

Michael Geoffrey Johnson Upton

Personal information

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Clerking information

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EDUCATION

School

Glencorse Primary School, Glencorse, Midlothian, 1969-1972.

George Heriot's School, Edinburgh, 1972-1982.

University

Oxford University; St. Edmund Hall, 1982-1985;

B.A. (Hons.) (2/1), Philosophy & Politics, 1985.

Edinburgh University, 1986-1989;

LL.B., magna cum laude, 1988;

Dip.L.P., 1989.

European University Institute, Florence, 1994-1995;

LL.M., European Law, 1996.

Master's thesis: 'Private Enforcement of E.C. Competition Law'.

PRACTICE

Apprenticeship

Boyd Jameson, W.S., Solicitors, Edinburgh; 1989-1990.

Pupillage

Pupil & Lord Reid Scholar, Faculty of Advocates; 1990-1991.

Devilmasters: H.W. Currie, Q.C.; N.D Murray, Q.C.

Qualification

Admitted to the Faculty of Advocates, 12th July 1991.

Post-qualification

Practising member of the Faculty of Advocates since 1991.

APPOINTMENTS

Tutor, Constitutional & Administrative Law, Dept. of Public Law, Edinburgh University, 1989-1995.

Tutor, Commercial Law, Dept. of Private Law, Edinburgh University, 1990-1993.

Tutor, Property Law, Dept. of Private Law, Edinburgh University, 1991-1994.

Clerk, Law Reform & Legislation Committee, Faculty of Advocates, 1991-1994;
Committee member, 1994-1999.

Examiner for the annual Civil Rights of Audience Examinations for solicitors seeking to qualify as Solicitor-Advocates, Law Society of Scotland 2018-

PUBLICATIONS

The War Crimes Act 1991 (with Mark Poustie) in “Justice & Crime”, ed. R.F. Hunter, 1993.

Marriage Vows of the Elephant: the Constitution of 1707, (1989) 105 L.Q.R. 70.

The Diploma in Legal Practice: a critical review (with Peter McCormack) (1989) 34 J.L.S. 290.

Alternative Dispute Resolution in Perspective, 1993 S.L.T. (News) 75.

A Constitution for the European Union, in “A Proposal for a European Constitution”, The European Constitutional Group, London, 1993.

European Harmonisation of Court Procedure, (1995) 40 J.L.S 153.

European Unfair Contract Terms Law, 1995 S.L.T. (News) 295.

The Crown Seals, Stair Memorial Encyclopaedia, vol.7 (1995), pp.489-615.

The Cullen Review: Reform of Procedure in the Court of Session, (1996) 41 J.L.S. 111.

Crown Liability in Damages in Community Law, 1996 S.L.T. (News) 175 & 211.

The Platitute of Parliament Square, 1997 S.L.T. (News) 273.

Who would be a Scottish taxpayer?, Scottish Legal News, 2nd April 2013

SOCIETIES

Fellow, Society of Antiquaries of Scotland.

LANGUAGES

Conversational German.

DECIDED CASES

Agriculture

E. P. Brand (Farmers) Ltd. v. A. M. McEwan; Peacock v. same; **2015**, Arbroath Sheriff Court: Commercial contracts; Seed potatoes; Glyphosate contamination; Sale; Proof of contract.

Crewpace Ltd. v. French [2011] C.S.O.H. 133, Outer House, Court of Session: Agriculture; Tenancy; Joint landlords; Right of joint landlord to prevent resumption by other landlord; Unjustified enrichment.

Sinclair v. Scottish Ministers, 2 February 2011, Scottish Land Court: Agriculture; E.U. subsidies; Whether error in I.A.C.S. form excusable under dispensing power in E.U. regulations.

Loudon v. Hamilton, 2010 S.L.T. 984, Inner House, Court of Session: Agriculture: Whether land subject to secure agricultural lease or limited grazing lease.

Stephen v. Scottish Ministers, 2008 S.L.C.R. 107, Scottish Land Court: Agriculture; E.U. subsidies; N.F.U.-backed appeal; Notification requirements for Suckler-Cow Premium.

