Compass Chambers

David Sheldon KC



Year called:	1998
Year of silk:	2013
Email:	david.sheldon@compasschambers.com
Qualifications:	Associate Dean, Edinburgh Law School (1994 – 1997) Advocate (1998) Standing Junior to the Scottish Government (2002 - 2013) Queens Counsel (2013)

The LEGAL 500 UNITED KINGDOM LEADING INDIVIDUAL 2019

Practice

David is highly experienced in a wide range of civil and criminal litigation and opinion work. He has appeared in the Supreme Court, as well as the Court of Session, Sheriff Court, Lands Tribunal, Employment Tribunal, and Mental Health Tribunal. He is ranked in the Legal 500 as a leading silk in Property, Construction and Agriculture.

His principal fields of practice include:-

• Reparation (personal injury including clinical negligence, property damage, professional negligence, and nuisance including statutory nuisance and environmental damage)
• Property and Construction Law
• Contract and Commercial disputes
• Public and Administrative Law including Human Rights
• Planning Law and PLIs
• Fatal Accident and Public Inquiries

He also has experience in immigration and extradition cases, mental health, child and family law, and employment law.

As Standing Junior Counsel to the Scottish Executive he has provided advice and representation to the Scottish Ministers in a number of complex and difficult cases, including the long-running prison conditions litigation, pioneering proceeds of crime work, complex stress at work and harassment cases, judicial review, diligence, planning cases, mental health work, and land registration. He has also acted as an Ad Hoc Advocate Depute,

From 1990 to 1998 David was a lecturer in law in the Department of Scots Law (later the Department of Private Law) at the University of Edinburgh. In 1994 he was appointed Associate Dean (Admissions) for the Faculty of Law. He taught a number of courses at Ordinary, Honours and Masters levels, including aspects of Commercial Law, Delict, Criminal Law and the law of Evidence. He published widely in peer reviewed and other journals, and is the author of a number of well known legal textbooks.

Representative cases

Reparation

JXJ v Province of Great Britain of the Institute of the Brothers of the Christian Schools [2020] EWHC 1914 (QB) *(and see also LM v DG's Executor* 2020 SLT (Sh Ct) 11*)*

Burnett v Marcius [2018] CSOH 34 [2019] CSIH 9, appeal to Supreme Court pending

Till v Tayside Public Transport Co Ltd [2017] CSOH 6 – high value RTA, turning on expert evidence

McKenna v O'Hare [2017] SAC (Civ) 16 – reparation case in respect of contaminated land

Pratt v Scottish Ministers [2011] CSOH 86; [2013] CSIH 17 – unusual case on failure to provide counselling re stressful incident

Ruth MacDonald v Aberdeenshire Council [2012] CSOH 101 – relevancy of duty of care re maintenance of road signs

Kaj Anderson v Mohammed Hameed and Esure [2010] CSOH 99 – uninsured driver case, for party minuter

Kenneth Donaldson v Scottish Ministers [2009] CSOH 8 - stress at work, relevancy

Jaqui Smith v The Highland Council [2009] CSOH 149 – note of objections to auditor's report in important case re taxation of "solicitors" fees charged by claims company

Contract and Commercial Litigation

Burnett v Marcius [2018] CSOH 34 [2019] CSIH 9, appeal to Supreme Court pending

*Aikengall Community Wind Farm v Story Construction (*2017) – commercial construction/professional negligence claim

Esso Petroleum Ltd v Scottish Ministers [2016] CSOH 15 – high value reparation case re contaminated land

Note for Directions in the Liquidation of Scottish Coal Co Ltd [2013] CSOH 124; *UCB Ltd v Spooner Industries and another* [2012] CSOH 111 – supply of goods/breach of contract, reparation, high-value property damage

West Castle Properties Limited v Scottish Ministers 2004 SCLR 53 - high value dilapidations claim involving very large volume of legal and factual material and necessitating a high degree of organisation

