

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

Barney Ross is an advocate specialising in reparation, regulatory and criminal law. With considerable experience of conducting litigation in both the civil and criminal courts, Barney is accustomed to the demands of high-profile cases involving complex issues and large quantities of documentary evidence.

In his civil practice, Barney is instructed for both pursuers and defenders in a wide range of litigation within the field of reparation. He has a particular expertise in industrial disease. Barney regularly acts on behalf of Health Boards in clinical negligence matters, including the Vaginal Mesh “class action” in the Court of Session. He is often instructed in fatal claims. Recent instructions have included *C v G* 2017 SLT 1311, where he appeared as junior counsel for the pursuer at the reclaiming motion in a civil action for damages for rape and *Hunter’s Executrix Nominate v The Advocate General for Scotland* 2016 SLT 1287, a debate on a novel question of statutory construction arising from the Damages (Scotland) Act 2011. In 2017 he represented the family of the deceased in a Fatal Accident Inquiry into a fatality on the new Queensferry Crossing construction site.

In his criminal and regulatory practice, Barney is instructed in matters of complexity relating to health and safety, environmental, maritime, fisheries protection, food hygiene, road traffic and proceeds of crime legislation. He was part of the team that successfully defended a doctor in a major prosecution under the Terrorism Acts. Recent instructions in 2018 have included the defence of a distillery charged with legionella related contraventions of health and safety legislation and the defence of a director of a waste management company prosecuted for alleged environmental offences.

Prior to calling to the bar, Barney was a Procurator Fiscal Depute with the Crown Office and Procurator Fiscal Service.

Representative Cases

H.M. Advocate v N Ltd 2018

Instructed as junior counsel (with Murdo Macleod QC) on behalf of a distillery charged with various legionella related health and safety contraventions.

H.M. Advocate v M Ltd & Ors 2018

Representing company director in major environmental prosecution under the Environmental Protection Act 1990 and the Pollution Prevention and Control (Scotland) Regulations 2000.

Fatal Accident Inquiry re the death of John Cousin, 2018

Represented family of the deceased in a Fatal Accident Inquiry into a fatality on the new Queensferry Crossing construction site.

C v G 2017 SLT 1311

Instructed as junior counsel (with Simon Di Rollo QC) on behalf of the pursuer and respondent in Inner House reclaiming motion in civil action for damages for rape.

Vaginal Mesh Litigation

Currently instructed as junior counsel for NHS Scotland in clinical negligence class action proceeding before the Court of Session.

Procurator Fiscal, Dumfries v AT 2017

Defended farmer prosecuted under Animal By Products (Enforcement) (Scotland) Regulations 2011; acquittal following no case to answer submission.

Hunter's Executrix Nominat v The Advocate General for Scotland 2016 SLT 1287; 2017 Rep. L.R. 14

Instructed as junior counsel for the pursuers in procedure roll debate on the relevancy of claims brought under the Damages (Scotland) Act 2011 by the family of a mesothelioma victim: novel question of statutory construction of the word "child" and "grandchild" for the purposes of establishing title to sue.

Procurator Fiscal, Dumbarton v MA 2016

Instructed as defence counsel in prosecution of a company director under the Health and Safety at Work Act 1974 arising from a speed boat accident on Loch Lomond.

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

Appeared on behalf of 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. Accused acquitted of all charges after trial.

H.M. Advocate v Alexander Murray 2015

Defended owner of fishing vessel in unsuccessful prosecution on charges of human trafficking.

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

Defended driver 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 successful defence to action for malicious falsehood at Edinburgh Sheriff Court involving two elected politicians.

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.