Walleys Marts Castle Douglas Ltd. v. Scottish Ministers, 2004, Kirkcudbright Sheriff Court: Agriculture; Test case; Measure of payments for livestock valuers during the 2001 outbreak of foot-&-mouth disease.

Ali v. Khosla, 2001 S.C.L.R. 1072, Inner House, Court of Session: Agriculture; Whether consensus to conclude an agricultural tenancy.

Knapdale (Nominees) Ltd. v. Donald, 2001 S.L.T. 617, Outer House, Court of Session: Agriculture; Agricultural holdings; Partnership property; Renunciation of lease.

Morris v. Sutherland, 10 August 2000, Selkirk Sheriff Court: Lease of livestock; Unjustified enrichment; Measure of compensation.

Procurator Fiscal, Selkirk v. Sutherland, 1998 S.C.C.R. 474, Selkirk Sheriff Court & Criminal Appeal Court: Agriculture; Criminal prosecution; Animal products; Food safety; Statutory instruments.

Clubs & associations

Morrison v. Showman's Guild of Great Britain, 19 August 1992, Inner House, Court of Session: Judicial review; Unincorporated association; Disciplinary proceedings; Ultra-vires rule; Exhaustion of alternative remedies.

Commercial law

Arbitration

Sim Group Ltd. v. Jack, 2002 S.L.T. 847, Commercial Court, Court of Session; Arbitration; Arbitrator; Awards; Building contract; Jurisdiction.

Hanover (Scotland) Housing Association Ltd. v. Sandford, 2002 S.C.L.R. 144, Outer House, Court of Session: Judicial review; Arbitration; Sheltered housing .

Building contracts

Muirheads v. David Wilson Homes, 28 January 2015, Paisley Sheriff Court: Building contract; Structural adequacy; Engineering evidence; Quantification; Quantity-surveying evidence.

Robertson Construction Co. (Denny) Ltd. v. Bone Steel Ltd., 29 October 2003, Commercial Court, Court of Session: Building contract; incorporation of standard terms.

Blyth & Blyth Ltd. v. Carillion Construction Ltd., 2002 S.L.T. 961, Outer House, Court of Session: Building contract; Damages; Novation; Engineer assuming employer's liabilities; Claim for pre-novation breaches; Contractual construction.

Cumming v. Mayen Holdings Ltd., 11 November 1999, Perth Sheriff Court: Building contract; Payment; Whether works disconform to contract.

Commercial contracts

Hamilton Tarmac v. Carney Contracts Ltd., 14 November 2012, Kilmarnock Sheriff Court: Contracts; Retention; Whether retention based on mutuality or security; Summary decree.

Blacha v. Bank of Scotland, [2008] C.S.O.H. 173, Outer House, Court of Session: Banking; Construction of loan instrument.

Delphis Group Ltd. v. J. B. Ventures Ltd., 5 December 2007, Sheriff Principal, Glasgow & Strathkelvin: Intellectual property; Software; Alleged breach of contract; Damages.

Taylor v. Fraser, 20 June 2007, Elgin Sheriff Court: Partnership; Dissolution; Grounds for dissolution; Partner convicted of the murder of his wife.

Companies

Maguire v. 5 PM Ltd., 31 July 2014, Commercial Court, Glasgow Sheriff Court: Shares; Valuation; Valuer; Material departure from instructions; Valuer seeking to have final report treated as draft; Rescission.

York Place (381) Ltd. v. Murray, 20 June 2011, Commercial Court, Glasgow Sheriff Court: Sale of shares; Breach of warranties; Measure of damages.

Downie v. DS Beteiligungs G.m.b.H. [2010] C.S.O.H. 167, Outer House, Court of Session: Company; Sale of shares; Interim order to enforce share-purchase agreement.

Thomson Pettie Tube Products Ltd. v. Hogg, 2000 G.W.D. 27-1036, Commercial Court, Court of Session: Company; Sale of shares; Warranties; Construction.

Conti v. Ueberseebank A.G., 1999 S.L.T. 580; on appeal, sub nom. Conti v. AIP Private Bank Ltd., 2000 S.C. 24, Inner House, Court of Session: Companies; Registers; Striking off; Restoration.

