

Mark Stewart QC



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

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 preliminary 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

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.

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 Force and Royal Marines and was involved in the defence of a foreign national accused in international torture proceedings.

Representative cases

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.

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.

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.

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

Professional Memberships

Faculty of Advocates Criminal Bar Association

Part-time Sheriffs' Association

Member of the Chartered Institute of Arbitrators

Lectures and seminars

Compass Chambers

T: 0131 226 2881

W: www.compasschambers.com

"Fatal Accident Inquiries" – Compass Chambers Ayr
Conference – June 2011

"Fatal Road Accidents: An analysis of when employers are criminally liable." - October 2012

"Environmental Crime, recent sentencing plus procedural development "- November 2014