

To succeed in a marketplace  
you need to know the marketplace

# We do Scotland



We offer strength, depth and responsiveness with a service led by specialist Partners who really understand the marketplace they're operating in. Match that with our pace, capabilities and commerciality and you have a partner firm you can rely on again and again."



Lesley Larg  
Managing Partner

DUGALD STEWART

BORN NOVEMBER 23 1763

DIED JUNE 11 1827

## We do partnerships for you

After you've helped your clients achieve success in your marketplace, we can help your clients achieve success in ours: Scotland.

As one of Scotland's leading law firms, we are perfectly placed to partner firms from England and Wales. Our 'true' partnerships serve your best interests and provides you with the service levels your clients expect.

### PARTNERING WITH THORNTONS GIVES YOU:

- A partner-led service - experienced people who understand the sectors your clients are operating in and the specialisms you deliver in England & Wales.
- Teamwork - we're part of your team, providing you with the strength, depth and responsiveness you demand of your own team.
- Clarity not competition - we're clear from the outset how the client relationship is run.
- Value - local expertise without the global price tag.

There are particular Scottish elements to areas such as succession planning, real estate, construction, banking and litigation. Partnering with Thorntons - a genuinely independent Scottish firm - means that there is no threat of placing work with a global firm you maybe in competition with.

Building long term relationships is what's important to us.

As always, **we do what's right.**



# We do scale

## One of Scotland's largest law firms

With over 580 people, Thorntons is firmly established as one of Scotland's leading law firms.

With offices across major cities and towns in Scotland - including Edinburgh, Glasgow, Dundee and Inverness - we believe we are at a distinct advantage when it comes to understanding and serving Scotland's local sectors and communities: whereas other law firms may only have a presence in just Edinburgh & Glasgow.

## Committed to Scotland

Thorntons' roots can be traced back to 1857 when Sir Thomas Thornton started his own legal firm in Dundee. We have grown steadily over those 165 or so years and our commitment to Scotland has never wavered.

Our strategic goal is continued success and growth in Scotland. In the last five years alone, our turnover has increased by 28%.

Our success has been built upon values present from our origin, values which are still our focus today: a high quality legal service; the talent of our people; and the commitment we have to long-term partnerships with our clients.

70+  
PARTNERS

£40m  
TURNOVER

1857  
FOUNDED

# We do breadth

## Service expertise and experience

Thorntons is a full-service legal firm. We provide a wide range of expert legal services for both businesses, individuals and families. Of course, some areas of law are universal to Scotland, England and Wales. But it is the nuances, the understanding of the local marketplace, and the hidden commercial opportunities, that help make your partnership with Thorntons a success. Below is a list of services where our specialists can bring their Scottish specific expertise to help you and your clients.

### SCOTTISH SPECIFIC SERVICES

#### For business

- Commercial Real Estate
- Corporate and Commercial
- Commercial Litigation
- Insolvency & Restructuring
- Employment Law
- Immigration & Visas

#### For individuals & families

- Scottish Wills & Powers of Attorney
- Scottish Trusts & Probate
- Cross Border Estate Planning and Estate Administration
- Scottish Forced Heirship Advice
- Residential Property
- Separation & Divorce

## Sector expertise and experience

From international brands to leading UK-wide clients, our expertise and experience cover all aspects of the Scottish economy, including:

Healthcare	Social Housing
Banking & Finance	Retail
Education	Ventures & Innovation
Infrastructure	Media & Creative Industries
Renewable Energy	Leisure & Hospitality
Agriculture	



# We do success

“

Thorntons have combined specialist advice with a holistic overview which has consistently demonstrated their conscientious and thorough understanding of our needs and the many stakeholders involved.”

V&A Museum of Design

“

We have worked with Thorntons for several years, referring them matters arising in Scotland. They are a pleasure to work with, highly knowledgeable with an impressive proven track record. They absolutely value the client journey and put them at the forefront with an emphasis on speed, reliability and results.”

English-based law firm

“

We have been working with Thorntons throughout Scotland for a number of years now. They have significant specialist experience in the Scottish market and have advised on multiple complex cases for our mutual clients.”

Andrew Sloan  
RBC Brewin Dolphin

“

Thorntons have been with us since the early days of our business and deliver every time. They have a genuine partnership approach and often deliver advice on-site at our major events.”

DF Concerts and Events  
(A subsidiary company of Live Nation)

## Our Scottish Specific Services

### **For businesses**

- 01 Commercial Real Estate
- 02 Corporate and Commercial
- 03 Commercial Litigation
- 04 Insolvency & Restructuring

### **For individuals and families**

- 05 Scottish Wills, Trusts & Probate
- 06 Residential Property
- 07 Family Law

## Other Related Services

### **For businesses**

- 08 Employment Law
- 09 Intellectual Property & IT
- 10 Business Immigration & Visas
- 11 Data Protection & GDPR

### **For individuals and families**

- 12 Immigration & Visas
- 13 Professional Negligence

30+  
SOLICITORS

With one of the largest dedicated teams in the Scottish market, our Commercial Real Estate Team of over 30 solicitors has an outstanding reputation for delivering a high quality and seamless partner-led service to our clients.

From buying and selling to development, construction and leasing, every commercial real estate deal is unique. Whether you or your client are a developer, buyer, seller, landlord, tenant or investor, you require legal support that understands your specific project needs, challenges and opportunities.

Our in-depth market knowledge and expertise means we can help open up opportunities for you across all our office locations.

Ranked in both Legal 500 and Chambers & Partners our specialist sector-based units include:

#### EDUCATION

We handle the real estate requirements for almost half of the universities in Scotland and a large number of colleges.

#### SOCIAL HOUSING

We assist a significant number of housing associations with specialist requirements.

#### RETAIL

We act for a number of high street retail chains including Schuh and Subway among others.

#### HEALTHCARE

We have an extensive specialist network advising pharmacies, vets, dental and doctors' practices.

#### ENERGY AND INFRASTRUCTURE

We are instructed in over 20 active wind farm developments as well as battery, solar and hydrogen projects. We act for Scottish Government funded projects for hydrogen development in association with private joint venture partners.

**We do Commercial Real Estate**



### CHAMPIONSHIP GOLF COURSE

Our clients developed and operate a Championship golf course, which is a key part of the tourism and leisure sector in that area. It also has rights to extensive additional ground to develop out a further four phases including a second Championship-standard golf course and holiday/leisure complex. All property is or will be held under ground lease.

Our commercial real estate team dealt with the property aspects arising from the sale of members' interests which primarily included:

- 01 collation of extensive due diligence documentation for the five existing and future development areas;
- 02 contracting pre-sale with the landlord in relation to
  - (i) reframing elements of the existing ground lease documentation covering three of the phases to accommodate as built and proposed amendments to the subjects leased and landlord and purchaser requirements in relation to the lease terms and (ii) amending agreements in relation to future development phases including option agreement and (iii) grant of option security documentation;
- 03 negotiating amendment of existing security documentation with the current funder and Enterprise Company and;
- 04 negotiation of the property warranties and disclosures as part of the overall sale agreement.

