



Year of Call

2020

Devil Masters

David Turner

Jamie Dawson

David Nicolson

[LinkedIn Profile](#)

Practice Profile

Charles called to the bar in 2020 as a Lord Hope Scholar.

He was previously a solicitor with a broad practice acting for both commercial and individual clients. His commercial clients included both regional and national companies in the healthcare, finance, retail and distribution sectors. He had considerable experience of litigation before the Court of Session, Sheriff Courts, Tribunals and Licensing Bodies.

His particular areas of interest include commercial, professional negligence, clinical negligence and regulatory matters. He has also acted in cases encompassing a variety of practice areas including personal injury, professional discipline, insolvency, taxation, property, public law, employment, licensing (both alcohol and civic), family, succession, and criminal matters.

Specific detail in relation to his experience as a solicitor is given under the relevant practice area heading below:

Commercial Disputes and Professional Negligence.

Charles has been instructed in a wide range of commercial disputes including contract, cross-border enforcement, economic delicts, restrictive covenant, commercial property, intellectual property and debt recovery matters.

Highlights of his commercial practice included a "dawn raid" in a Commercial Action to recover commercial property that had been removed to rural premises.

He also has experience of claims against a variety of professionals including surveyors, accountants and solicitors.

Clinical Negligence and Personal Injury

Charles' experience includes acting for both Pursuers and Defenders in medical negligence and personal injury cases valued up to 20 Million. He has acted in actions involving employers' liability, public liability, occupier's liability and road traffic claims. He has pursued novel claims based on event-

specific legislation.

Regulatory and Professional Discipline

Charles has experience in a variety of regulatory and professional discipline matters. He has acted for professionals subject to disciplinary proceedings. He has regularly advised businesses on contentious and non-contentious regulatory matters including food safety, environmental, social care regulation and data protection issues.

He is also currently an ad hoc Reporter to the Law Society of Scotland in relation to conduct complaints.

Insolvency

Charles has experience in both personal and corporate insolvencies. He acted for the Pursuer in what is believed to have been only the second ever successful reduction of an award of sequestration in Scotland. He has acted both for and against insolvency practitioners.

Taxation

Charles has advised in relation to a variety of tax matters including Capital Gains Tax, Income Tax and Corporation Tax. He has advised on the applicability of the Requirement to Correct regime. He has particular experience in advising SME clients in relation to their tax affairs.

Property

Charles has experience in a range of heritable property matters including boundary disputes, commercial leases, access rights, title disputes, and landlord/tenant disputes. He acted for the successful Pursuer in a novel application for interim suspension of an Advance Notice.

In addition to experience of litigation in the social rented sector, Charles sits on the Management Committee of a large Registered Social Landlord. He is happy to accept instructions to act for or against RSLs.

Public and Administrative Law

Charles has acted in various public law matters including judicial reviews and statutory appeals. Highlights include the judicial review of a homelessness decision on the basis of a novus actus interveniens. He has acted in Immigration matters both before the First Tier Tribunal and in Judicial Reviews.

Employment

Charles has acted in multiple Employment Tribunal claims including a claim on behalf of a vulnerable woman alleging Disability Discrimination with TUPE implications, an automatic unfair dismissal claim against a background of related criminal proceedings, a multi-discrimination claim on behalf of a pregnant ex-employee, and a disability discrimination claim on behalf of a professional woman.

He has also advised business owners on employment issues (including TUPE) arising out of business sales.

Family and Succession Law

Charles has acted in family disputes and has a particular interest in divorces involving business assets. He has acted in cross-border matrimonial proceedings including those where simultaneous pre-service diligence is required in multiple jurisdictions. He has also acted in relation to matters involving children including relocation applications. He has advised clients on contentious executries.

Crime

Charles has acted for privately funded clients in criminal proceedings in both the High Court and Sheriff Court. He has defended clients of allegations including fraud, sexual offences and drugs offences.

Misc

Charles has a niche interest in all matters related to expenses and litigation funding. He has acted for clients in relation to motions for additional fees, agent/client expenses, interim payment of expenses, etc. He has conducted complex taxations including those where an Auditor's traditional taxation practice has been challenged.

He graduated with a First Class Honours degree from the University of Dundee. He was the recipient of several academic awards including the Harold How Memorial Award "awarded annually to student(s) whose performance in their first year of the graduation course in Law is deemed by the Dean to have been the most meritorious".

Appointments

- Board of Management Member, Kingdom Housing Association Ltd
- ad hoc Complaints Reporter to the Professional Conduct Sub Committee, Law Society of Scotland

Selected Cases

- **B v P 2019 Hous. L.R. 19**
Appeared for the successful Defender. Decree reponed after almost 4 years. Statutory defences to division and sale of a family home by trustee of client's sequestrated estate.
- **AB v CD 2018 Rep. L.R. 15**
Acted for the successful pursuer in obtaining Summary Decree in personal injury action where the Defender had previously been convicted of assaulting the Pursuer

Areas of Practice

- Clinical and Professional Negligence
- Commercial
- Crime
- Employment, Discrimination and Harassment
- Family
- Personal Injury
- Property
- Public and Fatal Accident Inquiries
- Public Law
- Taxation

Publications & Seminars

Better the Devil You Know Seminar - COVID: Easing the Lockdown on Expenses Recovery - 10th June 2020