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ALAN PATTULLO

SUNSET ON **HIBBS**

**THE PLOT TO
DESTROY
HIBERNIAN**

DAVID DUFF WITH **EWAN FLYNN**
FOREWORD BY **SIMON PIA**

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David Duff was Chairman of Hibernian at one of the most extraordinary times in the club's history. Beginning his career as a lawyer in the early 1980s, he was one of the highest profile boardroom figures in Scottish football. He has also published a semi-autobiographical novel, *Whole of the Moon*, about life in open prison in the 90s.

Ewan Flynn is a freelance football writer whose work has featured across the media. He is the author of two books: *We Are Sunday League* and *When the Year Ends in One: How Tottenham Hotspur's 1991 FA Cup Win Saved the Club and Transformed English Football*.

SUNSET ON HIBS

THE PLOT TO
DESTROY HIBERNIAN

DAVID DUFF

WITH EWAN FLYNN



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Publisher's Note

This book was first submitted in 2021. As was good practice, text referring to Sir Tom Farmer was referred to his lawyers for review. The authors incorporated a number of comments made by Sir Tom's representatives while rebutting others. We resubmitted the text. The subsequent response made it clear that Sir Tom had no intention of allowing the text to print, one demand stating that he wished any reference to him excised. In the light of this, we had no option but to hold the text until after Sir Tom's death. We are aware of the controversy surrounding this time at Hibs but believe that David Duff has an absolute right to have his own story of those extraordinary years placed on record.

*To my late grandmother, Nellie Fox of The Canongate, and
'the goalie' Andy Goram*

*So with the Darkest Days behind
Our ship of Hope will steer
And when in doubt just keep in mind
Our motto - Persevere.*

Leith Fisherman's prayer

FOREWORD

As I turned up early for the press conference at the Caledonian Hotel on a sunny June day back in 1990, Wallace Mercer looked a worried man.

The news had just broken about Hearts 'takeover' of Hibs, a story the *Edinburgh Evening News* would describe as the biggest to hit Edinburgh since World War II. This should have been Wallace's moment of triumph, but he didn't look a happy man. I tried to grab a quick word with him in the lobby, but he refused to speak to me - very unlike Wallace. Something had gone wrong.

It had been flagged up that David Duff would be there to formally hand over Hibs and all its assets to Hearts. But there was no sign of the Hibs chairman. Most press conferences are fairly mundane, but this one kicked off like a Hollywood movie with cameras flashing and a mob of reporters shouting questions. I managed to catch Wallace's eye. "Where is David Duff? Has he agreed to sell you his shares?" Wallace hesitated, looked right through me and moved on to another question. I repeated the question: "Has David Duff sold you his shares?" Again, a blank. This was a key point most seemed to be missing.

Mercer had just acquired a 66% majority of shares in Hibs from the mysterious Monaco-based tax-exile David Rowland and his allies. But he needed David Duff's 13.5% share to get over 75% to comply with the Takeover Code of the UK Companies Act and under Stock Exchange rules. Mercer and Rowland had thought Duff would just roll over

and agree to sell when they ambushed him the day before with the deal.

As the press conference broke up, I rushed into the lobby to call the office and tell them it was not a done deal after all. David Duff had not sold his shares. Once he had recovered from the shock overnight, Duff had decided not to roll over. It's a position he resolutely stuck to in the days ahead despite intense pressure from Rowland, Mercer, the Bank of Scotland and the unlikeliest of other sources.

Looking back, it might have been better for him to take the money and run. He could have walked away that day with over £1 million. But he didn't, and for this alone he deserves the chance to have his say in the Hibs story.

When Ewan Flynn approached me about this book, I warned him to expect a legal onslaught, and I was right. Attempts 35 years on to block publication were ridiculous and a bit pathetic. It only reinforced my belief that David Duff had that right, especially after all he had been through. Unfortunately, many other players in the saga have died since then, notably Sir Tom Farmer and Wallace Mercer.

