



### Year of Call

2013

### Devil Masters

Chris Marney  
Niall McCluskey  
Kate Dowdalls

## Practice Profile

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Gavin was appointed a Full Time Advocate Depute in May 2022.

Prior to receiving his Commission from the Lord Advocate, Gavin had a busy civil practice spanning various legal disciplines, including commercial litigation, public, family and equality law.

He is regularly instructed to appear in the Inner and Outer Houses of the Court of Session, sheriff courts and tribunals throughout Scotland.

He is hard-working, well-prepared and an eloquent pleader.

## Education & Professional Career to Date

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LL.B (Hons) University of Strathclyde 2002 - 2006

## Appointments

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- FLSU (2020–present)
- Devils' instructor (2018–present)
- Board Of Assessors (2016–present)
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## Selected Cases

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- **HIGH COURT OF JUSTICIARY**

- **Her Majesty's Advocate v Scott Reid, July 2022**

Road Traffic Act 1988; Secs: 1A; 5; 170; assault; Domestic Abuse (Scotland) Act 2018

- **COURT OF SESSION**

- **Mr H v Mrs W, [2021] CSOH 97, 2021 Fam L.R. 142**

Relocation of Sudanese Refugee children; appeared for children's mother (Defender); Children (Scotland) Act 1995 (as amended); children's best interests; Whether grant of refugee status a protection against forced removal; order for relocation sought refused.

- **James Stephen & Another v Dorothy Thompson Melville & Alistair Melville, [2020] CSOH 10**

Action for payment; junior appearing alone opposite senior and junior counsel; Pursuers (Trustees in Sequestration) reliant on ex facie probative document of loan; defence of forgery made out; decree of absolvitor pronounced after proof.

- **Aberdeen City Council v KD & AA, XA51/17**

Extra Division of the Inner House - Appearing as junior alone - successful appeal against decision of the Sheriff Appeal Court - Permanence orders - Authority to adopt - Article 8 of ECHR - Remittal to the Sheriff Appeal Court to proceed as accords - Quoad ultra the Sheriff Appeal Court allowed the appeal. Opinion available on request.

- **Louise Philp v (1) Eileen Blackburn and (2) City of Edinburgh Council, A209/18**

Reduction /suspension of Summary Warrants for Rates; interim interdict; reduction of decree of Sequestration pronounced.

- **Gordon Barr v (1) Deborah De Kock or Barr (2) DR & MR, Spouses and (3) The Keeper of the Registers of Scotland, A195/18**

Reduction of a disposition awarded on the basis of incapacity; manifest inaccuracies on title sheet; interim interdict.

- **William Graham -v- Audrey Furby & Another, June 2017**

Junior; acted for Trustee in Sequestration defending action for reduction of a disposition on grounds of incapacity and unilateral essential error; decree granted in favour of Trustee in Sequestration (23rd June 2017). Led by Professor D. R. Parratt, Q.C.

- **RF, Petitioner, 2017**

Prisoners' rights; inmate serving Order for Lifelong restriction; transfer to open estate blocked despite Petitioner meeting criteria and overcoming presumption against progression; arbitrary detention and Article 5 ECHR in issue.

- **Farukh Khan v Parole Board for Scotland, 2016**

Prisoners' rights; UK Borders Act 2007; deportation to Pakistan sought; Pakistani High Commissioner refusing early repatriation given nature of offence (rape of wife); Irrational refusal to hold oral hearing in issue.

- **Brian Hands v the Scottish Ministers, [2016] CSOH 9**

Prisoners' rights; Prison Rules etc. 2011 and common law requirements of fairness; procedure; Petition refused.

- **Dmitris Stalasz v Scottish Ministers, 2016**

Challenge to apprehended policy of refusing foreign national prisoners access to Open Estate at H.M. Prison, Castle Huntly; Sentencing judge having noted Petitioner unlikely to pose future risk.

- **David Thompson v Parole Board for Scotland, 2015**

Reduction of decision to refuse parole sought; breakdown of fair procedure etc. in issue; decision complained of withdrawn.

- **MK v Secretary of State for the Home Department, [2015] CSOH 13**

Proactive Labour Party activist sought to be removed by Respondent; Article 8 right to respect for private life; anxious scrutiny and societal value; media bias; good arguable case based on Cart

and MS (India). Petition refused.

- **SHERIFF COURT & TRIBUNALS**

- **South Lanarkshire Council, Petitioner, HAM-AD7-21**

Appeared on behalf of Second Respondent (father); permanence order sought; threshold standard and minimal intervention principle in issue; application refused after proof.

- **MM v BM, Liv-A142-19, Livingston Sheriff Court, 31st December 2021**

Action for payment; presumption against donation and gifts given ex pietate in issue; credibility and reliability of witnesses; decree pronounced in Pursuer's favour.

- **Muhammed Aqeel Alam & Another on behalf of ICU (Europe) Limited v Saquib Ibrahim & Others. [2020] SAC (Civ) 20**

Commerce; derivative action; cross appeal; mora, taciturnity and acquiescence in issue; conditions for review of prior interlocutors by the Sheriff Appeal Court; considered; cross appeal refused.

- **Application by Locality Reporter Manager, Scottish Children's Reporter Administration, for the Sheriff Court at Livingston in respect of the children: CC, FC and LC, [2019] SC Liv 60**

Children's referral proceedings; Fabricated and Induced Illness in issue; deliberate overdoses of insulin given to client; Schedule 1 offending.

- **Mansoor Abdullah Sied v Secretary of State for the Home Department**

Acted for the Appellant before the Upper Tribunal; appeal allowed; documentary evidence received but ignored by First Tier Tribunal; corresponding failure of anxious scrutiny.

- **Secretary of State for the Home Department v RKU**

Upper Tribunal appeal by the Home Secretary following Pakistani national's success at first instance; acted for Respondent; Article 8; personal integrity; proportionality of removal of elderly dementia patient cared for by family in the UK; lack of suitable care facilities in Pakistan; appeal refused.

- **Mohammed Mobinuddin v Secretary of State for the Home Department**

Acted for Pakistani national in an appeal before the Upper Tribunal; interplay between Immigration Rules and length of residency/knowledge of the English language in issue; appeal allowed.

- **FACULTY OF ADVOCATES' FREE LEGAL SERVICE UNIT**

- **Newarthill Library, 2017**

## Areas of Practice

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- Commercial
- Family
- Public Law