



ANDREW R W YOUNG QC

**Year of Call**

1992

**Year of Silk**

2007

**Devil Masters**

JG Reid QC

Sheriff Principal Iain Abercrombie QC



## Practice Profile

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Andrew's practice is focused predominantly in the field of private law. Andrew has considerable experience in professional and clinical negligence in relation to cases involving solicitors, medical practitioners, architects, engineers, and actuaries. He also has an extensive practice acting for both pursuers and defenders in high value personal injury actions with a particular focus on catastrophic brain and spinal injuries. In this context he has experience of negotiating Periodic Payment Orders. In relation to his Tax practice, Andrew frequently acts for HMRC and Revenue Scotland but has also acted for taxpayers. He is regularly instructed in cases before the Commercial Court.

## Education & Professional Career to Date

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Trainee Solicitor, Dundas & Wilson

LLB (Hons), First class; Diploma in Legal Practice

## Appointments

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- Chairman, Competition Appeals Tribunal (part time) (2021–present)
- Chairman, Police Appeals Tribunal (2008–present)
- Convenor, Training & Admissions Committee and Board of Assessors, Faculty of Advocates
- Standing Junior to the Foreign & Commonwealth Office (1995–1997)
- Standing Junior to HM Customs & Excise (1997–2006)
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## Selected Cases

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- CLINICAL AND PROFESSIONAL NEGLIGENCE:
- **Andrews v GGHB 2019 CSOH 31**  
Clinical negligence claim following the death of a patient.
- **Stewart Milne Westhill Ltd v Halliday Fraser Munro 2016 CSOH 76**  
Issues of prescription in a claim against architects.
- **Rex Proctor & Partners Retirements Benefit Scheme Trusts v Edwards 2015 CSOH 83**  
A claim by pension trustees for losses caused by advice given about changes to the pension scheme.
- **STV Central Ltd v Semple Fraser 2015 CSIH 35**  
Reclaiming motion in relation to a right for contribution from a surveyors' firm in the context of a claim against solicitors.
- **Royal Bank of Scotland v Halcrow Waterman Ltd 2013 CSOH 173**  
Issues of prescription in a claim against engineers.
- **Cheshire Mortgage Corporation Ltd v Grandison [2012] CSIH 66; [2011] CSOH 152**  
Breach of warranty claim against solicitors in mortgage fraud situation
- **Blower v Edwards [2010] CSOH 34**  
Claim against scheme actuary by pension trustees
- **Watts v Bell & Scott WS [2007] CSOH 108**  
Solicitor's negligence claim involving damages for loss of development opportunity
- **Karling v Purdue 2004 SLT 1067**  
Immunity of medical expert for evidence in criminal case
- **Bristol & West BS v Aitken Nairn 1999 SC 678**  
Inner and Outer House Appeal. A solicitor's negligence case involving a barony title and the value of that for security purposes.
- **Lomond Assured Properties Ltd v McGrigor Donald [1999] ScotCS 53**  
Professional negligence
- PERSONAL INJURY:
- **Cameron v Swan 2020 CSOH 20**  
Severe brain injury from a road traffic accident.
- **Cassells v Allan 2019 CSOH 14**  
Death of an employee in the car park of her work.
- **Hill v Norside Ltd 2012 CSOH 187**  
Tetraplegic case following fall from scaffold.
- **Jackson v Murray 2012 CSIH 100**  
Inner House case concerning contributory negligence in an RTA.
- **Vaickuviene v J Sainsbury plc 2012 CSOH 69**  
Vicarious liability of employer for murderous act by employee on another employee.
- **Flood v University of Glasgow 2010 CSIH 3**  
Stress at work.
- **Law v Ronald & MIB 2010 CSOH 53**  
Whether pursuer knew car was uninsured
- **Toner v George Morrison Builders 2010 CSOH 125**

