

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, administrative and regulatory law; public and fatal accident inquiries; 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 has appeared in courts at all levels, including the UK Supreme Court, and has particular experience of judicial review and other proceedings which raise public law issues. He is regularly instructed for opinions on matters of statutory interpretation; human rights; public law as it relates to the protection of children; and devolution issues. He has been a Standing Junior Counsel to the Scottish Government since 2020 and the Second Standing Junior since 2024.

Dominic also has experience across the range of legal processes following accidents at work, including enforcement notice appeals; fatal accident inquiries; and reparation actions. He authored the reissue of the Stair Memorial Encyclopaedia volume on 'Health and Safety at Work'. He was instructed in the trilogy of Lord Advocate's References on the law of corroboration in 2023 and 2024 and intervened on behalf of a charity in a criminal appeal to the Supreme Court.

Dominic has represented professionals and regulators in fitness to practise proceedings and has advised on matters of professional conduct/discipline. He was instructed for a core participant in an ongoing Scottish public inquiry.

Dominic has lectured/tutored at a number of universities and has had various articles and book chapters published. He was a Law Reporter for Session Cases from 2017 to 2022 and is a member of the Editorial Board to the Stair Memorial Encyclopaedia. He co-authored the second edition of 'An Introduction to Written Pleading' (with Professor Black, Lord Braid and Sheriff Johnston), published by Edinburgh University Press in 2025.

Representative Cases

Public Law

UV v Locality Reporter Manager [2025] CSIH 19 – counsel for Children’s Reporter in appeal to Inner House – whether proceedings unfair owing to alleged judicial inattention

Greenpeace v Advocate General for Scotland [2025] CSOH 10; 2025 SLT 303 – counsel for Shell (with Christine O’Neill KC) – judicial review of the granting of consents for Jackdaw and Rosebank oil and gas projects – whether unlawful without consideration of ‘downstream’ emissions

MacFadyen v Scottish Ministers and others [2024] CSOH 82; 2025 SC 89 – counsel for Scottish Ministers (with Paul Reid KC) – action for declarator and damages under Human Rights Act 1998 – Article 2 – Right to life – prison restraint – whether to sist action pending related criminal investigation

AB v Scottish Ministers [2024] CSOH 30; 2024 SLT 331 – counsel for Scottish Ministers (with Christine O’Neill KC) – judicial review of licence conditions imposed by Scottish Ministers – conditions subjecting prisoner to mental health care – whether conditions sufficiently certain – Articles 5 and 8 ECHR.

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; 2024 SLT 267 – 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 SC 311 – 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 References (Nos 2 and 3 of 2023) [2024] HCJAC 43; 2024 SLT 1207 – appeared with the Lord Advocate (and Paul Harvey AD and David Blair) in References to the High Court of Justiciary – corroboration – de recenti statements.

Lord Advocate's Reference (No 1 of 2023) [2023] HCJAC 40; 2024 JC 140 – 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

Ramsay v Chief Constable, Lord Advocate and others [2024] SAC – unreported – counsel for Lord Advocate in appeal to Sheriff Appeal Court against decision of sheriff to dismiss damages action against various emanations of the state.

X v Brown [2024] CSIH 6, [2023] CSOH 17; 2024 SC 309, 2023 SC 235 – counsel for the Lord Advocate (with Kay Springham KC) in debate and reclaiming motion – action for damages against Sheriff and Lord Advocate – vicarious liability of Lord Advocate for delicts allegedly committed by Sheriff. Appeal to UK Supreme Court pending.

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 – 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-Devilling 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 - 2024)
- Treasurer, Compass Chambers (2021 - 2024)
- 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

- 'An Introduction to Written Pleading' (2nd edition) (co-authored with Prof Robert Black KC, Lord Braid and Sheriff Lesley Johnston) (2025)
- '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.