



Year of call 1995

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Areas of Practice

Employment, Land and Property and Negligence

Qualifications

LI.B (Hons) University of Dundee 1979–1983

Diploma of Legal Practice University of Strathclyde 1983–1984

Roman Law and European Law: University of Glasgow 1993–1994.

Overview

Returning to practice after three years as a carer. Past Chambers UK Band One immigration practitioner. Successes in the Supreme Court, Court of Session Inner and Outer Houses, the Upper Tribunal, First-tier Tribunal, and the Sheriff Court, in the fields of immigration, asylum, housing, landlord and tenant, and social security. Management and committee experience and in organising CPD events. Former office bearer in the Scottish Immigration Law Practitioners' Association and practitioner lead in a series of colloquia in refugee studies at the University of Glasgow between 2015 and 2017

- Part time tutor at Glasgow University 2009 – 12;
- Human rights tutor on Edinburgh University Diploma, 2019 –20.

Representative Cases

Asylum & Immigration – Mecheti 1996 SCLR 998 (adequacy of reasons), Tallah 1998 INLR 258 (conscientious objection to military service as a basis for asylum), Sofia Kim 2000 SLT 249 (illegal entry declaration); RA (Pakistan) [2010] CSIH 25 (Article 8 ECHR); HK (Pakistan) [2010] CSIH 30 (adequacy of reasons & judicial comity); Birgul Guven 2010 SC 555 (time limits); EY (Turkey) 2011 S.C. 388 (judicial review procedure); OCO [2012] CSIH 65 (domestic violence); S (Sri Lanka) [2013] CSOH 43 (judicial review of Upper Tribunal refusal of permission to appeal); MN 2014 S.C. (U.K.S.C.) 18 (use of language analysis for the determination of origin); JB (Nigeria) [2014] CSOH 126 (trafficking victims not to be subjected to third country removal); Vikram Foods Glasgow Ltd 2016 S.L.T. 902 (the only successful Scottish challenge to a sponsor licensing decision). Many unreported successful cases, including a particular involvement in issues around deportation from the UK for commission of criminal offences here, and exclusion from international protection for the commission of crimes in international law. Particularly involved in developing defences to criminal charges relating to irregular entry to the UK at Scottish ports; the 10th December 2015 Crown Office policy on defences to immigration offences for asylum-seekers a direct response to an appeal from Stranraer Sheriff Court to the High Court in 2014. Before his career break Joe was specialising in litigation around English language testing (the TOEIC cases) and immigration decisions based on tax discrepancies

Representative Cases (Continued)

(the Rule 322(5) cases).

Social Security – Glasgow City Council v AL (HB) [2011] UKUT 354 (AAC) (correct approach to legal incapacity); strategic litigation for Govanhill Law Centre in FTT for A8 Roma over entitlement to tax credit (govanlc.blogspot.co.uk/2014/02/tribunal-finds-her-majestys-revenue-and.html). Junior counsel in DWP v MM [2019] UKSC 34 which led to a review of 320,000 Personal Independence Payment (PIP) claims each being subject to up to £15,000 underpayment; <https://www.dailyrecord.co.uk/lifestyle/money/dwp-estimates-up-340000-pip-25441228>.

Housing – One year in LSA’s defended eviction project, involving very high volume casework. Reported cases in landlord & tenant Royal Bank of Scotland v. Boyle 1999 Hous L.R. 63 (requirements of notice), Glasgow Housing Association v. McNamara (Greens HLR 2008, position of qualifying occupier, and YMCA v Hamad 2013 Hous. L.R. 81 (definition of public authority).

Property & Commercial– Successful 15 day Sheriff Court proof in a commercial contract litigation; Kaur v. Singh 1998 SC 237 (essentials of fraud in conveyancing transaction); Numerous unreported commercial property litigations in Sheriff Court and Court of Session. Unreported successful appeal by summary application to the Sheriff against civil penalties (2017).

Personal Injury & Employment – Successful appeal to the General Teaching Council for Scotland (February 2008) and a strike-out for the employer in October 2012.

Publications

Civil Penalties against employers of illegal workers: judicial and extra judicial remedies’ S.L.T. 2012, 17, 99–104.
Case comment on JB (Nigeria) J.I.A.N.L. 2014, 28(4), 402 – 404

- Devil Masters: Mungo Bovey KC; Derek Ogg QC; Mark Fitzpatrick
- Qualifications: LL.B (Hons) (Dundee)
- Previously tutor at Glasgow and Edinburgh Universities
- Previously director Renfrewshire Law Centre