

Gavin J Anderson KC

Year called: 2001
Year of silk: 2022
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Practice

Gavin Anderson specialises in white collar crime and regulatory cases. He appears regularly in the High Court of Justiciary, Sheriff Courts and disciplinary tribunals throughout Scotland.

He is regularly instructed to defend in health & safety prosecutions involving fatality or serious injury, road traffic offences and environmental crimes involving pollution and waste management, as well as other forms of commercial crime, including fraud, money laundering, bankruptcy, licensing, financial services and company director offences. He has acted for accused persons, partnerships and companies facing prosecution as well as regulators including the Financial Conduct Authority, local authorities and police forces in the exercise of their enforcement functions.

Health & Safety Prosecutions

Mr Anderson has a wealth of experience defending criminal proceedings arising out of fatal accidents in the workplace. He regularly acts for individuals, companies, partnerships and public bodies facing prosecution.

Representative Instructions

- HM Advocate v Kinning Park Nursing Home (Scotland) Limited - *Fatality in nursing home*
- HM Advocate v Lambhill Court Care Limited - *Fatality in nursing home*
- HM Advocate v Boswell - *Fairground ride collapse causing multiple injuries*
- HM Advocate v Y Limited (Anonymised) - *Workplace fatality involving car crash on vehicular test track*

- HM Advocate v Goodfellow Environmental Maintenance Limited - *Workplace fatality in roadworks*
- HM Advocate v Sparks Mechanical Services Limited - *Crane collapse causing serious injury*
- HM Advocate v AG (Anonymised) - *Workplace fatality caused by falling plant*
- HM Advocate v A Limited (Anonymised) - *Workplace fatality on wind farm*
- HM Advocate v B Limited (Anonymised) - *Workplace fatality following exposure to hot chemicals*
- HM Advocate v C Limited (Anonymised) - *Fatality following gas explosion*
- HM Advocate v D Limited (Anonymised) - *Double fatality on construction site*
- HM Advocate v E Limited (Anonymised) - *Fatality during lift servicing operation*
- HM Advocate v F Limited (Anonymised) - *Road traffic (haulage) fatality*

Fatal Accident Inquiries and Public Inquiries

Mr Anderson appears in Fatal Accident Inquiry proceedings, often linked to criminal health and safety investigations.

He has appeared in FAIs relating to deaths in the workplace, in custody and at school.

Representative Instructions

- The Kirsty McGregor Fatal Accident Inquiry [2021] FAI 47 – *Death of child in care home, Dunoon*
- The James Kerr Fatal Accident Inquiry [2021] FAI 28 – *Death following crane collapse on vessel, Mull*
- The Sumburgh Fatal Accident Inquiry [2020] FAI 34 - *Multiple fatalities following offshore helicopter crash, Shetland*
- The Sophie Parkinson Fatal Accident Inquiry [2020] FAI 32 – *Death of school pupil, Dundee*
- The Clutha Fatal Accident Inquiry [2019] FAI 46 - *Multiple fatalities following police helicopter crash, Glasgow*
- The Keane Wallis Bennet Fatal Accident Inquiry [2017] FAI 14 – *Death of pupil at school, Edinburgh*
- The Scottish Child Abuse Public Inquiry - *Inquiring into actions of a Benedictine Order during Case Study No.5*

Environmental Crimes

Mr Anderson has extensive experience in environmental crimes concerning pollution, waste management, planning and breaches of enforcement notices.

Representative Instructions

- PF Livingston v Bryce - *Tree felling offences*
- PF Forfar v Linford - *Planning offences*
- PF Hamilton v C (Anonymised) - *Noise abatement notice offence*
- PF Perth v R (Anonymised) - *Destruction of habitat offences*
- PF Dumfries v KI Limited (Anonymised) - *Pollution and destruction of habitat offences*
- PF Stirling v Scotbeef Limited [2014] HCJAC 61 - *Breach of SEPA Enforcement Notice, Appeal against Sentence*

Financial Crime and Investigations

Mr Anderson has extensive experience in cases of alleged fraud, money laundering, bankruptcy, licensing, financial services, data protection and company director offences. He has provided advice in relation to bribery both nationally and internationally.

He has acted for both accused persons and companies, as well as financial institutions and regulators concerning bribery and large-scale frauds, including boiler-room fraud, carousel fraud and Ponzi schemes.

The very serious nature of the allegations made against commercial clients in such cases means that often Mr Anderson's work in this field is advisory at the investigative stage, with many contentious matters remaining out of the public domain.

He is a member of the LexisNexis Panel of Experts for Corporate Crime in Scotland.

Representative Instructions

- Re L - Investigation concerning *Prevention of Corruption Act 1906 and Bribery Act 2010*
- T (Anonymised - a witness) - *Advice regarding Bribery Act 2010*
- Y (Anonymised - a bank) - *Advice to financial institution concerning suspected fraud*
- HM Advocate v Stephen Farley - *Acted for Financial Conduct Authority in enforcement action concerning £18M fraud*
- HM Advocate v Alistair Greig - *Acted for Financial Conduct Authority in enforcement action concerning £13M fraud*
- X plc (Anonymised) - *"Dawn raid" under Crime (International Co-Operation) Act 2003 in international tax fraud investigation*

Professional Discipline

Mr Anderson provides advice and representation in relation to professional disciplinary proceedings and appears regularly before a variety of regulatory tribunals.

From 2017 until 2021 he was a member of the Legal Advisers Pool for the Disciplinary Scheme of the Institute and Faculty of Actuaries.

Media Law

Mr Anderson has advised media organisations in relation to reporting restrictions and contempt of court issues surrounding high-profile criminal proceedings.

Representative Instructions

- X Limited (Anonymised) (2020) - *Advice to media organisation concerning online reporting of a criminal trial*
- A v Procurator Fiscal Dundee 2018 SLT 72 (Anonymised) - *Acted for News Group Newspapers Limited regarding reporting restrictions in blackmail prosecution*
- HM Advocate v AJ (2018) (Anonymised) - *Application for lifting of reporting restrictions under Criminal Procedure Rules, Chapter 56*
- X Limited (2017) (Anonymised) - *Advice to media organisation regarding publication of name of former child offender*
- HM Advocate v SM (2017) (Anonymised) - *Application for reporting restrictions concerning mental health of accused*
- HM Advocate v JM (2016) (Anonymised) - *Application for reporting restrictions concerning child witnesses*

Memberships

The Health and Safety Lawyers' Association

The United Kingdom Environmental Lawyers' Association

The Fraud Advisory Panel

The Financial Services Lawyers' Association

The Association of Regulatory and Disciplinary Lawyers

The Proceeds of Crime Lawyers' Association

What the Directories Say

Chambers UK Bar 2020 – Ranked Band 1 for Health & Safety - "*Gavin strikes the right tone, which is an ability that makes him stand out. He is very good in court and with clients, and a strong advocate who is able to adapt and is solution-oriented.*"

Legal 500 UK 2020 – Ranked as a Leading Junior for Health and Safety, and Regulatory - "*He presents with gravitas whilst building rapport with, and inspiring confidence in, clients.*"

Legal 500 UK 2020 – Ranked as a Leading Junior for Crime - "*His preparation is methodical and he produces excellent written work.*"

Legal 500 UK 2020 – Ranked as a Leading Junior for Planning, Environmental and Licensing - "*Presents compelling legal arguments in a most persuasive manner.*"