



JONATHAN DEANS

Year of Call

2022

Devil Masters

Tony Lenehan KC

Martin Crawford

David Anderson

Stephen Winter

[LinkedIn Profile](#)

Practice Profile

Jonathan has a wide and varied practice and can be instructed in many areas of law. The bulk of his practice consists of personal injury, consumer rights, criminal law, and immigration.

He is regularly instructed by pursuers and defenders for personal injury and clinical negligence actions in the Sheriff Courts and the Court of Session. He is also instructed for consumer rights disputes and disputes involving unfair contract terms.

He has juniorred in many criminal trials involving sexual offending and organised crime and is frequently instructed for criminal appeals at both solemn and summary level.

He regularly appears in the First-tier Tribunal for Immigration and Asylum claims and can also be instructed for immigration appeals.

Jonathan's practice also frequently involves succession and executory disputes, public law and judicial review, and commercial instructions.

Jonathan has also been instructed for equality law and discrimination actions, housing law, property law, and professional regulation matters.

Jonathan has particular interests in judicial review actions and public inquiries, including fatal accident inquiries.

Jonathan has carried out pro bono work involving clinical negligence, animal welfare law, and representation in the Employment Appeal Tribunal."

Education & Professional Career to Date

Postgraduate Diploma in Professional Legal Practice with Distinction (University of Aberdeen 2018)

Bachelor of Laws with First Class Honours (University of Aberdeen 2017)

Solicitor - NewLaw Scotland LLP (2021)
Trainee Solicitor - NewLaw Scotland LLP (2019 - 2021)
Case Manager - NewLaw Scotland LLP (2018 - 2019)
Legal Assistant - NHS Tayside (2016 - 2018)

Appointments

- Associate Writer to the Signet
- Member of the Stair Society
- Lord Reid Scholar - Faculty of Advocates (2021–2022)
- Tutor - University of Edinburgh Willem C. Vis International Commercial Arbitration Mooting Team (2021–2022)

Selected Cases

- **Personal Injury**
- **Rafferty v. AXA Insurance UK Plc (January 2024)**
Appeared for the pursuer in a successful personal injury proof arising out of a road traffic accident where causation of both any injury and any damage to the pursuer's vehicle was denied by the defender.
- **SL v. RL [2023] CSOH 91**
Junior counsel for the pursuer (with senior) in a successful debate regarding whether a Minute of Agreement in a divorce action precluded the pursuer from raising proceedings for damages under the Protection from Harassment Act 1997.
- **SG v [A Local Authority] (August 2023)**
Junior counsel for the pursuer (with senior) in an action for damages arising out of historical sexual and physical abuse while resident in a children's home. The action settled for 500,000 shortly before the diet of proof
- **Smith v Aviva Insurance Limited (January 2023)**
Appeared for the pursuer in a successful personal injury proof where causation was disputed following injuries sustained by a low-speed road traffic collision. The defender conceded the action after the conclusion of the pursuer's evidence.
- **Jamieson v Liverpool Victoria Insurance Company Limited (August 2022)**
Appeared for the pursuer in a successful personal injury proof where causation was disputed following injuries sustained by a low-speed road traffic collision.
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- **Consumer Rights**
- **Portman Motors v Christie (March 2024)**
Appeared for the respondent in successfully resisting a Sheriff Appeal Court appeal against a Sheriff's decision to award expenses to a pursuer who had obtained a settlement in respect of one crave and abandoned the remainder of the action.
- **Herron v Motonovo Finance Limited (January 2023)**
Appeared for the pursuer in a successful proof relating to rejection of a nine-year-old vehicle. The case involved conflicting expert evidence regarding whether a fault with the vehicle was present at

the point of sale or developed afterwards.

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- **Crime**

- **Kennedy v. Procurator Fiscal, Hamilton (March 2024)**

Appeared for the appellant in a successful Sheriff Appeal Court appeal against sentence on the basis that it had been incompetent to impose a custodial sentence at a review hearing for a Community Payback Order

- **Reid v HMA (February 2024)**

Appeared for the appellant in a successful High Court appeal on the grounds that the sentencing judge had erred by discounting the custodial sentence to reflect a guilty plea but not discounting the period of disqualification from driving.

- **Atkinson v. Procurator Fiscal, Dumbarton (January 2024)**

Drafted the note of appeal and written submissions in a successful Sheriff Appeal Court appeal against the imposition of a 5-year non-harassment order. The order was accepted to be disproportionate to the offending and reduced to 2

- **HMA v McDermott (December 2023)**

Appeared for the panel in a Sheriff and Jury trial for a contravention of section 1 of the Domestic Abuse (Scotland) Act 2018. The panel was acquitted of all sexual elements of the charge and received a community-based disposal.

