

## NICK SCOTT

Year of call  
2014



Nick Scott specialises in public inquiries, inquests and national security-related litigation.

Nick has significant experience in the field of public inquiries and inquests, including Article 2 jury inquests. He was instructed by the UK Covid-19 Inquiry as a Senior Junior in Modules 2C and 3. He has also been on the Coroners Panel of Counsel in Northern Ireland since 2020. Previously he advised an ex-Secretary of State in relation to proposed criticisms of him in the Chilcott Inquiry report.

He regularly handles multi-week inquests as sole counsel for the Coroner and the Next of Kin. Nick is frequently instructed in inquests arising from fatal police shootings; suicides of mental health inpatients and prison deaths. Nick has also been involved in numerous judicial reviews arising from inquests.

Nick was recently appointed to the Attorney General's Panel of Special Advocates, practising in national security cases.

Nick also enjoys working as part of a team on complex matters. He has previously been instructed by the Government Legal Department in connection with the Deepcut inquests; personal injury litigation arising from diseases sustained during Army operations and large-scale litigation relating to sanctions imposed on organisations believed to be connected to Iran.

Nick successfully represented two officers in their claims against South Wales Police for misfeasance in public office and malicious prosecution arising out of the Lynette White murder investigation, also known as the "Cardiff 3" case. The claim was (at that time) the largest action against the police in British legal history as the Defendants disclosed over a million documents.

Nick was at the forefront of the complex area of "legacy litigation" in Northern Ireland and was one of the leading juniors in this area. Nick is particularly skilled at dealing with issues relating to informants, Closed Material Procedures and other national security issues. He has particular expertise in claims for false imprisonment arising out of arrests and searches under terrorism legislation.

## LEGAL EXPERTISE

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### Inquests & Inquiries

Nick has been instructed in several public inquiries. He was instructed as a Senior Junior Counsel to the Inquiry on two modules of the UK Covid-19 Inquiry. He was also instructed in the Omagh Bomb Inquiry and the Chilcott Inquiry.

Nick also has extensive experience representing Coroners and the Next of Kin inquests. He is often instructed by the Coroner in cases involving complex medical issues and suicides of psychiatric inpatients, prisoners and emergency service employees. Further, he frequently acts for the Coroner in deaths that have led to questions about whether there have been infringements of Health & Safety legislation.

He also has a wealth of experience in inquests arising from fatal police and Army shootings and also where the deceased has been murdered. Nick is used to managing large and difficult investigations that require consideration of intelligence, the examination of planned covert operations, PII and anonymity.

### Selected Cases

#### UK Covid-19 Inquiry

Instructed as Senior Junior to Module 2C (Government decision-making in Northern Ireland) and Module 3 (Healthcare).

#### Chilcott Inquiry

Advised an ex-Secretary of State in relation to proposed criticisms in the Chilcott Inquiry report.

#### Omagh Bomb Inquiry

Instructed by a group of bereaved families and injured parties.

#### The Springhill Inquests

Represented the family of a priest who was one of five people killed by the British Army in Belfast on 9 July 1972. Inquest ran over 4 months.

#### Inquest touching the death of Matthew Campbell

Instructed by Next of Kin to make an application for a fresh inquest where the deceased died as a result of an industrial accident.

## Inquest touching the death of a child (1)

Acting for the Coroner in an inquest into the death of a five-year-old child who died of a respiratory disease. The central issue was the reasoning for the out of hours GP not seeing the child during the pandemic and whether the death was preventable.

## Inquest touching the death of an Adult (1)

Representing the Coroner following a suicide in prison of an individual who had murdered their partner. Issues include not only the psychiatric care and suicide prevention in prison but also the complex family history.

## Inquest touching the death of Orhan Kibar

Representing the Coroner following a death in prison. Includes complex medical evidence surrounding the cause of death and preventability.

## Inquest touching the death of Shannon Meenan-Browse

Representing the Coroner in a death where the deceased underwent gastric band surgery in Turkey. On return to the United Kingdom the deceased suffered malnutrition but the local Trust refused to provide dietetics care due to a Departmental directive.

## Inquest touching the death of David Gould

Representing the Coroner following a death when the deceased was killed when repairing an industrial machine.

## Inquest touching the death of Rory Hughes

Acted for the Coroner in a two-week Article 2 inquest into the death of a detained psychiatric inpatient. Mr Hughes went AWOL from an inpatient facility before jumping from a bridge. The inquest considered not only the protocols and processes within the inpatient facility but also the historic approach to suicide prevention at the bridge.

