



Year of Call

1992

Year of Silk

2008

Devil Masters

DI Mackay KC

Practice Profile

The nature of Marian's highly specialised practice complements and consolidates her invaluable technical expertise acquired in her significant career before coming to the Bar. Marian is chiefly instructed in cases concerning clinical negligence, aviation, mental health, personal injury (particularly high value claims such as those involving serious head injuries), occupational stress, disciplinary and regulatory hearings, and fatal accident inquiries. She regularly applies her in-depth knowledge of medical, pharmaceutical, and aeronautical engineering matters in the course of her work.

Marian's experience as a Mental Health Tribunal convenor has provided insight into psychiatric disorders and their treatment. Her aviation practice in particular has required her to analyse considerable foreign law material in a variety of languages. She also draws upon her first-hand experience of military matters: Marian's husband was at one time an aeronautical engineering officer in the armed services.

Education & Professional Career to Date

Senior Legal Counsel, GlaxoSmithKline

Legal Adviser, Westland Aircraft Ltd

Legal Adviser, Societe Generale

LLB (Hons) (Edinburgh); DESU (Aix-Marseille); Dr de L'Univ (Aix-Marseille); Vans Dunlop Scholar (Edinburgh); Scholarship to Harvard Law School

Appointments

- Lecturer, Professional Regulatory Law, Aberdeen University (2017–present)

- Legally Qualified Chair, Scottish Social Services Council (SSSC) (2017–present)
- Convener, Pensions Appeal Tribunals for Scotland (2015–present)
- Chair, Police Appeals Tribunal (2013–present)
- Legal Assessor, Nursing and Midwifery Council (2006–present)
- Convenor, Mental Health Tribunal for Scotland (2004–present)
- Faculty Appointee to National Co-ordinating Committee, Diploma in Legal Practice
- Member, Legal Education and Admission Committee
- Member, Strategy Committee
- Curator. Advocates Library
- Disciplinary Rules, Investigating Committee

Selected Cases

- **Alan Bell v CHC Scotia Ltd (2017)**
Litigation arising from fatal crash of Super Puma helicopter off Shetland with 4 fatalities.
- **Abram v British International Helicopters (2014)**
PTSD claim arising from North Sea helicopter accident. Case dismissed.
- **Gardner v Air France (2011)**
Litigation arising from fatal crash of AF447 into the Atlantic with 228 fatalities
- **Aitken v Scottish Ambulance Service [2011] SLT 822**
Medical negligence
- **Fatal Accident Inquiry into death of Danielle Scott (2010)**
Medical negligence
- **Fatal Accident Inquiry into crash of Bell 206 Jet Ranger Helicopter (2008)**
Represented HJS Helicopters Ltd, the maintenance organisation during re-fit of the aircraft.
Successfully submitted that the Court should find contributory negligence on the part of the pilot.
- **Shaher v BAE Flying College Ltd [2002] SLT 833 (OH); [2003] SC 540 (IH)**
Successful aviation case in which Flying College was found to be negligent in permitting a volatile student to fly solo in poor weather conditions.
- **Executors of John Easson v Edinburgh Air Charter and Ors (2002)**
Represented executors of pilot of Cessna 404 Titan involved in air accident with 8 fatalities.
Litigation in Scotland and US.
- **Duff v East Dunbartonshire Council [1999] GWD22-1072 (OH); [2002] REP LR 98 (IH)**
Personal injury
- **William Montgomerie v Glasgow Prestwick International Airport and Another**
Personal injury to employee arising from accident on aircraft apron
- **Mitchell v. Monarch Airlines**
Personal injuries sustained during emergency evacuation of aircraft.
- **John Westwood v Loganair Ltd**
Accident on board aircraft causing serious head injury.
- **King v Bristow Helicopters Ltd / Morris v KLM Royal Dutch Airlines [1999] SLT 919 (OH); [2001] SLT 126 (IH); [2002] SC(HL) 59**

Further Aircraft Accident cases which went to the House of Lords and which involved interpretation of the Warsaw Convention in relation to the meaning of accidents and bodily/psychiatric injury.

- **Cross v HIE and WIE [2001] SLT 1060**

Personal injury

- **Gilbert v MOD (1999)**

RAF Nimrod crashed during flying display with 7 fatalities. Official inquiry had found pilot error in modifying a display manoeuvre. Despite this, successfully argued that RAF training procedures were deficient.

- **Abnett v British Airways Ltd / Sidhu v British Airways Ltd [1997] SC (HL) 26**

Aircraft Accident cases which went to the House of Lords and which involved interpretation of the Warsaw Convention in relation to the meaning of accidents and bodily/psychiatric injury.

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Areas of Practice

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

Publications & Seminars

Stable seminar on no-fault compensation

Additional Information

French, Italian

Diploma in Trial Advocacy; advocacy instructor

Attachment to the French Bar

Prepared Faculty response to Scottish Government Consultation Paper on Mental Health (Care and Treatment) (Scotland) Act 2003

Prepared Scottish Law Commission's response to English Law Commission Consultation Paper 'Damages for Wrongful Death'

Translation of ECHR judgements for publication by W Green