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## Graeme Hawkes

Advocate  
Year of Call: 2003



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tel 07739 639048

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### Practice Areas

Commercial Dispute Resolution  
Competition, Procurement and Regulation  
Construction  
Professional Liability  
Real Estate Litigation  
Shipping

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### Qualifications/Education

#### Education

Craigmount High School, Edinburgh (1982-88)

Edinburgh University (1988-93)

#### Professional Qualifications

LLB (Hons), Dip LP

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### Memberships/Appointments

#### Professional Appointment

Standing Junior Counsel to the Scottish Government:  
2005 to 2011

#### Additional information

Member of Faculty of Advocates Council (former)  
Member of Court of Session Rules Council (former)

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### Practice Profile

Graeme is an experienced commercial litigator, with a particular emphasis on commercial contracts, property and professional negligence. He was a solicitor in private practice for almost 10 years (Steedman Ramage and Brodies) and summer 2017 marks 14 years at the Bar. He also has a public law practice, having been a standing junior to the Scottish Government (2005-11) and regularly appearing in extradition cases on behalf of the Lord Advocate (including 2 recent Supreme Court appeals). As well as the high quality advocacy skills to be expected of a senior junior used to appearing regularly in court, he brings common sense and a 'can do' attitude to cases. Agents admire his intellectual rigour, an ability to focus on the issues which really matter in a case and a determination to achieve the best result for the client. Graeme makes regular appearances in Proofs, Debates and Appeals at Sheriff Courts and the Court of Session.



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## Commercial Law

### McClure Naismith v Harley Haddow Partnership [2017] CSOH 125

Debate in commercial action: prescription argument arising from engineers' appointment to construction project. Relevancy argument sustained.

<http://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017csoh125.pdf?sfvrsn=0>

### Petroineos Manufacturing Scotland Ltd v Clydeport Operations Ltd [2017] CSOH 49

JR petition challenging lawfulness of conservancy charges levied by port authority. Successfully defended.

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=a1112ea7-8980-69d2-b500-ff0000d74aa7>

### NRAM plc v Jane Steel and Bell & Scott LLP [2016] CSIH 11

Inner House. Solicitor did not owe a duty of care to a lender during the course of a security transaction in which the solicitor was acting for the borrower. On appeal to UKSC.

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=7f3108a7-8980-69d2-b500-ff0000d74aa7>

### Hoblyn v Barclays Bank plc [2014] CSIH 52

Instructed by Barclays in a long-running repossession case involving pursuer's occupation of heritable property. Successful at Outer and Inner House.

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=9e808ca6-8980-69d2-b500-ff0000d74aa7>

### Cramaso LLP v Ogilvie-Grant & Ors 2014 SC (UKSC) 9

Claim based upon negligent misrepresentation arising from a lease of a grouse shooting moor. Successful UKSC appeal.

[https://www.supremecourt.uk/decided-cases/docs/UKSC\\_2012\\_0025\\_Judgment.pdf](https://www.supremecourt.uk/decided-cases/docs/UKSC_2012_0025_Judgment.pdf)

### Thomas Barr v James Gilchrist & Ors [2011] CSOH 72

Breach of trust case

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=e1a786a6-8980-69d2-b500-ff0000d74aa7>

### Carillion Utility Services Ltd v SP Power Systems Ltd [2011] CSOH 138

Substantial claim for sums due under commercial contracts

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=ed3786a6-8980-69d2-b500-ff0000d74aa7>

### CR Smith Glaziers (Dunfermline) Ltd v Toolcom Supplies Ltd [2010] CSOH 7



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Preliminary proof on incorporation of standard terms and conditions

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=094686a6-8980-69d2-b500-ff0000d74aa7>

Welsh v Ewen Dyce & Ors [2009] CSOH 102

Action for count, reckoning and payment in partnership dispute

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=d58386a6-8980-69d2-b500-ff0000d74aa7>

Craig McCreight v West Lothian Council [2009] CSIH 04

Application of forfeiture rule to tenancy claim

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=066f86a6-8980-69d2-b500-ff0000d74aa7>

Oriental Express (Scotland) Ltd v Purewal Enterprises Ltd [2008] CSOH 130

Disputed irritancy notice

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=80a586a6-8980-69d2-b500-ff0000d74aa7>

Holms v Ashford Estates Ltd [2009] CSIH 28; 2006 SLT (Sh Ct) 161 for sheriff

Breach of warrandice claim

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=4a6586a6-8980-69d2-b500-ff0000d74aa7>

Abacus Estates Ltd v Bell Street Estates Ltd [2006] CSOH 192

Dilapidations claim

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=4f9486a6-8980-69d2-b500-ff0000d74aa7>

Clelland v Quinn Direct, unreported

Credit hire claim, appeared for defender and restricted award

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## Banking and Finance Law

NRAM plc v Jane Steel and Bell & Scott LLP [2016] CSIH 11



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<http://www.scotcourts.gov.uk/search-judgments/judgment?id=7f3108a7-8980-69d2-b500-ff0000d74aa7>

Bank of Scotland v Forbes [2011] CSIH 23  
Seeking to enforce personal guarantees

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=685a86a6-8980-69d2-b500-ff0000d74aa7>

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## Shipping Law

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JR petition challenging lawfulness of conservancy charges levied by port authority. Successfully defended.

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Fish & Fish Ltd [2011] CSOH 122

Petition for ship arrestment

<https://www.scotcourts.gov.uk/search-judgments/judgment?id=146186a6-8980-69d2-b500-ff0000d74aa7>

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## Professional Liability

NRAM plc v Jane Steel and Bell & Scott LLP [2016] CSIH 11

Inner House. Solicitor did not owe a duty of care to a lender during the course of a security transaction in which the solicitor was acting for the borrower. On appeal to UKSC.

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=7f3108a7-8980-69d2-b500-ff0000d74aa7>

Manorgate Ltd v First Scottish Property Services Ltd [2013] CSOH 108

Appearing for the defenders

<http://www.scotcourts.gov.uk/search-judgments/judgment?id=27b686a6-8980-69d2-b500-ff0000d74aa7>