffa [2013] CSOH 18 - contractual interpretation and rectification

EDI Central v NCP Ltd. [2012] CSIH 6 - construction of lease terms

Cheshire Mortgage Corporation Ltd. v Morna Grandison [2012] CSIH 66 - mortgage lending, agent and principal

Scottish Lion Insurance Co, Petitioner [2012] CSIH 66 - contested scheme of arrangement

Scottish Lion Insurance Co, Petitioner [2011] CSIH - contested scheme of arrangement

Whyte & Mackay v Capstone International [2010] CSIH 87 - US distribution agreement

Secretary of State for BERR v UK Bankruptcy Ltd [2010] CSIH 80 - winding up in the public interest

Hamilton v Allied Domecq [2005] CSIH 74 - contract, misrepresentation, appellate court role

Narden Services v Inverness Retail & Business Park 2005 SCLR 704 - legal privilege

Bank of East Asia v Scottish Enterprise 1997 SLT 1213 - House of Lords, retention and mutuality

Smith v Bank of Scotland 1997 SC(HL) 111 - rights in security

Public and Administrative

ANS v ML [2012] UKSC 30 - competence of Scottish Parliament

Martin and Miller v HM Advocate [2010] UKSC 10 - competence of Scottish Parliament

Helow v Secretary of State for Home Department 2009 SC(HL) 1 - judicial bias

Horvath v Secretary of State DEFRA (Case C-2/28/07) - ECJ differential implementation of Directive

Common Services Agency v Scottish Information Commissioner 2008 SC(HL) 184 - FOI; Data Protection

Somerville v Scottish Ministers 2008 SC(HL) 45 - damages for breach of ECHR right

Megrahi v HM Advocate 2008 SCCR 358 - disclosure and public interest immunity

Tehrani v Secretary of State for Home Department 2007 SC(HL) 1 - jurisdiction in Scotland and England

Smith v Scott 2007 SC 345 - prisoner votes

Fayed v Lord Advocate 2004 SC 568 - public inquiry into Princess Diana's death

Human Rights and Constitutional

ANS v ML [2012] UKSC 30 - competence of Scottish Parliament

Alison v HM Advocate [2010] UKSC 6 - disclosure

MacInnes v HM Advocate [2010] UKSC 7 - disclosure

MacLean v HM Advocate [2009] HCJAC 97 - police interview

Murtagh v HM Advocate [2009] UKPC 36 - disclosure

Burns v HM Advocate 2009 SLT (PC) 2 - delay

Spiers v Ruddy 2009 SC (PC) 1 - delay

MacDonald, Dixon & Blair v HM Advocate [2008] UKPC 46 - disclosure

Goatley v HM Advocate [2008] JC 1 - extradition, European arrest warrant

DS v HM Advocate 2007 SC (PC) 1 - disclosure

Millar v Dickson 2002 SC (PC) 30 - waiver

HM Advocate v McIntosh 2001 SC (PC) 89 - presumption of innocence

Brown v Stott 2001 SC (PC) 43 - privilege

Intellectual Property

Arrow Generics v AKZO Nobel [2006] CS0H 146 - patent action

William Grant & Sons v Glen Catrine 1999 Scot CS 196 - passing off

Alba Diagnostics v Buchanan 2003 SC(HL) 9 - patent action

Media

Barry v News International 1995 SLT 590 - jury trial defamation

Lord Advocate v The Scotsman Publications [1990] AC 812 - confidentiality

A number of interlocutory hearings pre-publication and contempt issues

Advocates Courts & Tribunals

Supreme Court; House of Lords; The Privy Council; European Court of Justice; High Court; Court of Session; Competition Appeal Tribunal; Registration Appeal Court; Arbitration; Mediation; SPL/SFA.

Publications

The Davidson Review of UK Implementation of EU Regulation (2006, produced for UK Government).

Judicial Review in Scotland (1986) - Co-wrote the first Scottish textbook on Judicial Review.

Advocates Additional Information

Lord Davidson has lectured on law in Beijing, Kuala Lumpur and Delhi, as well as in the UK. He has represented the UK government at OECD, Bo'ao Forum for Asia and Shanghai Lujianzui Financial Forum. He was the chef de mission on behalf of the International Commission of Jurists in Egypt on two investigatory reports.

Recent speeches

Corporate Governance Models - LSE Emerging Markets Forum: April 2012

Internationalisation of Renminbi - Tianjin Forum: June 2012

Cybercrime challenges - Cambridge Symposium on Economic Crime: September 2012

Economic Cooperation with the Emerging Economy - Global CEO conference, Shanghai: October 2012

Cost of Civil Litigation - Professional Negligence Lawyers Association: April 2013

International Corporate Governance - International In-house Counsel conference: May 2013

Internationalisation of Renminbi - International Capital Conference, Paris: June 2013

Corporate Governance - Self Reporting - Cambridge Symposium on Economic Crime: September 2013

Human Rights - Beijing Forum: September 2013

Finance and Automotive Industry - Wuhan Global Automotive Forum: October 2013

Financial and Economic Consequences of Scottish Separation - WS Society: March 2014

UK Charity Law - Senior Chinese Delegation: June 2014