

Geoff Clarke QC

Year called: 1994
Year of silk: 2008
Email: geoff.clarke@compasschambers.com
Qualifications: LL.B (Hons) (Edinburgh) (1988)
Accredited Mediator (2006)
MCI Arb 2017
Qualified Regulatory Law & Practice (Nov 2017)



Practice

Geoff came to the Bar as an experienced solicitor. He took silk in 2008 after fourteen years as a busy junior counsel and was immediately well instructed as a senior. He specialises in personal injury, professional negligence, medical negligence, insurance, commercial and contract litigation. He also acts for many of Scotland's Assessors in Rating and Valuation disputes. He is experienced in a wide range of civil litigation with a particular emphasis on advocacy ability and strong technical and scientific knowledge. He has a special interest in disease claims. He is involved in the teaching of advocacy skills. He has appeared in a number of inquiries and has a particular knowledge of health and safety issues. He is an accredited mediator and is qualified in Arbitration Law

Ranked Band 1 for Personal Injury in Chambers UK

Considered one of the foremost experts in industrial disease claims. He is capable of handling a whole range of matters including fatal accident, medical negligence and employers' liability claims.

Strengths: "Excellent technical knowledge, good at providing clients with clear, uncomplicated advice in difficult cases and has very good tactical awareness."

Ranked Band 1 for Personal Injury, Medical Negligence and Professional Negligence by Legal 500 UK

Personal injury

Geoff has been involved in a very wide range of advisory and advocacy work in all areas of personal injury litigation, on

behalf of both Pursuers and Defenders. He has particular experience of claims for and against local authorities, claims of the utmost severity and claims arising from work with asbestos and other work related diseases. He has appeared in appeals in the Division, in a wide number of cases in the Court of Session and regularly in the Sheriff Court. He has particular expertise in complex assessments of damages and is experienced in the construction of indemnity clauses and commercial leases. His practice encompasses all types of appearance work as well as the negotiation and settlement of cases.

He lectured in Delict in the University of Edinburgh.

Rating & Valuation

Geoff is one of a select few member of the Scottish Bar who undertake work for Assessors and Appellants in the rating sphere. This work takes him from local rating Committees all over Scotland to regular appearances in the Lands Valuation Appeal Court, a Court of three judges the president of whom is the Lord Justice Clerk of the Court of Session.

Commercial litigation

He has broad experience of a range of commercial and contract litigation, with particular emphasis on sensible commercial advice and on trial advocacy. Cases range from straightforward claims for unpaid invoices to complex contractual disputes and personal injury cases of the highest complexity and difficulty. He has a particular interest in cases in which highly technical expert evidence is necessary.

Recent cases have involved very high value cases for Glasgow City Council where damage was alleged to be caused to neighbouring buildings when the Council's Building Department acted to demolish badly damaged buildings.

Insurance

Geoff has advised a range of clients, including both policyholders and insurers, on all aspects of insurance policy cover including for example misrepresentation and non-disclosure, liability for fire damage, joint insurance and exclusion clauses.

Professional and clinical negligence

He undertakes both advisory and litigation work in a range of professional negligence disputes for both claimants and defendants. This has included architects, surveyors, solicitors and medical negligence claims. One case involved failure of nursing supervision leading to premature death. He was also involved in an inquiry following the fatal failure of a staple line in a lung. More recently he was involved in a long running case involving keyhole surgery to repair a bile duct.

He is currently involved in a number of suits against solicitors who have failed to achieve an appropriate settlement for clients who have suffered loss and injury through the death of a relative.

Health & Safety, regulatory and inquiry work

Geoff is interested in the area of regulatory enforcement. He has appeared in a number of Fatal Accident Inquiries including acting for Airtours in a long running FAI following a plane crash at Glasgow Airport.

Selected Cases

PATERSON v MACLEOD & HIGHLAND COUNCIL a long running Proof following a serious road traffic accident involving a collision with a stationary Refuse Lorry.

