



## RUTH CHARTERIS



### Year of Call

2000

### Devil Masters

Laurence Murphy QC

IM Duguid QC

JG Thomson



## Practice Profile

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Ruth came to the Bar on completion of her post as Legal Assistant to the Lord President. She quickly established and has maintained an extensive and varied civil practice in which she has conducted cases at all stages of the legal process. Ruth is regularly instructed in lengthy and complex cases, requiring a disciplined and committed approach to case preparation and presentation. She appears in cases involving a wide range of complicated legal and factual issues and demonstrates an aptitude for quickly mastering, and ably presenting, the issues. Her areas of practice include judicial review, regulatory law, proceeds of crime, professional negligence, insurance litigation, personal injury and property disputes. Ruth was an ad hoc Advocate Depute (2010-2016) and has been a Standing Junior to the Scottish Government since 2012. She is currently Second Standing Junior to the Scottish Government (2016 - present). She is also Chair of the Fitness to Practice Panel of the SSSC (2017-present).

## Education & Professional Career to Date

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Tutor in Constitutional Law, University of Edinburgh

Legal Assistant to the Lord President

LLB; Diploma in Legal Practice

## Appointments

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- Second Standing Junior to the Scottish Government (2016–present)
- Standing Junior to the Scottish Government (2012–2016)

- Ad hoc Advocate Depute (2010–2016)
- Legally Qualified Chair, Scottish Social Services Council (SSSC) (2017–present)

## Selected Cases

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- **ABC v Principal Reporter; XY v Principal Reporter [2020] UKSC 26**  
The extent to which Article 8 requires siblings of a child within the children's hearing system to be allowed access to sensitive reports about their brother or sister, and to participate in hearings (Supreme Court; Inner House)
- **Warner v Scapa Flow Charters [2018] UKSC 52**  
The timebar provisions of the Athens Convention 1974 and whether Scots law as to nonage is a "ground of suspension or interruption of a limitation period" (Supreme Court; Inner House; Outer House)
- **Whitehouse and Clark v. Chief Constable, Police Scotland and Lord Advocate [2019] CSIH 52**  
A bench of five judges considered the potential liability of the Lord Advocate in a civil action of damages for malicious prosecution at common law and under Articles 5 and 8 ECHR, deciding that there was no immunity afforded to the Lord Advocate in the event of a malicious prosecution and that Article 8 may be engaged by prosecutorial decisions (Inner House; Outer House)
- **Petition to the Nobile Officium, Salford City Council (Statement of Reasons, 22 October 2019)**  
Whether the court would use its equitable jurisdiction to provide the necessary recognition of the legality of care arrangements for a child placed in non-secure accommodation by courts south of the border (Inner House).
- **Newall v. Astora Women's Health LLC (31 January 2019)**  
Reclaiming motion considering whether the action ought to be dismissed as the pursuer had failed to identify the defect in the surgical mesh product in terms of section 2 of the Consumer Protection Act 1987 (pursuer amending after reclaimers' submissions) (Inner House)
- **Docherty's Exrs v Secretary of State [2018] CSIH 57**  
Identification of the *lex loci delicti* where a man was negligently exposed to asbestos in Scotland but developed symptoms decades later in England (Inner House).
- **RSPB v Scottish Ministers [2017] CSIH 31**  
Judicial review of consents for four offshore marine wind farms in the Forth and Tay (Inner House including permission to appeal to Supreme Court; Outer House including application for protected expenses order)
- **Reverend Donald Smith and another v Reverend John Morrison and others [2009] CSOH 113; [2011] CSIH 52**  
Procedure roll and reclaiming motion in a property dispute arising out of a secession from a non-established church (Inner House; Outer House)
- **Gillies Ramsay Diamond v PJW Enterprises Ltd [2004] SC 430**  
Reclaiming motion in adjudication case examining whether the decision of an adjudicator was open to review on grounds of *intra vires* error of law (Inner House)
- **Dean v. Scottish Ministers [2019] HCJAC 31**  
Appeal against extradition to Taiwan under section 108 of the Extradition Act 2003 (Criminal Appeal Court)
- **Perth and Kinross Council v. Scottish Ministers [2020] CSOH 41**  
Judicial review of the decision of Scottish Ministers to issue a call-in notice in relation to a school

closure proposal (Outer House).

- **Rizza v. Scottish Ministers [2020] CSOH 22**  
Judicial review under the High Hedges (Scotland) Act 2013 considering the meaning of "a high hedge" (Outer House).
- **AP v. Mental Health Tribunal for Scotland and Scottish Ministers (26 February 2018)**  
Judicial review relating to a guardian's loss of named person status following amendment of the Mental Health (Care and Treatment) (Scotland) Act 2003 and the refusal of the Mental Health Tribunal to grant her party status (Outer House).
- **P v Scottish Ministers [2017] CSOH 33**  
Judicial review seeking declarator that the disclosure scheme under the Protection of Vulnerable Groups (Scotland) Act 2007 and associated secondary legislation violated the petitioner's article 8 rights in so far as it required automatic disclosure of his criminal conviction information (Outer House).
- **Elizabeth Gordon v Mark Martin Lynch [2009] CSOH 116**  
Proof in a catastrophic brain injury case (Outer House)
- **Free Church of Scotland (Continuing) v Free Church of Scotland [2005] CSOH 46**  
3 week procedure roll concerning identification of the fundamental principles of a non-established church, and adherence to those principles (Outer House)
- **Revenue Scotland v. Begbies Traynor Central LLP [2019] UT 35**  
Appeals relating to the powers of Revenue Scotland to charge daily penalties under section 161 of the Revenue Scotland and Tax Powers Act 2014 where a notification is not made to the taxpayer before an assessment to daily penalties is carried out (Upper Tribunal).

## Areas of Practice

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

## Publications & Seminars

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'Intervention - in the Public Interest?', Scots Law Times (News), 87, 2000

'Sun Sets on Dawn Raids', Scots Law Times (News), 271, 2000

Articles in the Scottish Parliament Law Review

Regular seminars on areas of current legal development

## Directories

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Recommended in Chambers & Partners UK Bar Guide 2020 - Personal Injury

"Her attention to detail is second to none."

Recommended in The Legal 500 UK Bar Guide since 2016  
Band 1 - Personal Injury & Medical Negligence

"Dedicated, practical and empathetic."