Input was also required into a restructure of the landlord's heritable ownership of the larger estate the development sits within.

Overall, the commercial real estate team co-ordinated and managed input of the solicitors acting for the various parties involved in the property elements.

## Work Examples

### LEADING UNIVERSITY

Grant of a long lease by our client having developed it as part of a Framework Agreement to create and provide international programmes for international students at our client's campus.

### HOUSEBUILDER

Acquisition and onward sale of a greenfield development site including: reviewing historic title documentation for the site and neighbouring sites; advising on both access and boundary issues, including rights of way and statutory provisions for service media providers; advising on and negotiating clawback provisions and supporting security; granting and receiving servitude rights of access over the site and neighbouring properties.

### CONVENIENCE FOOD STORES

Sole adviser in the continuing acquisition of convenience stores for Scotland's fastest growing independent convenience store retailer. Have recently completed six purchases and working towards a portfolio target of 30, dealing with the asset and goodwill purchase elements and property transfer requirements such as new grants of leases and assignments of existing leases.

### MEDIA GIANT

Lease of new office and broadcasting studio for national radio station in a landmark Edinburgh centre. The new contemporary office space and state-of-the-art facilities ensures the client can build on their market-leading position long into the future.

### WHISKY INVESTMENT

Acting for an internationally renowned Scotch Whisky investor in the acquisition of a marque site for their proposed world headquarters. The mixed-use development forming the basis for the location for one of the world's rarest whisky collections.

The bespoke site on a former factory in the heart of one of Fife's oldest and most unique villages, presented several challenges requiring advice on environmental issues, planning considerations, access rights across a multi-site acquisition and liaising with various Local Authority and Government Departments.

## Key contacts



**Gary Thomas, Partner**  
07714772801  
gthomas@thorntons-law.co.uk



**Ewan Miller, Partner**  
01382 346812  
emiller@thorntons-law.co.uk



With our eyes firmly focused on all things Scotland, our Corporate & Commercial team is your ideal partner for referral work from England and Wales. Highly responsive and pragmatic, we see ourselves as an extension of your own team.

We like to build real relationships - and we do so by providing a partner-led service. Something which does not come at a premium as we are competitively-priced based only in Scotland.

We have a thorough understanding of the differences between Scottish and English contract law. Examples of this coming into play would be where a client is buying a property in Scotland or acquiring a business with Scottish clients. We also advise employee ownership trusts and how they apply in Scotland. Our Ventures & Innovations team can also advise on Scottish business and start up opportunities. We also carry out work for banking and funding arrangements.

We have a broad corporate skillset. Combined with our joined-up approach, we can help you spot - and capitalise on - potential commercial opportunities.

**We do Corporate & Commercial**

### SCOTTISH SUPPORT FOR FINANCIAL SERVICES ACQUISITION

We worked in conjunction with a London-based firm on the Scottish aspects of the acquisition by a North American client of a household-name financial services business. This included advising on Scots law queries on share purchase and asset purchase agreements, Scottish real estate aspects, customer-facing T&Cs, and post-completion group restructuring.

### COMMERCIAL CONTRACTS IN THE SCOTTISH WHISKY INDUSTRY

We advised on a number of high value Scotch whisky industry contracts on the key differences between Scots and English law concerning the supply of raw materials and logistics to Scottish distilleries.

### OVERSEAS INVESTMENT INTO SCOTTISH AQUACULTURE BUSINESS

We collaborated with a boutique English corporate firm acting on behalf of European investors in relation to a joint venture in a Scottish aquaculture business: including advising on Scots law asset finance arrangements, banking, planning, commercial and rural real estate issues, and contractual due diligence reporting.

### IP/IT DUE DILIGENCE EXERCISE

We carried out Scottish due diligence reporting on behalf of an English/US based firm in relation to the acquisition by a Dutch-headquartered client of a Scottish IT business. This included advising on intellectual property rights, Scottish-governed IT contracts, share incentive schemes and Scottish real estate.

### BANKING & SECURITIES IN RELATION TO SCOTTISH ASSETS

We assisted a large English law firm with the Scottish aspects of the purchase by their Canadian client of a UK group which operated throughout the UK, including at 7 sites in Scotland. We also acted for the purchaser in its funding for such transaction. Our assistance included dealing with the securitisation of all of the Scottish assets of the target, including fixed securities over the Scottish sites and share pledges throughout both the borrower and target groups. We also provided Opinion Letters to the purchaser's North American funders.

### PE INVESTMENT INTO SCOTTISH FOOD PRODUCER

Working with an English commercial law firm, we assisted them in an investment by their client, a private equity fund, in a Scottish food producer. This included advising on the Scottish aspects of the investment and associated loan, taking security over certain of the Scottish assets of the target; and advising on the ranking arrangements in relation to this loan, and reporting on the target's property assets.

### SCOTTISH ASPECTS OF RESTRUCTURING AN OEIC

We assisted a long-standing English firm in the Scottish elements of a scheme of reconstruction of a company incorporated in Scotland under which a liquidator was appointed, and the assets of the company transferred to a sub-fund of an open-ended investment company.

### FUNDING PACKAGE FOR SCOTTISH RENEWABLE ENERGY PROJECT

We worked with an English firm and assisted them with a complex cross-border financing matter. Their client was a financier looking to lend to a multi-site generator of renewable energy, with the security package including fixed securities and a full package of direct agreements and step-in rights. We assisted in relation to all of the Scots law aspects: including taking property securities and advising on sale and leaseback arrangements over assets in Scotland.

## Key contacts



**Robbie Francis, Partner**  
07719528194  
rfrancis@thorntons-law.co.uk



**Alistair Lang, Partner**  
07901978797  
alang@thorntons-law.co.uk

## Work Examples



◀ BACK TO SERVICES

30+  
SOLICITORS

One of the largest dedicated  
teams in Scotland

With five senior partners leading a large and knowledgeable team, we provide a responsive, professional, partner-led service to meet your clients' demands.

We deal with a wide range of Dispute Resolution and Commercial Litigation matters including contract law disputes, contentious private client litigation, licensing work, regulatory work, banking and finance disputes, commercial and residential property litigation, rural disputes, education law matters, and debt recovery.

We also work on contentious personal and corporate insolvency matters - our partner, Stephanie Carr, being accredited as a specialist in Insolvency Law by the Law Society of Scotland.

As one of Scotland's most successful independent law firms we are not formally linked with any one law firm in England - however, we frequently act for clients based in England and Wales.

As an example, we act for English landlords who have residential property interests in Scotland. We also regularly act for English companies seeking to recover debts from debtors based in Scotland, through referrals from firms in England.

