Compass Chambers

Lesley Shand KC



Year called: 1990
Year of silk: 2005
Email: lesley.shand@compasschambers.com
Qualifications: Solicitor in private practice
LLB (Hons) and Diploma in Legal Practice (Edinburgh)

Practice

An accomplished civil litigator, Lesley has considerable experience in a range of areas of civil litigation acting for both pursuers and defenders.

Her work has taken her most often to the Court of Session (Inner and Outer House) and to Sheriff Courts throughout Scotland, but she has also appeared before a variety of tribunals. A substantial proportion of Lesley's practice consists of personal injury litigation, including medical negligence cases. She has particular expertise in catastrophic injury claims, including brain damage and spinal injury claims.

Lesley has experience of acting in product liability cases and in group litigation. Product liability cases in which she has acted have related variously to a vehicle/its tyre, pelvic mesh products, hip replacement prostheses, life-jackets for pilots, and a pharmaceutical product.

Also well respected for her work in professional negligence disputes, Lesley has acted in claims implicating architects, surveyors, lawyers and social workers.

Lesley has frequently represented parties in fatal accident inquiries, including inquiries into deaths in hospital and prison, and arising from road traffic accidents. She is also instructed in relation to two ongoing public inquiries.

Appointments

- Fee-paid judge of the First Tier Tribunal Immigration and Asylum Chamber (2014 – present)
- Fee Paid Judge of the First Tier Tribunal (Social Entitlement) (2014 - present)

- Convenor of the Standing Sub-Committee on Reparation of the Faculty of Advocates' Law Reform Committee (2013–present)
- Senior Advocate Depute (January 2010–February 2013)
- Member of the Court of Session Rules Council (2000–2011)
- Ad hoc Advocate Depute (2004–2009)
- Standing Junior to the Department for Transport (1995–2005)

Selected Cases

K v Chief Constable, Police Service of Scotland [2020] CSIH 18
Acting for the Chief Constable in the proof before the Lord Ordinary and in a subsequent successful reclaiming motion by the Chief Constable against a finding that a former detective sergeant was entitled to reparation. In allowing the reclaiming motion the Inner House held that no vicarious liability arose to be passed on in terms of the Police and Fire Reform (Scotland) Act 2012 Sch.5 para.2 in the absence of a finding that the relevant employee said to have been at fault was aware, or ought to have been aware that his actions, which involved no disciplinary process potentially leading to demotion or dismissal, might have resulted in the complainer sustaining psychiatric harm.

Pelvic Mesh Products Litigation (Various Claimants v Various Manufacturers) 2014 to 2020
High profile group of cases in which the claimants claimed damages for personal injury alleged to have been sustained through the use of transvaginal mesh. I acted as one of the two senior counsel on the counsel team instructed for a major manufacturer. The cases against that manufacturer ultimately settled out of Court.

Morrison v Oakden [2021] CSOH 96
Acting for the defenders. The 17 year old pursuer, a competent rider, was employed at the defender's stables before going to university. She was to exercise a gelding racehorse that was recovering from an injury and had competed at a high level with his previous owner. The pursuer was exercising the horse on a track around the farm after a period of box rest when he reared causing the pursuer to dismount and sustain injury. The defender's position was that there had been no known issues with the horse's temperament during his rehabilitation and it was not foreseeable to the average competent horseman that the accident would occur. The defenders were assoilzied after proof.

Mather v Easyjet & Another [2022] CSOH 40; [2023] CSIH 8
Appearing for DRK Hamburg Mediservice gGmbh. The pursuer sustained injuries when he fell from a wheelchair being pushed by an employee of DRK who had contracted with Hamburg airport to provide passenger handing services. Pursuer sued Easyjet (EJ) under Montreal Convention. EJ argued DRK was a third party and not an agent under the Convention, and thus EJ were not liable. In response the pursuer brought an alternative claim against DRK based on German law. EJ then sought a contribution from DRK in the event EJ were found liable. A choice of law issue arose as the contribution claim was time-barred under German law. EJ argued that English law applied to contribution claim despite German tort law applying under Rome II. After proof the Lord Ordinary found that EJ were not liable to the pursuer and German Law applied to determine the issue of contribution. As the claim for contribution was time-barred under German law DRK were not liable to any extent. This decision was upheld on an unsuccessful appeal by EJ.

