
Douglas Ross QC

Year of Call: 1998
Silk: 2016



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tel 07739 639257
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Practice Areas

Administrative & Public Law
Civil Liberties, Human Rights and EU Law
Clinical Liability
International Law
Personal Injury
Public Inquiries, FAI's and Tribunals

Practice Profile

Douglas Ross QC 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 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.

Court and Tribunal Experience

Court of Session
Supreme Court
House of Lords
High Court of Justiciary
Sheriff Courts
Scottish Land Court
Lands Tribunal for Scotland
Employment Tribunal
Employment Appeal Tribunal
Mental Health Tribunal
Health Professions Council

Douglas was appointed as a Standing Junior Counsel to the then Scottish Executive in 2000, in which capacity 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. From 2008 - 2009, he was instructed as Crown Counsel in the second Lockerbie appeal.

Douglas has appeared at numerous Fatal Accident Inquiries. He represented the Scottish Government at the lengthy inquiry into multiple fatalities in Rosepark Care Home fire and has appeared for health boards at inquiries relating to deaths in hospital.

Qualifications/Education

LLB (Hons) University of Glasgow (1984)
LLM in International Law (Hons) University of Cambridge (1985)

In 2010, he was appointed Second Standing Junior Counsel to the Scottish Government, then First Standing Junior Counsel from 2012 to 2016 when he took silk. From 2014 to 2016, Douglas was the only Scottish lawyer on the A List of the Attorney General's Panel of Public International Law Counsel for the UK Government.

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. He is listed in the Chambers and Partners UK Bar Guide in Administrative and Public Law, Civil Liberties and Human Rights and Clinical Negligence.



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Memberships/Appointments

Standing Junior Counsel to the Scottish
Executive: 2000 to 2010

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

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

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

Stable Director, Ampersand Advocates,
September 2017 to date

Recent Lectures and Seminar papers

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

Administrative Law (including judicial review)

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.

McMaster v Scottish Ministers 2017 SLT 586

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.

Sutherland v Lord Advocate 2017 SLT 333

Appeared for respondent in petition for judicial review seeking
partial reduction of Sheriff's Determination following Fatal Accident
Inquiry. Questions raised included meaning of "reasonable
precaution" in context of a case involving clinical judgment.

Fraser and Mackie v Scottish Ministers [2016] CSOH 125

Appeared for respondents in petitions for judicial review by life
sentence prisoners seeking, inter alia, declarator that respondents
had failed to provide them with reasonable opportunity for
rehabilitation prior to expiry of punishment parts of their sentences
in breach of Article 5 ECHR.

Quinn v Scottish Ministers (No. 2) [2016] CSOH 67; 2017 SLT 1036

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.

Beattie v Scottish Ministers [2016] CSOH 57

Appeared for respondents in petition for judicial review by 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.

Milton Keynes Council v Scottish Ministers 2015 SLT 843

Appeared for respondents in petition for judicial review of decision
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.



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Very concise and articulate in court. Just exceptional

Chambers & Partners UK Bar Guide 2017

Congregation of the Poor Sisters of Nazareth v Scottish Ministers 2015 SLT 445

Appeared for respondents in petition for judicial review seeking reduction of a decision of Scottish Ministers to appoint an advocate as chair to an inquiry into historic child abuse in Scotland on grounds of apparent bias.

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.

Brown v Parole Board for Scotland [2013] CSOH 200; 2016 SC 19; [2017] UKSC 69

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

S v Scottish Ministers 2015 SLT 362

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

Duncan v Scottish Ministers 2014 SLT 531

Appeared for respondents in petition for judicial review alleging, inter alia, breach of a prisoner's rights under Article 5 ECHR in respect of failure to provide him with access to rehabilitative courses.



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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.

M v Scottish Ministers 2013 SLT 875

Appeared for respondents in petition for judicial review alleging, inter alia, breach of a prisoners rights under Article 5 ECHR in respect of failure to accommodate him in open conditions.

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.

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.

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.

M Petitioner 2003 SC 52 (Lord Eassie)

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.



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EU Law

[R \(Miller\) v Secretary of State for Exiting the European Union \[2017\] 2 WLR 583](#)

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.

[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. Case involved interpretation and application of EU Regulations relating to investigation of air accidents.

[McGinty v Scottish Ministers 2014 SC 81](#)

Appeared for respondents in reclaiming motion in petition for reduction of the National Planning Framework for Scotland 2 in so far as it designated a new power station and transshipment hub at Hunterston.

[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 blanket ban on prisoners voting in referendum on Scottish independence on grounds, inter alia, of alleged breach of EU law.

Constitutional Law

[R \(Miller\) v Secretary of State for Exiting the European Union \[2017\] 2 WLR 583](#)

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.

[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 blanket ban on prisoners voting in referendum on Scottish independence.



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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

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



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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.

Personal Injury Law

[Smith v Scottish Ministers 2015 GWD 17-292](#)
Appeared for defenders in action of damages raised by prison custody officer in respect of injuries sustained in training exercise taking the form of a simulated riot.

[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.

Public inquiries & Fatal Accident Inquiries

- Inquiry into the death of David Cameron (Sheriff Ruxton, 17 April 2015)
- Inquiry into the death of Caroline McCall (Sheriff Scullion, March 2014)
- Inquiry into the deaths of Ross Drummond and Anthony Robertson (Sheriff Platt, 2014)
- Inquiry into the death of William Millen (Sheriff Johnston, 15 November 2013)
- Inquiry into the death of John Willock (Sheriff Pettigrew, 7 October 2013)
- Inquiry into the death of Jacqueline Hughes (Sheriff Ritchie, 31 December 2012)
- Inquiry into the deaths of Andrew Ritchie, Agnes Nichol and George Johnstone (Sheriff Dickson, 16 February 2012)



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- Inquiry into the death of Catherine Hattie (Sheriff Normand, 30 January 2012)
 - Inquiry into the death of Elizabeth Lowrie (Sheriff Cubie, 31 October 2011)
 - Inquiry into multiple deaths at Rosepark Care Home (Sheriff Principal Lockhart, 19 April 2011)
 - Inquiry into the death of Jessie Taylor (Sheriff McCulloch, 14 February 2011)
 - Inquiry into the death of Margaret Fewkes (Sheriff Wood, 9 February 2006)
-

International Law

[Moohan & Gillon v United Kingdom \(First Section ECtHR, 6 July 2017\)](#)

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.

[Moohan, Petitioner 2014 SLT 213; 2015 SC 1; 2015 SC \(UKSC\) 1](#)
Appeared for respondent (Lord Advocate) in judicial review challenging lawfulness of ban on prisoners voting in referendum on Scottish independence on grounds that it was in breach of Convention rights, contrary to fundamental rights in the common law, in breach of international obligations and contrary to EU law.

Retail

[Tesco Stores Ltd v Aberdeen City Council 2013 SCLR. 71; \[2013\] JPL 446](#)

Appeared for Scottish Ministers in application by a supermarket operator under Town and Country Planning (Scotland) Act 1997 to quash a local development plan as ultra vires.

Planning And Environmental Law

[McGinty v Scottish Ministers 2014 SC 81](#)

Appeared for respondents in reclaiming motion in petition for reduction of the National Planning Framework for Scotland 2 in so far as it designated a new power station and transshipment hub at Hunterston.

[Tesco Stores Ltd v Aberdeen City Council 2013 SCLR 71; \[2013\] JPL 446](#)

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