



## Murdo Macleod QC

Year of Call: 1994

Year of Silk: 2008

### Practice Areas

- Health & Safety
- Inquests
- Inquiries
- Professional Discipline
- Public International Law

### Email:

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### Experience

Murdo MacLeod QC specialises in corporate financial, health and safety, and environmental prosecutions, where he is regularly instructed both for trials and in an advisory capacity. Companies he has represented and advised include: Airbus, CHC Helicopters, Collyer Bristow, Dandara Homes, Eurocopter, Forth Crossing Bridge Constructors, Freshcatch, HC One, Kalyx, Klondyke, North British Distillery, J. Murphy and sons, Premier Oil, Shetland Catch, Siemens, Sodexo and Taqa Bratani. He has also been instructed by numerous organisations, including: The Crown Office, the Prison Service and various police forces and local authorities.

Alongside his regulatory practice, he has appeared in significant public and fatal accident inquiries, such as: the Superpuma Inquiry (for Eurocopter), the Edinburgh Tram Inquiry (for Siemens), the Queensferry Crossing Inquiry (for Forth Crossing Bridge Constructors) and, between 2005 and 2010, the 'Billy Wright' Inquiry, in which he served as Counsel to the inquiry and was vetted to the highest level ('DV'). He is currently instructed in the ongoing investigation into the Sumburgh helicopter crash.

In the field of criminal law, in 2015 he successfully defended Andy Coulson in his trial for perjury and Yousif Badri, a student charged with terrorism offences. Other recent acquittals include the owner of an equestrian centre charged with indecent assault, a developer charged with property

misdescription, a stockbroker charged with domestic assault and a solicitor charged with fraud. As junior counsel to Richard Keen QC, he represented the second accused (Lamin Fhimah) in the Lockerbie/Pan-Am bombing trial. He has also prosecuted, having served as Crown Counsel and Senior Crown Counsel. Prior to admission to the Scottish Bar, Murdo was a solicitor with the Crown Office and in private practice.

### **Regulatory/ Health and Safety**

*PF v M*, 2018: Defending construction company in HSE prosecution following major gas leak

*HMA v H*, 2018: Defending UK's largest care home provider in HSE prosecution following death of resident

*HMA v D + 4*, 2017: Defending director of waste management company in case involving alleged major environmental offences

*G v NJ*, 2017: Defending Health and Safety advisers in ongoing civil action for professional negligence and breach of contract

*HMA v D Ltd*, 2016 - 2017: Defending building company facing prosecution in landmark series of cases under the Property Misdescriptions Act

*Re NBD*, 2015-2017: Defending company charged with health and safety failures in dealing with the legionella bacteria. Also representing company in related civil proceedings.

*HMA v Andrew Coulson*, 2013-2015: Defended former newspaper editor in ongoing perjury case

*HMA v S*, 2014 - 2015: Defended multinational company in health and safety case involving workplace fatality

*Re TB*, 2014: Retained by multinational petroleum company in relation to environmental protests against drilling exploration

*T v DECC*, 2012: Advising oil company in appeal against enforcement notice re offshore pollution

*HMA v J*, 2011: Acted for multi-national private prison operator in case re disclosure/confidentiality of security procedures

*Re Shell (UK) Ltd*, 2003: Health and Safety appeal re notification of proceedings

*HMA v W*, 2001: Culpable homicide by gross negligence

### **Inquiries/ Inquests**

*In Re Death of Alan Marshall*, 2018: Representing Scottish Prison Service in Fatal Accident Inquiry into death of prisoner

*Edinburgh Tram Inquiry*, 2017-2018: Represented consortium partner in Public Inquiry under the Inquiries Act 2005

*Queensferry Crossing Inquiry*, 2017: Represented construction consortium in Inquiry into workplace fatality during the building of the new Forth bridge

*Sunburgh Helicopter Inquiry*: Representing helicopter operator in forthcoming proceedings following the deaths of 4 passengers in North Sea helicopter accident