Cossey v The Buccleuch Estates [2022] CSOH 50
Acting for the defender in this liability-admitted case in which the pursuer claimed that the accident exacerbated a pre-existing somatoform disorder. The heads of damage sought included solatium, loss of promotion, future loss of earnings, and pension loss. The parties agreed that the pursuer suffered from a pre-existing somatoform disorder but were in dispute as to whether the accident had caused an exacerbation thereof. At proof the psychiatric expert for the pursuer

was cross-examined to good effect and the pursuer failed to establish exacerbation. The pursuer failed to beat an earlier tender and was liable for the costs of the proof.

Davie v Powerteam Electrical Services (UK) Ltd & Vinci Energies Holdings Ltd [2023] CSOH 94
Acting for the defenders. The pursuer was found one morning in 2017 in Aberdeen city centre lying on the road adjacent to two double-stacked portacabins, standing 18 feet high, which served as office premises for work the first defenders were carrying out in an adjacent electricity sub-station. The pursuer claimed to have climbed the stairway that led from the ground to the door of the upper portacabin and used the stair guardrail to climb onto the roof of the upper portacabin. He claimed to have fallen whilst descending. He sustained catastrophic injuries and was suing for £20 million. He founded on the Occupiers Liability (Scotland) Act 1960. The case was dismissed at debate. In dismissing the case the Court held that there was nothing to be gained from the leading of evidence and the case was bound to fail even if the pursuer proved all of his averments.

C & S v Norman Shaw and Live Active Leisure Limited [2023] CSIH 36; [2023] CSOH 11
Acting for the second defenders. The first defender (Shaw) sexually abused the pursuers whilst employed by the second defenders as a Sports Centre caretaker. The Lord Ordinary found that there was not a sufficiently close connection between the first defender's employment and the abuse so as to render the second defender vicariously liable. The pursuers reclaimed arguing that the first defender's employment activities put him, via occupation of a tied house, in the vicinity of the reclaimers creating a significant risk that abuse would occur. The respondents (defenders) argued that his job did not place him in contact with the reclaimers and his occupation of the house was insufficient to create a connection. The Inner House refused the reclaiming motion.

Lectures & Seminars

Lesley regularly gives talks to instructing solicitors, professional bodies and at Compass Chambers' events.

What the Directories Say

"Lesley has great attention to detail and ensures that we are fully prepared. She led us with a strong defence which achieved a great result." "Lesley is great for getting stuck in to the fine detail of a complicated case. She will defend cases robustly and with courage" – Chambers 2026 (Ranked Band 1 for Personal Injury)

“She has phenomenal advocacy skills and her ability to cross examine a witness is unrivalled. She is always thoroughly well prepared and leaves no stone unturned. She gets to grips quickly with the most complex issues and brings a level of insight into a case which is exceptional.” – Legal 500 2026

Ranked in the Directories (Chambers UK for Personal Injury/ Legal 500 for Personal Injury and Clinical Negligence) in each of 2021, 2022 2023, 2024, and 2025.

"She has a keen eye for detail and is not afraid to hold her ground." – Chambers UK 2020

‘She has a forensic eye for detail and leaves no stone unturned. ’ – Legal 500 UK 2020

"She is a force of nature and does not take any nonsense. She's straightforward, direct and extremely thorough. She thinks about a case relentlessly and from all different angles. In complex and technical cases she is always well prepared." - Chambers UK 2019

Legal 500 UK 2019 - Ranked as a Leading Silk for Personal Injury and Clinical Negligence

"Lesley is a robust advocate who is renowned for her attention to detail and work ethic. She has an impressive ability to sift through the evidence and pinpoint the strongest arguments in a case". Chambers UK 2018

Legal 500 UK 2018 - Ranked as a Leading Silk for Personal Injury and Clinical Negligence

The Faculty of Advocates
Parliament House
Edinburgh
EH1 1RF

T: 0131 226 2881
F: 0131 225 3642

E: info@compasschambers.com
W: www.compasschambers.com

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