Compass Chambers

Robert Milligan KC



Year called:	1995
Year of silk:	2009
Email:	robert.milligan@compasschambers.com
Qualifications:	B.A. (Jurisprudence) (Oxford) (1989) Ll.B (Edinburgh) (1991) Dip. L.P. (1992)

Practice

Specialist areas: reparation (particularly personal injuries and clinical negligence), product liability, professional negligence, Fatal Accident Inquiries and Criminal Injuries Compensation claims. Robert acts for pursuers and defenders equally and is instructed regularly by most leading firms in Scotland. He has a particular interest in product liability, fatal and catastrophic injury claims. He has been instructed by Merck & Co and General Motors in relation to product liability group actions. He is currently instructed by the majority of the pursuers in the mesh litigation and metal hip implant litigation, both group actions involving allegations of clinical negligence and product liability.

Robert speaks and writes regularly on personal injury related matters, particularly in relation to damages. He has also been involved in teaching the Personal Injuries Elective to Diploma students at the University of Edinburgh.

Robert has been involved in two mediations in catastrophic injury claims. Robert is happy to take on conditional fee and direct access work.

He is ranked as a leading silk in personal injuries and clinical negligence in Chambers and Legal 500: "Widely revered as one of Scotland's most eminent personal injury advocates." (Chambers 2020). He is ranked as the Star Individual for personal injury work in Scotland in Chambers.

Academic Background

BA Hons in Jurisprudence, University College Oxford (1986-89)
LLB in Law, Edinburgh University (1989-91)
Diploma in Legal Practice, Edinburgh University (1991-2)

Trained with Simpson & Marwick, Solicitors, in Edinburgh (1992-94).

Appointments

- Non-executive Director of the Scottish Courts Service Board (2010 to 2014)
- Member of the Court of Session Rules Council (2012 to 2013)
- Member of the Faculty of Advocates Council (2013 to date)
- Member of the Personal Injuries User Group chaired by Lady Dorrian (2003 to 2009) and Sheriff Court Personal Injury User Group (2009 to date)
- Member of the Faculty of Advocates Fees and Legal Aid Committee (January 2002 to date)
- Member of the Faculty of Advocates Law Reform Committee (2012 to date)
- Member of the Faculty of Advocates Direct Access Committee (2006 to date)
- Former secretary of the Advocates Personal Injury Law Group
- Member of the Advisory Group to the Scottish Law Commission in relation to Prescription and Limitation in Personal Injury Actions
- Member of the SRU Discipline Panel
- Legal member of the Pensions Appeal Tribunal Scotland
- Co-director of Compass Chambers 2014-2018

Reported cases

- *McSeveney v Aviva Insurance* 2026 CSOH 18 – dismissal for fundamental dishonesty
- *Adamson v Arnold Clark Auto Ltd* 2026 SLT 401 – forum non conveniens in group proceedings
- *McKenzie v Covidien* 2026 CSOH 48 – permission for group proceedings in hernia mesh claims
- *Donnelly v Johnson & Johnson Medical Ltd* 2026 CSIH 32 – refusal of permission for group proceedings in hernia mesh claims
- *Manley v McLeese* 2025 SLT (SAC) 1 – disapplication of QOCS
- *Urquhart v Stallantis Auto SAS* 2025 SLT 607 – recovery of documents in France
- *Thomson v Iceland Foods Ltd* 2025 SLT (SAC) 7 – application of doctrine of res ipsa loquitur in tripping case
- *F v Chalmers and ors* [2025] SLT 569 – historic sexual abuse claim; interest on past solatium
- *F v Chalmers and ors* [2025] CSOH 43 – interest on past award for disadvantage on labour market
- *Mackay v Nissan Motor Co Ltd* 2025 SLT 763 – Inner House guidance on group procedure in Scotland
- *Milligan v Jaguar Land Rover Automotive Plc* 2025 SLT 629 – Inner House guidance on group procedure in Scotland
- *Bridgehouse v BMW* 2024 SC 270 – permission hearing for group procedure and appointment of representative party*Rose v WNL Investments* 2023 SLT 829 – independent contractor/employee dichotomy and section 69 of the Enterprise Act
- *Ronald and ors v Perth & Kinross Council* (civil jury trial, 3/8/23) – RTA liability, contributory negligence and loss of society
- *Veale aka Crozier v Scottish Power UK Plc* 2024 SC 373 (Inner House) 2026 SC (UKSC) 77 (Supreme Court) - application of s5(1) Damages (Scotland) Act 2011
- *Woodhouse v Lochs & Glens Transport Ltd* 2020 SLT 208 – inference of negligence in road traffic accident

