**CURRICULUM VITAE**

**Douglas Ross KC**

**CONTACT INFORMATION**

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**PRACTICE PROFILE**

Douglas Ross is a graduate of the universities of Glasgow and Cambridge. Prior to calling to the Bar in 1998, he spent three years as a lecturer in law and eight years as a legal adviser at the United Nations, serving in Gaza, Vienna, Zagreb and Sarajevo. In addition to appearing in many important cases in the Court of Session, he has appeared in the Supreme Court, House of Lords, High Court of Justiciary, Sheriff Court, Scottish Land Court, Lands Tribunal for Scotland, Employment Tribunal, Employment Appeal Tribunal, Mental Health Tribunal and the Health Professions Council.

Douglas was appointed as a Standing Junior Counsel to the then Scottish Executive in 2000, becoming Second Standing Junior in 2010 and First Standing Junior in 2012. From 2014 to 2016, he was the only Scottish lawyer appointed to the A List of the Attorney General's Panel of Public International Law Counsel for the UK Government. He has been instructed in cases in a wide range of areas, notably administrative law, judicial review and human rights. Other areas in which he has substantial experience include medical negligence and personal injuries cases in which he has been regularly instructed for both pursuers and defenders. He was instructed as Crown Counsel in the second and third Lockerbie appeals in, respectively, 2008-9 and 2020.

Douglas has appeared at numerous Fatal Accident Inquiries. He represented the Scottish Government at the lengthy inquiry into multiple fatalities in the fire at Rosepark Care Home and has appeared for health boards at inquiries in relation to deaths in hospital. He is instructed by NSS Scotland in the Scottish Hospitals Inquiry. Since being appointed Queen’s Counsel in 2016, Douglas’s principal areas of practice have continued to be in judicial review, human rights, medical negligence and personal injuries.

**QUALIFICATIONS/EDUCATION**

LLB (Hons) University of Glasgow (1984)

LLM in International Law (Hons) University of Cambridge (1985)

Advocate 1998

QC 2016

**APPOINTMENTS**

Standing Junior Counsel to the Scottish Executive: 2000 - 2010

Second Standing Junior Counsel to the Scottish Government: 2010 - 2012

First Standing Junior Counsel to the Scottish Government: 2012 - 2016

Member of UK Government's Public International Law Panel of Counsel (A panel): 2014 - 2016

Stable Director, Ampersand Advocates, 2017-2019

Member of Scottish Government working Group on Incorporation of the UN Convention on the Rights of the Child, 2019 – 20

**SELECTION OF LEADING CASES**

**Public and Administrative Law (including judicial review)**

*Scottish Ministers, Petitioners* 2024 SC 173

Appeared with Lord Advocate in challenge by Scottish Ministers to lawfulness of Secretary of State’s decision under section 35 of the Scotland Act 1998 to prevent the Gender Recognition Reform (Scotland) Bill being submitted for royal assent.

*Fair Play for Women Ltd v Registrar General for Scotland* 2022 SLT 300; 2022 SC 199

Appeared for respondents in Outer House and Inner House in challenge to guidance published in relation to the “sex” question in the 2022 census in Scotland. Case raised complex issue of statutory interpretation against background of controversial issues relating to legal rights and status of trans people without gender recognition certificates.

*R (Miller) v Secretary of State for Exiting the European Union* [2018] AC 61

Appeared with Lord Advocate, intervening in appeal to Supreme Court in judicial review raising question of whether Government had power under the prerogative to give notice of UK’s intention to withdraw from the European Union or whether an Act of Parliament was required.

*Laverie v Scottish Ministers* 2017 SLT 640

Appeared for respondents in petition for judicial review challenging lawfulness of statutory instrument removing member from board of management of a college on grounds of breach of Articles 6, 11 and Article 1 of Protocol 1 ECHR.

*Sutherland v Lord Advocate* 2017 SLT 333

Appeared for respondent in petition for judicial review seeking partial reduction of Sheriff’s determination following a fatal accident inquiry on grounds of misdirection in law and insufficiency of evidence.

*Quinn v Scottish Ministers (No. 2)* [2017] Rep LR 104

Appeared for respondents in petition for judicial review by life sentence prisoner seeking, *inter alia*, declarator that respondents had failed to provide him with reasonable opportunity for rehabilitation prior to expiry of punishment part of his sentence, in breach of Article 5 ECHR.

*Lord Advocate*, Petitioner 2015 SLT 450

Appeared for petitioner in application to Court for order to ordain Secretary of State for Transport to make available the combined voice and flight data recorder of a helicopter involved in a fatal air crash.

*Poor Sisters of Nazareth v Scottish Ministers* 2015 SLT 445

Appeared for respondents in petition for judicial review challenging, on grounds of apparent bias, appointment of an advocate to chair an inquiry into historic child abuse in Scotland.

**Human Rights Law**

*Brown v Parole Board for Scotland* 2016 SC 19 , 2018 SC (UKSC) 49

Appeared for second respondents in Outer House, Inner House and Supreme Court in petition for judicial review alleging breach of prisoner's rights under Article 5 ECHR in respect of failure to provide him with access to rehabilitative courses.

*McMaster v Scottish Ministers* [2018] CSIH 64

Appeared for respondents in petition for judicial review seeking, inter alia, declarator that the Agricultural Holdings (Scotland) Act 2003 Remedial Order 2014 was incompatible with the petitioners’ rights under Article 1 of Protocol 1 ECHR.

