



### Year of Call

1996

### Devil Masters

Frances J McMenamin QC

Iain WF Ferguson QC

Peter A Grant-Hutchison



## Practice Profile

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Hugh is ranked in four practice areas by Legal 500.

Property, construction and agriculture leading juniors

2014 "A reliable source of clear and pragmatic advice in relation to property disputes"

2015 "A first-rate lawyer"

2016 "Experienced in property and construction disputes"

2017 "Recommended for property disputes"

Civil liberties, human rights, public inquiries, and public and administrative law - leading juniors

2015 "A first rate lawyer who combines a deep understanding of legal processes with a sharp eye"

2016 "He has an excellent grasp of practicalities and a sound understanding of legal principles"

2017 "A dexterous advocate"

Personal injury, medical negligence and professional negligence

2015 "At the top of the junior tree"

2016 "Professional, approachable and easy to deal with"

2017 "Very personable and easy to work with"

Employment

2016 "He is measured, immensely hardworking and good with clients"

2017 "Experienced across a range of employment matters"

Hugh has a broad commercial and civil practice specialising in commercial, employment and public law litigation. His commercial and employment cases have included claims arising out of the purchase of a football club, defamation of product, company disputes, disputes with directors and termination of employment, minority shareholdings, discrimination, director disqualification, commercial leases and construction disputes. In public law, as a standing junior Hugh is instructed by the UK Government, and the Scottish Government. He is also instructed by local authorities and other public bodies. He has acted for the DVLA in numerous Fatal Accident Inquiries. He has also acted in cases involving a

midwife's right of conscientious objection to abortion, roads, contempt of court, confidentiality of public health and marine accident investigations, privacy, immigration and social security.

He is a trained mediator and has acted as a mediator in disputes between a commercial cleaning company and a provider of cleaning supplies and services, between parties that had a lengthy personal and business relationship that turned sour, and a bank and a customer who had guaranteed company debts.

He has been involved in mediations in the areas of partnership, professional negligence, employment and commercial disputes. Hugh is a member of the Faculty Dispute Resolution Service.

## Education & Professional Career to Date

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Solicitor

LLB (Hons); Diploma in Legal Practice

## Appointments

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- Deputy Traffic Commissioner for Scotland (part time) (2017–present)
- Standing Junior to the Ministry of Defence (2012 –present)
- General Standing Junior to the Advocate General for Scotland (2009–2012)
- Standing Junior to the Department of Transport (2005–2009)
- Ad hoc Advocate Depute (2011 –present)
- Assistant Director of Training and Education, Faculty of Advocates (1998 –2000)
- Instructor, Faculty of Advocates Training Programme (1999 –present)
- Member of Faculty Council (1996–1998)
- Member of Dean's Council (1997–2011)
- Member, Training and Admissions Committee, Faculty of Advocates (1998–2011)
- Secretary, Advocates Human Rights Law Group (2000–2002)
- Member, Faculty of Advocates Equal Treatment Working Group (2000–2001)
- Secretary, Faculty of Advocates Personal Injury Law Group (2002–2004)
- Steering Committee Member, Faculty of Advocates Free Legal Services Unit (2003–present)
- Member, Faculty of Advocates Investigating Committee panel (2004–present)
- Member, South East Scotland Research Ethics Committee (medical research) (2004–present)

## Selected Cases

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- **University and College Union v University of Stirling [2015] UKSC 26**  
With Brian Napier QC whether when a fixed term contract of employment ended, a failure to offer the employee a new contract was a dismissal 'for a reason not related to the individual concerned' for the purposes of s.195(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
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### **Doogan and Wood v Greater Glasgow Health Board (Royal College of Midwives and British Pregnancy Service intervening) [2014] UKSC 68**

With Brian Napier QC, acted for the Health Board in a dispute about the extent of a midwife's right of conscientious objection to abortion under appeal to the UK Supreme Court.

- **Fisher v Applied Drilling Technology International Ltd [2016] CSOH 108**

A test case for 70 former oil company employees, in which an offshore engineer sought an enhanced redundancy package on the basis of an implied term arising from an alleged policy or practice since 1986.

- **Fatal Accident Inquiry into the death of Douglas Gordon**

Acted for the DVLA in 11 day FAI into the death of a bus driver.

- **Fatal Accident Inquiry into the death of James Lochrie**

Acted for the DVLA in 14 day FAI into a death caused by a bus driver losing consciousness at the wheel of a bus.

- **Fatal Accident Inquiry into the death of Elaine Dunne**

Acted for DVLA. The Crown sought to criticise the DVLA's guidance about licensing of elderly drivers.

- **Fatal Accident Inquiry into the deaths of Mhairi Convy and Laura Stewart**

Acted for the DVLA in 12 day FAI into the deaths of two students who were killed by a driver who lost consciousness at the wheel of his car.

- **Garry Stewart and others v Clive Franks & others [2013] CSOH 63**

With Jonathan Mitchell QC, acted for the executors of a multimillion pound estate in defending a challenge to the testator's mental capacity

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## **Areas of Practice**

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- Commercial
- Employment, Discrimination and Harassment
- Media Law, Privacy and Defamation
- Personal Injury
- Property
- Public and Fatal Accident Inquiries
- Public Law
- Taxation

## **Publications & Seminars**

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Advocacy skills training for Northern Irish Bar Council: newly called barristers course (November 2010, January 2011, February 2011); instructor training course (April 2011); and advanced advocacy course (August 2012 & March 2013)

Advocacy skills training for solicitors

Arnot Manderson Advocacy Skills Workshop in association with SYLA (November 2011, 2012 & 2013)

## Directories

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Recommended in The Legal 500 in 2014, 2015, 2016 & 2017

## Additional Information

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Faculty of Advocates Instructor in Advocacy Skills Training (1999-present)

NITA certificates in teaching advocacy skills: Harvard (2000), Boulder (2003)

CORE-accredited mediator (2002)

Member of Faculty Dispute Resolution Service