

Lorna A Drummond QC

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Areas of Practice

Administrative & Constitutional Law, Commercial Law, Environmental, Extradition, Human Rights, Immigration, Judicial Review, Mental Health, Parliamentary, Planning.

Year of Call: 1998

Year of Silk: 2011

Devil Masters: D.C. Rae; W. Totten; N. Stewart

Qualifications: LL.B. University of Glasgow, 1989; M.Phil. University of Cambridge, 1990; Dip. L.P. University of Edinburgh, 1991

Biography:

Formerly Assistant Scottish Parliamentary Counsel and Assistant Legal Secretary to the Scottish Law Officers, Lorna called to the Bar in 1998. She has developed a wide practice in administrative and constitutional law, immigration, extradition, mental health, planning and commercial law. From 2002 to 2007 she was appointed Standing Junior to the Home Department and instructed in immigration and human rights cases. In 2007 she was appointed by the Foreign Office as Crown Counsel for a British Overseas Territory dealing with criminal, employment and administrative law. She returned to practice at the Scottish Bar in January 2009 and took up appointments as Standing Junior Counsel to the Scottish Government and Part Time Sheriff. She was appointed *ad hoc* Advocate Depute in 2010 and to the Equality and Human Rights Commission Preferred Panel of Counsel in 2011.

Described in Chambers 2011 as "*an exceptionally good lawyer*" and "*understated advocate who stands out from the pack and has the ear of the court*" and rated band 1 in administrative law (top ranking).

Cases:

Planning and environment: *William Walton and Mr and Mrs Fraser v Scottish Ministers* [2011] CSOH 131 (challenge to a roads scheme under the Roads (Scotland) Act 1984; Habitats Directive, Aarhus Convention; Public Participation Directive; EIA Directive; restricted remit of inquiry). *Bova and Christie v Highland Council* [2011] CSOH 140 (failure to apply precautionary principle in flooding assessment). *Road Sense v Scottish Ministers* [2011] Env LR 22 (Protected Expenses Orders; Aarhus Convention and EIA Directive). *Forbes v Aberdeenshire Council* [2010] Env LR 36: (title and interest to challenge planning permissions on judicial review, Aarhus Convention and environmental law). *Tesco v Dundee City Council and Asda* [2010] CSOH 128; 2010 GWD 33-688: (application of the sequential test and planning policy; failure to provide adequate reasons). *Uprichard v Scottish Ministers* [2010] CSOH 105; 2010 GWD 30-628: (challenge to Fife Structure Plan; failure to provide reasons for not making modifications).

Judicial Review / Human rights: *Docherty v Scottish Ministers, Philbin v Scottish Ministers and Logan v Scottish Ministers* [2011] CSIH 58 (whether an obligation to pay just satisfaction damages under the Scotland Act 1998 prescribes under the Prescription and Limitation (Scotland) Act 1973 and must be brought by judicial review).

McPherson v Scottish Ministers [2011] CSIH 19: (whether the Scottish Ministers had a duty to make regulations under the Mental Health (Care and Treatment)(Scotland) Act 2003 to enable patients to appeal against conditions of excessive security in non-state hospitals). *Attorney General v Eba* [2011] 3 WLR 149 (Supreme Court: grounds on which the Upper Tribunal amenable to judicial review following the introduction of the new tribunal system in the UK). *Larry Francis v Attorney General* 2009, St Helena Court of Appeal: (application of the Employment Rights Act 1996 and Human Rights Act 1998 to British Overseas Territories). *Smith v Scott* 2007 SC 345: (whether blanket ban on prisoners' voting rights incompatible with ECHR; whether possible to read down statutory provisions under section 3 of the Human Rights Act 1998; declaration of incompatibility). **Immigration / Extradition:** *Keith Allen v HMA* 2010 SCCR 861: (whether extradition order to stand trial in Germany breach of Article 6 of ECHR; passage of time; oppression; relevancy of devolution minute). *Feeney v HM Advocate* 2010 SCCR 675: (validity of European arrest warrant for not containing details of the enforceable judgement upon which it was based). *Torabi v Secretary of State for the Home Department* 2006 SC 567: (whether the Immigration Appeal Tribunal erred in evaluating evidence and reaching its conclusions under Arts 2,3 and 6 of the ECHR where an Iranian woman claimed if returned to Iran to face trial for adultery there were substantial grounds for believing that she would die).

Appointments:

Standing Junior Counsel to the Advocate General (2002-2007)

Panel Member of Scottish Parliament Bill Drafting Unit (2001-2007)

Crown Counsel, Ascension Island (2007-2009)

Standing Junior Counsel to the Scottish Government (2009-2011)

Part time Sheriff (2009 to date)

Ad hoc Advocate Depute (2010 to date)

Preferred Panel of Counsel to the Equality and Human Rights Commission (2011 to date)

Further Information:

Associate member of Landmark Chambers, London