

Heriot Currie QC

QC (Scotland) Wadham College Oxford, Edinburgh University LLB

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Summary

Major Recent Cases

- Scottish Power Generation v Scottish Environmental Protection Agency (2005)
- WS Karoulias v Drambuie Liqueur Co. (2005)
- Charterhall Marketing v Customs & Excise Comrs (2005)
- Abercromby Motor Group v Customs & Excise Comrs (2005)
- Land Securities plc v Scottish Ministers (Appeal to House of Lords marked) (2004)
- Standard Commercial Properties v Glasgow Council (Appeal to House of Lords marked) 2004
- Scottish Health Boards v Generic Drug producers (2004)
- Scottish Power v Scottish and Southern Energy (2003)
- ITP v Coflexip (2003-5)
- Scottish Power v British Energy (2001-2)
- Mowlem v Inverclyde Council (2000-3)

Practice Summary

Heriot Currie QC (Scotland) practices in both Scotland and England and is a leading silk at the Scottish Bar.

He started a full time practice at the Scottish Bar in 1979, was Standing Junior in Scotland to DTI between 1987 and 1992 and was called to the English Bar (Gray's Inn) in 1991. In 1992 he became Queen's Counsel in Scotland.

In 2005, he also commenced practice at the English Bar when he became a member of Monckton Chambers, where he deals with matters of European law, competition law and VAT.

His practice in Scotland covers a wide range of commercial cases. He is instructed in the fields of intellectual property, building and engineering contracts, judicial review, professional negligence, commercial fraud and EC law, competition law arbitrations and public inquiries. In addition he has substantial experience of advising local government and other statutory authorities in matters including judicial review, PFI and procurement.

He is familiar with the principles of Human Rights law. He has practical experience of Human Rights law in relation to commercial disputes, patent law, civil recovery under the Proceeds of Crime Act and before the Discipline Committee of the Institute of Chartered Accountants in Scotland and the Law Society of Scotland.

He is experienced in conducting lengthy and complex litigation. He is used to dealing with foreign lawyers and co-coordinating litigation in more than one jurisdiction.

Specialist Areas

Additional Information

Overview of Major Cases

- 2005 Scottish Power Generation v Scottish Environmental Protection Agency - dispute about application of Waste Incineration Directive in Scotland
- 2005: WS Karoulias v Drambuie Liqueur Co. - commercial dispute about validity of termination of distribution agreement

- 2005: Institute of Chartered Accountants of Scotland v Harris - Professional Discipline Committee and Judicial Review proceedings
- 2005: Charterhall Marketing v Customs & Excise Comrs.
- 2005: Abercromby Motor Group v Customs & Excise Comrs.
- 2004: Land Securities plc v Scottish Ministers - statutory appeal under Town & Country Planning Acts (Appeal to House of Lords marked)
- 2004: Standard Commercial Properties v Glasgow Council - Judicial Review of exercise of Compulsory Purchase powers (Appeal to House of Lords marked)
- 2004: Scottish Health Boards v Generic Drug producers - advice to health Boards on alleged drug price fixing
- 2003: Scottish Power v Scottish and Southern Energy - prospective litigation on equality of treatment by the Government of power generators
- 2003: ITP v Coflexip - patent infringement action concerning sub-sea pipelines
- 2002: Scottish Life v KJ Tait & Partners - defence of professional negligence claim against consulting mechanical & electrical engineers
- 2003: Andritz v VaTech - advice to subcontractor in relation to claims arising out of contract for construction of water treatment plant
- 2002: Miller Group v Lloyds TSB - defence of action brought by contractors against employers' bankers
- 2001-2: Senior Counsel for Scottish Power plc in complex major dispute concerning the contractual position regarding Nuclear Energy Agreement with British Energy following changes to market for electricity
- 2000-3: Mowlem v Inverclyde Council - major construction arbitration instructed by Peter Kerrigan Associates, Birkenhead
- 2000: Senior Counsel for Lancaster/Joop/Davidoff in Scottish part of UK trade mark proceedings against parallel importers
- 1997-2000: Highland & Universal v Safeway - Senior Counsel for property company in action to enforce 'keep-open' clause in lease - a case of great general importance to commercial leasing in Scotland
- 1997-9: Senior Counsel for Redrow Homes in copyright dispute with Bett Builders plc (House of Lords 1997 on issue of 'additional damages').
- 1997: Brand v Orkney Islands Council - engineering arbitration concerning claims arising out of contract for construction of ferry terminal
- 1993-2000: Senior Counsel in major litigation between Insurers of Occidental Petroleum and Piper Alpha subcontractors concerning proper interpretation and application of contractual indemnities. Case reached House of Lords in December 2001
- 1991-2: Senior Counsel (originally junior counsel) for consortium of contractors building Storae Belt Tunnel in Denmark in contractual dispute in the Court of Session with Scottish manufacturer of tunnelling machines (inter-related with Danish arbitration proceedings)
- 1992: James Scott Electrical v Caledonian Paper - Senior Counsel for claimants in arbitration under ICC rules concerning major electrical contract in paper mill
- 1990: Lockerbie Disaster Fatal Accident Inquiry - Counsel representing interests of Chief Constable of Dumfries and Galloway
- 1989: Piper Alpha Disaster Public Inquiry - Junior Counsel representing interests of insurers and reinsurers of platform contractors
- 1983-5: Santa Fe v Napier Shipping - major patent litigation concerning North Sea semisubmersible crane vessels (Case settled after 194 days of evidence)

Other

Educated at The Edinburgh Academy (Dux 1969-70), Wadham College Oxford, and Edinburgh University LLB.
Languages: French

What the directories say

For Commercial Litigation: " Heriot Currie QC is ' confident, commercially and technically superb, and a very able negotiator', ' clinically analytical and decisive'..." **The Legal 500, 2008**

The Legal 500, 2007 highlights Heriot Currie QC as part of their Scottish Bar review as "... some excellent silks... including Heriot Currie QC..." and recommended him in 2006 for Commercial Litigation and IP/IT.

In the Commercial Litigation section **The Legal 500, 2005** mentions 'Heriot Currie QC is 'one of the top three' in Scotland for commercial work, including competition law'. In addition he receives recommendations in the Competition and IP/IT sections.

The Legal 500, 2004 comments in their Commercial Litigation section: "Heriot Currie QC of Flynn Stable, is commended for his commercial advice' and on EU and Competition: 'Heriot Currie QC at Flynn Stable is frequently mentioned for his work in European law'.