Compass Chambers

Malcolm McGregor KC



Year called:	1998
Year of silk:	2023
Email:	malcolm.mcgregor@compasschambers.com
Qualifications:	2001 - Ad Hoc Advocate Depute 2006 - Certificate in Employment Law (Heriot Watt) 1990 - LL.B (Hons) (Edinburgh) 1991 - Dip.LP (Edinburgh)

2027 Chambers Top Ranked UK Bar

Practice

Malcolm is experienced in a wide range of civil litigation. His principal fields of practice include:-

- Professional Disciplinary
- Personal Injury
- Clinical Negligence
- Insurance Litigation

Recently, Malcolm acted as junior counsel for the Royal College of Surgeons of Edinburgh in the defence of a claim for damages by a former surgeon, Robert Phipps. He has acted on behalf of a dentist in appeal proceedings instigated by the Council for Healthcare Regulatory Excellence. He has advised in relation to prospective proceedings and review by the GDC . He was instructed as junior for the appellant in Mallon v GMC and represented the pathologist in the expert witness immunity case of Karling v Purdue.

Malcolm has a busy reparation practice. His extensive experience in personal injury litigation ranges from industrial injuries (including vibration white finger and asbestos) claims to catastrophic injuries. In the clinical negligence field, Malcolm acts primarily for medical practitioners.

Representative cases

Reparation

Kirkham v Link Housing Group [2010] CSOH 31 - defence of claim by tenant for personal injuries based on common law, tenancy agreement and housing legislation.

Chinn v Cyclacel Ltd [2010] CSOH 33 - timebar and exercise of discretion and the sufficiency of pleadings.

A v N [2009] CSIH 29 - reclaiming motion, timebar and significance of alternative remedy against former solicitor in historical alleged sexual abuse case

Renfrew v Lithgows Ltd [2008] CSOH 118 - quantum - mesothelioma sufferer - primary issue whether also suffered from peripheral vascular disease to extent that this disease alone would have significantly impacted on life expectancy.

Hampton v First Group [2008] CSOH 59 - successful defence of
liability only proof where the first pursuer claimed to have suffered a brain injury as a result of being struck by bus.

Mullen v Social Security Commissioner 2002 SC 251 - appellant employed as care officer who required to repeatedly lift and handle - become unfit for work because of back pain - whether Tribunal and Commissioner erred in law in holding that injury resulted from process rather than accident.

Morrice v Martin Retail Group 2003 SCLR 289 - summons served more than 3 years after accident - claim dealt with by claims handlers who missed triennium - whether equitable to allow pursuer to continue with action.

Regulatory

Burgess v Napier University [2009] CSOH 6 - successful defence of Workplace Regulations case.

Professional Liability

Phipps v Royal College of Surgeons of Edinburgh [2010] CSOH 58 - successful defence of claim for damages by former surgeon for loss based on alleged abuse of power in the exercise of a public office or function.

Dr Julie Mallon v General Medical Council [2007] CSIH 17 - appeal by general practitioner found guilty of serious professional misconduct by General Medical Council - appeal against finding and suspension under s.40 Medical Act 1983.

Karling v Purdue 2004 SLT 1067 - pursuer convicted of murder acquitted on appeal - whether defender, as an expert witness (pathologist), was immune from suit brought against him on the basis what he said or did in the ordinary course of trial preparation and proceedings was said or done negligently.

Professional Memberships

Member of the Association of Disciplinary and Regulatory Lawyers

Member of the Advocates' Personal Injury Law Group

Governor of Dunedin School, Edinburgh