

Murdo Macleod KC

Year called: 1994
Year of silk: 2008
Email: murdo.macleod@compasschambers.com
Qualifications: 1979 - 1985: Nicolson Institute, Stornoway
1985 - 1989: LLB (Hons), University of Aberdeen
1989 - 1990: Dip. Legal Practice, University of Aberdeen
2004: Dip. Advocacy skills - National Institute of Trial Advocacy (USA)



Principal areas of practice

Health and safety, regulatory and environmental crime

Public and fatal accident inquiries

Financial and business crime

Appointments

1994: Admitted to Faculty of Advocates

1998: Appointed *ad hoc* Crown Counsel

1999 - 2001: Junior Counsel for 2nd accused in Lockerbie trial (instructed by McGrigor Donald)

2001 - 2003: Appointed Crown Counsel

2004 - 2005: Appointed Senior Crown Counsel

2005 - 2010: Appointed Counsel to Billy Wright Inquiry (Senior counsel from 2008)

2008: Appointed Queen's Counsel

2011: Called to Bar of England and Wales (Middle Temple)

2011: Appointed Special Counsel

2011: Appointed Part-time Sheriff

2012: Appointed UK delegate to CCBE Criminal Law Committee

2013: Appointed to the Criminal Court Rules Council

2014: Appointed to Bonomy post-corroboration review group

2015: Appointed to Faculty of Advocates Complaints Committee

2017: Appointed to Faculty of Advocates Law Reform Committee

2018: Appointed Presenting Officer - Fitness for Judicial Office Tribunal

What the Directories Say

CHAMBERS & PARTNERS

Health and Safety - Leader of the Bar - *STAR INDIVIDUAL*

- *"Murdo is our number-one choice for health and safety cases." "Murdo is one of the very best health and safety practitioners at the Scottish Bar." "He brings a wealth of experience and a warm and approachable manner with clients." [2024]*
- *"His easygoing, calm and practical approach wins clients over as much as his clear, concise advice and encyclopedic knowledge of the law." "Despite the fact that he is the leader, he is also a team player and puts everyone at ease." [2023]*
- *"His court practice is exemplary." "An extremely capable advocate in the health and safety sphere." "His expertise in both health and safety and crime is a real asset." [2022]*
- *"Murdo is a careful and thorough public inquiries specialist with good client skills." "His main strength is the way he acts with his clients." "He is very emphatic in tough situations and does not shy away from having to give difficult advice." [2020]*
- *"Very professional, diligent and dedicated." "A genuine expert in his area who can always be relied on for clear, quality advice and a comprehensive strategy." [2019]*
- *"An expert criminal silk with extensive experience of health and safety proceedings." "He is regularly instructed to defend major corporate entities in high-profile health and safety prosecutions and fatal accident inquiries. He is also sought out in non-contentious health and safety matters." [2018]*
- *"His strengths are his ability to communicate with the Bench and how well he works in a team." [2017]*
- *"He is really quite superb on his feet." [2016]*
- *"He is very personable and approachable." [2016]*
- *"He has a very well-regarded health and safety practice that encompasses prosecutions, Fatal Accident and Public Inquiries." [2015]*
- *"Very user-friendly and very good on his feet." [2014]*

THE LEGAL 500

Health and Safety - Tier 1 KC

- *"An outstanding advocate" "Murdo is fantastic with a jury - he is able to break down very complex technical matters into concepts juries understand, and he is very persuasive." [2024]*
- *"A class act." "A consummate silk." "Razor sharp, but with a warmth that clients appreciate." "His style is to engage in a calm and measured dialogue with the bench." [2023]*
- *"A gifted advocate whose advice is always careful and considered." [2020]*
- *"He has a terrific intellect." [2019]*
- *"An excellent courtroom performer." [2017]*



- *"He has an impressive work ethic."* [2016]
- *"Unwavering commitment to the case and the client."* [2015]
- *"Very impressive on his feet."* [2014]
- *"A highly skilled advocate; robust when required but unfailingly courteous."* [2013]
- *"Able to explain matters to the client in appropriate terminology."* [2012]

Crime - Tier 1 KC

- *"His easy manner makes him a pleasure to work with"* [2020]
- *"A fearless and tenacious cross-examiner." "He is an impressive figure in court."* [2019]
- *"A first-rate advocate."* [2017]
- *"Combines an ability to grasp complex detail with a strong sense of strategy."*[2016]
- *"Top of the list for regulatory issues and complex business crime."* [2015]
- *"A very strong advocate."*[2014]
- *"A very high quality trial advocate."* [2013]

Experience

Called to the Bar in 1994, Murdo specialises in criminal defence, with an emphasis on on health and safety, commercial and other regulatory matters, where is instructed for trials and in an advisory capacity. He also has extensive experience in the field of Public and Fatal Accident Inquiries.

