



STUART BUCHANAN



Year of Call

2001

Devil Masters

Margaret Hughes

Practice Profile

Stuart has a general civil practice. His work ranges from telephone advice on incidental matters arising in civil cases undertaken by agents, through opinion work on quantum, prospects, pleadings and evidence, to representation in the Inner House and in the Supreme Court. Stuart's previous career as a solicitor in private practice from 1984 to 2000 gives depth to the advice he now provides as an advocate. It also enables him to contribute business insights in the course of resolving problems encountered by agents.

Education & Professional Career to Date

Solicitor in private practice (1984-2000)

LLB (Hons) (Glasgow); Diploma in Legal Practice (Glasgow)

Selected Cases

- **Jill Scott -v- Speirs Gumley Property Management [Paisley Sheriff Court] [24 May 2017]**
Appearing for the defenders [factors] proof before answer [8 days] was restricted to the issue of liability: reserving for further proof any issue of quantum should it be necessary. The matter in dispute was whether the Defenders as property factors were liable in delict to the Pursuer in respect of an accident sustained by the Pursuer when she slipped on what was claimed to be a wet carpet; and subsequently fell down the stairs sustaining injury. The Sheriff concluded that "this is to a degree a novel case". Argument included reference to common law duties of care. He drew on defenders' counsel's "helpful summary of alleged duties of care". He said "I have been assisted by counsel each of whom has lodged extensive list of authority." He concluded that "the case is to

be decided in favour of the defenders".

- **Ross & Liddell Ltd -v- Mr and Mrs Strain [Glasgow Sheriff Court] [18 January 2017]**
Appearing for the appellants [factors] in an appeal under the Property Factors (Scotland) Act 2011. The Factors sought to quash elements of the Homeowner Housing Committee decision in an application initially brought by proprietors. In the course of appeal there was discussion about obligations arising from title taken by proprietors; about insuring obligations; about the nature and extent of duties of factors in so far as delegable to them; and about the nature of the jurisdiction to be exercised by the Committee; specifically whether an inquisitorial jurisdiction opened up avenues of potential dispute between parties. The Sheriff concluded, as advanced for the appellants [factors], that the contested elements of the Committee decision were ultra vires as a result of error of law.
- **Duncan Mackay & Sons v CNES [2012] GWD 25-507**
Public procurement dispute
- **Reid v Crabbe [2010] SC 268**
Partnership dispute
- **UPS Supply Chain Solutions v Glasgow Airport Ltd [2005] SCLR 67**
Construction dispute
- **Musselburgh & Fisherrow Co-operative Society Ltd v Mowlem Scotland Limited [2004] SCLR 412**
Construction dispute
- **A Kelly Ltd v Capital Bank plc [2004] SLT 483**
Business dispute
- **Euro Pools plc v Clydeside Steel Fabrications Ltd [2003] SLT 1026**
Business dispute
- **Lamarra v Capital Bank plc [2007] SC 95**
Consumer dispute
- **Fletcher v Argyll & Bute Council [2007] SLT 1047**
Personal injury claim: psychiatric injuries
- **B v G [2012] SLT 840**
Family law
- **Harwood v Jackson [2003] SLT 1026**
Matter of court procedure and practice
- **Brackencroft Ltd v Silvers Marine Ltd [2006] SC633**
Matter of court procedure and practice
- **McGraddie v McGraddie [2012] GWD 15-310**
Matter of court procedure and practice

Areas of Practice

- Clinical and Professional Negligence
- Commercial
- Personal Injury
- Property
- Public and Fatal Accident Inquiries

- Public Law