Our experienced team members regularly appear at Sheriff Courts across Scotland and at a variety of Tribunals. Our solicitors are regularly involved in complex/high value cases where they instruct Advocates to appear in cases at the Court of Session, and Supreme Court. We also have an in-house Solicitor Advocate resource which can be called on as required.

When it comes to the handling of disputes and being assisted and represented in Alternative Dispute Resolution forums of any kind in Scotland, you're in good hands with the team at Thorntons.

**We do Commercial Litigation**

#### CASE 01

We recently acted for an English landlord who had a house of multiple occupation in the west of Scotland and required to recover possession and sell for his retirement. The procedure was not straightforward due to technical difficulties with the original tenancy agreements and the provisions of the Cost of Living (Tenant Protection) (Scotland) Act 2022.

After a lengthy process (lasting over a year), we were successful in persuading the First-tier Tribunal for Scotland (Housing and Property Chamber) to grant eviction orders against all the tenants without evidence thus allowing the landlord to sell the dwellinghouse for his retirement.

#### CASE 02

We acted for recruitment agencies based in England to recover sums due in accordance with their terms and conditions, where individuals had been employed following introductions by the recruitment agencies but where the agencies had not been notified of the employment.

The terms and conditions were complicated, and we were required to advise on their application. A court action was raised and was defended, resulting in a negotiated settlement and recovery to the client.

#### CASE 03

We receive volume instructions from English clients in relation to consumer finance debt recovery. In these matters we raise proceedings, liaise with debtors or their representatives, negotiate payment plans and administer those.

Where enforcement of court orders is required, we will advise on the methods available in Scotland to do that, up to and including lodging petitions for sequestration (bankruptcy) of individuals and liquidation for companies.

#### CASE 04

We act as Scottish agents for English Solicitors in technical applications under the Companies Act 2006 for Scottish based companies and are able to advise on all aspects of Court procedure.

Recently we acted for English solicitors whose client was a Scottish-based PLC and wished to reduce their share premium account. There are certain aspects of this procedure which are unique in Scotland, such as the role of the Court appointed Reporter. We are experienced in dealing with the practical aspects of instructing a Court Reporter in such applications and were able to provide an early intervention in the process which ultimately saved the client a significant outlay.

We advised on all aspects of the Scottish procedure and kilted the English documents produced by our instructing agents, advising where further information would be required by the Court.

#### CASE 05

We were engaged by English insolvency practitioners who have been involved in protracted and significant litigation arising from challengeable transactions from a large bankrupt estate in England.

Additionally, a Court of Session summons was raised against them seeking reduction of a share purchase agreement relating to a transfer from a Scottish Limited Partnership. The case raised highly unusual issues of fact and law. We engaged with the clients, and their English agents, in early discussion around strategy and overall aims, including advice regarding costs and recovery and acted for them in successfully defending the action.

#### CASE 06

Online selling, and telephone marketing - where intellectual property rights are breached - often raise cross border issues. We have significant experience of advising on founding jurisdiction in Scotland for breach of intellectual property where calls, emails or correspondence is being received by individuals in Scotland.

We have been successful in obtaining interim orders to prevent ongoing breach from the Court of Session, allowing enforcement across Scotland. We are delighted to work hand in hand with English agents or for English clients to ensure enforcement across Scotland is achieved as required in the protection of their rights.

## Key contacts



**Stephanie Carr, Partner**  
07787512634  
scarr@thorntons-law.co.uk



**Scott Milne, Partner**  
07841145545  
smilne@thorntons-law.co.uk

## Work Examples

With our experience and expertise on cross border projects, our Insolvency & Restructuring team is the ideal partner for referral work from England & Wales.

We're able to fully understand the complexities of translating your jurisdiction to ours as our team members have worked throughout the UK having been based in London, Manchester, Birmingham and Northern Ireland: and it's work we routinely do today.

Our knowledge is extensive and we deal in all aspects of insolvency, both contentious and non-contentious - something we believe should be a given. And while we may share the same Insolvency Act, we understand they are applied differently on different sides of the border following two different sets of rules.

We're very experienced in all aspects of insolvency in many sectors of the economy and are one of the few teams in Scotland that routinely accept instructions on the insolvency of Regulated Entities in the financial sector. We routinely act for Lenders (from the 'High Street' to Asset Finance), Trade Creditors, Directors and as you would expect, Insolvency Practitioners.

Professional, responsive, and easy to work with - we have a natural team-building ethic and as you should expect, a commitment to delivering the same excellent client service that you do. We aim to be your go-to in Scotland for any queries you may have.

**We do Insolvency & Restructuring**

#### INSOLVENT CONSTRUCTION COMPANY BASED IN ENGLAND - SCOTTISH LITIGATION

This case involved us acting for the Administrators and then Liquidators of an English-based construction company with a large outstanding claim in relation to the commissioning client, who was based in Scotland. Acting alongside their English-based lawyers and Quantity Surveyors as part of the whole team, we provided advice in relation to raising proceedings and thereafter settling the claim.

We obtained the best result for the client and ensured that closure could be achieved for a long-running insolvency process. This case exemplifies our hard work to deliver the high standards of client care expected by your clients and to ensure that - although our jurisdiction can be very different - we try to deliver the same outcomes through different routes.

#### EXPERTISE IN FINANCIAL SERVICES

We routinely act for Insolvency Practitioners in relation to regulated entities within the financial sector. Acting as part of the wider team in relation to Scottish appointments, we deal with all matters in relation to the appointment, regulatory and routine insolvency matters in relation to realising assets etc.

Although we are in a different jurisdiction, the advice given to all parties is seamless regardless of which side of the border.

#### ADMINISTRATION OF A LARGE GROUP OF INSOLVENT COMPANIES

In relation to renewable energy, we are instructed by the Administrators of a large group involved in the renewable energy sector. The group has subsidiaries in all three jurisdictions in the United Kingdom and we work alongside legal advisors in each of the jurisdictions making sure that the advice given is both accurate and appropriate to our jurisdiction.

We pride ourselves on ensuring that we are both practically and commercially fitting within the wider cross-border strategy. Sometimes our role can be to project manage the wider advisory group but likewise we are very happy to be instructed as a member of the team to deliver the wider objectives.

#### LIQUIDATION OF LAND AND RURAL HOLDINGS

We are engaged in relation to a Scottish land and rural business which straddles both sides of the border between England and Scotland. We have been engaged in assisting with unravelling a hugely contentious and litigious situation and in particular advising in relation to the sale of land in Scotland.

#### DEBT RECOVERY

We are routinely instructed in relation to recovery of debts due to English Companies from Scottish entities or vice versa. We are happy to act on a single debt matter or in realising portfolios and ledgers, whether the pursuing entity is insolvent or not.