When I'd first met David Duff as new Hibs chairman in the late 80s, I found him a likeable guy, full of youthful exuberance – he was only 33 – and with big ambitions for Hibs. He was very much part of the City-slicker Zeitgeist of that era. However, I was a critic when he launched Hibs as a PLC listed on the Stock Exchange. I didn't think it was the right fit for a club of Hibs' size and had serious misgivings about the mysterious Mr Rowland. Who was he and what was his interest in Hibs? But on that day at the Caledonian Hotel in June 1990 I recognised Duff had decided to do the right thing. However, he would never get

any credit for it and would end up vilified and smeared in the media with his reputation ruined.

Many would say he brought it on himself, overreaching in his ambition and naïve trust – even conceit – that he could handle Rowland. It was his lack of judgment after all that had placed Hibs in a perilous, near fatal situation. Down the road a few years later he would be convicted for mortgage fraud, something separate from his life at Hibs. For many, if not most, this irretrievably damaged his reputation. But in all my dealings with David Duff over the years I found him to be truthful. Of all the main players in the ‘takeover’ saga he was the most open and transparent and at times seemed the only one genuinely interested in Hibs as a football club.

Ten years later I would track him down in London, long after he’d left Edinburgh. I was preparing a legal defence for a libel writ Sir Tom Farmer had served against me on reports about Hibs. I thought he might be too bruised and bitter by what he’d been through, but immediately he agreed to go on the record and offered to sign a sworn affidavit.

Today, many might prefer to dismiss his story out of hand. After all, it does not chime with the ‘official mythology’ and ‘media narrative’ that it was Sir Tom Farmer, and he alone, who ‘saved’ Hibs. But more open-minded readers should be prepared to look at the facts and weigh up the evidence that’s available. David Duff is an open book on the subject, but Sir Tom and many others never were . . . as I was to find out.

No one can deny that the Kwik Fit and property tycoon played a key role bringing financial security and stability to a club in crisis when he stepped in as a guarantor with the Bank of Scotland. He was a phenomenal business success,

worth hundreds of millions, and had a lot of clout not just with financial institutions, but also as one of Scotland's biggest media advertisers.

But overlooked in the 'official narrative' is that there were also others ready to step in and 'save' Hibs, notably the former club chairman Kenny Waugh and the Borders duo of David Elliot and Walter Allan of the Institute of Economic Affairs fame. No matter, the bank favoured Sir Tom.

Another aspect the 'official narrative' never got a handle on, but 'insiders' in Edinburgh's finance and property sector were all too well aware of, was that Wallace Mercer's 'takeover' was as much, if not more, about property than football. The media had already reported in the months prior to the takeover bid that jockeying had begun to build a new stadium out on the city bypass – Hearts at Millerhill, Hibs at Straiton, while David Murray, the Rangers chairman, was hovering around with his Hermiston site as an alternative for Hearts. And then there was the potential of Easter Road, 11 acres of land (stadium and the 'old car park') right next to the Lochend Butterfly which the council was opening up for commercial and residential development.

All in, there was big money to be made. David Duff was very open about this as he fought to stay on at Hibs and believed this double-whammy of a property deal could turbo-charge a Hibs challenge against the Glasgow duopoly. He also told me and others about a summons he'd had from Sir Tom to his house in Barnton. He had a startling proposal which Duff refused to accept, and this was the beginning of a very messy end to his time at Hibs.

Not long after I had my one and only sit-down interview with Sir Tom. I'd gone to his office at Roseburn with a

colleague to talk about his plans for the future of Hibs. After some general questions – he kept addressing me as Mr Pia – I asked who was this ‘Tom Harrison’ he’d appointed to the Hibs board. Sir Tom was rather patronising in a reply along the lines of: “Mr Pia, you may not know this but in business you sometimes appoint people who are your friends.” I said that may well be the case, “But is it not because he’s your property developer and you want him to work on potential projects at Straiton and the Easter Road–Lochend Butterfly.”

He exploded out of his seat, jabbing his finger in my face: “I dinnae like where you’re coming from, son. I dinnae like where you’re coming from.” He then stormed out of the room. We sat where we were and waited as he paced up and down the hall. After a few minutes he came back in. I explained it was a reasonable question, very much in the public interest. Fans deserved to know why people were appearing out of nowhere as board members, especially after the experience with David Rowland. Sir Tom was struggling to regain control. The meeting was over. The next day I got a call from a Hibs director asking what I had done to Sir Tom? He’d gone “ballistic”.