- *Burnett or Grant v International Insurance Company of Hanover Ltd* 2019 SC 379 - indemnity clause in public liability insurance contract relating to a door steward.
- *Hastings v Finsbury Orthopaedics Ltd* 2019 SLT 1411 – product liability claim in relation to metal-on-metal hips.
- *GR v Greater Glasgow Health Board and ors* 2019 SLT 133 - product liability claims in relation to vaginal mesh (common law)
- *Anderson v Imrie* 2019 SC 243 - pursuer's offers
- *LT v NHS Lothian Health Board* [2018] CSOH 29; [2019] CSIH 20 - cerebral palsy claim
- *Warner v Scapa Flow Charters* 2017 SLT 239 (IH) and 2019 SC (UKSC) 1 – limitation and the Athens Convention (Supreme Court)
- *Brown and ors v Craig Nevis Surgery* [2018] CSOH 84 – fatal clinical negligence claim
- *Spencer v Cruddas* 2018 [CSOH] 95 – limitation and section 19A pleas
- *AH v Greater Glasgow Health Board and ors* 2018 SLT 535 - product liability claims in relation to vaginal mesh (Consumer Protection Act 1987)
- *Anderson v Imrie* 2018 SLT 717 – duties of adults *in loco parentis* and role of appellate court
- *J v C* [2017] CSIH 8 – timebar in clinical negligence claim
- *Bowes v Highland Council* 2017 SLT 749 (Outer House) and 2018 SC 499 (Inner House) – duties of roads authorities
- *Brits v Kilcoyne & Co* [2017] CSIH 47 – waiver of timebar plea
- *Kennedy and ors v MacKenzie* [2017] CSOH 118 – inference of negligence in fatal RTA.
- *Manson v Henry Robb Ltd* 2017 SLT 1173 – loss of society awards in mesothelioma claims
- *Pocock v Highland Council* [2017] CSIH 76
- *Stanger v Flaws* (June 2016 – fatal claim before a jury)
- *Dewar v Graham's Dairies* [2016] CSOH 151 – exacerbation of pre-existing back condition
- *Leonard v The Loch Lomond and the Trossachs National Park Authority* [2014] CSOH 38 (OH) and 2016 SCLR 102 (IH)
- *Young v McVean* 2014 SLT 934 (OH) and 2015 SLT 729 (IH) – fatal claim and secondary victims
- *MacDonald v Aberdeenshire Council* 2014 SC 144 – duty of care on roads on authorities in Scotland compared with England.
- *Shields v Crossroads (Orkney)* 2014 SLT 190 – vicarious liability for inappropriate sexual conduct by care worker
- *Joyce and ors v Gibson* [2014] CSOH 2
- *Tortolano v Ogilvie Construction Ltd* [2013] CSIH 10; 2013 SC 213 – reclaiming motion in relation to the appropriate discount rate for future multipliers
- *Pratt v Scottish Ministers* [2013] CSIH 17; 2013 SLT 590 – role of appellate court in reviewing expert medical evidence
- *McGlinchey v General Motors (UK) Ltd* 2012 CSIH 91 (product liability claim relating to allegedly defective handbrake).
- *Moulds v Reid* [2012] CSOH 13 - claim for harassment
- *Gordon v Clark* [2012] CSOH 35 - hearing on note of objections
- *Winn-Pope v ES Access Platforms and anr* [2012] CSOH 35 – Work at Height Regulations 2005
- *Murphy v East Ayrshire Council* 2012 SLT 1125 – duties on local authorities
- *Hamilton and anr v Ferguson Transport (Spean Bridge) Ltd and anr* 2012 SC 486 – 5 judge decision on guidance for civil juries
- *Hamilton v Merck & Co* [2012] CSOH 144 – expenses in class actions
- *Thomson v Dennis Thomson (Builders) Ltd* - jury award for loss of society to father (2/2/11).
- *McCafferty v Scott's Caravans* [2011] CSOH 16 – proof or jury trial in product liability claim.
- *Bellingham v Todd* 2011 SLT 1124 - judicial awards for loss of society
- *Pratt v Scottish Ministers* 2011 SCLR 446 - occupational stress claim by prison officer
- *Wallace v Glasgow City Council* 2011 Rep LR 96 - successful reclaiming motion in relation to risk assessments and the Workplace (Health, Safety and Welfare) Regulations 1992.
- *McCarthy v Highland Council* [2011] CSIH 51 - psychiatric injury following assault on teacher at special needs school.
- *McDonald v Sainsburys plc* [2010] CSIH 39 – "risk of injury" in terms of the Manual Handling Operations Regulations 1992.
- *Stainsby v Fallon* [2010] CSIH 64; 2010 SC 773 - motion for new civil jury trial.