Companies he has represented, and been retained by, include : Arcadis, Airbus, BAM Nuttall, British Petroleum (BP), CHC Helicopters, Collyer Bristow, Dandara Homes, Eurocopter, Forth Crossing Bridge Constructors, Freshcatch, HC One, IBI architects, J Murphy and sons, Kalyx, Klondyke, North British Distillery, Premier Oil, Scotrail, Scottish Power, Sea Cargo, Shetland Catch, Siemens, Sodexo and Taqa Bratani,. He has also been instructed by numerous organisations, including: the Crown Office, the Prison Service, HMIC, the NHS, the Care Inspectorate, and various police forces, local authorities and health boards.

He has appeared in many significant statutory public inquiries and fatal accident inquiries, such as: the Superpuma Inquiry, the Queensferry Crossing Inquiry, the Cameron House Inquiry and the Edinburgh Tram Inquiry He is currently instructed in the Scottish Hospitals Inquiry, the Undercover Policing Inquiry, the UK and Scottish Covid Inquiries, the Sheku Bayoh Inquiry and the "M9" Inquiry.

Between 2005 and 2010 he served as Counsel to the Billy Wright Inquiry, a major public inquiry (the first under the Inquiries Act 2005) into the murder of a prominent paramilitary prisoner and the management of HMP Maze. He was

vetted to the highest security level (DV) and had sole responsibility for the investigation of control and security matters within the prison including Health and Safety policy and procedures, and operational matters within the prison - such as budgets, refurbishment and relations with trades unions. In 2008 he was appointed senior counsel to the inquiry.

He also defends individual accused. In 2015 he successfully defended Andy Coulson in his trial for perjury. The same year he also successfully defended Yousif Badri, a medical student charged with terrorism offences. Other recent acquittals include: a company director charged with VAT fraud, a developer charged with property misdescription, a solicitor charged with fraud; and a stockbroker charged with domestic assault. He has defended several high net worth individuals charged with sexual assault. Between 1999 and 2001 he was instructed as junior counsel (to Richard Keen QC) for Lamin Fhimah, the second accused in the Lockerbie/Pan-Am bombing trial in the Netherlands.

Murdo also has considerable experience as a High Court prosecutor. Between 2001 and 2003 he served as Crown Counsel and between December 2003 and April 2005 as Senior Crown Counsel. During this period he appeared for the Crown in numerous high-profile matters, including money laundering, health and safety and terrorist cases. He led for the prosecution in approximately twenty murder trials and appeared regularly in the Court of Appeal.

In July 2011 Murdo joined Temple Garden Chambers in London (tgchambers.com), a set specialising in health and safety, public inquiries, insurance, and public international law. In October 2011 he was appointed a part-time Sheriff.

He has a Diploma in Trial Advocacy from the National Institute of Trial Advocacy (US) and regularly lectures at the Faculty of Advocates foundation course for pupil advocates. He has presented papers on European Law, public international law, corporate Homicide, health and safety, fatal accident and public inquiries.

In 2012 he was appointed joint UK delegate to the Criminal Law Committee of the Council of Bars and Law Societies of Europe (CCBE).

Murdo has served on various Faculty committees and has chaired its complaints committee. He is also a Presenting Officer for the Fitness for Judicial Office tribunal. He has authored and co-authored numerous responses to Government consultations and the House of Lords EU committee on UK government 'opt out' proposals. He has also given evidence to the Scottish Parliament on several occasions.

He has a long-standing interest in public international law and, on the recommendation of the Dean of Faculty, was appointed to the list of approved counsel for the ICTY in 1997 and to the list of defence counsel at the International Criminal Court in the Hague in 2010. He has advised various police forces on international criminal issues, and on cyber-crime.

