ARNOT MANDERSON
ADVOCATES

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Year of Call

2020

Devil Masters

Usman Tariq KC
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Practice Profile

Fergus is an experienced litigator with an interest in commercial & public law disputes, intellectual property (including interim interdict and breach proceedings), data protection & media law, trust and executry law, and alternative dispute resolution. He has considerable experience in conducting complex litigation, dealing with expert and technical evidence and managing client relationships. In terms of courtroom advocacy, he has conducted legal argument at both first instance and appellate levels, as well as undertaking cross-examination in civil proofs.

Fergus transferred to the Scottish bar in 2020 having previously been a barrister and solicitor in New Zealand (since 2012) and having completed an LLM at the University of Edinburgh and the Faculty of Advocates examinations in Scots Law. Since calling he has acted as sole counsel in commercial matters in the Outer House as well as appearing as sole counsel and junior in the Inner House. He has conducted a number of proceedings before Sheriffs and before the Sheriff Appeal Court. Fergus has experience of mediation and has appeared as junior counsel in international arbitrations.

He has a strong background in legal research and the application of comparative law having acted as a judges' clerk (judicial assistant), in client and case management as a solicitor in a boutique litigation firm, and as an advocate before the higher courts in New Zealand. He previously worked in a number of legal roles in Scotland including as a researcher to the Edinburgh Tram Inquiry.

Fergus is a member of the Chartered Institute of Arbitrators and a former coach of the University of Edinburgh Vis Moot Team. He is a former tutor in the Law of Contract, European Union Law and in Human Rights for the diploma at the University of Edinburgh. He previously tutored in arbitration for the diploma at Robert Gordon University. He is one of the authors of the recent 2024 reissue of Stair Memorial Encyclopaedia title on arbitration.

He is fluent in French and is comfortable dealing with legal matters in French. He also speaks Spanish to a high level.

Education & Professional Career to Date

2017 - 2019 - Faculty of Advocates examinations in Scots Law
2016 - LLM (Distinction) - University of Edinburgh
2012 - admission as barrister & solicitor (New Zealand)
2010 - LLB (Honours - First Class) & BA (Honours) - University of Otago

Selected Cases

- **Haq v Irvine [2026] CSOH 45**
  Counsel for pursuers in relation to allegations of facility and circumvention and undue influence in preparation of a relative's will
- **Huisman v University of the Highlands and Islands [2026] CSIH 17**
  Sole counsel for the reclaimer in Inner House in relation to public law challenge to student fees regulations
- **EE Limited and Hutchison 3G UK Limited v AP Wireless II (UK) Limited [2026] LTS 7**
  Junior counsel for respondent in relation to application under the Electronic Communications Code
- **Club Los Claveles v Hutchinson Trustees Ltd [2025] SC EDIN 60 and [2026] SAC (Civ) 24**
  Counsel for the Defender and Respondent in proof and subsequent appeal concerning existence of an oral contract in relation to a trusteeship
- **Huisman v University of the Highlands and Islands [2025] CSOH 53**
  Sole counsel in petition for judicial review concerning the application of human rights law to the charging of student fees
- **George Beattie & Sons Ltd v Gareloch Support Services (Plant) Ltd [2024] SAC (Civ) 43**
  Sole counsel in enforceability of construction adjudication appeal dealing with issues of construction of contracts and protest to jurisdiction
- **East Renfrewshire Council v William Wright [2024] CSOH 70**
  Sole counsel for local authority in case concerning access to information from prior court proceedings
- **Jepuson UK Ltd v E&A International Ltd [2024] SC EDIN 35**
  Sole counsel in a Sheriff Court commercial dispute concerning unregistered design rights in fashion accessories including the obtaining of interim interdict and subsequent minute for breach of interdict.
- **Public Inquiry**
  Acting for a number of major media organisations in respect of applications for restrictions on evidence in the context of a Scottish statutory public inquiry
- **Pursuit Marketing Ltd v Thomson [2023] CSOH 22**
  Counsel for a defender in an action relating to alleged misuse of confidential information and restraints of trade.
- **Asertis Ltd v Dunn [2022] CSOH 87**
  Counsel for the defender in an insolvency action relating to recovery of payments
- **Scottish Legal Complaints Commission against Donald Roderick Murray & Anor [2022] CSIH 46, 2023 SC 10 and [2022] CSIH 54**

Sole counsel before the Inner House in a major case concerning legal professional privilege and the statutory powers of a regulator to compel disclosure