For example, we acted in relation to unpaid debts arising from construction services provided by a Scottish company to an English customer and successfully recovered payment in full.

We recover sums due to or by individuals or corporate entities. Many of these instructions come from long-standing relationships with creditors ranging from commercial entities to funders and lenders.

## Work Examples

“

Pamela has provided in-depth assistance in relation to a complex group of insolvent entities. With members of the group covering three different jurisdictions, Pamela ensured that she was in contact with all of the required parties to ensure that matters were dealt with as expediently as possible. Her expertise and dedication to the cases has been exceptional.”

Claire B, Insolvency Director at an English Insolvency Firm

## Key contacts



**Pamela Muir, Partner**  
07968586249  
pmuir@thorntons-law.co.uk



**Anne Miller, Partner**  
07843977637  
amiller@thorntons-law.co.uk





When the world comes to Scotland, we're ready.

We act for a number of globally mobile clients who have assets in Scotland. We often act as part of a multi-jurisdictional team, advising high net worth individuals and families on the Scottish aspects of a variety of succession planning issues.

We advise on the intricacies of Scottish Forced Heirship rules, Scottish Wills and Scottish Continuing and Welfare Powers of Attorney. We can also advise on all aspects of Scottish Trust Law and assist in obtaining Scottish Probate (known as Confirmation) as part of the estate administration process.

Our Private Client Lawyers are accredited members of STEP (Society of Trusts Estate Practitioners) and recognised as experts in their field.

**We do Scottish Wills, Trusts & Probate**

### WINDING UP OF A SCOTTISH DISCRETIONARY TRUST

Our clients were the Trustees of a large Scottish Discretionary Trust. The remaining Trustees were based in England and Wales and had been appointed by the Scottish settlor of the Trust, who was now deceased. The Trustees held large parcels of land in the Scottish Highlands, along with residential and agricultural property.

We provided advice to the Trustees in relation to the options available to wind up the Trust and distribute the remaining assets among a number of potential beneficiaries. We also prepared the necessary Trust documentation to effect the transfers and to ensure they received the appropriate discharges and indemnities for their actions while in office.

### ADMINISTERING A SCOTTISH ESTATE, INCLUDING OBTAINING A SCOTTISH GRANT OF CONFIRMATION (SCOTTISH PROBATE), AS PART OF A CROSS-BORDER TEAM

Our clients were a group of Executors appointed under a Scottish Will. The Executors were also appointed under a Spanish Will and were represented separately by Spanish Agents in respect of the estate administration in Spain. The Executors resided in three different jurisdictions.

We advised the Executors on the administration of the Scottish Estate, including obtaining a Grant of Confirmation and dealing with the necessary Inheritance Tax reporting to HMRC. Two of the three Executors were based outside Scotland and through preparing restricted Powers of Attorney in our favour by those Executors, we were able to sign relevant documentation on their behalf, ensuring a completely remote role for them in the administration.

### LEGAL ADVISERS TO SIGNIFICANT PRIVATE FAMILY OFFICE

Our clients are a significantly sized private family office who manage family wealth and legal affairs for a multi-generational client base. We assist the office in all aspects of their legal affairs in Scotland, acting as part of a cross-border team with agents in other jurisdictions where required. We regularly advise on aspects of Trust Law, Succession Planning, Asset Protection and preparation of legal documentation (including Wills, Powers of Attorney etc.).

## Work Examples

## Key contacts



**Audrey Dishington, Partner**

07715277101  
adishington@thorntons-law.co.uk



**Chris Gardiner, Partner**

07395877204  
cgardiner@thorntons-law.co.uk



With a wide geographical spread and a depth of knowledge of local areas, our Residential Property service is unrivalled in Scotland.

Over 40 years ago we were the first solicitors in Scotland to open an estate agency: providing a complete service for our clients - from the sales process through to the legal service.

Our breadth of exposure and understanding of the property market in Scotland is second to none. From 1st January to 30th September 2023, we've been involved in 2,515 sale and purchase transactions, including 294 first time buyer transactions.

With a different property system to England we are perfectly placed to advise your clients on all property matters in Scotland. We also take care of executry sales where we can carry out the appropriate marketing of the property aspects of an estate.

We take a highly professional and ethical approach to our work, guided by the Law Society of Scotland and you only need to refer to our Trustpilot scores to see this is indeed the case.

**We do Residential Property**

#### HOLIDAY HOME IN DORNOCH

We acted on behalf of an American client in connection with the purchase of a holiday home in Dornoch at a price of approximately £2,000,000. The client was a keen golfer hence his desire to have a holiday home near Dornoch Golf Course.

#### RELOCATION BACK TO SCOTLAND

Acted on behalf of a Canadian couple who were looking to relocate back to Scotland and help them purchase a plot on which to build their dream home near St Andrews.

#### £2M PROPERTY, ST ANDREWS

Involved in the sale of a client's property which overlooked the Old Course at a price of approximately £2,000,000.

#### PROPERTY PURCHASE IN SCOTLAND FROM ENGLAND

We are acting for a client who is selling his 50% shared ownership property in Merseyside to buy in rural Caithness.

#### PROPERTIES IN ST ANDREWS FOR UK & OVERSEAS CLIENTS

Acted on behalf of a number of clients both UK and foreign individuals and in connection with the purchase of properties at Hamilton Grand in St Andrews, varying in price from approximately £1,000,000 to in excess of £4,000,000.

## Work Examples

### Key contacts



**David Mathieson, Partner**  
07764968144  
dmathieson@thorntons-law.co.uk



**Hannah Fraser, Partner**  
0131 624 6806  
hfraser@thorntons-law.co.uk



◀ **BACK TO SERVICES**

**OVER**  
**100**  
**YEARS**  
combined experience  
within the team

Scale, capability and experience: that's what sets our Family Law team apart. We cover all courts in Scotland, with offices in the major towns and cities. Along with four partners we have 6 solicitors accredited in Family Law, nine trained in collaboration or mediation, two lecturing at universities and at least five solicitors who have qualified for an excess of 20 years. The team are also ranked in both Legal 500 & Chambers.

Our experience is extensive. We've handled numerous high value cases. We act for parties cross border. And we're confident enough to be able to provide a likely outcome even before a case is presented to a Scottish court of law. Naturally, over a long period we have strong relationship with Scottish advocates.

With our commitment to mediation and collaboration, our focus is to solving problems and sorting things out rather than going down a more contentious route.

However if your client has a case in court we have experience in dealing with all types of family law court actions including financial provision for cohabittees and married persons who have separated or are divorcing, for child arrangements, adoption proceedings, surrogacy and child abduction cases.

We believe we have one of the strongest Family Law teams in Scotland. One that is ready to help provide you and your clients with a successful outcome.

