

David Parratt QC



Contact Details

Tel (Home): 0131 443 0836

Mobile: 07739639232

Tel (Clerk): 0131 260 5830

Fax (Clerk): 0131 260 5645

Email: david.parratt@terrafirmachambers.com

Address

Terra Firma Chambers, Parliament House, Edinburgh, EH1 1RF
DX 549302, Edinburgh 36; LP 3, Edinburgh 10

Biography

David has a wide ranging practice covering many different aspects of civil law. He is particularly strong in the areas of land law construction, trust work, general commercial work and contract.

He has a keen interest in international commercial arbitration and has practical experience of various forms of alternative dispute resolution including arbitration, adjudication and mediation. He is a Fellow of the Chartered Institute of Arbitrators (FCIArb), holds Chartered Status and is a Board Member of the Faculty's Dispute Resolution Service.

He has lectured in Arbitration in the Universities of Dundee, Dubai and Aberdeen and is peer appointed as an arbitrator onto many international panels.

David has prosecuted in the High Court of Justiciary, appeared in Outer House and led as counsel in the Inner House. He has also appeared before the Sheriff Courts, before the sheriffs principal, the Scottish Land Court and the Scottish Lands Tribunal.

David also has rights of audience in other jurisdictions having called to the English Bar (Lincoln's Inn) in 2009 where he is a member of Crown Office Chambers as well as the Bar of Northern Ireland in 2016.

Since 2012, he has held the position of Director of Training and Education, being responsible for the training of intrants on the Faculty's 9 month training programme.

Appointments

Director of Training and Education, Faculty of Advocates

Appointed Consultant to the Lord Gill's Review of the Civil Courts

Appointed an adviser to and researcher for the Scottish Parliament's Civil Justice Committees as appointed by The Scottish Parliament's in-house research specialists SPICe (Scottish Parliament Information Centre)

Memberships

Associate Member of Crown Office Chambers

Member of Faculty of Advocates Dispute Resolution Service (FDRS)

Fellow of the Society of Antiquaries of Scotland (FSAScot)

Fellow of the Society for Advanced Legal Studies (FSALS)

Fellow of the Royal Historical Society (FRHistS)
Fellow of the Chartered Institute of Arbitrators (FCIArb)

Publications

David has published over 10 articles in various publications including Scots Law Times, Journal of Psychiatry, Hume Papers on Public Policy, and Journal of Legal History in the fields of Scottish legal history, procedure, travel protection legislation and arbitration.

David has also published: ***The Development and Use of Written Pleadings in Scots Civil Procedure*** (Stair Society, Vol. 48)(2007) ; ***The Minute Book of the Faculty of Advocates, Volume IV, 1783-1798***, Stair Society (with A. Stewart Q.C. - Lord Stewart), (2008); ***The Scottish Arbitration Handbook*** (Avizandum Publishing) (with Peter Foreman) (2012) and Chapter 16: ***Law as a Profession: The Faculty of Advocates*** in (ed.) Mark A. Mulhearn, *Scottish Life and Society: A Compendium of Scottish Ethnology*, Vol. 13: The Law (Birlinn, 2012) (with K. Campbell, QC).

Recent Cases

Court of Session: Inner and Outer House

***Willox v Auchnie* [2015] CSOH**: Debate Resisting an Action seeking Decree of Reduction of Decree in foro.

***Auchnie v Auchnie* [2014] CSIH 102**: As leading counsel with junior, in the Inner House, argued novel point relating to a final interlocutor where leave had not been sought. Appeal resisted successfully.

***McKie v MacRae* 2006 SLT 46** per Lord Glennie: I acted as junior counsel in a Debate relating to one of Scot's law's first cases to consider dismissal for delay - "striking out".

***Free Church of Scotland v General Assembly of the Free Church of Scotland* 2005 1 S.C. 396**: I acted as junior counsel in a 4 week Debate in respect of the property rights in trust of a seceding non-Establishment Church.

***Bibby Factors Limited v Brady* 2002 CSOH 23**: interpretation of a commercial contract "all sums" guarantee.

***Alex Lawrie Factors Ltd v Mitchell Engineering Ltd* 2001 S.L.T. (Sh Ct) 93**: I acted in this case relating to the rights of the common debtor in an assignation between cedent and assignee, which is still leading authority on the subject.

Arbitration

In the matter of a DIFC Arbitration. (2011-13) Arbitration claim for an Iranian Client against US Client raising complex issues relating to a Sandanavian Shareholders Agreement with Arbitration provisions. Role of OFAC in supervising US client resiling from Agreement.

In the matter of an ICC Arbitration, (2013-14), ICC Case Number: 18644/FM/MHM Defence and Counterclaim for \$13.5m against Turkish Sub-Contractor which itself claimed \$4.5m in respect of a very large railway infrastructure project in Istanbul. Full Hearing over 2 weeks in November 2013. Success in Final Award (2014).

In the matter of an Arbitration under the Arbitration Act 1996 (2015) conducted under the ICE Arbitration Procedure between B Borough Council and HG Limited. The Claim was for £150K in respect of failure of design of coastal defences. Appointed and selected as Counsel to the arbitration to advise on a key procedural point relating to a highly contentious issue about the formation and formulation of the claimant's claim.

Land Court

Osgood Bain v The Crofter's Commission and George Bain v. The Crofter's Commission February 2013 (Scottish Land Court Conjoined Appeals SLC/164/12 & SLC/165/12) This Land Court

crofting appeal raised important public law issues. The Commission, a Government body, was accused of bias. Successful in resisting that with the Commission being cleared by the Court. The case also raised a number of issues of public law in terms of the Commission's approach to decision making. This was one of the first cases of its kind on this point.

Trustees of Cawdor Discretionary Trust v. Mackay (Land Court) Sept 2005. A case involving "resumption and diversification" under the Agricultural Holdings (Scotland) Act.

International

International Pairs Limited v. (1) The Government of Montserrat & others, Eastern Caribbean Supreme Court, Montserrat 2014. (MINIHCV2009/0002). Represented an English Registered Company in an action for payment against the Government of Montserrat. Trial over 2days, Montserrat.