

Robert (Roy) L. Martin QC



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Roy Martin QC is recognised as one of the leading silks at the Scottish Bar. The latest edition of Chambers UK (2018) once again ranks him as a Star Individual for Planning and Environmental Law and he is also ranked Band 1 for Commercial Dispute Resolution, Real Estate Litigation and Pensions. Roy is also recommended in the latest edition of Legal 500 (2017) for his work at both the Scottish and English Bar. He is one of only five 'double silks' practising at the Scottish Bar.

His career at the bar has focused on dispute resolution with his practice incorporating both domestic and international arbitration. He is an approved international arbitrator by the International Chamber of Commerce and serves as a Judge in the Courts of Appeal of Jersey and Guernsey.

Biography

Roy Martin QC called to the Scottish Bar in 1976, taking silk in 1988. He called to the Bar of England and Wales in 1990 becoming a 'double silk' in 2008.

Throughout his career at the Bar, Roy has practised primarily in the areas of land and administrative law. He has appeared in many of the most significant public inquiries which have taken place in Scotland and acted for promoters and objectors in a number of transport schemes which have come before the Scottish Parliament.

He has appeared as leading counsel in the House of Lords and the Supreme Court, including successfully representing Elsick Development Company in the recent case of *Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited* [2017] UKSC 66; a decision that has potentially significant implications for infrastructure funding.

Roy also recently appeared in *McManus v City Link Development Company Limited, Scott Wilson Scotland Limited and Lanarkshire Housing Association Limited* [2017] CSIH 12, a significant appeal regarding housing allegedly built on contaminated land. He has acted for developers and promoters in many other court proceedings and inquiries relating to land, planning and the environment, and compulsory purchase.

He was instructed by City of Edinburgh Council in relation to the ongoing Public Inquiry into the construction of the Edinburgh Tram Line.

Roy is one of the leading practitioners at the Scottish Bar in respect of Pensions and has acted in a number of high value equalisation cases. He has also advised on various issues relating to the amendment of rules of the equalisation of benefits in occupational pension schemes.

He was Dean of the Faculty of Advocates between 2004 and 2007 having previously served as Vice-Dean.

Appointments

Judge of the Courts of Appeal in Jersey and Guernsey, 2013 to date
Chairman, Police Appeals Tribunals, 1997 to date
Bencher of Middle Temple, 2011
Dean of the Faculty of Advocates, 2004 - 2007
Vice-Dean of the Faculty of Advocates, 2001 - 2004
Co-chair of the International Council of Advocates and Barristers, 2004 to 2008
Co-chair of the Forum for Barristers and Advocates of the International Bar Association 2002 - 2006
Member of the Judicial Appointments Board for Scotland, 2007 - 2010
Honorary Professor, University of Glasgow School of Law, 2006 to 2016
Honorary Member of the Australian Bar Association, 2008
Chairman (Part time), Industrial Tribunals, 1990 - 1996
Temporary Sheriff (district judge in Scotland), 1988 - 1990
Advocate-Depute (Senior Crown Prosecutor in Scotland), 1984-1987

Memberships

Member of *6 Pump Court*
Member, Planning and Environment Bar Association
Founding Chairman, Scottish Planning Local Government and Environmental Bar Group 1991 - 1996
Honorary Fellow of the Royal Incorporation of Architects in Scotland 2009
Member of Faculty of Advocates Dispute Resolution Service (FDRS)
Member of the London Court of International Arbitration (LCIA)
ICCA International Council for Commercial Arbitration (ICCA)
Member of the International Chamber of Commerce (ICC)

Publications

Author of the chapter on *Public Local Inquiries* in the *Scottish Planning Encyclopaedia*

Recent Articles and Events

GMP Equalisations: The experience in Scotland and its Broader Implications
A New Scottish Export - Scottish International Arbitration

Recent Cases

Cases in the Supreme Court and House of Lords:

H v J & CM Smith (Whiteinch) Limited 1990 SC (HL) 63
Bovis Construction (Scotland) Limited v Whatlings Construction Limited 1995 SC (HL) 19, [1995] 75 BLR 1
City of Edinburgh Council v Secretary of State for Scotland and Revival Properties Limited 1998 SC (HL) 33, [1997] 1 WLR 1447
Bank of Scotland v Brunswick Developments (1987) Limited (No 2) 1999 SC (HL) 53
Axis West Developments Limited v Chartwell Land Investments Limited 1999 SLT 1416
Standard Commercial Property Securities Limited v Glasgow City Council 2007 SC (HL) 33, [2007] JPL 758
G Hamilton (Tullochgribban Mains) Limited v The Highland Council [2012] UKSC 31_

