

## Murdo MacLeod QC

**Year called:** 1994  
**Year of silk:** 2008  
**Email:** [murdo.macleod@compasschambers.com](mailto:murdo.macleod@compasschambers.com)



### Principal areas Of practice

Public and Fatal Accident Inquiries

Regulatory, health and safety, and environmental crime

Financial and business crime

General crime

### Appointments

1994: Admitted to Faculty of Advocates

1998: Appointed Ad hoc Crown Counsel

1999 - 2001: Junior Counsel for 2nd accused in Lockerbie trial

2001 - 2003: Appointed Crown Counsel

2004 - 2005: Appointed Senior Crown Counsel

2005 - 2010: Appointed Counsel to Billy Wright Inquiry

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

## What the Directories Say

### CHAMBERS & PARTNERS

#### Health and Safety - Leader of the Bar (Silk: Band 1)

- *"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... 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]

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#### Health and Safety - Tier 1 QC

- *"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 QC

- *"A fearless and tenacious cross-examiner; 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 regulatory matters, with an emphasis on Health and Safety, environmental and commercial prosecutions. He also has extensive experience in the field of Public and Fatal Accident Inquiries.

Companies Murdo has defended and advised include: Airbus, CHC Scotia, Collyer Bristow, Dandara Homes, DWM, Eurocopter, Forth Crossing Bridge Constructors, Freshcatch, HC One, Kalyx, Klondyke, North British Distillery, J. Murphy and sons, Premier Oil, Shetland Catch, Siemens, Sodexo Justice Services and Taqa Bratani. He has also been instructed by numerous organisations, including: COPFS, the Scottish Prison Service and various police forces and local authorities.

Murdo also specialises in fatal accident and public inquiries. In 2014, he represented a core participant at the "Super Puma" inquiry in Aberdeen and he is currently instructed in the ongoing Sumburgh helicopter investigation. He recently represented a major construction company in the Edinburgh Tram Inquiry, and a bridge-building consortium in the Queensferry Crossing 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 instructions include the owner of an equestrian centre charged with indecent assault, a developer charged with property misdescription and a solicitor charged with fraud. 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 ([www.tgchambers.com](http://www.tgchambers.com)), a set specialising in inquiries and inquests, insurance, health and safety 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 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 advised Strathclyde police on various legal aspects of the visit of Pope Benedict in 2010.

## Representative Instructions

### Inquiries

Re Sumburgh Inquiry, 2018: Representing a party in the ongoing investigation into the Sumburgh helicopter crash.

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

Re Edinburgh Tram Inquiry, 2017-2018: Representing international construction company in inquiry into delay and over-spend of Edinburgh tram project

Re Quensferry 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 Billy Wright Inquiry, 2005-2010: Counsel to the Inquiry in Public Inquiry into alleged government collusion in murder of terrorist prisoner and management of HMP Maze

### Regulatory/ Health and Safety/ Environmental

HMA v H, 2017: Representing company in case involving death of patient in private care home (owned by UK's largest care provider)

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

H v Murphy and sons Ltd, 2017: Representing construction company in H&S prosecution following major gas leak

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

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

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

HMA v Freshcatch Ltd, 2012: Breach of EU regulations

HMA v Klondyke 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

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

## **Financial crime**

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 Shetland Catch 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 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*

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

## Dual qualified

Yes. Temple Garden chambers, London ([tgchambers.com](http://tgchambers.com))