*Re 'JP' Inquiry*, 2017: Represented Local Authority in Inquiry into death of care provider

*Re Super Puma Inquiry*, 2013 - 2014: Represented core participant in inquiry into the deaths of 16 passengers and crew in North Sea helicopter accident

*Re Billy Wright Inquiry*, 2005-2010: Counsel to major Public Inquiry into alleged government collusion in murder of prominent terrorist prisoner. Had sole responsibility for investigation into management of prison and health and safety issues. Vetted to highest level (DV)

### **Commercial Crime**

*HMA v N*, 2017: Defending solicitor charged with fraud

*HMA v G and R*, 2017: Defending in ongoing High Court matter re alleged insurance fraud

*Re Rangers FC*, 2013-2015: Advising city firm of solicitors in ongoing Police inquiry into alleged breaches of Companies Act

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

*T v DECC*, 2012: Advising oil company in appeal against enforcement notice re offshore pollution  
*HMA v C*, 2012-2013: Complex POCA case (26 property transactions)

*HMA v Shetland Catch/ Freshcatch/ Klondyke Ltd*, 2011-2013: Defending three companies and several ships' masters in

landmark series of prosecutions for breaching EU fishing quotas (and associated Proceeds of Crime proceedings)

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

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

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

*HMA v Khan + 2*, 1996 - 1997: Long-running VAT fraud (longest running trial in Scotland)

### **Terrorism**

*HMA v Yousif Badri*, 2013 - 2015: Defended medical student charge with various terrorist offences, including the s.5 of the Terrorism Act (preparing to commit a terrorist act)

*HMA v W+4*, 2003: Prosecuted high profile case involving armed robbery by Red Hand Commando

*HMA v B+3*, 2002: Prosecuted members of the Ulster Volunteer Force for the supply of Semtex

*HMA v Megrahi and Fhimah*, 1999 - 2001: Junior Counsel (to RS Keen QC) for second accused in Pan-Am Lockerbie bombing trial in the Netherlands

### **Public International Law**

Murdo has lectured on international criminal law. He is on the list of approved counsel for the International Criminal Court.

In 2010 he advised Strathclyde Police on various Public International Law aspects of the visit of Pope Benedict.

### **Directories**

#### **CHAMBERS & PARTNERS**

**Health and Safety** - Listed as a 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 silk with extensive experience, regularly instructed for corporate entities in high profile health and safety

prosecutions and inquiries" [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]  
"Very personable and approachable." [2016]  
"He has as 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." [2015]

## **THE LEGAL 500**

### **Health and Safety** - Recommended as a 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** - Recommended as a 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]

### **Appointments**

1994: Admitted to Faculty of Advocates  
1998: Appointed Ad hoc Crown Counsel  
1999 - 2001: Junior Counsel for second 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 (PII)  
2011: Appointed Part-time Sheriff (Recorder)  
2012: Appointed UK delegate to CCBE Criminal Law Committee

2013: Appointed to the Criminal Court Rules Council

## **RECENT LECTURES AND SEMINARS**

- June 2018: Compass Chambers Glasgow conference. The roof, the whole roof and nothing but the roof. The prosecution of property misdescription
- June 2017: CLT Health and Safety Conference, Murrayfield, Edinburgh: Aspects of sentencing
- June, 2016: CLT Health and Safety seminar, Glasgow. Public and fatal inquiries: a common approach
- November, 2015: Compass chambers annual conference, Edinburgh. Public Inquiries: a new landscape?
- October, 2015: Judicial Institute for Scotland, seminar on cybercrime and data protection. Terrorist legislation: a personal view
- August, 2014: Seminar for Chinese prosecutors, Edinburgh. The detention and questioning of suspects in Scotland
- May, 2014: Four Jurisdictions Conference, Belfast. Public inquiries
- April, 2014: Scottish Medico-legal Society (SMLS), Glasgow. The murder of Billy Wright
- April 2014: Society of Advocates, Aberdeen: Update on Inquiry law and Practice
- April 2013: Law Society of Ireland, Dublin: The war on terror and the ICC
- 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*

