

## Murdo MacLeod QC

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



## Principal Areas Of Practice

Regulatory, health and safety, and environmental crime

Financial and business crime

Inquiries

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)

- *"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."*
- *"Very user-friendly and very good on his feet."* [2015]

### THE LEGAL 500

#### Health and Safety - Tier 1 QC

- *"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

- *'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 Health and Safety, regulatory and commercial crime, environmental law and Public and Fatal Accident Inquiries.

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.

In 2001 he was appointed Crown Counsel and in January 2004 was appointed 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 May 2005 he was appointed Counsel to the Billy Wright Inquiry, a major public inquiry in Northern Ireland (the first under the Inquiries Act 2005) into alleged Government collusion in the murder of a prominent paramilitary prisoner. 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 became senior counsel to the inquiry.

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 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, at 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

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

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

H v M, 2017: Defending 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

HMA v H, 2017: Defending company in forthcoming case involving death of patient in private care home

MA v NBD, 2016-17: 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

Taqva 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: Defending in trial involving complex insurance fraud and associated crimes

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

## **Inquiries**

Re Edinburgh Tram Inquiry, 2017: Advising Core Participant

Re JP, 2017: Representing Local Authority in FAI into death of employee

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

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

Re Sumburgh Inquiry, 2017: Representing core participant in the forthcoming Fatal Accident Inquiry relating to the Sumburgh helicopter crash resulting in three fatalities.

## **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**

HMA v Andrew Coulson, 2015: Defended former newspaper editor in perjury trial

HMA v M, 2015: Defended owner of equestrian centre charged with indecent 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 historic 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

## Recent appeals etc

Coulson v HMA, 2015 HCJAC 49, 2015 S.L.T. 438: 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*

## Dual qualified

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