- **Mayfly GWR Ltda v Swire Oilfield Services do Brazil Ltda [2022] CSOH 26**
  Junior counsel in Outer House (Commercial Court) preliminary proof concerning the application of Brazilian law to a major contractual dispute
- **Construction Arbitration (Dubai International Arbitration Centre)**
  Junior counsel in a construction dispute heard by a panel of three arbitrators under the DIAC Arbitration Rules 2007
- **Note of Objections to the Auditor's Report (Beroghani - Leave to Appeal from the Upper Tribunal) [2021] CSIH 3**
  Junior counsel in Inner House hearing of note of objection against the Auditor's decision relating to the interpretation of the regulations governing civil legal aid
- **Edinburgh Tram Inquiry**
  Researcher for Counsel and for the Solicitor to the Inquiry involved in researching factual, technical and legal issues falling within the remit of the Inquiry
- **Fundacion Pimjo Associacion Civil v Aguilar & Aguilar Limited [2015] NZHC 1402**
  Junior counsel in opposed application by trustee for their costs to be paid from the trust fund in the context of a cross-border trust dispute
- **Macken v Jervis [2014] NZHC 3408**
  Sole counsel in four day trial in relation to landlocked dispute including expert evidence as to planning and valuation issues
- **TFG Society Incorporated v Chief Executive of Land Information New Zealand [2014] NZHC 604**
  Junior counsel (speaking role) in judicial review of regulator's decision to accept compliance report in relation to conditions imposed on an investment in a New Zealand company
- **Smith v Penney [2014] NZHC 1850**
  Sole counsel in application for enforcement of former trustee's obligations to new trustees in respect of provision of information and records of trust
- **Commercial Arbitration**
  Junior counsel in a long-running, high value New Zealand based arbitration in relation to sale of a pharmaceutical business to an international purchaser and effects of earn-out agreement agreed as a part of that sale

Areas of Practice

- Commercial
- Media Law, Privacy and Defamation
- Property
- Public Law

Publications & Seminars

The many faces of privacy law in Scotland and their development - Scottish Media Lawyers - June 2026

Trust and Estate Questions in the Shadow of the 2024 Act - Royal Faculty of Procurators Glasgow - April 2025

The many faces of privacy law in Scotland and their development - Faculty of Advocates' 21st Century Bar Conference - December 2024

The Stair Memorial Encyclopaedia - Arbitration (2nd Reissue) - March 2024

The implications and advocacy of the duty of candour - Law Society of Scotland - 8 August 2023

Joint venturers as fiduciaries - experiences from the Commonwealth & thoughts for Scotland - Trustbar Aberdeen Event - 23 March 2023

Defamation in the modern age - Journal of the Law Society of Scotland - 19 September 2022

UK IP law is all the same except when it's not, Scots law, transfer of IP ownership and the equity problem - SCOTLIN (Scottish Legal Information Network) Information Law in Scotland workshop at the University of Glasgow - 25 August 2022

Protection of lawyers from impersonation online: the NZ approach - Society for Computers and the Law - 22 August 2022

Police enquiries: a private matter? - Journal of the Law Society of Scotland - 19 April 2022

Data breaches: the grounds of claim - Journal of the Law Society of Scotland - 20 September 2021

Getting the best results with arbitration: A case study - Commercial Property Law Conference - Law Society of Scotland - 7 September 2021

Understanding the interplay between intellectual property and e-privacy - Media Law in the Digital Age Conference - Law Society of Scotland - 20 April 2021

Automatic fixation of copyright and its consequences - Edinburgh Law Postgraduate Conference - 19 April 2021

When sorry might be the wrong word (Defamation and apologies) - Journal of the Law Society of Scotland - 16 November 2020

Access to court documents by non-parties in litigation: Part 2 - Scots Law Times 2020, 32, 219-228

Access to court documents by non-parties in Scotland: Part 1 - Scots Law Times 2020, 31, 201-210

Examination of New Zealand High Court Lockdown Judgement - Scottish Legal News - 24 August 2020

Copyright, charities and creative commons- Journal of the Law Society of Scotland - 13 July 2020

Better the Devil You Know Seminar - Access to Court Documents by Non-parties to Litigation - 3 June 2020

Directories

Ranked in Chambers & Partners UK Guide 2025 for Commercial Dispute Resolution.

"Fergus is always keen, quick, reliable and confidence-inspiring."

Recommended in the Legal 500 UK Bar Guide - Commercial Disputes.
Leading Junior Band 2

"Fergus is very thorough. Clients like him- he gets behind their cases and does his very best. His advice is straightforward and clear."