Compass Chambers

Mark Stewart KC



Year called:	1988
Year of silk:	2005
Email:	mark.stewart@compasschambers.com
Qualifications:	1976-1983: M.A. LL.B, Dip.L.P.

Practice

Principal areas of Practice

Corporate Financial Crime
Regulatory crime
Fatal Accident Inquiries
Arbitration
Courts Martial

Corporate Financial Crime

Mark has extensive experience in the High Court, acquired both as an Advocate Depute and defence counsel, in relation to allegations of commercial fraud or embezzlement involving professional, public service and employee accused.

He also has experience in both criminal and civil litigation under the Bankruptcy and Insolvency legislation, particularly in cases involving the non-disclosure of assets, and in pursuing the recovery of funds on behalf of liquidators in cases of Director Malfeasance through Wrongful Trading and Alienation of Assets.

Mark has been instructed regularly, and provides advice at a reliminary stage if requested, in relation to all aspects of investigations and prosecutions brought under the Proceeds of Crime Acts 1995 and 2002, and related legislation.

Regulatory crime

He has experience of many aspects of regulatory crime and proceedings, including:

• Prosecutions brought under Firearms legislation,
• Prosecutions brought under the Wildlife and Countryside Act 1981,
• Prosecutions relating to Property Misdescription,
• Aviation offences,
• Prosecutions brought under Road Traffic legislation, with particular experience of cases brought under Sections 1 and 3A of the Road Traffic Act 1988,
• Prosecutions brought under the provisions of the Health and Safety at Work Act 1974

HMA v CO'M

Instructed for prosecution and FAI following two fatalities resulting from hotel fire.

HMA v NEL

Health and safety prosecution following a fatal accident during cleaning of workplace machinery. This case involves distinctions between failures in employers duties under the Health and Safety legislation, and the existence of any such failures which can be proved to have been causative of the fatal incident.

PF (Dundee) v AO

AO who was charged with two charges of dangerous driving after his car collided with a motorbike causing life-changing injuries to the rider and passenger. After lengthy legal discussion a plea to the reduced charge of careless driving was accepted.

HMA v Charles Green & Others

The case involves Mr Green and 4 other men being charged with conspiring together to acquire and obtain by fraud a majority and controlling stake in the shareholding of Rangers Football Club.

PF v P (No1)

Is a prosecution instigated by SEPA in relation to breaches of s 108 & s 110 of the Environment Act 1995.

The charges allege that the company and Mr P did " intentionally assault hinder, or obstruct" officers of SEPA by failing to produce required documentation; refusing to allow access to premises; and failing to produce lists of employees and their personal contact details, when required to do so.

PF v P (No2)

Again as a director Mr P (this time along with the company and his wife (a co-director) are said to have failed to produce necessary records relating to the company staff pension scheme to the Pensions Regulator, contrary to The Pensions Act 2004, s 72 & 77.

HMA v JGC

Senior Counsel for company charged with offences under the Health & Safety at Work Act relating to a scaffolder who fell from height and suffered a spinal cord injury.

Fatal Accident Inquiries

Mark is instructed regularly in large Fatal Accident Inquiries and has been instructed to represent the interests of public bodies and private enterprises, as well as next of kin of deceased persons, and has given seminars on the provisions of the Fatal Accident Inquiry legislation, including the terms of the 2016 Act.

Representative Instructions

Snowman / Jim Clark Rally Fatal Accident Inquiry

Represented the interest of a private motoring club in the conjoined FAI into the deaths of 4 members of the public at motor racing rallies. No statutory determination ultimately being made by Sheriff in relation to the motoring club he represented following the hearing of the evidence.

Craigton Cemetery Fatal Accident Inquiry

Mark was instructed on behalf of Glasgow City Council in a Fatal Accident Inquiry into the death of a young child (CW) at a cemetery managed by the Council.

Glasgow Bin Lorry Fatal Accident inquiry

Appearing at FAI relating to deaths of members of the public who died when a refuse lorry mounted the pavement in city centre. Representing the family of three of those killed.

Arbitration

Mark has a particular interest in International Arbitration and is a member of the Chartered Institute of Arbitrators, the Scottish Arbitration Centre and the Faculty of Advocates Dispute Resolution Service.