**We do Family Law**

**DIVORCE:  
ACTING FOR DEFENDER IN  
COURT OF SESSION DIVORCE ACTION**

Very high value divorce action involving valuation of multiple assets including long term incentive plans. Case settled on the first day of the Proof. The Pursuer then attempted to withdraw from the settlement and the case went back to Proof on whether the purported compromise on the morning of the Proof produced a valid and binding agreement between the parties and, if so, whether that agreement should nonetheless be set aside on the basis of unfairness or unreasonableness in terms of Section 16 of the 1985 Act.

The Pursuer's Agents withdrew from acting and she conducted the case as a Party Litigant. The further Proof included evidence from both parties' Counsel and the Pursuer's former agents.

The Judge found that the compromise did constitute a valid and binding agreement and that there were no grounds for it to be set aside. The case has been cited as authority in relation to Section 16 and referred to in numerous training sessions and articles.

**DIVORCE:  
ACTING FOR WIFE (PURSUER) IN SHERIFF COURT  
PROCEEDINGS**

The dispute concerned shares in a company the husband had set up using money paid out in settlement of an income replacement policy, following an accident in which the client had suffered life-changing head injuries.

He argued that the source of the funding for the company amounted to a special circumstance justifying him retaining the whole value of the shares.

We argued that our client was entitled to share in the value of the shares, albeit that in negotiation we offered to agree to the husband retaining more than 50% of the value.

The Sheriff found that the value of the shares should be shared equally, which was a significantly better outcome for our client than anticipated.

The issues were unprecedented - previous cases concerned damages for personal injury, which we argued were not completely analogous. The Judgement is an important precedent showing the difficulty of overturning the presumption that equal sharing of assets is fair.

**DIVORCE:  
ACTING FOR WIFE (DEFENDER) IN  
COURT OF SESSION DIVORCE ACTION**

The husband (Pursuer) raised an action in Scotland despite residing in Singapore and his wife residing in Australia. The Pursuer's Agents withdrew from acting after the proceedings were raised and the husband acted as a Party Litigant thereafter.

The case raised unusual and difficult issues about substantial dissipation of matrimonial assets by husband. His financial position appeared uncertain and precarious. There was a jointly-owned property in France.

Settlement was ultimately agreed with the wife receiving staged payments of capital, maintenance over several years, and pension shares in three UK-based pensions. The drafting of the Minute of Agreement was complex because it had to deal with the assets in four jurisdictions and provide for a means to recover from the pension schemes (as the only UK assets) in the event of default by the husband.

Specialist pension advice was required in order to ensure that it was competent for the wife, as an Australian resident, to share in UK pensions.

**DIVORCE:  
ACTING FOR WIFE IN RELATION TO DIVORCE DEALT  
WITH USING THE COLLABORATIVE PRACTICE**

Acting for the wife in relation to a divorce which was dealt with using the collaborative practice. It was a difficult case because the husband did not, at first, wish to contemplate separation at all.

The husband had significant business assets with a complicated structure, which required very careful consideration. The client was at a disadvantage because she had far less understanding of the nature and value of the matrimonial property.

The four-way meetings in the collaborative process required to be conducted extremely carefully in order to ensure that the client was able to understand the discussions regarding the business assets, and fully participate in the meetings.

Ultimately, overall settlement was agreed and both parties expressed their satisfaction with having used the collaborative process to resolve all matters.

## Work Examples

**DIVORCE:  
ACTING FOR WIFE IN RELATION TO  
DIVORCE DEALT WITH USING THE  
COLLABORATIVE PRACTICE**

Acting for the wife in relation to a divorce which was dealt with using the collaborative practice. It was a difficult case because the husband did not, at first, wish to contemplate separation at all.

The husband had significant business assets with a complicated structure, which required very careful consideration. The client was at a disadvantage because she had far less understanding of the nature and value of the matrimonial property.

The four-way meetings in the collaborative process required to be conducted extremely carefully in order to ensure that the client was able to understand the discussions regarding the business assets, and fully participate in the meetings.

Ultimately, overall settlement was agreed and both parties expressed their satisfaction with having used the collaborative process to resolve all matters.

**CROSS-BORDER DIVORCE:  
ACTING FOR HUSBAND (PROCEEDINGS IN  
ENGLISH COURT AND IN SHERIFF COURT  
UNDER FAMILY LAW (SCOTLAND) ACT 1985)**

While negotiating settlement, the parties had separated and continued to live in Scotland. Our client had a source of funds argument re: the matrimonial home which had been purchased in his sole name. Just before the relevant date he had been persuaded to transfer a 25% share of the house to his wife - which his wife disputed.

During negotiations, the wife and child moved to England then issued divorce proceedings in England. We immediately raised divorce proceedings in Scotland advising, in conjunction with English solicitors, there was a real risk in England his wife would get half of the house plus maintenance.

We instructed English agents to make an urgent application to stay the English proceedings under the Domicile and Matrimonial Proceedings Act 1973. The wife opposed but our application was granted. The wife was ordered to pay our client's costs in England.

The wife's agents sought to have the Scottish divorce proceedings dismissed as incompetent on the basis that it was raised on the ground of 1 year's separation with consent and that the wife refused to consent, arguing that the action was void ab initio. We successfully opposed and the amendment was allowed.

The Scottish divorce was able to go ahead, and an agreed settlement was reached: the client kept the house, assets were split unequally in his favour, and no maintenance was payable. Had the divorce gone ahead in England, the financial award to his wife would have been considerably more.

## Key contacts



**Sandra Sutherland, Partner**  
07850751509  
ssutherland@thorntons-law.co.uk



**Lucy Metcalf, Partner**  
07394560370  
lmetcalf@thorntons-law.co.uk

4

**EMPLOYMENT LAW  
SPECIALISTS**  
accredited by the  
Law Society of Scotland

We know Employment Law in Scotland. With four Law Society of Scotland accredited specialists amongst the team, our expertise and knowledge are a real advantage for your clients.

While employment law is broadly comparable across Scotland and the rest of the UK, key differences still exist - particularly in terms of Tribunal processes. For example, witness statements are not often used in Scottish Employment Tribunals. Also, solicitors in Scotland appear at Tribunals themselves, rather than instruct an advocate (barrister). Our solicitors have extensive experience of appearing at Tribunal and securing successful results for our clients. There are also some Scottish nuances in terms of the sectors our clients operate in, particularly where funding ultimately comes from the Scottish government.

We advise employers across a broad range of public and private sectors including education, healthcare, housing, manufacturing, hospitality, charity, digital technology, software engineering, and more. We have significant experience advising on all employment and discrimination matters including TUPE transfers, complex redundancy situations, and negotiating exit packages for senior employees.

Employment law is dynamic and fast changing and so we offer a broad range of bespoke training to clients on practical matters such as performance and absence management, together with regular legal updates to ensure our clients keep abreast of their obligations.