This set the tone for our future relationship, or rather lack of it. He refused any further interviews in the years ahead. But there would be an unusual denouement years later after our legal stand-off withered away.

One thing did jar when Sir Tom took full control of Hibs in 1991. The club was immediately separated from its main asset (the stadium and land), and Hibs had to start paying £75,000 annual rent to HFC Holdings, Sir Tom’s parent company. He also announced Hibs would have the right to stay at Easter Road “for the foreseeable long-term future”.

Fast forward six months to January 1992 and Hibs were on the front pages again, announcing plans to quit Easter Road after 100 years and move out to a site on the city bypass. This would be done with a new company, Straiton Ltd, of which Sir Tom was a director with Tom Harrison as its managing director. After over a year there'd be a U-turn and Hibs would stay put at Easter Road, which would be redeveloped (the project took more than ten years to complete).

However, plans to move to Straiton were revived a decade later, in 2003, where Sir Tom and Tom Harrison were now active with a company called Morston Assets, described in the media as a "property firm owned by Kwik Fit tycoon Sir Tom Farmer and Norwich-based property entrepreneur Tom Harrison". Morston Assets had "£1.25 billion of projects under development and was responsible for bringing Ikea and Sainsbury to Straiton . . . where it owns 600,000sq ft". Hibs had also announced plans splashed on the front page of the *Evening News* in 2000 for a £35-million development at Easter Road next to the Lochend Butterfly as part of a consortium with none other than Morston Assets. But it was knocked back by Edinburgh Council, and two years later *The Scotsman* reported the old car park - "a hugely lucrative area of wasteland behind Easter Road stadium" - was now up for sale. A club spokesman was quoted: "The land placed on the market by the holding company is not required by the club."

Sir Tom's PR lackeys would often brief that I had an 'agenda' against Sir Tom. I did. It was for openness and transparency about what was going on at Easter Road. (He also had his agenda - to shut me up). I'd also only started reporting on the off-field activities and their negative

impact on the football club in 1996, five years after Sir Tom had taken over. Insiders at Hibs had told me the debt was rising at an alarming rate. The original cost of the Famous Five Stand had risen from £4 million to £8 million, with Sir Tom getting directly involved, while Hibernian Hospitality Ltd, a new company set up for functions, turned into a fiasco and waste of money.

This was having a negative effect on the football club. Between 1996 and 2003 Hibs would go through nine managers and five chairmen with numerous directors toppled, among them Allan Munro, who had first got Sir Tom involved in Hibs. The club would also be relegated in 1998. Meanwhile, Hibs' debt would keep soaring to over £17 million 'officially' by 2003. This was during a decade when Hibs were regularly bringing in millions in transfer fees from the likes of Andy Gorm, Ulises de la Cruz, Ulrik Laursen, Darren Jackson, Kenny Miller etc.

Throughout my reporting I always offered Sir Tom right of reply, and even on one occasion an 800-word column to give his side of the story, which he refused. Many people approached me with information but would then back off and not go on the record. An exception was Ian Blackford, then a rising star in finance and politics, and latterly the leader of the SNP at Westminster. Ian phoned me after I'd quoted him as a concerned fan. He'd had a call from his boss that Sir Tom, a major client, wanted Ian to retract his quote and say I'd made it up. Ian refused to do so but thought he should warn me. I appreciated his integrity and backbone as so many others seemed intimidated.

Sir Tom and I also ended up together in *Private Eye*. The satirical magazine ran a piece on how he'd gone through three different PR companies in as many months trying to shut down my reports. It concluded: "The saintly Sir Tom

Farmer's latest PR outfit have been doing the rounds trying to dig up dirt on Pia. All, happily, to no avail." I could see the funny side, but that's not how it worked out for David Duff.