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- *Mykoliw and ors v Botteril and ors* 2010 SLT 1219 - title to sue for loss of society.
- *Davis v Catto and anr* [2010] CSOH 93 - apportionment in RTA.
- *Montgomery v Lanarkshire Health Board* [2010] CSOH 104 - clinical negligence, cerebral palsy.
- *Munro v Aberdeen City Council* 2009 SLT 964 - transient hazards and regulation 5 of the Workplace (Health Safety and Welfare) Regulations 1992
- *McGibbon v McAllister* 2008 SLT 459 - human rights and the Damages (Scotland) Act 1976.
- *Lees v North Lanarkshire Council* [2008] CSOH 8 - local authority systems in relation to tripping hazards.
- *Lisa Smart's Guardian v Lunan* [2008] CSOH 55 - interim damages in catastrophic injury claim.
- *Thomas Ruddy v Monte Marco and anr* 2008 SC 667 - liability of agent of undisclosed principal to employee.
- *Robertson v Inspirations East* [2007] CSOH 30 - Package Tour & Package Holiday Regulations 1992.
- *Mary Elizabeth McClelland v Dumfries & Galloway Council*, Sheriff Ross, Dumfries Sheriff Court, 9th July 2007 (occupational stress and Protection from Harassment Act 1997).
- *Fegan v Highland Council* 2007 SC 723 - occupier's liability.
- *Montgomery v Lanarkshire Health Board* [2007] CSOH 172 - causation in medical negligence.
- *Vetco Gray v Slessor* 2006 SC 398 - jury trials and third parties.
- *Graham v Richard Lawson Autologistics* [2006] CSOH 89 - duty to mitigate loss.
- *King v Neilson* [2006] CSOH 108 - duty of care and children.
- *Taylor v Sands* [2006] CSOH 186 - interim damages and residential accommodation.
- *Petrie and ors v Milk Marketing Board* 2005 SCLR 841 – hearing on note of objections.
- *McFarlane v Scottish Borders Council* 2005 SLT 359 (OH); 2006 SLT 721 (IH) - Workplace (Health,, Safety and Welfare) Regulations 1992.
- *Mackie v AB 2000 and another* 2004 SC 334 - timebar in fatal claim.
- *Campbell v East Renfrewshire Council* 2004 Rep LR 89 interpretation of regulation 12 of Workplace (Health,, Safety and Welfare) Regulations 1992.
- *Watt v Bridges* 2004 Rep LR (P) 96 – quantification of loss of chance of promotion.
- *Ellison v Inspirations East* 2003 SLT (N) 291 (OH); unreported in the Inner House 12th December 2003 (Package Tour & Package Holiday Regulations 1992).
- *Gillies v Lynch* 2002 SLT 1420 and 2005 Rep LR 9 - loss of society and psychiatric injury.
- *Hawkes v Wynn* 2002 SLT 1227 - back injury.
- *Taylor v City of Glasgow Council* 2002 SC 364 – claim under the Manual Handling Operations Regulations.
- *Green v Argyll & Bute Council* Lord Bonomy 28th February 2002 (4 week occupational stress proof).
- *Harrison v West of Scotland Kart Club* 2001 SC 367 (OH); 2004 SC 615 (IH) - liability of unincorporated association to its members.
- *Sandison v Begg* 2001 SC 821 - human rights and jury trials.
- *Callaghan v Southern General Hospital NHS Trust* 2000 SLT 1058 - Manual handling claim by nurse.
- *McKnight v Clydeside Buses Ltd* 1999 SLT 1167 - Duties of roads authorities.
- *Cowan v Toffollo Jackson* 1998 SLT 1000 - Timebar in industrial disease claim.
- *Foskett v McClymont* 1998 SC 96 - claim under Animals (Scotland) Act 1987.
- *Alexandra Hotel v Scottish Hydro* 1998 SLT 668 – claim under Electricity Supply Regulations.
- *Keppie v Marshall Food Group* 1997 SLT 305 - Summary decree).
- *Stark v Ford* (No.2) 1996 SLT 1329 - Reclaiming motion following proof or jury trial debate.

