

Alan A. Summers QC

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Areas of Practice

Administrative & Constitutional Law, Banking, Bankruptcy & Insolvency, Building & Construction, Clinical Negligence, Commercial Law, Damages, Ecclesiastical, Enrichment, Fishing, Human Rights, Inhibition & Adjudication, Medical Negligence, Mental Health, Personal Injury, Professional Negligence, Property Law, Reparation, Sequestration, Trusts & Succession.

Year of Call: 1994

Year of Silk: 2008

Devil Masters: Sheriff Thomas Welsh QC, The Hon. Lord Doherty

Qualifications: LL.B (Hons) University of Dundee, B.C.L. University of Oxford (St Catherine's College)

Biography:

Interests: Bankruptcy & Insolvency Building & Construction Commercial Constitutional Fisheries Human Rights

"Intellectually one of the most able seniors at the Scottish Bar" and "Excellent on his feet"

- **The Legal 500 UK 2011**

Cases:

In 2011 Alan represented Deutsche Bank in the Commercial Court in their continuing dispute with the Administrators of Globespan over the application and interpretation of s.236 of the Insolvency Act 1986. He also represented Branislav Sudjic in the Inner House in his appeal concerning the exercise of salmon fishing rights in the river Tummel ([2011] CSIH 82). He appeared on behalf of UNISON in the Inner House in their appeal from the EAT over the interpretation of Schedule 2 of the Employment Act 2002 (judgement awaited). He successfully concluded a settlement in excess of £2m for the parents of a brain damaged baby in their medical negligence action against Fife Acute NHS Trust. Alan also successfully represented the Faculty of Advocates in a judicial review of a decision made under its complaints procedure (*McCrinkle v Faculty of Advocates*); the successful Reclaimer in a dispute over the meaning of an insurance contract (*Mitchell v Great Lakes Reinsurance (UK) plc*) and appeared in the High Court in a challenge to the competency under EU Law of charges brought under Food Safety legislation against a seafood company (*Blueshell Mussels v Foard* 2011 SLT 1149).

In 2010 Alan appeared in the Supreme Court in two landmark cases. He acted for the successful Appellants in *Royal Bank of Scotland v Wilson* (2011 SC (UKSC) 66; 2010 SLT 1227) a case concerning the calling up of standard securities and the ejection of debtors. The result was described as '*an earthquake*', '*dynamite*' and '*the Cadder decision for homeowners*'. He also appeared earlier in the year in *Cadder v HMA* (2011 SC (UKSC) 13; 2010 SLT 1125) for the UK Government; a case concerning the compatibility of Scottish criminal procedure with the European Convention on Human Rights. This case too has had a profound effect on Scots Law and resulted in emergency legislation to remedy the law of evidence. Also in 2010 he appeared for the successful Respondents in the Inner House in *Scottish Coal*

Company v Danish Forestry Co (2010 SC 729), a case concerning the enforceability of a commercial contract for the extraction of coal.

During 2009 Alan acted for the Foreign Office in the Lockerbie Appeal (*Megrahi v HMA* 2008 SLT 333) advancing the UK Government's Public Interest Immunity claim. He was also instructed by Shetland Catch Limited to defend their interests in *Davies Wood Summers (solicitors) v HMA* (2009 GWD 27-436) a case concerning police raids on solicitors offices and the right to Legal Professional Privilege.

His current caseload includes insolvency disputes, disputes over the interpretation of insurance contracts and negligence cases.

Publications:

Satanic Mills, Sweatshops and the Law, JR 1990
The Assignment of Collateral Warranties, SLT 1993
Res Judicata and Excess Clauses in Insurance Contracts, SLT 1996
Articles in S.L.T. and other journals

Appointments:

Treasurer of the Faculty of Advocates (2012 to date)
Chairman of Faculty Services Ltd (2008 to 2012)
Special Counsel to the UK Government (2007 to date)
Standing Junior to Scottish Executive acting principally for the Health Department and the Keeper of the Registers of Scotland (2000 - 2007)

Further Information:

Scottish Education Department Scholarship 1986 - 1988
Lecturer, Department of Scots Law, University of Edinburgh 1988 - 1990
Lord Reid Scholarship 1993 - 1994
W. Green Prize in Law 1986

Committees:

Faculty Sub-committee on Mental Health (Care and Treatment) (Scotland) Act 2003
Faculty Sub-Committee on proposals to Reform Criminal Injuries Compensation Scheme 2006

Other Responsibilities:

Tutor - Faculty of Advocates Foundation Course