## **Education**

LLB (Hons)

Dip Legal Practice

Dip Trial Advocacy

## **Memberships**

Health and Safety Lawyers' Association

Criminal Bar Association

## **Cases**

### **Queensferry Crossing Inquiry**

2017

Barristers involved: Murdo Macleod QC

Representing construction consortium in Inquiry into workplace fatality during the building of the new Forth bridge.

## **Edinburgh Tram Inquiry**

2017

Barristers involved: Murdo Macleod QC  
Representing consortium partner (Siemens plc) in Public Inquiry under the Inquiries Act 2005.

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## **Sumburgh Helicopter Inquiry**

2017

Barristers involved: Murdo Macleod QC  
Representing helicopter operator in forthcoming proceedings following the deaths of 4 passengers in North Sea helicopter accident.

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## **'JP' Inquiry**

2017

Barristers involved: Murdo Macleod QC  
Represented Local Authority in Inquiry into death of care provider.

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## **Super Puma Inquiry**

2015

Barristers involved: Murdo Macleod QC  
Represented aircraft manufacturer (Airbus) in Inquiry into the deaths of 16 passengers and crew in North Sea helicopter accident.

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## **Re Billy Wright Inquiry**

2010-2015

Barristers involved: Murdo Macleod QC  
Counsel to the Inquiry in major Public Inquiry (the first under the Inquiries Act 2005) into the murder of a prominent paramilitary prisoner and the management of the prison. Vetted to highest level (DV).

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## **H v M**

2017

Barristers involved: Murdo Macleod QC  
Defending construction company in Health and Safety prosecution following major gas leak.

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## **G v NJ**

2017

Barristers involved: Murdo Macleod QC  
Defending Health and Safety advisers in commercial action by company for recovery of fine following conviction for H&S regulatory

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offence.

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## **HMA v H**

2017

Barristers involved: Murdo Macleod QC  
Defending UK's largest care home provider in forthcoming Health and Safety prosecution involving death of resident.

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## **HMA v NBD**

2016-17

Barristers involved: Murdo Macleod QC  
Defending company charged with Health and Safety offences re treatment and monitoring of legionella bacteria.

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## **HMA v D**

2017

Barristers involved: Murdo Macleod QC  
Defending director of waste company in prosecution under the Environmental Protection Act.

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## **HMA v D Ltd**

2016-17

Barristers involved: Murdo Macleod QC  
Defended building company facing prosecution in landmark series of cases under the Property Misdescriptions Act.

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## **HMA v Siemens**

2015

Barristers involved: Murdo Macleod QC  
Defended multinational company in HSE case involving workplace fatality at windfarm.

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## **Re Rangers FC**

2014-15

Barristers involved: Murdo Macleod QC  
Advising City law firm in financial prosecution.

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## **HMA v Yousif Badri**

2015

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Barristers involved: Murdo Macleod QC  
Defended Doctor charged with terrorist offences.

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## **Re Andrew Coulson**

2015

Barristers involved: Murdo Macleod QC  
Defended former newspaper editor in perjury trial.

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## **FCL v HMRC**

2012

Barristers involved: Murdo Macleod QC  
Represented export company in appeal against HMRC decision on customs warehousing facility.

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## **Re Klondyke Ltd, Shetland Catch Ltd, Freshcatch Ltd**

2012

Barristers involved: Murdo Macleod QC  
Defended three companies in series of landmark prosecutions for breaches of EU fishing regulations.

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## **HMA v Megrahi and Fhimah**

1999-2001

Barristers involved: Murdo Macleod QC  
Junior counsel for defence of second accused in Pan-Am/Lockerbie bombing trial.

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