Publications

- Editor of the Delict Section of the Scottish Human Rights Practice Looseleaf

- Approaching Future Wage Loss 1995 SLT (News) 173
- Multipliers for Future Wage Loss 1998 SLT (News) 291
- *Admissibility of Video Evidence* Civil Practice Bulletin Issue 58
- *Damages Update* Greens Reparation Bulletin Issue 32 (March 2000)
- *Damages Update* Greens Reparation Bulletin Issue 33 (May 2000)
- *Damages Update* Greens Reparation Bulletin Issue 34 (June 2000)
- *Damages Update* Greens Reparation Bulletin Issue 35 (September 2000)
- *Fatal Claims* Greens Reparation Bulletin Issue 36 (November 2000)
- *Damages Update* Greens Reparation Bulletin Issue 37 (January 2001)
- *Catastrophic Claims and Jury Awards* Greens Reparation Bulletin Issue 38 (March 2001)
- *Services Claims* Greens Reparation Bulletin Issue 39 (May 2001)
- *Discount Rate* Greens Reparation Bulletin Issue 40 (June 2001)
- *Damages for breaches of the European Convention on Human Rights* Greens Reparation Bulletin Issue 41 (September 2001)
- *Appealing against CRU Certificates* Greens Reparation Bulletin Issue 42 (November 2001)
- *Provisional Damages* Greens Reparation Bulletin Issue 44 (March 2002)
- *Civil Juries and the European Convention on Human Rights* Greens Reparation Bulletin Issue 45 (May 2002)
- *Fairchild v Glenhaven Funeral Services* Greens Reparation Bulletin Issue 46 (July 2002)
- *End of Year Review* Greens Reparation Bulletin Issue 49 (January 2003)
- *Interim Damages* Greens Reparation Bulletin Issue 52 (July 2003)
- *Statements of Valuation of Claim* Greens Reparation Bulletin Issue 53 (September 2003)
- *Occupational Stress Claims and Employment Tribunals* Greens Reparation Bulletin Issue 54 (December 2003)
- *Mitigation of Loss and the Penniless Pursuer* Greens Reparation Bulletin Issue 55 (January 2004)
- *Future Care Costs* Greens Reparation Bulletin Issue 56 (March 2004)
- *Human Rights Issues* Greens Reparation Bulletin Issue 57(June 2004)
- *Loss of Society/Jury Awards* Greens Reparation Bulletin Issue 58 (August 2004)
- *Pleural Plaques* Greens Reparation Bulletin Issue 59 (October 2004)
- *Who Pays for Residential Accommodation?* Greens Reparation Bulletin Issue 60 (November 2004)
- *PHI Payments – Earnings or Contractual Benefit?* Greens Reparation Bulletin Issue 61 (January 2005)
- *Who Pays for Residential Accommodation: an update* Greens Reparation Bulletin Issue 62 (March 2005)
- *Future Care Costs – Sowden v Lodge and Crookdake v Drury* Greens Reparation Bulletin Issue 63 (May 2005)
- *The Costs of Residential Accommodation: an update* Greens Reparation Bulletin Issue 65 (September 2005)
- *Scotland: a Better Place to Die* [2005] Journal of Personal Injury Law 260
- *Future Wage Loss* Greens Reparation Bulletin Issue 66 (November 2005)
- *Fatal Claims: Review of recent developments* Greens Reparation Bulletin Issue 67 (January 2006)
- *Pleural Plaques in the Court of Appeal/New Claims for Siblings and Civil Partners* Greens Reparation Bulletin Issue 68 (March 2006)
- *Applications for Compensation for Miscarriages of Justice* Greens Reparation Bulletin Issue 70 (July 2006)
- *The Compensation Act 2006* Greens Reparation Bulletin Issue 72 (November 2006)
- *Crofton: The Legal Implications* Greens Reparation Bulletin Issue 74 (February 2007)
- *Crofton: The Practical Implications* Greens Reparation Bulletin Issue 75 (April 2007)
- *The 6th Edition of the Ogden Tables* Greens Reparation Bulletin Issue 76 (June 2007)
- *A Minor Pain in the Neck for Insurers* Greens Reparation Bulletin Issue 79 (November 2007)
- *The Lost Years* Greens Reparation Bulletin Issue 80 (February 2008)
- *Interim Damages* Greens Reparation Bulletin Issue 83 (August 2008)
- *JM v Fife Council* [2008] CSIH 63 Greens Reparation Bulletin Issue 87 (February 2009)
- *Suing an Uninsured and Insolvent Employer* Greens Reparation Bulletin Issue 88 (May 2009)
- *The Damages (Scotland) Bill 2009* Greens Reparation Bulletin Issue 90 (September 2009)
- *Quantifying fatal claims* Greens Reparation Bulletin Issue 92 (January 2010)