We hope to build a reciprocal relationship with colleagues in England and Wales where we can refer work on as well as receive it and ensure our clients receive tailored and relevant advice. We have picked out some key examples on the next page to demonstrate our breadth of skills and experience and some of the areas where the position in Scotland is unique.

**We do Employment Law**



## TUPE

The TUPE Regulations are notoriously complex but we are comfortable advising parties on either side of the transaction, and have successfully guided many clients through large scale TUPE transfers. For example, we recently advised on a transfer between two organisations which arose due to a change in the allocation of grant funding from the Scottish government. We advised the transferee on their specific obligations of inheriting staff under TUPE. This included advice on potential liabilities arising from one of the employees formerly being a member of a local government pension scheme which provided early retirement benefits which would transfer under TUPE. That potential liability had been missed by the transferor when the employee first TUPE transferred to it and, therefore, we supported our client to negotiate with them, and the funding body, regarding who would meet the cost of that potential liability. Our Corporate Team also worked with us to provide advice on the commercial aspects of the transfer of the grant. We are proud of our ability to utilise resources from across the firm to provide quick, pragmatic advice to our clients.

## EMPLOYMENT STATUS

Our well-respected Healthcare Team is regularly called upon to advise on matters unique to these sectors. In particular, Thorntons understand the various nuances in the NHS in Scotland and how these impact on the dental and pharmacy sector in particular. We regularly provide employment advice on the sale and acquisitions of healthcare businesses as well as day-to-day employment advice and advice regarding associate and locum contracts and employment status. We have a track record of successfully defending employment status claims in the Tribunal and recently successfully defended an unfair dismissal claim from an orthodontist, on the basis that he was self-employed rather than employed.

## Work Examples

Challenge to employment status is an issue that we are seeing arise more frequently across a range of sectors and we have also successfully defended similar claims in the tourism sector.

Again calling on our in-depth understanding of employment status, we work with a large firm of accountants in England on its IR35 assessment tool. Working with the client and their online system, we developed an efficient and streamlined review method. We applied our experience in assessing employment status (a notoriously 'grey' and fast-paced area) to provide a reasoned indicative view on whether an assignment being undertaken by a contractor is likely to be inside or outside of the IR35 rules.

## DISCRIMINATION

We frequently advise on complex discrimination matters and have extensive experience in this regard. We are involved with devising policies, providing training and designing internal processes to minimise the risk of future litigation. Most recently, we have been instructed by a national public body to carry out an external investigation into a detailed and lengthy grievance alleging institutional race discrimination. This is a multifaceted investigation which requires discretion and expert knowledge of the subtleties of discrimination law. We have also successfully defended numerous high value discrimination claims across a range of sectors and are well respected for our expertise in this field.

## EDUCATION SECTOR AND INDUSTRIAL RELATIONS

We have extensive experience in the education sector and frequently advise education institutions on employment issues, including large scale redundancies, disciplinary, grievance and discrimination matters, avoiding and defending employment litigation, and maintaining good management practices. We also provide extensive strategic advice regarding industrial relations and in respect of the unique national bargaining in the Scottish further education sector.

For example, one of our longstanding education clients recently required advice on introducing a voluntary severance scheme. We advised our client from the outset to ensure the scheme complied not just with employment law, but also with the financial and good governance requirements of the funding body, the Scottish Funding Council. We have also assisted in respect of large compulsory redundancy exercises in the education sector, with a particular focus on industrial relations which have been particularly strained due to compulsory redundancies in the Scottish education sector being very rare.

Whilst we have extensive experience in the education sector, our wide-reaching knowledge means we are adept at adapting to our clients' needs, whatever sector they operate in and have recently also been involved in advising on industrial relations in the transport sector.

## Key contacts



**Noele McClelland, Partner**  
07425624141  
nmcclelland@thorntons-law.co.uk



**Chris Phillips, Partner**  
07789651090  
cphillips@thorntons-law.co.uk



**PATENTED**

When it comes to Intellectual Property and IT, we handle pretty much everything. From trade marks and brand protection, to software and IT arrangements, working with the creative industries and advising on all aspects of copyright, advising universities and research institutes on their IP - including plant variety rights - to all aspects of commercial contracts, our knowledge and expertise is extensive. Our work covers anything from music to technology, to advising on lottery and gambling rule regulations, website terms and conditions and protecting innovations in life sciences.

We offer a second-to-none, comprehensive Trade Mark Service through our in-house trade marks agency, covering all aspects of trade mark work: including brand management, global trade mark applications, advice on trade mark infringement and passing off and portfolio management, meaning that all of your trade mark and brand needs can be handled by us.

Dealing with this work is a large team of experts, including a dual-qualified Chartered Trade Mark Attorney something which is offered by only a very small number of firms in Scotland. The UK-wide nature of intellectual property matters puts us in a great position to provide our expertise to firms in England and Wales. Hopefully yours.

**We do Intellectual Property & IT**

#### INFRINGEMENT OF REGISTERED AND UNREGISTERED TRADE MARKS AND PLANT VARIETY RIGHTS

We act for an English client in relation to a portfolio of intellectual property rights, including registered and unregistered trade marks, and registered plant variety rights.

Recent advice has included drafting and issuing cease and desists to various websites purporting to sell plants associated with our client, infringing both our client's trade marks and plant variety rights.

We issued undertakings to the businesses, and have been successful in preventing the continued infringement of our client's trade marks and plant variety rights, alongside obtaining details of illegal growers internationally.

#### COMMERCIAL CONTRACTS: COPYRIGHT, LICENSING, ROYALTY ARRANGEMENTS, PUBLICITY OBLIGATIONS

Our client's record label was entering into a recording agreement with a well-known band. We advised on the extensive negotiation of the record contract including: in-depth consideration of issues such as ownership of the copyright and the potential pitfalls of a licensing deal; royalty arrangements; termination rights; image rights and publicity obligations for the band; and the detailed provisions around options and advances for future album releases.

#### COMMERCIAL CONTRACTS: DESIGNING, LICENSING AND MANUFACTURING AGREEMENT

We regularly advise the operators of a well-known museum on IP related matters. Most recently, this has included advising on a complicated design, licensing, and manufacturing agreement between our client and a well-known tartan company.

This necessitated consideration of the ownership of the IP rights in the tartan itself, the designers' rights to be recognised on all materials featuring the tartan, and the payment terms for the creation; as well as both parties' ongoing ability to use the tartan alongside subsequent licensing to third parties.

## Work Examples

TRADE MARKS: INTERNATIONAL APPLICATIONS AND TRADE MARK PORTFOLIO MANAGEMENT, COMMERCIAL CONTRACTS: LICENSING, SERVICE AGREEMENTS, NDAS, GENERAL CONTRACTUAL ADVICE AND DATA PROTECTION: GDPR IMPLEMENTATION AND COMPLIANCE

We act for a market-leading company specialising in AI personalised content discovery and hyper-targeted advertising. We advise the company in a wide variety of IP matters, such as managing their international trade mark portfolio, and negotiating and concluding their licensing and service agreements.