L.A.W. Construction Co. Ltd. v. L.A.W. Holdings Ltd., 25 August 1997, Commercial Court, Court of Session: Companies; Pension scheme for corporate group; Construction of deed of trust; Potential amendment of deed; Interim interdict.

Consumer contracts

Powell v. Lloyds Bowmaker Ltd., 1996 S.L.T. (Sh. Ct.) 117, Edinburgh Sheriff Court: Supply of goods; Hire purchase; Agency; Consumer credit.

Damages

Jamieson v. British Gas, 13 November 1992, Outer House, Court of Session: Damages; Explosion destroying commercial premises; Whether caused by ignition of gas; Gas Safety Regulations.

Insolvency

Britannia Building Society v. Gray, Sheriff Principal, Lothian & Borders, and Edinburgh Sheriff Court, 20 November 2012 (Sheriff Principal) and 22 November 2012 (Sheriff): Sequestration; Concurrent applications; Priority; Grounds for opposing award.

Cruickshank v. Gordon & Innes, [2007] C.S.O.H. 113, Outer House, Court of Session: Ranking; Insolvent agricultural-produce agents; whether funds held in trust for farmers.

McMahon's Tr. v. McMahon, 1997 S.L.T. 1090, Inner House, Court of Session: Sequestration; Family home; Trustee's power of sale; Power of court to impose conditions.

First Tokyo Index Trust Ltd. v. Morgan Stanley Trust Co. 30 September 1993, Outer House, Court of Session (reported as First Tokyo Index Trust Ltd. v. Gould [1996] B.P.I.R. 406): Investment trust controlled by Robert Maxwell; Liquidator's recovery of information under statutory powers; Leave to disclose information to third party.

Insurance

Gammie v. Abbey Legal Protection, 14 December 2011, Banff Sheriff Court: Insurance; Obligations of coverholder under contract to administer policy; Whether liable to insured.

Green Island Organics Ltd. v. Q.B.E. Insurance (Europe) Ltd. 2011 C.S.O.H. 15, Commercial Court, Court of Session: Insurance: Aquaculture; First litigated claim in Britain for loss of salmon through sea lice.

Ward v. Norwich Union Insurance Ltd. [2009] C.S.O.H. 27, Outer House, Court of Session: Insurance; Fatal harbour accident; relevance of deceased's conduct to life-insurer's liability.

Cuthbertson v. Friends Provident Life Office, 2006 S.L.T. 567, Outer House, Court of Session: Insurance; Income protection insurance; Alleged non-disclosure; Multiple sclerosis.

Aitken v. Financial Services Compensation Scheme Ltd., 2003 S.L.T. 878, Outer House, Court of Session: Insurance; Compulsory insurance; Employers liability; Expenses.

Partnership

Henderson Loggie v. Middlebrook, 13 January 2015; Commercial Court, Court of Session: Partnership; Breach of contract; Partner establishing competing business; Interim interdict.

Buchanan v. Nolan, [2012] C.S.O.H. 132, Commercial Court, Court of Session: Partnership assets; Count, reckoning & payment; Construction of partnership deed.

Rights in security

Thomson v. Royal Bank of Scotland, 22 May 2002 & 28 October 2003, Commercial Court, Court of Session: Rights in security; Whether wife unduly influenced by husband; Relevance to secured lenders' rights.

Clydesdale Bank v. Black, 2002 S.C. 555, Inner House, Court of Session: Rights in security; Creditor's powers and duties; Enforcement; Knowledge; Undue influence.

Royal Bank of Scotland v. Clark, 2000 S.L.T. (Sh. Ct.) 101, Dumfries Sheriff Court: Rights in security; Husband & wife; Alleged misrepresentation by husband to wife; Relevance to secured lender's rights.

Unjustified enrichment

Chartered Brands Ltd. v. Elmwood Design Ltd., 15 May 2009, Edinburgh Sheriff Court; Unjustified enrichment; Claim for recompense for preparatory work for abortive joint enterprise.

Fife Scottish Omnibuses Ltd. v. Tay Road Bridge Joint Board, 1997 G.W.D. 23-1180, Outer House & Inner House, Court of Session: Judicial review; Unjustified enrichment; Road traffic; Toll bridge; Overpayment of tolls; Statutory interpretation; Equitable defences.