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- *The value of pleural plaques under the Damages (Asbestos-related Conditions) (Scotland) Act 2009* Greens Reparation Bulletin Issue 93 (March 2009)
- *Reform in relation to damages for wrongful death* Greens Reparation Bulletin Issue 95 (August 2010)
- *Damages for delayed and/or unexpected consequences of an accident* Greens Reparation Bulletin Issue 96 (October 2010)
- *Recent jury awards in fatal claims* Green Reparation Bulleting Issue 97 (December 2010)
- *The boys are back in town: duties on nightclub owners* Green Reparation Bulleting Issue 98 (February 2011)
- *Ogden Table Update* Green Reparation Bulleting Issue 101 (August 2011)
- *All for one and one for all: the effect of appealing one jury award of several* Greens Reparation Bulletin Issue 103 (December 2011)
- *Damages for breach of Article 2 of the ECHR* Greens Reparation Bulletin Issue 105 (April 2012)
- *Guidance for civil juries* Greens Reparation Bulletin Issue 107 (August 2012)
- *The discount rate* Greens Reparation Bulletin Issue 109 (December 2012)
- *The impact of the recession on quantification of damages – Tortolano and Farstad* Greens Reparation Bulletin Issue 111 (March 2013)
- *The Enterprise and Regulatory Reform Act 2013* Greens Reparation Bulletin Issue 112 (July 2013)
- *Psychiatric Injury and Secondary Victims* Greens Reparation Bulletin Issue 114 (November 2013)
- *Vehicle Repair Costs* Greens Reparation Bulletin 116 (January 2014)
- *Fatal awards since Hamilton and Thomson* Greens Reparation Bulletin 117 (March2014)
- *Liability of Parent Companies* Greens Reparation Bulletin 118 (May 2014)
- *Update of Fatal Awards* Greens Reparation Bulletin 120 (November 2014)
- *Practice Note 2 of 2014* Greens Reparation Bulletin 121 (January 2015)
- *Criminal convictions and civil jury trials* Greens Reparation Bulletin
- *Investment costs* Greens Reparation Bulletin 127
- *Civil jury rollercoaster* Greens Reparation Bulletin 128
- *Causation, quantification and pre-existing conditions* Greens Reparation Bulletin 129
- *Reasonableness, proportionality and the law of diminishing returns* Greens Reparation Bulletin 130
- *Stanger v Flaws: squaring the circle between awards by judges and juries* Greens Reparation Bulletin 131
- *Guidance to civil juries* Greens Reparation Bulletin 132
- *Quantum update* Greens Reparation Bulletin 135
- *Recovering criminal sanctions in Civil Proceedings* Greens Reparation Bulletin 136
- *Accommodation Costs* Greens Reparation Bulletin 137
- *Where next with the Discount Rate?* Greens Reparation Bulletin 138
- *SLC Reform on Damages for Personal Injury* Greens Reparation Bulletin 143
- *K v Chief Constable of the Police Service of Scotland* Greens Reparation Bulletin 145
- *Quantum update* Greens Reparation Bulletin 151

Lectures and Seminars

Robert has spoken at numerous seminars and conferences, including for CLT; the Faculty of Advocates; APIL; the Australian Bar Association; LSA; the Law Society of Scotland; Iusful Events; MBSL; the WS Society and Compass Chambers.

Robert also gave evidence to the Justice Committee in relation to the Damages (Scotland) Bill 2010 in September 2010 and the Court Reform (Scotland) Bill in April 2014. He is a member of the SCJC Working Group on Group Proceedings.