We have handled a number of national and international IP disputes on behalf of our client, including one where its registered trade marks were being continuously opposed by a very well known, international PC, software and infrastructure company, and we have continued to negotiate and protect our client's position.

BRAND PROTECTION/DOMAIN NAME

We advised our well-known client in the gambling industry in relation to an issue with a domain name which had been registered in bad faith and which featured our client's core brand.

The domain registrant was a known offender for registering well-known domains and using them to generate advertising revenue through unintended visits to the sites by confused consumers. We filed a domain complaint through Nominet's Dispute Resolution procedure and were successful in having the domain transferred to our client.

We also advise the client in all aspects of its intellectual property and data protection matters and in relation to regulatory compliance in the gambling industry.

REGISTERED DESIGN INVALIDATION ACTION

We advised a client in relation to the defence of a registered design invalidation action before the IPO regarding its jewellery designs. This involved considering and advising on the merits of the case and providing a detailed advice note on the prospects of success.

We also assisted the client with resolving the issue through the IPO and on various related disputes regarding online e-commerce platforms such as eBay and Etsy.

## Key contacts



**Liam McMonagle, Partner**  
07921025168  
lmcmonagle@thorntons-law.co.uk



**Kirsty Stewart, Partner & Trade Mark Attorney**  
07764968145  
kstewart@thorntons-law.co.uk



22+  
YEARS IMMIGRATION  
EXPERIENCE

Immigration & Visa specialists are few and far between in Scotland. We consider that we have one of the best offerings.

With over 22 years' experience in UK immigration, we have an immigration practitioner recognised as top ranked by both Legal 500 and Chambers and Partners for Scotland. Accredited as a specialist by the Law Society of Scotland, they are often called on by the Home Office's Engagement Team for input on policy changes

We help people achieve their goal of moving to the UK, whether it is for family or work reasons.

We work on a wide range of issues such as Right to Work, Sponsor Licences for businesses, student visa applications, challenges to visa refusal decisions, adoption cases, nationality cases and family visas (both for ex-pats returning home and couples who meet in the UK). For example, we successfully advised a client with making an application for his wife and step-son and the evidence required to meet the Home Office's stringent sole responsibility requirements.

For many families relocating to the UK from overseas, we work closely alongside other Thorntons Law specialists to provide a one-stop service which often includes support with property purchases, inheritance and wealth planning and referrals to other trusted advisors in our professional network.

Ultimately, we are dedicated to serving Scotland, its people and families, and their legal needs. Which, understandably, you may not get the same commitment from an English law firm.

**We do Immigration & Visas**

#### PERSONAL IMMIGRATION: OVERTURNING VISA REFUSAL DECISIONS

We regularly support clients who seek our assistance as a result of receiving the bad news of a visa refusal: often they have made an application without the benefit of legal representation. In one recent example, we represented a US client who held a Guardianship Order from a Californian Court in respect of her niece. Our client is an expert pathologist. Her niece's skilled worker dependent child application was refused as the Home Office did not accept that she met the rules. We successfully challenged the refusal decision through seeking an administrative review of the decision.

Alongside the legal challenge, we also liaised with our client's MP to have the decision expedited given the impact that the decision was having on the family, particularly the vulnerable teenage girl at the heart of the decision and we were able to raise media interest in the case resulting in radio and television appearances.

#### PERSONAL IMMIGRATION: NATIONALITY LAW APPLICATIONS

We regularly represent clients in becoming British citizens. Our work covers all aspects of nationality law including less well-known and more complex routes.

In one case, our client had previously obtained a visa to come to the UK and had consulted with us to help her apply for permanent residence. On investigating matters, it transpired that she had in fact never required a visa as due to provisions of Nationality law, she had in fact acquired British nationality automatically at birth and we assisted her in acquiring her first British passport.

We've also supported a number of ex-pats - who have adopted children while living overseas - make successful applications to register their children as British citizens.

#### BUSINESS IMMIGRATION: SUPPORTING COMMERCIAL CLIENTS OBTAIN AND MAINTAIN A UK SPONSOR LICENCE TO RECRUIT INTERNATIONAL TALENT

We act for a wide range of Business Immigration clients. Recently, we assisted an Edinburgh-based internationally known brand specialising in luxury leather goods whose handbags have been carried by a host of A-list celebrities including Lady Gaga, Meghan Markle and Sarah Jessica Parker.

We supported the client with their plans to offer permanent employment to international students who were working for them in terms of their student visas. This advice also included input from our Employment Team on non-immigration issues in respect of changes of conditions to employment contracts.

It's just one more benefit of our Business Immigration service: we are part of Thorntons Law's wider Employment Team and can provide one-stop employment/immigration advice where required.

## Work Examples

**BUSINESS IMMIGRATION:  
SUPPORTING COMMERCIAL CLIENTS  
ON A RANGE OF IMMIGRATION ISSUES**

Our client is a world leader in visual data management and we advise them on range of immigration matters including assisting with their application for a sponsor licence, skilled worker entry clearance application, and right to work questions.

Recent advice has included assisting them with arrangements for international staff to attend their headquarters in the UK for work-related training as the training was not available in their home country. We assisted our client with applying for Standard Visit Visas to allow their overseas employees to enter the UK and undertake a permitted business activity.

**BUSINESS IMMIGRATION:  
RELIGIOUS WORKER CASES**

We have niche expertise in supporting religious organisations across all faiths to bring religious workers to the UK. In one recent case we supported our client, a US evangelist who had set up an organisation for women who have faced abandonment issues, obtain permanent residence for herself and her two children.

In another case, we supported a Glasgow-based church obtain a sponsor licence in order that they could sponsor an overseas Minister from Sierra Leone set up a pioneering project for the African diaspora in Glasgow.

We are also currently supporting a US Minister obtain sponsorship from the Church of Scotland so they can take up a position in a remote parish in the Scottish Highlands and Islands.

## Key contacts



**Gurjit Pall, Legal Director**  
07803891736  
gpall@thorntons-law.co.uk



**Jacqueline Moore, Consultant**  
07543304055  
jmoore@thorntons-law.co.uk

30+  
DATA PROTECTION  
SERVICES

As one of the very few law firms offering specialist Data Protection services in the UK, many companies in Scotland and England turn to us for specialist legal and compliance advice. We like to think we are unique at what we do.

With our broad range of knowledge comes a broad range of clients, covering a wide range of sectors: including retail, research, property, tech, aviation, healthcare, professional services, charities, and education.

As no one size fits all, we provide a tailored approach, getting to know our clients, understanding how they operate, the risks they face and what their needs are so we can offer practical solutions.

