Compass Chambers



James Hastie

Year called:	2004
Email:	james.hastie@compasschambers.com
Qualifications:	LLB (Hons), Aberdeen University. Diploma in Legal Practice, Edinburgh University

Practice

James has a busy reparation practice in which he acts for both pursuers and defenders.

James is particularly experienced in accident claims (including Workplace and Occupier's Liability and tripping cases), road traffic claims (including fatal, LVI and Credit Hire cases) and industrial disease claims.

While reparation forms the mainstay of James' practice, he continues to be instructed in other areas including professional negligence claims, clinical negligence claims (mainly for the CLO), fatal accident inquiries and commercial matters. James has appeared in the Sheriff Court (including the All-Scotland Personal Injury Court), Sheriff Appeal Court, the Court of Session and the Supreme Court.

He was appointed a part-time Summary Sheriff in January 2022.

Representative cases

Reparation

Fiona Burnett or Grant v International Insurance Company of Hannover [2021] UKSC 12 (Supreme Court), 2019 SC 379 (Inner House), 2018 SLT 472 (Outer House) – acting as junior for the pursuer in a damages' claim following the death of her husband, who was choked to death by a bouncer outside a bar in Aberdeen. The issue was whether the insurers were able to avoid or limit liability under their policy in terms of the Third Party (Rights Against Insurers) Act 2010. The insurers' appeal to the Supreme Court was unsuccessful.

Simpson v Pret a Manger (Europe) Ltd 2021 SC Edin 33(All Scotland Sheriff Personal Injury Court) – successfully defending a workplace accident claim

Chisholm v Mehmood 2020 Rep LR 20 (All Scotland Sheriff Personal Injury Court) **-** acting for the defender's insurer in a claim arising out of a road traffic accident. The defender was absolved because the pursuer failed to prove he was driving at the

time.

Grubb v Findlay 2017 CSOH 81 **-** acting as junior for the pursuer in a case where the defenders sought to argue fundamental dishonesty on the part of the pursuer such as to negate his proved entitlement to damages.

Prescott v St Andrews University 2016 CSOH 3 **-** acting as junior for the pursuer, a lecturer at St Andrews University, who claimed damages following a diagnosis of mesothelioma alleging exposure to asbestos during the refurbishment of one of the buildings at the University.

Anderson v Brig Brae 2015 (Jury Trial) **-** acting as junior for the pursuers who sought damages following a fatality at work involving a quad bike stored in a garage. The widow and the infant child were awarded the then highest section 4(3) awards by a Scottish court – the widow's award remains the highest such award and the infant child's award was recently approved by Lord Tyre in McCulloch v Forth Valley Health Boards 2020 CSOH 40.

Campbell v Downie 2010 - successfully pursuing a claim where the pursuer alleged he was shunted into the car in front by the defender and the defender claimed the pursuer had already ran into the car in front when he came to collide with the pursuer;

Campbell v Elliot Group 2009 - successfully pursuing a claim for
injury at work where the pursuer injured his knee in a fall in his employer's works yard;

Sinclair v Morrison and another 2009 - successfully defending a claim for an uninsured developer in respect of a claim by a lorry driver for damages when a load being unloaded at a development site fell on him;

Nugent v Glasgow City Council 2009 - acting as junior in the successful defence of a tripping case against a local authority;

Professional Liability

Halifax plc v DLA Piper 2009 -as junior, unsuccessfully arguing
that a firm of solicitors should be personally liable on a contract where they concluded missives for the purchase of property on behalf of a non existent client

Other

Shade v Young 2019 SAC (Civ) 22 - acting for defender in a case concerned with the interpretation of a personal guarantee.