

Catherine MacColl

Personal information

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Clerking information

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General Information

University of Cambridge – BA (Hons)
University of Edinburgh – LLB; DipLP; MSc

Practice

Catherine practices in a number of areas of civil law, focusing on property related and contractual disputes. She also has considerable experience in cases arising from sequestration, advising both trustees and other interested parties.

She has applied the principles of contractual interpretation and unjustified enrichment in a number of disputes arising from arrangements amongst families and cohabittees.

Much of her work is in advising landlords and tenants, landowners and purchasers, neighbours and local authorities in relation to a wide range of disputes involving property, leases and conveyancing. She also often acts for lenders seeking to enforce standard securities. Her experience of professional negligence work has to date related mainly to conveyancers.

She has experience in professional regulation in areas of nursing, insolvency practice and law. She is a CEDR accredited mediator and has degrees in philosophy as well as law.

CASES

1 Commercial Law Cases

Cases relating to property and conveyancing have involved nuisance, landlord and tenant disputes and division and sale. Other topics covered in litigation include enforcement of standard securities, interpretation of contract, frustration of contract, loan and gift, agency, restrictive covenants, unjustified enrichment.

- Acting for a number of former partners in a series of disputes concerning the duties of partners to each other.

- Acting for client pursuing action against their solicitor for failure to document a lease agreement before the other party lost interest.
- Acting for a family member of a sequestrated debtor in challenging the remedies sought by a creditor seeking to found upon a gratuitous alienation.
- Acting in a dispute concerning the interpretation of a contract for the supply of fish to a fish farm in circumstances where the government had imposed a control zone and ordered a slaughter of stock.
- Acting for the defender in a dispute about the reasons for the failure of a flat roof.
- Acting for a trustee in sequestration in an appeal to the sheriff principal on the existence or otherwise of a trust over property in the debtor's estate.
- Acting for a cohabitee challenging the right of her former partner in result to the principles of unjustified enrichment where a s28 claim could have been raised.

2 Other Areas

- Professional Regulation - appeared at procedural and evidential hearings in the disciplinary tribunal of an insolvency practitioner; several registration appeals for the NMC
- Succession - acting for family members seeking to establish that their mother's final will had been made when she lacked capacity to do so.
- Employment Tribunal concerning unfair dismissal on the grounds of race discrimination and whistleblowing

THEMIS ADOVCATES

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