

Dominic Scullion

Year called: 2020
Email: dominic.scullion@compasschambers.com
Qualifications: 2020: Called to the Bar
2016: Solicitor Advocate
2012: Solicitor
2010: Dip LP, University of Aberdeen
2009: LLB (Hons), University of Aberdeen



Profile

Dominic practises in the fields of public law, health and safety, and reparation. He called to the Bar in 2020, having qualified as a solicitor in 2012 and as a solicitor advocate in 2016. He is currently the Second Standing Junior Counsel to the Scottish Government.

In his public law practice, Dominic has been instructed in judicial reviews/statutory appeals and has provided opinions on a wide range of areas including human rights; prison law; freedom of information; education law; public law as it relates to the protection of children; statutory interpretation in a healthcare context; challenges to the validity of legislation; and many others. He has been instructed by a core participant in an ongoing Scottish public inquiry. He has been on the panel of Standing Junior Counsel to the Scottish Government since 2020 and was appointed Second Standing Junior in 2024.

In his health and safety practice, Dominic has experience of enforcement notice appeals and as a solicitor he was involved in a landmark health and safety appeal to the UK Supreme Court. He authored the revised edition of *Health and Safety at Work* in the Stair Memorial Encyclopaedia (published 2020). He has been instructed by duty holders in health and safety prosecutions and in fatal accident inquiries. In addition, Dominic has appeared as an *ad hoc* Advocate Depute in appeals against sentence, and he appeared with the Lord Advocate before a Full Bench in *Lord Advocate's Reference (No 1 of 2023)*.

In his reparation practice, Dominic has acted for insurers, private companies, and individuals in reparation actions (including 'stress at work' claims, data-breach claims, and claims with a suspected element of fraud). He has acted for pursuers and defenders. He is particularly experienced in representing public authorities in actions for damages.

Dominic was a lecturer at the University of Dundee, has tutored at the universities of Aberdeen and Edinburgh, and has had articles and notes published in professional and academic journals. He was a Law Reporter for Session Cases from 2017 to 2022; and is a member of the Advisory Board to the Stair Memorial Encyclopaedia. He is in the process of co-authoring the second edition of Professor Robert Black KC's *An Introduction to Written Pleading*.

Representative Cases

Public Law

AB v Scottish Ministers [2024] CSOH 30 – counsel for Scottish Ministers (with Christine O’Neill KC) – judicial review of prisoner’s licence conditions upon release – challenge on the basis of uncertainty and violation of ECHR (articles 8, 8 and 14 and 5 and 14)

Burns v Scottish Ministers [2024] CSOH 6; 2024 SLT 101 – counsel for Scottish Ministers (with Douglas Ross KC) – judicial review of the system of ‘First Grant of Temporary Release’ within prison estate – discrimination between discretionary life sentence prisoners and OLR prisoners.

Beggs v Parole Board for Scotland [2023] CSOH 83 – counsel for the Scottish Ministers – judicial review of a decision of the Parole Board – independent of Parole Board from the Executive – whether a ‘court’ in terms of Article 5(4), ECHR

Greene King Ltd v Lord Advocate [2023] CSIH 27; 2023 SLT 771 – counsel for the Lord Advocate (with Ruth Crawford KC) – challenge to legislative competence of the Tied Pubs (Scotland) Act 2021 – reserved matters – competition law

O v Locality Reporter Manager [2022] CSIH 50; 2023 SC 39 - counsel for the Children’s Reporter in appeal to Inner House – habitual residence – request to transfer proceedings to other Member State under Brussels II bis-

Avaaz Foundation v Scottish Ministers [2021] CSOH 119; 2022 SLT 334 counsel for the Scottish Ministers (with Ruth Crawford QC) – judicial review – proceeds of crime – unexplained wealth orders – role of the Lord Advocate)

R v Chief Constable of the Police Service of Scotland [2021] CSOH 73; 2022 SLT 793 counsel for Chief Constable (with Maria Maguire QC) in judicial review – disciplinary proceedings