## Inquest touching the death of Alison McCartney

Acting for the Coroner in an inquest into the apparent suicide of a serving police officer.

## Inquest touching the death of Darren O'Neill

Acting for the Coroner in an inquest into the apparent suicide of a fireman who was suffering from work-related stress and was receiving occupational health assistance.

## Inquest touching the death of Neil McConville

Represented the family of an individual who died from a police shooting in 2003. Issues involved the planning and conduct of the pre-planned operation, including whether any opportunities were missed to intercept the deceased earlier in the day.

## Inquest touching the death of James Elliot

Representing the Next of Kin of a British soldier who was kidnapped by the IRA and held in the Republic of Ireland before his body was dumped in Northern Ireland. Successfully petitioned the Attorney General to hold a fresh inquest on the grounds of insufficient investigation at the original inquest. This related to the surveillance of the location where the body was dumped by undercover soldiers and also scientific evidence relating to the time and date of death.

## Inquest touching the death of Kevin McAlorum J

Represents the family of the deceased in an inquest into the death of an individual murdered as part of a paramilitary feud. Inquest will consider issues relating to the involvement of Covert Human Intelligence Sources in the planning and conduct of the murder.

## Inquest touching the death of a child (2)

Represented the Next of Kin in a week long inquest into the suicide of a child with ongoing mental health issues.

## In re Margaret Drake (unreported)

The deceased died of an apparent suicide arising from delirium he suffered from in a hospital stay. Successfully resisted the Next of Kin's application for judicial review of the Coroner's decision to require the production of an expert report from the Next of Kin that the Next of Kin refused to provide to the Coroner. This decision is currently the leading authority on the approach of a Coroner to issuing a notice requiring production of an expert report.

## Cummings v Coroner in the Inquest into the Death of Seamus Dillon (Deceased) [2023] NICA 44

Represented the Applicant in a judicial review that determined the test that should be applied when a Coroner decides whether to grant PIP status to an individual.

## R (oao Worthington) v The Mother of Poppi Worthington & Ors [2018] EWHC 3386 (Admin)

Represented the Applicant in an application for leave to apply for judicial review that considered how far a Coroner should go when recording facts in a determination that are not relevant to the cause of death.

## Personal Injury (actions against the police)

Nick is instructed on behalf of the Claimant in many actions against the police and state bodies. Many of these actions involve complex allegations of vicarious liability and responsibility for Covert Human Intelligence

Sources.

Examples of Nick's work include:

- Instructed in around 75 distinct claims relating to the Northern Ireland "Troubles". The actions involve extremely complex issues, for example: the employment and/or agency status of those acting as agents ad/or informants for public authorities; vicarious liability for the actions of agents/informants; whether a Claimant can apply for a Closed Material Procedure; and the ability to use evidence gathered by torture against the alleged torturer.
- Instructed by the Claimant in an action against state bodies for the application of the tort of deceit to personal injury claims with no economic loss.
- Instructed by several Claimants who are bringing an action against the State of Libya for that State's role in the importation of weapons for the use by the IRA.
- Acts for the Claimants in multiple false imprisonment claims, including numerous individuals arrested under terrorism powers in Northern Ireland.
- Represented several individuals for battery claims against the police and prison staff, including one of those convicted for the murder of Lee Rigby.

## Selected Cases

### [Holbeach v Chief Constable of the Police Service of Northern Ireland \[2024\] NICA 45](#)

Nick acted for the Claimant in a claim in negligence against the PSNI for their conscious failure to search a building in which a bomb was placed and which subsequently exploded and injured the Claimant. The claim was considered the extent to which the PSNI had assumed responsibility for the safety of those attending a Remembrance day parade by putting in place a pro-active security operation.

### [Frizzell v PSNI \[2019\] NIQB 90](#)

Nick acted for the Plaintiff in a successful application for the Court's to exercise its power to vary the implied undertaking that applies to disclosure in a civil action.

### [O'Halloran v PSNI \[202\] NIQB 30](#)

Successfully resisted a strike out application as a result of which the High Court held that secondary victims who were not present at the scene of an inquiry can bring a claim where the cause of action is an intentional tort.

### [Moucher et al v South Wales Police \[2016\] EWHC 1367 \(QB\)](#)

Represented two officers in their claims against South Wales Police for misfeasance in public office and malicious prosecution arising out of the Lynette White murder investigation, also known as the "Cardiff 3" case. The claim was (at that time) the largest action against the police in British legal history as the Defendants disclosed over a million documents. A detailed review of the complex and voluminous evidence, led to one of

Nick's clients being one of only two successful Claimants.