

Ian Mackay QC

Year called: 1980
Year of silk: 1993
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Qualifications: LI.B (Aberdeen)



LEADING BARRISTER



Practice

Ian has a wide experience in many areas of civil litigation. He specialises in property damage, professional negligence (including medical negligence) and personal injury work in which he is instructed on behalf of both Pursuers and Defenders through Insurers, Loss Adjusters, Local Authorities and Trade Unions. He has appeared in the House of Lords in seven cases. He regularly appears in the Court of Session and Sheriff Court. He has particular expertise in catastrophic injury claims, including head and spinal injury cases, claims in respect of industrial diseases, psychiatric injury and fatal claims

Representative cases

Reparation

Angela Rorrison v West Lothian College and anor - 2000 SCLR 245 - for Defenders - first stress at work case in Court of Session - action dismissed.

Jane Reid and others v BP Oil Grangemouth Refinery Ltd 2001 GWD - 16-589 - for Pursuers - first Scottish case in which Jury trial allowed when Ogden Tables to be used for calculation of future loss.

Taylor v Glasgow City Council 2002 SC 364 - for pursuer - first Inner House interpretation of the Manual Handling Regulations - Defenders reclaiming motion refused.

John Green v Argyll and Bute Council 2003 SCLR 245 - for Defenders - first Proof in Scotland in which pursuer claimed damages for stress caused by overwork -Defenders assoilzied.

Harrison v West of Scotland Kart Club and ors. 2004 SC 615 - for Defenders - first Inner House case in which it was argued that a member cannot sue a club of which he is a member for negligence - reclaiming motion against dismissal of claim against club refused.

Mrs Carol Cochrane v John Gaughan 2004

SCLR 245 - for Defender - first case in Scotland in which it was argued that water on a floor was not “likely to cause a person to slip” - defender assoilzied.

Gillanders v Arthur Bell (Scotch Tweed) Limited 2005 Rep LR 81 - for Defenders - Interpretation of Regulation 5 of the Workplace (Health Safety & Welfare) Regulations 1992 - Defenders assoilzied.

Nicola McKinlay v Score (Europe) Ltd (Lady Clark and Jury 12/10/07) - for pursuer - first use by Scottish Jury of 6th Ed. of Ogden tables to calculate future loss -tender exceeded by 90%.

William Lees v North Lanarkshire Council (Lord Bracadale 16/01/08) - for Pursuer - liability for defect in footpath - denied by Defenders - liability established.

Mark Easdon v A Clarke & Co. Ltd. (Lord Uist 15/02/08) - for Pursuer - Motorcyclist who sustained catastrophic injuries - liability denied - contributory negligence alleged - liability established - no contributory negligence.

Kenneth Harrison v West of Scotland Kart Club & Others (Number 2) (Lord Menzies 21/02/08) - for 1st Defender - attempt by Pursuer to introduce further defenders after limitation period had expired - refused.

Brown v North Lanarkshire Council, [2010] CSOH 156; 2011 SLT 150; 2011 RepLR 4 - for the defenders - child suffering severe injury to eye and brain - major review of authorities regarding foreseeability.

Bellingham and Others v Todd, [2011] CSOH 74; 2011 SLT 1124, 2011 RepLR 68 - for the defenders - fatal RTA - first case to consider judicial approach to jury awards in fatal cases.

Martin Wilson V North Lanarkshire Council and Another [2011] CSOH 178 - for the defenders - full review of causation - does heavy manual work cause degenerative lumbar disc disease? - defenders assoilzied.

Leonora McInnes V Norwich Union Insurance Ltd and Axa Insurance UK [2012] CSOH 61 Lord Doherty 19th Jan 2011 - for the first defenders - fatal RTA on A9 - apportionment of liability between negligent drivers.

Elizabeth Anton and Another v South Ayrshire Council and Another, [2012] CSOH 80, 2013 S.L.T. 141; 2012 S.C.L.R. 655; 2012 G.W.D. 18-371 - for 1st Defender - mesothelioma - statutory interpretation - whether claim transmitted to statutory successor;

French & Dempsie v Strathclyde Fire Board 2013 S.L.T. 247; 2013 S.C.L.R. 224; 2013 Rep. L.R. 42; 2013 G.W.D. 3-106; - for defenders - injury to fire fighters - first case in UK in which argued by defender that standard of care of supervising officer was that of professional person (*Bolam* standard) - defender's argument sustained.

Pate's Curator ad Litem v Stewart Homes (Scotland) Ltd [2013] CSOH 30; 2013 G.W.D. 9-204 - for 1st Defender; Employers' liability; Health and safety at work; Roofs; Scotland; Statutory duties; Working at height.

Mark Ralston (James McLaughlin's Financial Guardian) v W J Harte Construction - for Pursuer; catastrophic brain injury; highest settlement figure during 2013 of any case in Scotland involving an injured adult.

Tracey Kennedy v Cordia Services LLP - Lord McEwan 1/8/13 [2013 CSOH 13] - for Pursuer - whether employers should have supplied ice grip footwear to home carer during exceptional winter weather - employers liable for failure to supply protective footwear: decree in favour of pursuer.

George Moncrieff v Anne Cooper and Wishaw and District Housing Association [2013] CSOH 180; 2013 G.W.D. 40-766 - for defenders; workplace stress; foreseeability; defenders assoiled;

Professional Memberships

Chairman of the Faculty of Advocates Personal Injury Law Group 2001 to date.

Lectures and seminars

"Psychiatric injury arising from road traffic accidents" (2005)

"Liability for Workplace Stress" (2007)

Member of Advisory Group to Scottish Law Commission for their Report on Damages for Psychiatric Injury (Scot Law Comm. No196)

Lecturer on damages Faculty of Advocates 'Devils' course

November 2010 APIL Conference - "Causation Problems on the Horizon"

Compass Chambers seminars - Aberdeen + Inverness "Show me the money" - a review of recent awards of damages (2011)

Compass Chambers Conference "Causation Update" (Nov 2011)

What the directories say

Chambers UK 2014 – Ranked Band 1 for Personal Injury

"He's one of the best Seniors at the Bar; certainly one of the most experienced." "He has the ear of the Court and an extremely good track record of successes."

Chambers UK 2013 – Ranked Band 1 for Personal Injury

An advocate with "an ability to identify the strengths and weaknesses of both parties' cases quickly". This ensures that he "is always able to negotiate a favourable settlement for his client."

Chambers UK 2012 – Ranked Band 1 for Personal Injury

"One of the best in the business," Ian Mackay QC has an "excellent eye for a case." He recently advised in a matter where a young woman suffered brain damage in a road traffic accident.

Legal 500 2014 - Ranked for Personal Injury, Medical Negligence and Professional Negligence - Ian Mackay QC has '*Expertise in catastrophic injury cases.*'

Legal 500 2013 – Ranked for Personal Injury, Medical Negligence and Professional Negligence

Compass Chambers

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Ian Mackay QC has "enormous experience, and brings tactical nous to cases."

Legal 500 2012 – Ranked for Personal Injury, Medical Negligence and Professional Negligence

Ian Mackay QC "invariably gives clients clear and consistent advice"

Legal 500 2011 – Ranked for Personal Injury, Medical Negligence and Professional Negligence

Ian Mackay QC is "highly rated"

Legal 500 2010 – Ranked for Personal Injury, Medical Negligence and Professional Negligence

Ian Mackay QC is "a highly sought after silk"

Legal 500 2009 – Ranked for Personal Injury, Medical Negligence and Professional Negligence

Ian Mackay QC continues to appear in complex negligence and injury cases.