

## The Lord (Neil) Davidson of Glen Clova QC

Year of Call: 1979 Year of Silk: 1993

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### Professional Career to date

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
- Commercial Property
- Insolvency

### Professional Experience

Lord Davidson has over 40 years experience which has involved him in many of the major commercial and public law cases in both Scotland, the Supreme Court of the UK and the Privy Council. In addition he has been instructed in international and maritime arbitration, proceedings about defamation, procurement, patents, state aids, M&A, banking, public inquiry and national security. He has been instructed in cases and advisory matters concerning jurisdictions including the US, China, EU recently covering Latvia and Bulgaria, Uzbekistan, India, Nigeria, Thailand, UAE and East Caribbean.

Chambers 2020 'Highlighted for his strong tactical sense and formidable cross-examination abilities. He is well known for acting in large international disputes covering a range of commercial matters.'

## Recent Cases

### Cases

#### Commercial

*DNO Oman v Clouston* [2019] CSIH 1

*MacDonald v Carnbroe Estates* [2019] UKSC 57

*SI 2016 v AMA* [[2019] CSOH 99

*Zahid v Duthus Group* [2018] CSOH 59

*Henderson v Foxworth Investments* [2014] UKSC 41

*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

#### Company Law

Shareholder disputes:-

*Gray v Braid Group* [2016] CSIH 68

*Cheyne v Balmoral* [2021] CSOH 17

Asset recovery:-

*Heather Capital v Levy and Macrae* [2017] CSIH 19

*Petroceltic Resources v Archer* [2019] CSOH 15

Contested schemes of arrangement:-

*Scottish Lion v Goodrich* [2011] CSIH 18

*Premier Oil v ARCM* [2020] CSOH 39

### **Public and Administrative**

*Smith v Scottish Legal Complaints Commission* [2020] CSIH 19

*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

### **Procurement**

*Dem-Master v Renfrewshire Council* [2016] CSOH 150

*Street Lighting Supplies v Scotland Excel* [2014] CSOH 145

### **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.