Employment

Malcolm v. Dundee City Council, 31 May 2013, Employment Tribunal; 5 September 2014, Employment Appeal Tribunal; 12 January 2015, Employment Tribunal: Sex discrimination; Compensation; Injury to feelings; Psychiatric injury; Loss of earnings; Loss of pension rights; Thaine apportionment; Reasons.

McCormack v. Hamilton Academical Football Club Ltd., [2010] C.S.O.H. 124, Outer House, Court of Session; [2011] C.S.I.H. 68, Inner House, Court of Session: Football manager; Wrongful dismissal; Alleged gross misconduct.

Maxwell v. Greenock Morton Football Club, [2007] C.S.O.H. 207, Outer House & Inner House, Court of Session: Football coach's claim for payment following club's insolvency.

Hughes v. State Hospitals Board for Scotland, 8 February 2007, Employment Appeal Tribunal; Unfair dismissal ; Fairness.

First Scotrail Ltd. v. Griffen 7 March 2006, Employment Appeal Tribunal: Disciplinary procedures; Employment tribunals; Investigations; Misconduct; Unfair dismissal .

Kirik v. Oktay Ltd., 20 November 2002, Employment Appeal Tribunal: Dismissal; Reasonableness; Re-organisation; Unfair dismissal .

Mitchell v. Strathclyde Fire Brigade, 23 April 2002, Outer House, Court of Session: Judicial review; Pension; Medical retirement.

International Computers Ltd. v. Eccleson, 31 August 2000, Outer House, Court of Session: Restrictive Covenant; Interdict

Secretary of State for Social Security v. M, 1999 S.C. 235, Inner House, Court of Session: Pensions; Medical pension for military service; Serviceman contracting H.I.V. infection; Right to pension.

Munro v. Raith Rovers, 1998, Kirkcaldy Sheriff Court: Football manager; Wrongful dismissal; Damages.

Hay v. George Hanson (Building Contractors) Ltd. [1996] I.R.L.R. 427, Employment Appeal Tribunal: Transfer of undertakings ; Unfair dismissal.

Personal injuries

Gray v. Westlake-Tritton, 11 October 2012, Aberdeen Sheriff Court: Provisional damages; Uninsured driver; Whether action for provisional damages competent.

Countess of Lindsay v. Fife Scottish Omnibuses Ltd., 30 May 2002, Outer House, Court of Session: Personal injuries; Road-traffic accident to horse-drawn carriage; Psychological injury to horses.

Rawlinson v. Initial Property Maintenance Ltd., 1998 S.L.T. (Sh. Ct.) 54, Glasgow Sheriff Court: Personal injuries; Procedure; Expert evidence; Medical examinations; Personal injury.

Mitchell v. Laing, 1998 S.C. 342, Inner House, Court of Session; Personal injuries; Recovery of benefits.

Percy v. Glenburnie Securities Services Ltd., 1993 S.L.T. (Sh. Ct.) 78, Glasgow Sheriff Court: Personal injuries; Time limit; Equitable discretion.

Professional negligence & discipline

Wylie v. Jeffrey Aitken, 12 December 2002, Outer House, Court of Session: Damages; Professional negligence; Solicitors; Commercial conveyancing; Licensed premises.

Ross Harper & Murphy v. Banks 2000 S.C. 500, Commercial Court, Court of Session: Partnership; Partner's liabilities; Professional negligence; Solicitors; Standard of care .

Quantum Claims Compensation Specialists Ltd. v. Powell, 1998 S.C. 316, Inner House, Court of Session: Contract; Allegedly unlawful contract; Legal services.

Property

Conveyancing

Scotia Homes (South) Ltd. v. McLean, 11 January 2012 (Sheriff) and 30 November 2012 (Sheriff Principal), Kirkcaldy Sheriff Court & Sheriff Principal, Tayside, Central & Fife: Residential conveyancing; Description of subjects; Use of extrinsic evidence; Whether contract void from uncertainty.

Mitchell v. Caversham Management Ltd., [2009] C.S.O.H. 26, Outer House, Court of Session: Commercial conveyancing; Informal agreement for sale of land; Whether made binding by conduct.