Sir Tom also liked to say there was no one else interested in Hibs, so he had to continue to shoulder the responsibility, despite the fact he repeated ad nauseam that he had no interest in football. I knew this was not the case, and that there were three Edinburgh businessmen – a financier, a car dealer and a publican – who had expressed interest. None of them would go on the record. One day, though, I got a call from Brian Kennedy, the double-glazing tycoon, who I'd never met before. As he was asking me about the situation at Hibs I interrupted him: "I take it you're interested in buying Hibs?" Indeed, he was. I guessed he was in town to meet Sir Tom, so I staked out the Kwik Fit office with a photographer to see if we could catch them together on camera. Brian was unaware of this and when we published, he phoned. He had no problem about it going public but told me Sir Tom was not a happy man. However, the Hibs owner could no longer say there was "no one else out there".

During this period, 1997-99, Sir Tom sued on two occasions. Neither case ever went to court. I knew this would happen. Most libel writs don't – they're just frighteners to stop publication. But if it had, the media would have had a field day with all the high-profile characters involved, including of course Sir Tom. I must admit a part of me relished the prospect. Meantime, no apology, no retraction, no redaction, no correction was ever published. I don't know if there was ever any secret back-room deal to appease Sir Tom, but I was never privy to any.

The attitude of the football club board also changed towards me. Initially hostile, some directors started speaking off the record as they had been unaware of certain facts I'd revealed. Douglas Cromb, former club chairman, also had told me the board had never wanted to move from Easter Road in the first place. As for the football side, one manager pulled me aside to tell me to "keep up the good work". The scrutiny helped him put his case for more support for the football side of things at Easter Road.

Libel cases often turn into a war of attrition. They tend to be long, drawn out and so expensive that they are out of the reach of most mortals. One of the *Scotsman* lawyers pointed out to me both sides (the lawyers, that is) like to keep the meter running as long as possible. Then there are the internal tensions they create at media outlets. Nearly all media organisations, except for the BBC, are commercial enterprises, and some in management didn't appreciate the fact I was upsetting one of their biggest advertisers. Kwik Fit double-page ads were famous across national and local newspapers, while the 'Kwik Fit fitter' was one of the most recognisable jingles on television. I did recognise this, but asked the MD on one of the several occasions I was hauled into his office, what's a journalist supposed to do? Whose side are we on? The public's or corporate advertisers'? I got no answer to that. Throughout the whole process, journalist colleagues displayed a solidarity which I'll always appreciate, and their support created a further dilemma for the management.

But it got to the stage I felt I was bearing too much of the burden of defending the case and was being undermined from within. It came to a head when I had a stand-up row with one editor after I found out he'd met Sir Tom behind my back. (A couple of colleagues had tipped me

off). The editor wanted me sacked, but other senior journalists had my back. However, I decided to leave, but less than a year later I was back in the building in a new role as *The Scotsman's* diary columnist.

Colleagues had tipped off the National Union of Journalists about my situation. The union's magazine, *The Journalist*, decided to run a double-page spread - 'Dodgy Silencer' - about Sir Tom, me and *The Scotsman*. That, along with the *Private Eye* piece, put the issue in the public domain. To this day I don't know who tipped off *Private Eye* and *The Journalist*. I've always loved my trade and the people in it, making a lot of great friends. Whenever anyone has a pop at the media, I point out the problem is not the journalists but corporate owners and senior management. Ground-floor hacks, for all their quirks and flaws, are a breed apart.

As the legal battle exhausted itself, I'd run into Sir Tom in my new role every so often at public events. He didn't exactly try and befriend me but was keen to smooth things over between us and asked me on a couple of occasions to meet him for a coffee at the George Hotel. I turned him down both times, which he didn't like. But I did make a point of telling him it was a great pity he was never a real Hibs fan and was not interested in football. If so, with his drive, energy and financial power he'd have made sure Hibs were winners.

But that was David Duff's dream - to make Hibs winners. He had a plan, he had a passion. It never worked out and remains one of the great 'what ifs' in Hibs history. This is his story.

*Simon Pia
Edinburgh*

September 2025

PROLOGUE

“WHO’S THE ABSOLUTE worst person you can imagine to buy Hibernian?”

On Sunday, 3 June, 1990, I travelled down to London to find out the answer to this question at a meeting with the club’s largest shareholder. He had made a secret deal to sell Hibs behind my back. I was 36 years old and had been chairman of Hibernian – the club I love – for three seasons. My world was about to fall apart.