He is an accredited mediator.

Representative Instructions

Inquiries

Undercover Policing Inquiry, 2022 - : Representing core participant (senior police officer)

Sheku Bayoh Inquiry, 2021 - : Representing core participant (acting Assistant Chief Constable)

Edinburgh Tram Inquiry, 2017-2020: Representing international construction company in inquiry (under the Inquiries Act 2005) into delay and over-spend of Edinburgh tram project

"M9" Inquiry, 2018-2020: Advising Police Scotland in ongoing inquiry into call-handling issues following alleged missed "999" call

Cameron House Inquiry, 2022: Representing senior manager in Inquiry into fatal fire at luxury hotel

Re "AM" Inquiry, 2018-2019: Represented Prison Service in important inquiry into preventable death of prisoner

Re Queensferry Crossing Inquiry, 2017: Representing bridge-building consortium in FAI into the death of an employee on the new Forth Bridge

Re "JP" Inquiry, 2017: Representing Local Authority in FAI into death of employee killed while transporting care user

Re Superpuma Inquiry, 2013-2014: Represented core participant in FAI into the deaths of 16 passengers and crew in major North Sea helicopter accident

Re Billy Wright Inquiry, 2005-2010: Counsel to the Inquiry in Public Inquiry (under the Inquiries Act 2005) into alleged government collusion in murder of terrorist prisoner and management of HMP Maze. Vetted to highest level (DV)

Regulatory/ Health and Safety/ Environmental

HMA v AG, 2021-2022: Defending company owner charge with Culpable Homicide/HSWA offences following death of motorist

HMA v A, 2022: Defending construction company in HSWA prosecution following accident at building site

HMA v BP, 2021-2022: Defending oil company in HSWA prosecution following offshore fatality

HMA v E, 2021-2022: Representing multinational oil company in various investigations/prosecutions (SEPA and HSWA) at a refinery

HMA v BN, 2021: Defending construction company in HSWA prosecution following fatal accident at building site

H v Murphy and sons, 2020: Defending construction company in HSWA prosecution following major gas leak

HMA v HES, 2019-2020: Representing environmental waste company director in series of related prosecutions

HMA v HCL, 2018-2019: Representing company in HSWA case involving death of patient in private care home (owned by UK's largest care provider)

HMA v DMS Ltd, 2017-2018: Defending director of waste company in prosecution under the Environmental Protection Act

G v NJ, 2017: Defending H&S advisers in commercial action by company for recovery of fine following conviction for H&S regulatory offence

MA v NBD, 2017-18: Defending company charged with H&S offences re treatment and monitoring of legionella bacteria

HMA v D Ltd, 2016-17: Defending building company facing prosecution in landmark series of cases under the Property Misdescriptions Act

HMA v S, 2015: Defended company charged with H&S offence following fatality at windfarm

Re TB, 2014: Retained by oil company for regulatory aspects of large North Sea drilling project

TB v DECC, 2012: Advised oil company in appeal against enforcement notice re offshore pollution

HMA v F Ltd, 2012: Breach of EU regulations

HMA v K Ltd, 2012: As above

HMA v Jenkinson, 2011: Acted for multi-national private prison operator re disclosure etc

HMA v H, 2010-2011: Breach of EU fishing regulations

HMA v Shell UK Ltd, 2003: Health and Safety appeal (acted for prosecution in landmark reported appeal re notification in H&S cases)

HMA v W, 2001: Prosecuted culpable homicide by gross negligence

Financial crime

HMA v SB, 2019-2020: Representing company director in VAT fraud

HMA v G & R, 2017-2018: Defending accused in case involving complex insurance fraud and associated crimes

HMA v R, 2018: Representing solicitor charged with fraud

Re Rangers FC, 2013 - 2015: Advising City law firm in major financial crime investigation *re* recovery of documents, execution of warrants and privilege

FCL v HMRC, 2013: Advising company in appeal against HMRC decision on Customs Warehousing

HMA v Bruce, 2012: Advising finance director in alleged commercial fraud/ money laundering (£32,000,000)