Judicial Review

C v Chief Constable of the Police Service of Scotland 2018 SLT 1275; 2019 SLT 875 – disciplinary proceedings/judicial review re privacy of WhatsApp group

Sustainable Shetland v Scottish Ministers [2013] CSOH 158, [2014] CSIH 60; [2015] UKSC 4 – JR dealing with environmental impact/lawfulness of major wind farm development

Principal Reporter v K [2010] UKSC 56 – Supreme Court case on compatibility with Convention Rights of aspects of the Childrens' Hearing system

William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 - judicial review of consent granted to wind farm development

*Butt and Duncan v PF(Dundee) [*2012] HCJAC 107 - competency of devolution issue post sentencing.

Remit of a Trial Judge into possible contempt of court by Aamer Anwar 1st July 2008, High Court of Justiciary – appearance for "Liberty" as third party intervener on human rights grounds

FAI/PI

Scottish Child Abuse Inquiry, Edinburgh, 2019, ongoing

Penrose Inquiry – Edinburgh, March 2011 – April 2012. Inquiry under the Inquiries Act 2005 into the supply of contaminated blood in the NHS from 1972 to 1991.

Laura McDairmant FAI – Kircudbright, Determination 24th June 2010 – lengthy FAI dealing with outdoor industry

Bourbon Dolphin FAI/H&S prosecution – 2008/2009 - lengthy and techically complex inquiry into fatal capsize of N Sea anchor handling vessel

ICL (Stockline) Inquiry – Lord Gill's report 1st July 2009

Brent Bravo FAI – Aberdeen, Determination 18th July 2006 – lengthy and technically very complex Inquiry into accident on oil rig

M74 Public Local Inquiry, Glasgow

Upper Forth (Kincardine Bridge) Second Crossing Public Local Inquiry, Alva

Land Law

Strang Steel v Scottish Ministers 2014 G.W.D. 40-729 – compulsory purchase compensation

Willemse v French and others [2011] CSOH 51 – Land Registration, servitudes, relevancy

Braes v The Keeper of the Registers of Scotland [2009] CSOH 176 – Land Registration, general property law, negligence, personal bar, unilateral obligation

Turnberry Homes Limited v The Keeper of the Registers of Scotland LTS/LR/2007/01 – this was one of a pair of cases (the other being PMP, below) dealing with very complex questions of Registration of common parts arising from the splitting up of large housing developments

PMP Plus v The Keeper of the Registers of Scotland LTS/LR/2007/02

Yaxley v Morrison and others [2007] CSOH 90 – Land Registration, servitudes

John and Joanna McCoach v The Keeper of the Registers of Scotland and City of Edinburgh Council LTS/LR/2006/03 – unusual case about carelessness in the Registration of a tomb!

Professional Memberships

Member of the Scottish Criminal Courts Rules Council (1996 -1997)

Member of the Editorial Board of the International Journal of Evidence and Proof (1996 -1997)

Member of the Faculty of Advocates Civil Procedure Committee

Member Scottish Legal Aid Board (2017 to date)

Disciplinary Panel, Scottish Liberal Democrats

Publications

"Scots Criminal Law" (Butterworths) 2nd Ed. 1998, with Prof. R.A.A. McCall Smith;

"Evidence: Cases and Materials" (W. Green) 2nd Ed. 2002;

Sections in “Stair Memorial Encyclopaedia: The Laws of Scotland” on the Law of Obligations and Criminal Law;

Sections in Lexis/Nexis “Court of Session Practice Manual” (ed. The Hon. Lord Macfadyen)

Articles for Scots Law Times, Journal of the Law Society of Scotland, Juridical Review, Edinburgh Law Review, and Criminal Law Review.

Lectures and seminars

David has spoken at a number of conferences on a variety of legal issues, and given CPD seminars inter alia on stress at work and asbestos related illnesses. He has taught at the National University of Lesotho, and studied and audited courses at the University of California at Berkeley.

Personal/MISC

David is a very keen cyclist and has taken part in a number of cycling events including the Etape du Tour