Work at height case

- **Bremner v Bartlett 2008 CSOH 3:**  
Quantum of damages
- **Carling v WP Bruce Ltd 2007 CSOH 119**  
Quantum of damages
- **Rodger v C & J Contracts Ltd 2005 CSOH 47**  
Personal injury
- **K. v Gilmartin's Executory 2004 SC 784**
- **Sturgeon v Gallagher 2003 SLT 67**  
Personal injury
- **Wallace v Paterson 2002 SLT 563**  
Serious brain injury.
- TAX:
- **Barr Environmental Ltd v Revenue Scotland 2020**  
Scottish landfill tax.
- **HMRC v Taylor Clark Leisure 2018 UKSC 35**  
Statutory timebar issues in relation to the right to reclaim overpaid VAT.
- **HMRC v Frank A Smart & Sons Ltd 2017 CSIH 77**
- **John H Donald (Darvel) Ltd v HMRC 2015 UKUT 514**
- **Aberdeen Asset Management plc v HMRC 2014 SC 271**
- **Scottish Widows plc v HMRC [2011] UKSC 32**  
Taxation of insurance companies.
- **DCM (Optical Holdings) Ltd v HMRC [2006] UKVAT V19549**
- **HMRC v Empowerment Enterprises Ltd [2006] CSIH 46**  
VAT exemptions.
- **Optos plc v HMRC [2006] UKSPC SP00560**  
Tax
- **John Clark (Holdings) Ltd v HMRC [2005] UKVAT V19327**  
Tax
- **CR Smith Glaziers (Dunfermline) Ltd v HMRC [2003] UKHL 7**  
VAT exemptions
- **Halladale Group Ltd v HMRC 2003 UKVAT V18218**  
Tax
- **University of Glasgow v HMRC 2003 SC 355**  
Alternative assessments for VAT
- **Cumbernauld Development Corp v HMRC 2002 SC 241**  
Tax
- **North Anderson Cars Ltd v Commissioners of Customs & Excise [1999] STC 902**  
Tax
- COMMERCIAL:
- **Aronson v Keeper of the Registers of Scotland 2014 CSOH 176**  
Case concerning the construction of sections in the Conveyancing & Feudal Reform Act 1970 in relation to postponed securities.
- **United Central Bakeries Ltd v Spooner Industries Ltd [2012] CSOH 111**  
Dispute arising from a factory fire.
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- **Persimmon Homes Ltd v Bellway Homes Ltd [2011] CSOH 149; [2012] CSOH 60**  
Claim arising out of missives for sale of development land between housebuilders
- **Clarke v Fennoscandia Ltd [2007] UKHL 56; [2004] ScotCS 257; [2003] ScotCS 209**  
Attempt to have a foreign decree declared invalid on grounds of fraud.
- **Royal Scottish Assurance plc v Scottish Equitable plc [2006] CSIH 47**  
Action arising from alleged negligent design of financial products
- **Logan v Scottish Water [2005] CSIH 73**  
Statutory compensation for pipeline based on ransom claim.
- **McCrinkle Group Ltd v Willis Corroon Scotland Ltd [2002] SLT 209**  
Claim against insurance brokers.
- **Scottish Youth Theatre (Property) Ltd v Anderson [2002] ScotCS 94**  
Property
- **Labinski Ltd v BP Oil Development Co [2003] ScotCS 15; [2001] ScotCS 294**  
Property
- OTHER:
- **Chevron North Sea v Connor 2018 UKSC 7**
- **S v Children's Reporter 2016 CSIH 74**
- **Ronald v Duke of Buccleuch 2015 CSOH 79**
- **Apollo Engineering Ltd v James Scott Ltd 2013 UKSC 37**
- **Morris Amusements Ltd v Glasgow Council [2009] CSOH 84**  
Acting for third party alleging breach of insurance policy negating cover
- **Burnett's Trs v Grainger [2004] UKHL 8**  
Effect of a delivered but unrecorded disposition in a bankruptcy situation
- **Thomas Muir Haulage Ltd v Sec of State 1999 SC86**
- **Sharp v Thomson [1997] UKHL 60**  
Property

## Areas of Practice

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- Clinical and Professional Negligence
- Commercial
- Personal Injury
- Taxation

## Publications & Seminars

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Commission and Diligence, Archibald MacSporran and Andrew Young (authors), Greens Practice Library, 1995

Gloag and Henderson: The Law of Scotland, contributor to 10th and 11th editions

Court of Session Practice 2005, contributor

## Directories

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Recommended in Chambers and Partners 2021 Bar Guide: ranked Band 1 for Professional Negligence, Band 1 for Personal Injury, and Band 1 for Tax. Ranked Band 2 for Clinical Negligence and Band 3 for Commercial Dispute Resolution.

'An excellent advocate who is always very prepared and persuasive and charming in court'.

Recommended in The Legal 500 UK Bar Guide 2019: ranked Band 1 for Personal Injury and medical negligence

"He hones in on the core issues of a case"

## Additional Information

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Andrew has experience of acting as an agreed expert in the determination of contractual disputes between parties