Henderson v. Marasa, 1 December 2005, Sheriff Principal, Glasgow & Strathkelvin: Commercial conveyancing; Warranty; Damages; Contractual time limit.

Smith v. Lindsay & Kirk (No.1), 2000 S.C. 200, Inner House, Court of Session; Smith v. Lindsay & Kirk (No.2) 2002 S.L.T. 335, Outer House, Court of Session: Conveyancing; Contractual time limits ; (No.2) Professional negligence; Reparation; Solicitors .

Palmer v. Forsyth, 1999 S.L.T. (Sh. Ct.) 93, Perth Sheriff Court: Conveyancing; Implied terms; Whether implied obligation of reasonableness.

Landlord & tenant

Cole v. Lonie, 2001 S.C. 610, Inner House, Court of Session: Landlord & tenant; Commercial conveyancing; Landlord's obligations; Time limits .

Esson Properties Ltd. v. Dresser U.K. Ltd., 1997 S.C. 304, Commercial Court, Court of Session; Landlord & tenant; Commercial property; Break option; Calculation of time limit for exercise of option.

Land-ownership

Campbell-Gray v. Keeper of the Registers, 28 January 2015, Lands Tribunal for Scotland: Land-ownership; Rectification of boundaries on Land Register; Interpretation of titles; Status of plans; Possession as explanatory of titles.

Burton v. Keeper of the Registers, 30 January 2014, Lands Tribunal for Scotland: Land-ownership; Rectification of boundaries on Land Register; Possession; Competing possessory acts.

Welsh v. Keeper of the Registers, 22 April 2010, Lands Tribunal for Scotland: Land-ownership; Rectification of boundaries on Land Register in the light of historic maps and aerial photography.

Harbinson v. MacTaggart, 2006 S.L.T. (Lands Tr.) 42; on appeal, sub nom. Allen v. MacTaggart, 2007 S.C. 482, Lands Tribunal for Scotland & Inner House, Court of Session: Land-ownership; Criteria for the existence of historic tenancies-at-will.

Jones v. Wood, 2005 S.L.T. 655, Inner House, Court of Session: Land-ownership; Disposition of property; Rectification of deed.

Dimitrijevic v. Classical House, 2003, Lands Tribunal for Scotland: Land-ownership; Title conditions; Discharge.

Mason's Exrs. v. Smith, 2002 S.L.T. 1169, Outer House, Court of Session; Land-ownership; Right to complete title to land; Negative prescription.

Hamilton v. Mundell, 2002 Dumfries Sheriff Court: Land-ownership; Roads; Stopping-up order; rights of land-owner to solum; Prescriptive acquisition of adverse rights.

Bowers v. Kennedy, 2000 S.C. 555, Inner House, Court of Session: Land-ownership; Rights of way; Extinction; Prescription.

Rafique v. Amin, 1997 S.L.T. 1385, Inner House, Court of Session: Land-ownership; Tenements; Common property; Common interest.

Public law

Constitutional law

Lord Gray's Motion [2002] 1 A.C. 124; 2000 S.C. (H.L.) 46, Committee for Privileges, House of Lords: Constitutional law; Request by the House of Lords for advice from the Committee for Privileges on the constitutional position of the Scots hereditary peerage under the Treaty & Acts of Union.

Monckton v. Lord Advocate, 1995 S.L.T. 1201, Outer House, Court of Session: Constitutional law; E.U.; Crown payments to E.U. for costs of Agreement on Social Policy; Whether made with Parliamentary authority.

Education

King v. East Ayrshire Council, 6 March 1997, Outer House, Court of Session: Judicial review; Education: School closure; Procedural requirements; Statutory interpretation & discretion.

Regan v. City of Dundee Council, 1997 S.L.T. 139, Outer House, Court of Session: Judicial review; Education; School closures; Consultation.

Firearms

Gillan v. Police Scotland, 23 August 2013, Lanark Sheriff Court; Firearms licence; Revocation; Appeal; Fitness & public safety.