*Shahid v Scottish Ministers* 2012 SLT 178; 2014 SC 490; 2016 SC (UKSC) 1

Appeared for respondents in Outer House, Inner House and Supreme Court in judicial review raising issues of alleged violations of prisoner’s human rights in respect of lengthy periods being held in segregation.

*Moohan, Petitioner* 2014 SLT 213; 2015 SC 1; 2015 SC (UKSC) 1

Appeared for respondent (Lord Advocate) in Outer House, Inner House and Supreme Court in judicial review challenging lawfulness of ban on all prisoners voting in Scottish independence referendum.

*Ruddy v Chief Constable and Lord Advocate* 2013 SLT 119; 2013 SCLR 110

Appeared for second defender in (1) appeal to Supreme Court and (2) (following remit back to Court of Session) appeal to Inner House in case concerning scope of investigative duty under Article 3 ECHR in respect of complaints of mistreatment at the hands of the police.

*J & E v Lord Advocate* 2013 SLT 347

Appeared for respondent in petitions for judicial review brought by two mothers raising issues of Convention rights in relation to decisions by local authorities to seek child protection orders immediately following the birth of their children.

*Somerville & Others v Scottish Ministers* 2008 SC (HL) 45; 2007 SC 140

Appeared for Scottish Ministers in Outer House, Inner House and House of Lords in case raising issues of human rights, prisoners’ rights, public interest immunity and the relationship between the Human Rights Act 1998 and the Scotland Act 1998.

**Local Government Law**

*Milton Keynes Council v Scottish Ministers* 2015 SLT 843

Appeared for respondents in challenge to decision of Scottish Ministers that a Scottish care home patient remained ordinarily resident in an English local authority area, notwithstanding that she had been resident in a care home in Scotland for approximately six years.

*South Lanarkshire Council v McKenna* 2013 SLT 22

Appeared for intervener (Lord Advocate) in reference of devolution issue to Inner House. Case concerned duty to provide reasons, proportionality and Article 8 ECHR rights in respect of repossession proceedings against tenant of short Scottish secure tenancy.

*L v Angus Council* 2012 SLT 304

Appeared for respondents in judicial review of age assessment of foreign national arriving as a stowaway in Scotland. Issues raised included consideration of extent to which the supervisory jurisdiction of the Court of Session allows merits review of administrative fact finding.

**Mental Health Law**

*S v Scottish Ministers* 2015 SLT 362

Appeared for respondents in petition for judicial review seeking declarator that continuing failure of Scottish Ministers to draft and lay before Scottish Parliament regulations under Mental Health (Care and Treatment) (Scotland) Act 2003 was unlawful and contrary to Article 14 ECHR.

*M Petitioner* 2003 SC 52

Appeared for respondents in judicial review raising issue of alleged breach of human rights arising out of the administration of medication without the consent of patients detained in psychiatric hospitals.

**Medical/Clinical Negligence Law**

*Holdich v Lothian Health Board* 2014 SLT 495

Appeared for defenders in action seeking damages for psychiatric injury arising from alleged damage to frozen sperm samples. Issues included status of human gametes as property, legal basis upon which fertility treatment and related services are provided, right to recover damages for psychiatric injury arising from damage to property and scope of recovery of damages for loss of autonomy.

*Gerrard v Royal Infirmary of Edinburgh NHS Trust* 2005 SC 192

Appeared for defenders in Outer House and Inner House in medical negligence action in respect of death following delivery of second twin.

**Reparation**

*Grier v Lord Advocate* 2022 SLT 199

Appeared for defender in action of damages for malicious prosecution in respect of alleged wrongful detention, arrest and prosecution.

*Whitehouse v Chief Constable, Police Scotland and Lord Advocate* 2020 SCLR 27; 2020 SC 133

Appeared for second defender in Outer House and Inner House in action for damages for wrongful prosecution which raised issue of whether Lord Advocate was immune from suit in the event of prosecution carried out maliciously and without probable cause and whether Article 8 ECHR was engaged by a decision to prosecute.

**Criminal Law**

*Megrahi v HM Advocate (No. 3)* 2021 SLT 73

Appeared for Crown in appeal against conviction brought by the representative of the late Mr Megrahi against conviction for the murders of 270 people following the Lockerbie bombing.

**International Law**

*Moohan & Gillon v United Kingdom* App [22962/15](https://hudoc.echr.coe.int/eng#{%22appno%22:[%2222962/15%22]})

Represented UK Government in application to European Court of Human Rights in cases arising out of blanket ban on prisoners voting in the referendum on Scottish independence.

**SELECTION OF LECTURES/SEMINAR PAPERS**

“Recent Scottish Public Law Cases”, Scottish Public Law Group Annual Conference, Edinburgh June 2023

“Power to the People? Reflections on referendums in light of the Supreme Court’s decision in *R (Miller) v Secretary of State for Exiting the European Union*”, Edinburgh February 2017

“The All-Scotland Personal Injury Court: the story so far”, Dundee February 2017

“Incorporating Human Rights Treaties: What can be done? What should be done?”, Edinburgh December 2015

“Judicial Review Update”, Scottish Public Law Group Annual Conference, Edinburgh June 2014

“The boundary between reserved and devolved competence: *Martin v HM Advocate* and *Imperial Tobacco Limited, Petitioner*”, Edinburgh 2011