Court of Session:

Response Handling Limited v British Broadcasting Corporation [2007] CSOH 102, 2008 SLT 51 (Motion for interim interdict: undercover recording in call centre)

Mitchell v North Lanarkshire Council [2007] CSOH 141, 2007 SLT 765

Scottish Ministers v Pairc Trust, Unreported, 15th August 2007 (Land Court validity of lease of common grazings)

Lerwick Port Authority v Scottish Ministers [2007] CSOH 56, 2007 SLT 74 (First Hearing: validity of deemed planning permission for construction of a road bridge)

Ben Cleuch Estates Limited v Scottish Enterprise [2006] CSOH 35; [2008] CSIH 1, 2008 SC 252

Holms v Ashford Estates Limited [2009] CSIH 28, 2009 SLT 389 (Reclaiming Motion: breach of warrandice in respect of competing title for parking space)

Global Santa Fe Drilling (North Sea Limited) and others v Lord Advocate [2009] CSIH 43, 2009 SC 575

Multi-Link Leisure Developments Limited v North Lanarkshire Council [2009] CSOH 114, 2009 SLT 1170

Sainsbury's Supermarkets Limited v Perth and Kinross Council [2009] CSOH 138

Forbes v Aberdeenshire Council and Trump International Golf Links [2010] CSOH 1, [2010] Env LR 36

Low & Bonar plc and another v Mercer Limited [2010] CSOH 47

William Grant and Sons Limited and others v Mercer Limited [2010] CSOH 52

Eastford Limited v Gillespie [2010] CSOH 132, 2011 SLT 434 (Debate: invalidity of company resolution because of conflict of interest)

House of Fraser Limited and others v Minister for the Environment [2010] NIQB 105 (Judicial Review: bias and apparent bias as a result of comments made by Minister in radio interview)

G Hamilton (Tullochgribban Mains) Limited v The Highland Council [2009] CSOH 4; [2011] CSIH 1; [2012] UKSC 31 (Procedure Roll, Reclaiming Motion and Appeal: construction of statutory provisions in relation to old minerals planning permissions)

Tesco Stores Limited v Dundee City Council [2010] CSOH 128; [2011] CSIH 9 (First Hearing and Reclaiming Motion: significance of national planning policy in granting planning permission)

Lonedale Limited and others v Scottish Motor Auctions (Holdings) Limited [2011] CSOH 04 (Proof: damages for breach of warranty in share purchase agreement)

Tesco Stores Limited v The Highland Council [2011] CSOH 11 (First Hearing: bias and apparent bias in grant of planning permission)

Hallam Land Management Limited v City of Edinburgh Council [2011] CSOH 75 (First Hearing: entitlement of planning authority to reject recommendations after local plan inquiry)

Crieff Highland Gathering Limited v Perth and Kinross Council [2010] CSOH 67; [2011] CSOH 78 (Procedure Roll and Proof: entitlement of landlord to break lease)

Spicer and Cork, Noters [2011] CSOH 87

Packard v Scottish Ministers [2011] CSOH 93 and [2011] CSOH 148

Fish and Fish Limited v Sea Shepherd UK [2011] CSOH 122

Bova and another v The Highland Council and BDW East Scotland Limited [2011] CSOH 140

Persimmon Homes Limited v Bellway Homes Limited [2011] CSOH 149

Portobello Park Action Group Association v City of Edinburgh Council [2012] CSOH 38; [2012] CSIH 69 (First Hearing and Reclaiming Motion: entitlement of local authority to appropriate inalienable common good land; mora)

Morston Whitecross Limited v Falkirk Council [2012] CSOH 97 (Proof: whether embankment part of public road)

The Trustees of Niall Calthorpe's 1959 Discretionary Settlement v G Hamilton (Tullochgribban Mains) Limited and the Keeper of the Registers of Scotland [2012] CSOH 138 (Procedure Roll: construction of title)

Public Inquiries:

ICL Inquiry (Inquiry under the Inquiries Act 2005; explosion and collapse of building): July, October and November 2008

Haymarket, Edinburgh (Hotels and redevelopment): May 2009

Argyle Street, Glasgow (CPO Inquiry): September 2009

Anstruther, Fife (Reserved matters; residential): November 2009

Tain (Reserved matters; retail): March 2010

Fallago, Borders (Wind farm; reopened): April 2010

Stacain, Argyll (Wind farm; reopened): November 2010
West Mains, East Kilbride (Superstore): September 2011
Almond Valley, Perth (Residential): July 2012