Housing

South Lanarkshire Council v. McKenna (No.1), 2010 Hous. L.R. 36; South Lanarkshire Council v. McKenna (No.2), 2010 Hous. L.R. 82; [2012] C.S.I.H 78; 2014 S.L.T. (Sh. Ct.) 51, Glasgow Sheriff Court; Inner House, Court of Session; Sheriff Principal of Glasgow & Strathkelvin: Housing; Eviction; Human rights; Whether provisions of Housing (Scotland) Act 2001 compatible with tenant's Convention rights.

Grampian Housing Association v. Emslie, February 2010, Sheriff Principal, Grampian, Highland & Islands: Procedure; Housing; Eviction; Appeal against default judgment.

Morgan v. Stirling Council, 2006 S.L.T. 962, Outer House, Court of Session: Judicial review; Housing; Homelessness; Priority needs; Vulnerable adults.

Stirling Council v. Neil, 2006 S.L.T. (Sh. Ct.) 51, Stirling Sheriff Court: Housing ; Eviction; Procedure.

Graham v. Northern Joint Police Board, 2000 S.L.T. (Land Ct.) 7; Scottish Land Court: Housing; Right to buy; Police housing; Waiver.

Glancy v. City of Edinburgh Council, 27 May 1994, Outer House, Court of Session: Judicial review; Housing; Allocation of tenancies; Delay in seeking judicial review.

Planning

Rascarrel Bay, Kirkcudbrightshire, Holiday Chalets: Public Local Inquiry 2009; for private developer.

Whiting Bay, Isle of Arran, Wastewater Treatment Works Compulsory Purchase Order Public Local Inquiry 2009; for Scottish Water.

Dunoon Wastewater Treatment Works: Public Local Inquiry 2007; for Scottish Water.

Thurso Retail Superstores: Public Local Inquiry 2007; for the planning authority.

Edgar Road Property Co. v. Moray Council, 29 May 2007, Outer House, Court of Session: Judicial review; Planning; Retail park; Variation of conditions; Third-party challenge.

Gairloch, Argyllshire, Wastewater Treatment Works: Public Local Inquiry 2006; for Scottish Water

Wester Lairgs Quarry, Strathnairn, Inverness-shire: Public Local Inquiry 2002; for the planning authority.

Altens/Peterseat, Aberdeen; Industrial developments: Public Local Inquiry, 2000; for the planning authority.

W.W.F. U.K. Ltd. v. Secretary of State for Scotland, [1999] 1 C.M.L.R. 1021, Outer House, Court of Session: Judicial review; Planning; Environment; Conservation areas; Habitats; E.U. law; Cairngorm Funicular Railway.

Edinburgh City Council v. Secretary of State for Scotland, 1998 S.C. (H.L.) 33, House of Lords: Planning; Development plans; Listed buildings; Planning permission.

Panmurefield Wastewater Treatment Works, Dundee: Public Local Inquiry 1996; for the sewerage authority.

Taxation

Spring Salmon & Seafood Ltd. v. H.M.R.C., 11 September 2014, First-Tier Tax Tribunal: Income Tax; P.A.Y.E.; National Insurance; Directors' remuneration; Time bar; Taxpayer's conduct; Effect of agreements and undertakings by H.M.R.C.

Spring Salmon & Seafood Ltd. v. H.M.R.C., 29 October 2014, Upper Tribunal: Corporation Tax; Loss relief; Effect of closure notice for one tax year on claim for another year; Definition of 'tax return'.

Transport

David Runciman & Sons v. Scottish Borders Council, 2003 S.L.T. 1405, Outer House, Court of Session: Judicial review; Transport; Roads; Definition of boundary of road.

Close Asset Finance Ltd. v. Secretary of State for Transport, 28 February 2003, Transport Tribunal: Transport; H.G.V. operators' licence; Revocation; Appeal.

McDonald v. D.V.L.A., 16 January 2003, Inner House, Court of Session: Transport; Excise; Vehicle Excise Duty; Seizure of vehicles.

Elmford Ltd. v. Glasgow City Council, 2001 S.C. 267, Outer House, Court of Session: Judicial review; Transport; Roads; Access; Ransom strip;

Robbie the Pict v. Miller Civil Engineering Ltd., 1999 S.C.L.R. 749, Outer House, Court of Session: Transport; Roads; Toll bridge; Authority of agent to collect tolls; Interdict.