*

This is a book I thought I would never write. It has taken over 30 painful years to reach a place in my life where I feel finally able to reveal what really happened before, during and after the bid to buy Hibernian Football Club by the then-chairman of Heart of Midlothian, Wallace Mercer.

The whole sorry episode was a destructive and unnecessary attack on something cherished by its community. A community that I have proudly belonged to ever since becoming besotted with Hibs as a schoolboy.

I am aware that this book may reopen some old wounds. That is regrettable, but I do not believe the full truth has ever been told about the attempt to destroy Hibs and create an ‘Edinburgh United’. The facts cannot remain a casualty of this affair for ever.

I am the only person who can tell this story. Whether I wanted to be or not, I was the central character in one of the most infamous chapters in Scottish football. I

acknowledge that I made many mistakes. At times, I allowed my ego and ambition to cloud my judgement. I also accept that had I been wiser, stronger, and more humble, perhaps the story would have been different.

Whatever has been said since, it is a fact that but for my decision to refuse to sell my shares to Wallace Mercer, Hibs as we know them would no longer exist. This is the story of how I found myself in the position of being the person who had to decide which way the bid would end. I was the man responsible for determining whether Hibernian Football Club would live or perish.

I will try to explain in the following pages why I made the decisions that I did. I will also share my experiences during what was a critical period in the development of modern British football. As well as raising a smile and even the odd tear, I hope they serve as a cautionary tale. Football clubs are precious. Now, more than ever, we must protect them from those that do not have their best interests at heart.

This is not the story of those few individuals in Edinburgh's elite who caused dismay in the city and across Scottish football by pouncing upon a wounded Hibernian for their own selfish interests. This is my story. It is time to tell it.

*

The Scottish Cup Final - 2016

“When Hibs go up to lift the Scottish Cup, you’ll be dead.”

So sang rival fans on the terraces at Tynecastle Park and Ibrox whenever we visited. Hibs had not won the cup since 1902. On 21 May, 2016, those chants were silenced for

ever. A unique occasion, where for the first time two teams from outside Scottish football's top tier contested the Scottish Cup final, saw Hibernian beat Rangers 3-2.

I'd aimed to bring this hoodoo to an end three decades earlier when I was chairman. We came close, taking Hibs to a Hampden semi-final in the 1988/89 season. I really thought that was going to be our year. But Celtic broke my heart on that April Sunday.

Leaving the national stadium that day, we would not have believed that it would take a further 27 years to capture the silverware. Our aim was to challenge for the top honours every season. Ironically, in the year the jinx was broken, Hibs were not a great team, having failed for the second successive campaign to gain promotion to the Premiership.

The question for all Hibs fans is: should it have taken nearly three decades, from that 1989 semi-final at Hampden Park, for the club to reach this milestone? Should the once-great Hibernian ever have been condemned to a third consecutive season in the Championship? Let me take you back to an era when Hibs knocked on the door of sustained success and explain how that door was slammed in our faces and by whom.

This is a remarkable tale of cross and double-cross when the sunshine on Leith was nearly extinguished by the black clouds of greed.