Courts Martial

As part of a wide and varied practice, Mark has appeared in a number of Courts Martial for accused serving with the Royal Air orce and Royal Marines and was involved in the defence of a foreign national accused in international torture proceedings.

Other cases

HMA v Shayla Greenop

Mark represented one of the two accused in a trial where a woman's daughter and sister were accused of her murder. The woman's badly decomposed body was found at the home they had all shared. This was a high profile case which was highly unusual and complex. Mark's client, the daughter, was acquitted. The accused sister was found guilty of murder and sentenced to life imprisonment.

HMA v Charles Little

Mark represented Charles Little who was charged with the murder of his neighbour by stabbing and firing a bow and arrow at him. The accused suffered from mental illness, exacerbated by his use of drugs at the time, but which fell short of being a defence on mental health grounds. Five days in to the trial, the accused pled guilty to a lesser charge of culpable homicide which the Crown accepted.

HMA v Mark Richardson & Others

Prosecution of multiple persons for firearms and drugs offences linked to serious organised crime. This was the largest ever prosecution for serious and organised crime in the Scottish courts. The case resolved by way of a guilty plea after extensive defence investigations and multiple pre-trial hearings. The case was novel in that:

a. The judge imposed the statutory maximum sentence for the single charge to which Mr Richardson pled guilty, allowing no discount for the plea.

b. For almost the first time in Scotland the court was asked by the prosecution to impose a significant Serious Crime Prevention Order under the Serious Crime Act 2007.

HMA v Stephen Brisbane

Client was in a drug-fuelled haze and chopped someone's arm off in the middle of the night. Complicated case. Query re. client's fitness to plead. Eventually, Mark acted as the court appointed lawyer so case could be heard.

HMA v Nyomi Fee

Appearing at lengthy and high profile trial in Livingston High Court acting for client charged with the murder of her 2 year old son.

HMA v Craig Convery

Acting for client charged with directing Organised Crime involving drugs and firearms, but also the supply of weapons to those charged with terrorism.

HMA v Reece Munro

Client was previously found guilty of attempted murder. The victim then died a year later and the Crown charged the client with murder. He was found guilty of culpable homicide, but this was successfully appealed and the conviction was quashed.

HMA v Jonas Marcius

Client was a bouncer in a bar and was charged with murder after a man died when being escorted out of a bar for being too drunk. The client was cleared of murder, but found guilty of assault.

HMA v Richard Munro

Complex attempt to pervert the course of justice charge. Case involved a Detective Chief Inspector said to have suppressed and altered evidence to fortify a prosecution case against two accused in 1995. They were subsequently convicted then acquitted on appeal in 2005.

HMA v McArthur & Others

Multiple accused mobbing murder where case against Counsel's client was dropped after legal submission on the admissibility of evidence.

HMA v Patrick Rae

Lengthy rape / murder involving many strands of circumstantial evidence. Particularly notable was a lengthy debate about what constitutes an expert witness and expert evidence which took place in the case and considered English, Australian, American and Scots law on the topic

What The Directories Say

Legal 500 UK 2020

Ranked as a Leading Silk for Health and Safety & Regulatory - "*Combines an engaging advocacy style with an excellent legal mind and a personable manner.*"

Ranked as a Leading Silk for Crime - "*An exceptional advocate who masters highly complex and technical cases.*"

Lectures and seminars

Mark regularly gives talks to instructing solicitors, professional bodies and at Compass Chambers Conferences.

Professional Memberships

Faculty of Advocates Criminal Bar Association

Part-time Sheriffs' Association

Member of the Chartered Institute of Arbitrators

Appointments

1983-1987: Solicitor and Partner in Private Practice, engaged in civil and criminal Court work
1988: Called to the Scottish Bar
2000: Appointed Advocate Depute
2003: Appointed Senior Advocate Depute
2005: Appointed Queen's Counsel
2006: Appointed Part-time Sheriff
2008 - 2017: Temporary Judge
2015: Member of the Chartered Institute of Arbitrators
2017: Member of the Health & Safety Lawyers Association
2019: Called to the Bar of England and Wales (Middle Temple)