

## Barney Ross



**Year called:** 2013  
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**Qualifications:** LLB (First Class Honours), University of Edinburgh and McGill University, Montreal  
Dip.LP, University of Edinburgh  
Faculty Scholar 2012/13

## Practice

Principal areas of Practice -

- Regulatory Crime
- Personal Injury
- Professional Negligence
- Property Damage
- Fatal Accident Inquiries

Barney has a busy and varied practice with a particular emphasis on reparation, regulatory and criminal law.

In his criminal and regulatory practice, Barney is instructed in matters of complexity relating to health and safety, environmental, fisheries protection, food hygiene, road traffic and proceeds of crime legislation. In 2015 he was part of the team which successfully defended a medical student in a major prosecution under the Terrorism Acts in the High Court.

In his civil practice Barney is regularly instructed in litigation relating to professional liability, industrial disease and personal injury. Barney is currently instructed on behalf of NHS Scotland in the Mesh litigation "class action" before the Court of Session.

Barney has considerable experience of conducting trials and proofs at all levels, including cases involving large amounts of documentary and electronic evidence. He regularly appears in the Court of Session, High Court of Justiciary (at first instance and appeal) and in sheriff courts across Scotland.

Barney previously worked as a Procurator Fiscal Depute with the Crown Office and Procurator Fiscal Service. He teaches advocacy and pleading at the Glasgow Graduate School of Law.

## Representative Cases

### *WW v the Advocate General for Scotland 2015 CSOH 111*

Junior counsel for pursuer in first proof on quantum of damages for pleural plaques following Damages (Asbestos Related Conditions) Scotland Act 2009. Decision resulted in significant increase in provisional damages awards in cases of this type.

### *Herron v Poundland Limited, Edinburgh Sheriff Court 2015*

Counsel for local authority at proof. Validity of a Hygiene Emergency Prohibition Notice served under the Food Hygiene (Scotland) Regulations 2006 upheld following a rodent infestation in a high street store.

### *H.M. Advocate v Yusif Badri, Glasgow High Court 2015*

Junior counsel for the defence in prosecution of University of Aberdeen medical student for offences under the Terrorism Acts. Disclosed evidence included over 500,000 electronic documents. Accused acquitted of all charges after trial.

### *P.F Inverness v Andrew Tetsill, Inverness Sheriff Court 2015*

Counsel for the defence in summary prosecution for causing death by careless driving. Accused was father of deceased. Accused acquitted after trial.

### *De Vink v Milligan, Edinburgh Sheriff Court 2015*

Counsel for defender at proof in action for malicious falsehood at Edinburgh Sheriff Court involving two elected politicians. Decree of absolvitor granted in favour of the defender.

*Procurator Fiscal, Dumfries v Stephen Russell 2015*

Counsel for defence in summary prosecution under strict liability provisions of the The Water Environment (Controlled Activities) (Scotland) Regulations 2005 arising from a major pollution incident at a surface coal mine. Accused acquitted after trial.

*Paterson v Harvie 2014 S.L.T. 857*

Junior counsel in 5 bench appeal relating to section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.