Avaaz Foundation v Scottish Ministers [2021] CSOH 81; 2021 SLT 1063 counsel for the Scottish Ministers (with Ruth Crawford QC) - time bar in judicial review – permission to proceed

Swindells v Scottish Legal Complaints Commission 2021 CSIH - unreported – instructed for respondent in appeal to the Second Division of the Inner House under Legal Profession and Legal Aid (Scotland) Act 2007)

AB v Principal Reporter 2021 CSOH - unreported – instructed as counsel for the Principal Reporter in judicial review

McCue’s Guardian v Glasgow City Council [2020] CSIH 51; 2021 SC 107 - counsel for the public interest intervener, the Scottish Public Services Ombudsman, in a reclaiming motion before the Second Division- judicial review – alternative remedy – whether petition for judicial review competent-

Complaint concerning Councillor Gregor Murray - appeared for the Commissioner for Ethical Standards in Public Life in Scotland in a hearing before the Standards Commission for Scotland, Dundee, 2019

XY v Principal Reporter [2019] CSIH 19 - appeared for Principal Reporter (with Gerry Moynihan QC) in appeal to First Division – compatibility of relevant person status in the Children’s Hearings system

Beggs v Scottish Information Commissioner [2018] CSIH 80; 2019 SC 247 - appeared for respondent in appeal to First Division – freedom of information – vexatious requests

ABC v Principal Reporter and the Lord Advocate [2018] CSIH 71; 2019 SC 186 - appeared for Principal Reporter (with Gerry Moynihan QC) in appeal to First Division – compatibility of relevant person status in the Children’s Hearings system

NR v Roma Bruce-Davies [2018] SAC (Civ) 13; 2018 Fam LR 71 - appeared for Principal Reporter in appeal to Sheriff Appeal Court – appeal against decision of Children’s Hearing to suspend contact – sufficiency of evidence – human rights

Philip Gormley, Chief Constable of Police Scotland v Scottish Information Commissioner XA133/16, 23 June 2017 - appeared for respondent (with David Johnston QC) in appeal to Second Division – freedom of information – risk of harm if information released

CF v MF [2017] CSIH 44; 2017 SLT 945 - appeared for Principal Reporter in appeal to Extra Division – relevant person status in children’s hearings – state intervention

C v Locality Reporter [2016] SAC (Civ) 13 – appeared for Principal Reporter in appeal to Sheriff Appeal Court – relevant person status – state intervention

Health & Safety and Criminal

Lord Advocate’s Reference (No 1 of 2023) [2023] HCJAC 40; 2023 SLT 1115 – appeared with the Lord Advocate (and Paul Harvey AD) in Reference to the High Court of Justiciary by the Lord Advocate – corroboration – distress - de recenti statements.

HMA v Network Rail Infrastructure Ltd – 2023, High Court of Justiciary – instructed by Network Rail (with Peter Gray KC) in prosecution brought under Section 3 of the HSWA 1974 arising from the derailment of a train at Carmont, Aberdeenshire and the subsequent deaths of 3 individuals, and injury to others.

HM Inspector of Health & Safety v Chevron North Sea Ltd 2018 SC (UKSC) 132 - instructing solicitor – health and safety – prohibition notices – admissibility of evidence -

Inquiries

Inquiry into the death of George Cameron (1 day FAI, Sheriff Wade QC, Perth 2019)

Inquiry into the death of Pradeep Bhowmick (1 day FAI, Summary Sheriff Allan McKay, Hamilton, 2019)

Inquiry into the death of William Hume (3 day FAI, Sheriff McCrossan, Peterhead, 2019)

Inquiry into the death of Alan Smith (2 day FAI, Sheriff McFadyen, Edinburgh, 2019)

Inquiry into the death of Raygen Merchant (6 day FAI, Sheriff Mundy, Falkirk, 2018)

Inquiry into the death of Mandy Ross (1 day FAI, Sheriff Tait, Edinburgh, 2017)

Inquiry into the death of Paul McMahon (1 day FAI, Sheriff Noble, Edinburgh, 2017)