Hingston v. McGugan, 1997 S.C.C.R. 625, Dingwall Sheriff Court; Transport; Criminal law; Road traffic; Toll bridge; Offences.

Broughty Ferry Level-Crossing Private Legislation Procedure: Parliamentary Commissioners' Inquiry, 1993

Tayside Regional Council v. British Railways Board, The Times, December 30, 1993, Outer House, Court of Session: Transport; Railways; Level crossing; Closure; Order for performance of statutory duty to re-open the crossing.

Procedure

Tor na Coille Hotel Ltd. v. Instant Catering Maintenance Ltd.; Anderson v. same, 10 March 2015, Inner House, Court of Session: Remit from Sheriff to Court of Session; Grounds for and against remit.

Donnelly v. Royal Bank of Scotland, 4 February 2015, Commercial Court, Glasgow Sheriff Court: Remit from Sheriff to Court of Session; Grounds for and against remit.

Aviva Insurance Ltd. v. West Lothian Insurance Services, [2015] C.S.O.H. 1, Commercial Court, Court of Session: Summary decree; Principal & agent; Insurance broker; Accounting.

McKenna v. South Lanarkshire Council, 25 June 2014, Outer House, Court of Session: Judicial review; Leave to appeal; Review of Sheriff Principal's decision to refuse leave.

Graham v. Tristar Oilfield Services Ltd., 23 May & 4 June 2013, Outer House, Court of Session; Expenses; Correction of interlocutor; Abandonment; Consequences in expenses; Leave to appeal.

Fleming v. Hastie, 19 November 2012 & 22 May 2013, Outer House, Court of Session: Expenses; Final award before action concluded; Competency; Abandonment; Court's discretion anent expenses on abandonment.

J. & E. Shepherd v. Letley, 28 June 2012, Sheriff Principal, Tayside, Central & Fife: Interim interdict; Proceedings for breach; Relevancy. 14 April 2014, Dundee Sheriff Court: Interim interdict; Breach; Canvassing & solicitation of former customers: 10 December 2014, Sheriff Principal, Tayside, Central & Fife: Finding of breach of interdict; Appeal to Sheriff Principal; Competency.

Malcolm v. Dundee City Council, [2012] C.S.I.H. 13, Inner House, Court of Session: Employment; Unfair dismissal; Whether just & equitable for claim to proceed out of time; Leave to appeal; 9 August 2013; Employment Tribunal: Reconsideration of judgment; Grounds.

Battenberg v. Dunfallandy House, 2010 S.C. 507, Inner House, Court of Session: Procedure; appeal against default judgment; nature of appeal court's discretion.

McCormack v. Hamilton Academical Football Club Ltd., [2008] C.S.I.H. 164, Inner House, Court of Session: Arrestment; Definition of insolvency for purposes of interim protective measures.

Breitenbücher v. Wittke [2009] C.S.O.H. 87, Outer House, Court of Session: Procedure; Regulation of interim expenses pending resolution of issue of abuse of process.

Bennett v. Scottish Down's Syndrome Association, [2005] C.S.I.H. 44, Inner House, Court of Session: Procedure; Decree by default; Appeal.

Allseas U.K. Ltd. v. Greenpeace Ltd., 2001 S.C. 844, Outer House, Court of Session: Procedure; Interdict; General apprehension of civil disobedience affecting offshore drilling.

Modern Housing Ltd. v. Love, 1998 S.L.T. 1188, Outer House, Court of Session: Procedure; Interim protective measures; Inhibition; Formal requirements; Validity.

Lord Advocate v. Russo, 4 April 1996, Inner House, Court of Session: Procedure; Withdrawal of representation; defender's omission to intimate timeously whether maintaining defence.

Mullen v. Moweta, 7 November 1995, Inner House, Court of Session: Procedure; Appeal against decree by default; Reasonableness of explanation for default.

Succession

Moir v. Moir, 2013 C.S.O.H. 177, Outer House, Court of Session: Will; Interpretation; Commercial maritime salmon-fishing rights; Liferent.

THEMIS ADOVCATES

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