ONE

HARD TIMES AT THE HIBS

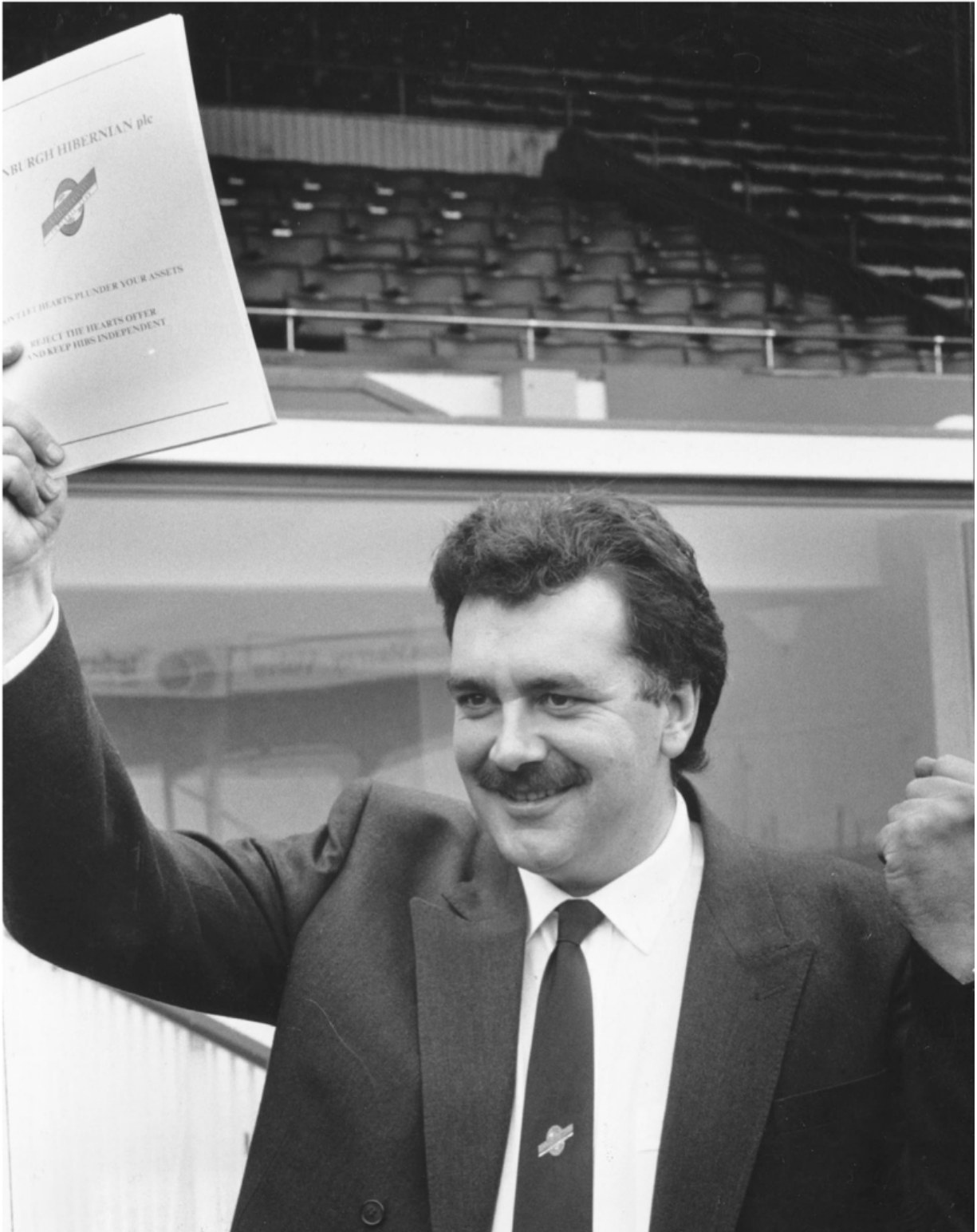
SUCCESS CAME TO me when I was very young. By the age of 31, having trained as a solicitor in a small London firm and got married, I moved to a country practice in Wiltshire. My personal client base consisted of property developers, businessmen, academics, and even future Oscar-winning actors. So strong was my business in the sleepy West Country that I was quickly able to expand, opening a London office on the Fulham Road.

Travelling between my offices, I acquired more high-profile clients, including the forerunner of the Portman Building Society and a significant part of the Saudi royal family. I had trained with a young woman who became a very close friend, and she agreed to run my London office. Jane Keeble was the daughter of Sir Curtis Keeble, who had been the British Ambassador to the USSR, and sister of Sally Keeble, who would become a junior minister in the Blair government.

I declined an offer to relocate to Saudi Arabia as a British business and legal adviser. I also turned down the chance of being Ken Culley's deputy at the West of England Building Society, although I remained their solicitor. Significantly, for future events, I was single-handedly responsible for completely re-writing their entire mortgage documentation. However, I was happiest in the capital and much more the London lawyer than the "solicitor from



'Hands Off Hibs': Fans make their feelings clear at the Easter Road rally to oppose the bid. *Getty Images*



Over My Dead Body: Clutching the defence document that ultimately saw off Wallace Mercer and his toxic bid for Hibernian. *Newsprints*