



Gavin L MacColl QC

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Academic Qualifications

MA, Cambridge University
LLB, Edinburgh University
Dip LP, Edinburgh University

Year of Call 2000

Year of Silk 2017

Areas of Practice

Commercial Contract
Commercial Property
Company Law
Construction
Insolvency
Professional Negligence
Shipping
Trusts and Succession

Professional Experience

Gavin MacColl QC deals with disputes across a broad spectrum of commercial law areas. His practice encompasses disputes arising from commercial contracts (including partnership disputes), commercial property (including landlord and tenant and title disputes), construction law (including negligence on the part of professional advisers), company law (and, in particular, shareholder disputes and company reorganisations) and insolvency law (both corporate and individual). As part of his interest in construction work, Gavin has extensive experience of adjudications (both at first instance and in relation to enforcement proceedings before the Courts).

Gavin also has significant experience in the field of trust law, providing advice in relation to the establishment and reorganisation of public and private trusts and the duties and obligations of trustees and executors), and in shipping (including arrestment of vessels and collision and salvage claims).

Gavin has extensive experience of appearing in the Outer and Inner Houses of the Court of Session; he has also appeared in the Supreme Court, the House of Lords, the Scottish Land Court, the Lands Tribunal for Scotland and the Lands Valuation Appeals Court. He has also acted in a number of adjudications and in arbitrations (in both Scotland and England).

Between 2010 and 2017, Gavin was ranked Band 1 for Commercial Dispute Resolution by Chambers & Partners since 2010 (also being ranked for property, construction and professional negligence work). The 2017 Directory states of him:

“Commands enormous respect throughout the market, and is widely considered one of Scotland’s leading juniors for commercial disputes. He is highly experienced and rated as a formidable opponent in court. His practice has an emphasis on commercial contract disputes, but also encompasses insolvency, construction, property and professional negligence.”

Since taking silk in 2017, Chambers & Partners has ranked Gavin in the “New Silk” category for Commercial Dispute Resolution, Construction, Property and Professional Negligence work.

A list of some of the more significant cases in which Gavin has acted is contained in an appendix to this CV.

Appendix

Construction - Adjudication

S L Timber Systems Limited v Carrillion Construction Limited 2002 SLT 997; [2001] BLR 516; [2002] TCLR 3; 85 Con LR 79

- Principles to be applied in enforcement of award

Specialist Insulation Limited v Pro Duct (Fife) Limited [2012] BLR 342

- Successful challenge to enforcement of award

Highlands and Islands Airports Limited v Shetland Islands Council [2012] CSOH 12

- Successful challenge to enforcement of award (following proof)

DC Community Partnerships Limited v Renfrewshire Council [2017] CSOH 143

- Successfully resisting enforcement of award on grounds of failure to exhaust jurisdiction.

T Clarke (Scotland) Limited v MMAXX Underfloor Heating Limited 2015 SC 233

- Restraint of adjudication proceedings by way of prior interdict

Gavin also regularly received instruction to represent parties at adjudications.

Construction – other

Royal Insurance (UK) Limited v AMEC Constructions Scotland Limited and others [2005] CSOH 162; [2007] CSOH 118

- claim under collateral warranties for negligent construction of large office development

Scottish Widows Services Limited v Harmon CFEM Limited 2010 SLT 1102

- collateral warranties in construction dispute

Huntaven Properties Limited v Hunter Construction (Aberdeen) Limited [2017] CSOH 57

- prescription in construction negligence dispute

Commercial Contract

Hoult and Douglas v Turpie 2004 SLT 308

- mutuality of contractual obligations in shareholders agreement

Green v SIAC Assicurazione SpA [2006] CSOH 162

- shipowner's claim for indemnity under fraudulently issued policy of insurance

Purewall and others v Purewall [2006] CSOH 1982

- dispute between partners re correct accounting approach on dissolution

EDI Central Limited v National Car Parks Limited 2011 SLT 75

- "reasonable endeavours" clauses in commercial contracts

Landmore Limited v Shanks Dumfries & Galloway Limited 2012 SCLR 46

- use of EU law as an aid to contractual interpretation

Commercial Property

City Wall Properties (Scotland) Limited v Pearl Assurance plc 2004 SC 214

- construction of rent review clause in commercial lease

Warren James (Jewellers) Limited v Overgate GP Limited [2005] CSOH 142, [2007] CSIH 14

- construction of anti-competition clause in commercial lease

Co-operative Wholesale Society Limited v Ravenseft Properties Limited and others 2002 SCLR 644, 2003 SCLR 509

- rectification of Minute of Variation of commercial lease

Douglas & Angus Estates v McAllister 2015 SC 411

- on competing titles to land

Balgray Limited v Hodgson 2016 SLT 839

- requirement for notices

Company Law

Wilson v Jaymarke Estates Limited and others 2006 SCLR 510

- shareholder remedies for unfair prejudice under section 459 of the Companies Act 1985

ELB Securities Limited v Love 2016 SC 77

- effect of restoration to register on lease interests

Gray v Braid Group Holdings Limited 2016 SLT 1003

- complex shareholder prejudice application

Shipping law

Oceaneering International AG, Petitioners [2011] 1 Lloyd's Rep 546

- arrestment of a vessel in Scotland on the basis of proceedings brought in England

Petroineos Manufacturing Limited v Clydeport Operations Limited [2017] CSOH 49

- judicial review of the legitimacy of charges imposed on shipping by Clydeport

HMA v Clydeport Operations Limited

- a long running and sensitive Health & Safety prosecution arising from the loss of a tug on the River Clyde and the death of three of its crew