Operating on a retainer basis, we provide outsourced data protection services which includes providing proactive support to assess compliance levels; and implement and roll out a data protection framework in your organisation including policies, procedures and training. We're also on hand to support day-to-day business as usual, including handling data subject requests, personal data breaches, supporting on-boarding new suppliers, data sharing and legal contract reviews.

Ad hoc instructions are also carried out - such as gap analysis, data protection impact assessments, contract review, corporate and employment support, redaction services, Freedom of Information, and subject access requests.

Keen to share our specialist knowledge, we offer tailored training sessions across the UK, as well as hosting monthly webinar broadcasts.

Whether you need your DPO outsourced, or we work alongside your clients, you can trust us to meet all your data protection needs.

**We do Data Protection**



#### DATA PROTECTION SERVICES: LOGISTICS

We work closely with a UK-based aviation services company that operates globally to support all aspects of its compliance with data protection laws.

One of our key areas of focus is the legal and compliance requirements relating to international personal data transfers. We liaise with the company's in-house legal team to advise on the drafting and negotiation of service contracts which involve the processing of personal data to ensure that appropriate safeguards are in place to protect personal data processed outside the UK.

#### OUTSOURCED DPO: RETAIL

We are appointed as Data Protection Officer for a large consumer-facing business. The business operates sites across the UK and processes large amounts of personal data about its customers, much of which relates to health.

Since our appointment in 2021, we have worked closely with its legal team to assist with the management of a number of complicated data subject access requests and data protection complaints received from its customers and their third-party representatives. We provide key advice on the application of exemptions to disclosure under UK GDPR and provide hands-on support with the redaction of large volumes of documents.

#### DATA PROTECTION SERVICES: TRAINING

We provide tailored training packages to clients via our data protection services and recently provided support to an English technology company which specialises in pensions. We designed a session designed to support the business in applying the requirements of data protection law to their specific data processing activities focussing on data protection impact assessments, data processor obligations and contractual requirements, lawful basis for processing and the use of Artificial Intelligence.

#### OUTSOURCED DPO: ENGLISH TECH CO (GROUP)

We are appointed as the outsourced Data Protection Officer for an English group of companies that provides services to high profile businesses in the UK, including hosted IT, managed services and communications solutions.

We worked with the business to undertake a comprehensive data protection gap analysis to assess levels of compliance with data protection obligations and creation of a corrective action plan designed to remedy any risks and improve compliance procedures to build a robust data protection framework.

We continue to provide strategic data protection support to the business on all aspects of its data protection to support its continued growth.

#### DATA PROTECTION SERVICES: PROPERTY INVESTMENT

We worked with a growing London based property investment and development group which owns and manages over 1M square feet of prime office, retail, hotel and leisure space in London and the USA. Initially engaged for a Gap Analysis to cover its complex group of companies, we assessed the level of compliance with data protection laws and provided the Group with our view of compliance together with a data protection plan to ensure its strategy adopts privacy by design at the core during this growth phase of the business. We have since been engaged as its outsourced DPO.

## Key contacts



**Morgan O'Neill, Director of Data Protection Services**  
0131 624 6854  
moneill@thorntons-law.co.uk



**Loretta Maxfield, Partner**  
07525592176  
lmaxfield@thorntons-law.co.uk

## Work Examples



With a team of Professional Negligence specialists, we're more than qualified to look after your clients' needs in Scotland.

As a full service firm, our team of experienced Solicitors have access to specialist disciplines, alternative dispute resolution options and a range of funding options for clients who have been let down by a professional advisor or service provider.

Working for pursuers, we cover a broad range of sectors, including accountants, architects, engineers, construction, tradesmen and builders, solicitors, surveyors, and financial advisors. For potential claims in Scotland, using us, Scottish lawyers, you know you will get an outcome without delay.

Furthermore, we have a commercial outlook and will look to spot further opportunities that may be of benefit to your firm and clients.

We firmly believe in building relationships and sharing not just our knowledge and expertise with you, but our referral work too.

**We do Professional Negligence**

#### WORKTYPE 1

We acted for a global-based chauffeur drive company with their headquarters in Glasgow against their former inhouse accountant and external auditors. A former bookkeeper had embezzled circa £613,000 from the client company. As a result, she received a custodial sentence at Glasgow Sheriff Court.

A Commercial Court of Session Action was raised against the former bookkeeper and the external auditors given their failure to detect a fraud. Insurers were involved and expert reports were obtained. This was a high value, complex court action whereby Snr and Jnr Counsel were appointed. Ultimately, the action settled on an extra judicial basis via respective solicitors. A very favourable outcome was secured for the client.

#### WORKTYPE 2

Acting in a very high value, complex matter in a Court of Session action of professional negligence against a reputable firm of surveyors following the post-possession sale of security subjects on the Isle of Skye.

Our client, the lender, sustained substantial loss following repossession of the subjects, which comprised a large house, land, cottages, and various outbuildings. It was claimed that the original valuer had over-valued the security subjects upon which the lender relied when arranging to advance loan funds to their borrowers.

The case proceeded to a four-day Proof before answer in the Court of Session, Edinburgh. Both parties had instructed independent expert witnesses. The client had obtained two separate expert reports both of which were favourable. Somewhat unusually, the defender led evidence prior to the pursuer. The case settled in Parliament Hall during the course of the second day of PBA (trial).

#### WORKTYPE 3

Acting for a lender in a claim of professional negligence against a reputable surveyor for substantial losses sustained following the post-possession sale of a substantial property in Leven, Scotland.

An Ordinary Action was raised in the Court of Session, Edinburgh; an independent expert report was obtained; and Counsel was instructed. The action was acrimonious with arguments tendered in respect of liability, quantum, contributory negligence, mitigation of loss, and prescription (time bar).

A site visit was carried out at this unusual property. It was claimed that the original valuer had significantly over-valued the security subject upon which the lender relied when they advanced a loan to the borrower. At the time of repossession, the value of the security subjects were insufficient to repay the loan in full and indeed there was a substantial shortfall. The case was settled by negotiation and on an extra judicial basis.

#### WORKTYPE 4

We acted in numerous cases of professional negligence and breach of contract against Scottish conveyancing solicitors post the 2008 recession. We acted for lenders for recovery of losses sustained following the post possession sale of security subjects. These claims and cases involved Court of Session, Sheriff Court, expert reports, instruction of Counsel and arguments relating to liability, quantum, contributory negligence, mitigation of loss and prescription.

The majority of cases proceeded on the basis of negligence and breach of the CML Handbook. In a claim involving numerous properties and a portfolio borrowing, we were successful in negotiating an extra judicial settlement, at a without prejudice meeting with the insurers' solicitors, in the sum of £1.6 million - a most favourable outcome, for the client lender.

## Work Examples

### Key contacts



**Mike Kemp, Partner**  
07843977634  
mkemp@thorntons-law.co.uk



**Anne Miller**  
07843977637  
amiller@thorntons-law.co.uk