

Richard Pugh KC

Year called: 2008
Year of silk: 2022
Email: richard.pugh@compasschambers.com
Qualifications: Qualifications:
1996 - 2000: LLB (HONS) (Strathclyde)
2000 - 2001: Dip LP (GGSL)
Appointments:
April 2019 to October 2022: Clerk of the Faculty of Advocates
2015 to 2022: Standing Junior Counsel to Advocate General for Scotland
2015 to date: Conduct in Sport Panel member/chair, Scottish Gymnastics



Profile

Richard has a varied civil practice, encompassing clinical negligence, personal injury, inquiries (both public and fatal accident), defamation and regulatory appeals (both professional and concerning health and safety notices.)

His clients include government departments and agencies, NHS boards and local authorities, as well as insurers and individuals.

Richard is currently instructed by a group of Scottish health boards in both the UK and Scottish Covid-19 Inquiries; and by Glasgow City Council in the Scottish Child Abuse Inquiry case studies concerning foster and residential care.

In personal injury, Richard's practice has a focus on actions concerning the interplay between public law duties and private law rights of action. Cases often concern historic child abuse and other allegedly deliberate conduct, particularly where there are issues of higher complexity. Richard also has significant experience of cases under international conventions, concerning injuries incurred during international travel.

Richard is currently ranked in Chambers and Partners for clinical negligence (band 2), personal injury (band 1) and media and defamation (band 2).

As well as appearing in courts at all levels, Richard sits as a chair of Conduct in Sport Panels for Scottish Gymnastics and Scottish Cricket.

Representative Cases

S&C v Live Active [2023] CSOH 11

Acted for successful defender resisting cases for historic sexual abuse. The issue was whether the defender was vicariously liable for abuse perpetrated against two young children.

Mather v EasyJet [2023] CSIH 20 and [2022] CSOH 40

Acted for airline in action for damages under the Montreal Convention. Issue concerned the definition of agent under the convention.

Glasgow City Council v First Glasgow [2022] CSOH 9

Acted for transport company in claim regarding allegedly negligent employment reference. Claim arising out of Glasgow bin lorry disaster.

A v B and C [2022] CSOH 34

Acted for care provider in a case concerning sexual assault by one of its clients against a young child. Case concerned the existence and scope of the duty of care at common law.

MacBean v Scottish Water [2021] CSIH 36

Acted for Scottish Water at proof and then on appeal to the Inner House. Claim concerned an allegation of nuisance from a wastewater treatment works.

Adiukwu v The Home Secretary 2021 SC 38

Acted for Home Secretary in a claim for damages. Issue was whether the Home Secretary was under a (novel) duty to issue status documentation within a particular timeframe.

Heriot Watt University v Schlamp 2021 SC (SAC) 39

Acted for university in claim regarding fees. Issue concerned jurisdiction in consumer contracts.

Warner v Scapa Flow Charters 2019 SC (UKSC) 1

Acted for child of deceased father in appeal to the UKSC concerning limitation under the Athens Convention.

Campbell v Peter Gordon Joiners 2014 SLT 178 (Outer House), 2015 SC 453 (Inner House) and 2017 SC (UKSC) 13 (Supreme Court)

Debate and subsequent appeals to Inner House and Supreme Court concerning whether company directors are liable in situations where employers' liability insurance is not in place. In particular, the case addressed an apparent divergence between the law in Scotland and in England and Wales about whether the Employers' Liability (Compulsory Insurance) Act 1969 imposes civil liability. Acted for ultimately successful defender.

D Geddes Contractors v Neil Johnson Health and Safety [2017] PNLR 21

Professional negligence action. Debate concerning the recovery of a fine and the principle of ex turpi causa. Acted for successful pursuer.

