



PETER BARCLAY



Year of Call

1995

Devil Masters

The Hon Lord Hodge
Derek A Ogg KC
Andrew Smith KC

Practice Profile

Peter called to the Bar in 1995 following a successful career as a solicitor. Whilst at Brodies WS, he acted for major landed estates in Scotland and represented breweries and cinema chains in liquor licensing. Peter's practice is chiefly concerned with property related litigation, of which he has extensive experience. In particular, he is well known for representing landlords and tenants in the Scottish Land Court in disputes involving the Agricultural Holdings and Crofting Act legislation. Peter also appears before the Lands Tribunal for Scotland. In 2003, he secured a record reduction of rent for an agricultural holding tenant in the high profile agricultural rent arbitration between Southesk Farms and Amber Agriculture.

Peter's personal injury practice provides advice on professional negligence and defamation. He also receives instructions in commercial and contract litigation.

Education & Professional Career to Date

Associate Partner, Brodies WS, Edinburgh
Solicitor, England

Appointments

- Writer to the Signet
- Member, Faculty of Advocates Personal Injury Law Group
- Member, Scottish Criminal Bar Association

Selected Cases

- **John Pollock & Sons Ltd -v- Robert Rennie (A Firm) 2014 S.L.T. (Land Ct) 86**
Concerning the extent of an agister's duties under an alleged contract of agistment in Scotland
- **Worby and Farrell -v- Elliot 2014 S.C.L.R. 573**
A decision of the Commercial Court of the Court of Session concerning a question of jurisdiction (Scotland or England?) in which to pursue an action of Count Reckoning and Payment in connection with the profits from an App
- **Serup -v- McCormack 2012 S.L.C.R. 180**
Concerning whether the tenancy of a farm was extinguished confusione when the farm was conveyed to the tenant and her sister in pro indiviso shares
- **Cochrane -v Grampian Joint Police Board 2010 S.L.T. (Lands Tr) 19**
Concerning whether a police constable not paying rent or rates was a secure tenant with the right to buy
- **MacColl v MacGillivray [2004] SLCR 112**
A Scottish Land Court case concerning whether proper consent had been given by the Crofters Commission to a croft letting and the jurisdiction of the Land Court to reduce a decision of the Crofters Commission
- **MacDonald v West Minch Salmon Ltd and South Uist Estates Ltd [2004] SC 733**
Concerning the extent of the right of the landlord of a croft to grant access over the croft land to third parties
- **Arbitration between Southesk Farms and Amber Agriculture Ltd**
A major agricultural holdings rent arbitration. Award by arbiter appointed by the Scottish Ministers dated 7 January 2003 (National Archives of Scotland ref: SE/RAD/4/3/6)
- **Graham v Brownson & Ors LTS/LO/2002/28**
A Lands Tribunal case concerning title restrictions impeding a proposed development

Areas of Practice

- Clinical and Professional Negligence
- Commercial
- Personal Injury
- Property
- Taxation

Publications & Seminars

Erstwhile author of Intra UK Transfer Test Course in Civil Procedure for the University of Strathclyde

Lecture to the Crofting Law Conference, Inverness (10 May 2007). The conference was organised by the WS Society in association with the Crofting Law Group, and chaired by the Honourable Lord McGhie on the advent of the Crofting Reform Act 2007