HMA v SC Ltd, 2012: Substantial proceeds of crime case

HMA v Cameron, 2011: Proceeds of crime

Restorick v HMA, 2003: Fraud

HMA v M 2002: Breach of money laundering regulations

HMA v Armstrong-Hanies + 1, 1998 - 1999: Commercial mortgage fraud

HMA v Khan + 2, 1996 - 1997: Scotland's longest VAT fraud trial

Terrorism

HMA v Yousif Badri, 2015: Defended medical student charged with plotting to commit terrorist act and possessing material of assistance to terrorists

HMA v Wilson + 4, 2003: Prosecuted 5 accused for armed robbery and membership of proscribed terrorist organisation

(Red Hand Commando)

HMA v Baird +3, 2002: Prosecuted 4 accused for supply of explosives and possession of items to be used in an act of terrorism (Ulster Volunteer Force)

General Crime

re SS, 2018: Advising company director on aspects of extradition request to USA

HMA v Andrew Coulson, 2015: Defended former newspaper editor in perjury trial

PF v LT, 2019: Defended company director charged with various IT offences

PF v M, 2015: Defended owner of equestrian centre charged with indecent assault

PF v T, 2015: Represented stockbroker charged with domestic assault

HMA v Harrison, 2012: Defended schoolboy charged with murder

HMA v Pawel Rodak, 2012: Represented Polish youth charged with murder of university Professor

HMA v Clark, 2004: Prosecuted schoolboy charged with murder

HMA v Hynes + 6, 2004: Prosecuted drugs gang for largest heroin seizure in North of Scotland

HMA v Murphy + 2, 2003: Prosecuted landmark child abuse case at list 'D' school

HMA v Megrahi and Fhimah, 1999 - 2001: Junior counsel (to Richard Keen QC) for second accused in Lockerbie/Pan-Am bombing trial, Camp Zeist, Netherlands - acquitted

Reported cases etc

Geddes v Johnson, [2017] CSOH 42: whether a convicted company can recover a fine where it had relied on H&S advisors

Coulson v HMA, 2015 HCJAC 49, 2015 S.L.T. 438: Landmark appeal on use of Parliamentary privilege

HMA v Coulson, 2015 HCJ 49; 2015 SCCR 254: Definition of perjury

SCCRC petitioners, 2010, HCJAC 49, 2010 SLT 976: Represented SCCRC in landmark case on scope of Contempt of Court Act

Recent lectures and seminars

February 2013: UK Association of European Lawyers (UKAEL) conference on EU law, Edinburgh. *A leap in the dark? The risks of opting out of EU criminal justice*

April 2013: Law Society of Ireland, Dublin: *The war on terror and the ICC*

April 2014: Scottish Medico-legal Society (SMLS), Glasgow. *The murder of Billy Wright*

April 2014: Society of Advocates, Aberdeen: *Update on FAI law and practice*

May 2014: Four Jurisdictions Conference, Belfast. *Public inquiries*

August 2014: Seminar for Chinese prosecutors, Edinburgh. *The detention and questioning of suspects in Scotland*

November 2015: Compass chambers annual conference, Edinburgh. *Fatal accident inquiries, a new landscape?*

October 2015: Judicial Institute for Scotland, seminar on cybercrime and data protection. *Terrorist legislation: a personal view*

June 2016: CLT Health and Safety seminar, Glasgow. *Public and fatal inquiries: a common approach*

June 2017: CLT Health and Safety Conference, Murrayfield, Edinburgh: *Aspects of sentencing*

June 2018: Compass Chambers, Glasgow conference. *The roof, the whole roof and nothing but the roof. The prosecution of property misdescription*

September 2018: UK Oil and Gas Conference, Aberdeen. *Bribery and Corruption Update*

November 2018: Compass Chambers Annual Conference. *Privilege, a principle under threat?*

June 2019: CLT Conference, Glasgow Hilton. *Justice Denied? Dealing with delay in Health and Safety cases and FAIs*

October 2023: Glasgow Sheriffs' conference. *Fatal accident Inquiries - the golden rules*

Dual qualified

Yes. Practising member of Temple Garden chambers, London (tgchambers.com)

Memberships

Health and Safety Lawyers Association

Criminal Bar Association

Scottish Criminal Bar Association