TILL v TAYSIDE PUBLIC TRANSPORT Proof into liability in case where pedestrian walked purposefully towards the road without looking where neither the pedestrian nor the bus driver were able to give evidence

YOUNG v MACVEAN Proof followed by Appeal into secondary victims and fatal claims achieving the highest award for a mother following the death of her son

WAGNER v GRANT Proof followed by Appeal into liability and quantum, motorcyclist suffering from severe injuries when he ran into a poorly lit lorry blocking the road being dazzled by the headlights of the articulated lorry as it reversed. Question of reasonableness of selection of high end prosthetics and the principle of restitutio.

SMITH v SCOTTISH WATER Proof following the death from a pulmonary embolism of a man who hurt his leg after slipping at work

DEVENNIE v MURISON settlement of the first case involving grass sledges involving appropriate safety measures to protect members of the public where no set rules and no governing body

TRUSTEES OF THE NATIONAL GALLERY FOR SCOTLAND v ASSESSOR FOR LOTHIAN rating case in the Lands Valuation Appeal Court concerning the proper meaning of error

BBW LEISURE v LOTHIAN ASSESSOR, STOBO CASTLE v BORDERS ASSESSOR rating case in the LVAC concerning the proper meaning of over performance

H&M v ASSESSOR FOR GLASGOW rating case in the LVAC concerning the proper meaning of material change

REID v EWS RAILWAYS successful appeal from the Sheriff Principal involving the causation principles in breach of Regulation cases

CLARK v QUANTUM CLAIMS LTD the first judicial consideration of reg 12(5) of the Workplace (Health, Safety & Welfare) Regulations (handrails on stairs)

TUMMELL VALLEY LIESURE V SUDJIC [2011] CSIH 82 Inner House appeal setting out the principles as to the content of the right of salmon fishing. See also [2010 S.L.T. \(Sh Ct\) 170](#)

JOHNSTON V AMEC 2010 CSIH 57 [2010 Rep. L.R. 96](#) Appeal to the Inner House involving Regulations 4 and 5 of PUWER.

CG v GLASGOW CITY COUNCIL 2011 S.C. 1 [2010] CSIH 69 Appeal to the Inner House involving Limitation in historic abuse case.

AITCHISON v GLASGOW CITY COUNCIL [2010 S.C. 411](#) [2010 S.L.T. 358](#) [2010 Rep. L.R. 20](#) [2010] CSIH 9 Appeal to five judges overturning the case of Carnegie v the Lord Advocate.

LINDA HENRY v RENTOKIL 2008 S.C. 447; 2008 S.C.L.R. 264; 2008 G.W.D. 11-211 [2008] CSIH 24 Appeal to the Inner House involving quantum of damages.

JOHNSTON v MORTON [2009] CSOH 173 personal injury Proof on quantum

NUGENT v CITY OF GLASGOW COUNCIL [2009] CSOH 88 a tripping case with consideration of the system for inspecting, reporting and repairing defects in pavements.

FIM HOLDINGS LIMITED v THE ASSESSOR FOR GRAMPIAN VALUATION JOINT BOARD 2005 SC 1 acting for the Hon Lord Morrison; a case concerning whether Fishing Huts on the River Deveron were rateable.

BECK v UNITED CLOSURES AND PLASTICS 2001 SLT 1299; the first case in Scotland to consider the application of the Workplace (Health, Safety & Welfare) Regulations 1992 and the Provision & Use of Work Equipment Regulations 1992.

WILLIAM McFARLANE v CORUS CONSTRUCTION AND INDUSTRIAL 2006 SLT 375; a Proof before Answer dealing with the application of the Provision & Use of Work Equipment Regulations and the Manual Handling Regulations

MARY McGREGOR (A.P.) AND OTHERS v SCOTTISH WATER 25 January 2007, dispute involving a test case following the flooding of the Pollock area of Glasgow in 1994 and liability arising out of design of public water drainage systems

WAYDALE LIMITED v DHL HOLDINGS (UK) LIMITED 1999 SLT 631, 2001 SLT 207 & 224; the application of the doctrine of *res judicata* to decrees of dismissal; the complex construction of cautionary obligations in the assignation of interests under a commercial lease and the application of the *contra proferentem* rule.