Inquiry into the death of Colin Penrose (14 day FAI, Sheriff Principal Turnbull, Glasgow, 2017)

Inquiry into the death of Jason Jackson (9 day FAI, Sheriff Foulis, Perth, 2016/2017)

Inquiry into the death of Richard Murphy (1 day FAI, Sheriff Wood, Glasgow, 2015)

Inquiry into the death of Ross McColm (2 day FAI, Sheriff L Smith, Falkirk, 2015)

Inquiry into the death of Robert Tait (1 day FAI, Sheriff Crowe, Edinburgh, 2015)

Inquiry into the death of Denis Cannon (3 day FAI, Sheriff Wade QC, Alloa, 2015)

Reparation

X v Y [2023] CSOH 17; 2023 SC 235 – counsel for the Lord Advocate (with Kay Springham KC) in debate – action for damages against Sheriff and Lord Advocate – vicarious liability of Lord Advocate for delicts allegedly committed by Sheriff.

Morrison v Mapfre Middlesea Insurance plc [2022] CSIH 45; 2023 SC 97 – counsel for claimer (with Alasdair McKenzie KC) in reclaiming motion before First Division – action for reparation following bus crash in Malta - state immunity – separate entities – whether acting in exercise of sovereign authority

Ramsay v Chief Constable and Lord Advocate [2022] SAC EDI-A624-19 – unreported – counsel for Lord advocate in appeal to Sheriff Appeal Court against decision of sheriff to dismiss damages action at debate

Ramsay v Chief Constable and Lord Advocate [2022] SC EDIN - unreported - counsel for the Lord Advocate (with Douglas Ross QC) in reparation action – damages sought in connection with investigation into alleged criminality

McCann v Dumfries & Galloway Council 2021 SC EDIN 36 - counsel for the pursuer in occupiers' liability case against local authority

Daniel Kaizer v Scottish Ministers 2018 SC 491 (instructing solicitor – liability of prison authorities for assault by one prisoner on another)

Appointments

- Second Standing Junior Counsel to the Scottish Government (2024 -)
- Mini-Devising Co-ordinator (with Sheriff Findlater and Elisabeth Roxburgh) (2022 -)
- Member of the Faculty of Advocates Law Reform Committee (2022 -)
- External Examiner, University of Dundee (2021 -)
- Treasurer, Compass Chambers (2021 -)
- Member of the Advocates Library Renovations Committee (2021 -)
- Standing Junior Counsel to the Scottish Government (2020 -)
- Ad hoc Reporter to the Professional Conduct Sub-Committee of the Law Society of Scotland (2020)
- Member of the Advisory Board to the Stair Memorial Encyclopaedia (2019 -)
- Law Reporter for Session Cases (2017 – 2022)
- Director of the Scottish Legal Action Group (2014 – 2018)
- Lecturer in Law at the University of Dundee (2013 – 2014)
- Tutor at the universities of Aberdeen (2009/10) and Edinburgh (2011-2013; 2015)

Publications

- 'Health and Safety at Work', 2nd Reissue, The Laws of Scotland: Stair Memorial Encyclopaedia (2020)
- 'Limited Liability Partnerships' in G Black (ed) Business Law in Scotland (2019)
- 'The restricted right to appeal in children's hearings proceedings – a recent decision', 2017 Scots Law Times 39, 207-209
- 'The Scottish Law on Child Cruelty and Wilful Neglect: Time for Reform?' 2016 Juridical Review 1, 49-74; (co-authored with Prof PR Ferguson)
- 'Mine, and They're Private: Commentary on WF, Petitioner' Journal of the Law Society of Scotland August 2016;
- 'The Courts Reform Bill and a Case Involving a Bike', 2014 Edinburgh Law Review, 18(1) 146-149
- 'The Prince of Wales and the Duke of Cambridge: a Constitutional Analysis', 2011 Aberdeen Student Law Review, 2, 99 – 109

*Numerous other notes and reviews in legal journals.