- **Peters v HMA (October 2023)**

Drafted the note of appeal and written submissions in a successful High Court appeal against sentence for attempting to communicate indecently with children and attempting to meet a child with the intention of engaging in sexual behaviour. The appeal was granted on the basis that the Sheriff had failed to consider the appellant's health conditions as a mitigating factor and that there had been no actual child involved.

- **Maley v PF Glasgow (May 2023)**

Appeared for the appellant in a successful Sheriff Appeal Court appeal against sentence on the basis that the sentencing Sheriff had erred by misconstruing a positive blood test for benzoylecgonine as proof that the appellant had been driving under the influence of cocaine. The appellant's 9 months' custodial sentence was replaced with a 3 months' restriction of liberty order.

- **McAllister v HMA (April 2023)**

Appeared for the appellant in a successful High Court appeal against sentence on the basis that the sentence imposed for refusing to provide a breath sample was incompetent.

- **HMA v Paterson & Sweeney (March 2023)**

Crown Junior in the successful 7-week prosecution of two accused for being concerned in the supply of cocaine and heroin as part of serious organised crime. The first accused was sentenced to 14 years imprisonment. The second accused was sentenced to 5 years imprisonment.

- **HMA v Hood (October 2022)**

Crown Junior in a 5-day trial for abduction, assault and rape to injury and danger of life. The accused was sentenced to an extended sentence of 25 years.

- **HMA v Harley (July 2022)**

Crown Junior in the prosecution of historical sex abuse committed against multiple residents of Merkland Children's Home in the late 1970s to early 1980s.

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- **Immigration**

- **HS v Entry Clearance Officer (January 2023)**

Appeared for the appellant in a successful entry clearance appeal in the First-tier Tribunal. The case involved a dispute over whether a father had 'sole responsibility' for his daughter's upbringing.

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- **Public Law**

- **Rae, Petitioner (September 2023)**

Junior counsel for the petitioner in the a successful judicial review action relating to a decision by a local authority that an environmental impact assessment was not required for the demolition of a housing estate.

Areas of Practice

- Commercial
- Crime
- Employment, Discrimination and Harassment
- Media Law, Privacy and Defamation
- Personal Injury
- Public and Fatal Accident Inquiries
- Public Law

Publications & Seminars

Immigration appeals: a case apart, Journal of the Law Society of Scotland, 17 October 2022

The Duty of Candour in Matters of Law - Talk for the Law Society of Scotland, 5 October 2022

Better The Devil You Know: Ex Turpi Causa - Talk for Arnot Manderson Advocates, 21 June 2022

The New States of Abortion Politics Book Review, Aberdeen Student Law Review Volume 8 (2018), 81-87

A v NHS Greater Glasgow and Clyde Health Board, Juridical Review 2018 2, 115-121

Smoking Bans in Psychiatric Hospitals: A Matter for the Scottish Government? - University of Aberdeen School of Law (Online Blog) <abdn.ac.uk/law/blog/smoking-bans-in-psychiatric-hospitals-a-matter-for-the-scottish-government>

'Child Spies': Juvenile Covert Human Intelligence Sources and Public Scrutiny, Juridical Review 2019 2, 198-206

Compensation for Breach of Data Protection, Independent Federation of Nursing in Scotland (Online Blog) <ifonscotland.org/?page_id=8>

Comprehending Competence, Juridical Review 2020 2, 87-95

The Internal Market Bill: a specific and limited controversy?, Juridical Review 2021 1, 48-58

Civil court hearings: seeking common ground, Journal of the Law Society of Scotland, 16 August 2021

Duthie v HMA: Clarification on Corroboration, Edinburgh Law Review, 2021 (Volume 25), 377-385

Parachute Regiment Charity v Hay, Juridical Review 2022 2, 106-114.

Additional Information

Jonathan has been appointed as a Board Member of the Faculty of Advocate's Free Legal Services Unit.

Jonathan has been appointed standing "junior junior" counsel to the Office of the Advocate General for Scotland and regularly appears as a Nominated Presenting Officer for the Home Office.

Jonathan has been appointed as a Case Presenter for the Nursing and Midwifery Council.

Jonathan has been appointed as standing junior counsel to the Faculty of Advocates Complaints Committee and Disciplinary Tribunal.

Jonathan has appeared for the Crown as an ad-hoc Advocate Depute in a Proceeds of Crime case. Jonathan is believed to be the youngest person to appear as an Advocate Depute in modern history.