



Year of call 2023

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Areas of Practice

Commercial, Alternative Dispute, Family, Employment, Public Law, Land & Property and Negligence

Profile

Bilal practises in both Scotland and Jersey, focusing on public law, commercial dispute resolution and offshore trust litigation. He is a Panel Member on the Football Association's (FA) National Serious Case Panel.

Prior to calling to the Scottish Bar in 2023, Bilal was Head of Court of Session Litigation at a boutique litigation firm in Edinburgh. As a solicitor, Bilal had a significant and varied judicial review practice encompassing immigration/nationality law, professional liability, oil and gas and electoral disputes. He acted as Edinburgh Agent for several years in some of the leading public law cases in Scotland and gained experience in obtaining urgent interim interdicts. Bilal has an interest in sports law. In his current role as Panel Member for the FA, he adjudicates on all types of serious football disciplinary matters within grassroots football and is involved in the issuing of sanctions to players and other participants.

He also practised within a Band 1 rated team in a leading international law firm defending a broad spectrum of professional negligence claims, primarily for professionals in the construction sector, insurance brokers, financial advisors and accountants, on behalf of some of the UK's largest insurers. His practice encompassed wider commercial litigation work including commercial contracts, insolvency, and shipping. He was involved in advising and representing a core participant in the Scottish Hospitals Inquiry. Whilst devilling, Bilal gained further experience in professional negligence claims against solicitors.

In his Jersey practice, Bilal regularly acts for ultra HNWIs, law firms, settlors, trustees and foreign insolvency practitioners in offshore trust and international insolvency litigation before the Royal Court of Jersey. Bilal has assisted in the preparation of expert reports on issues of Jersey trust and insolvency law for use in foreign proceedings.

Bilal tutors on the postgraduate and undergraduate Public Law courses at the University of Edinburgh and has been a guest lecturer at Edinburgh Napier University. He is an author for Free Movement, one of the UK's leading immigration law blogs.

Bilal is also a regular trainer and has organised, chaired and presented at some of the largest legal conferences in Scotland and for most of the major CPD providers. He is a trainer with Bond Solon and provides accredited training for expert witnesses giving evidence in UK courts. He is an Affiliate Member of the Society of Trust and Estate Practitioners (STEP) and a member of the Contentious Trusts Association (ConTra). In December 2022, Bilal obtained a Diploma in Islamic Finance with the Chartered Institute of Management Accountants (CIMA). He has rights of audience before the Astana International Finance Centre (AIFC) Court in Kazakhstan.

Representative Cases

Public Law

- Greenpeace Limited v Secretary of State for Business, Energy and Industrial Strategy & Oil and Gas Authority (British Petroleum and Ithaca intervening) [2020] CSOH 88; acting for the UK Oil & Gas Authority in judicial review proceedings and a statutory appeal to the Inner House relating to the development of the Vorlich oil field in the North Sea.
- Asim Khan v Scottish Labour Party [2018] CSOH 68; whether the “freeze date” (the date which determined the eligibility of party members within the constituency to vote in the selection of the Westminster candidate) was lawfully altered by the Scottish Labour Party and whether “special circumstances” existed for doing so.
- ED v Glasgow City Council (Children & Young People’s Commissioner for Scotland intervening) (Court of Session, Outer House) (2018); whether a local authority’s responsibility to house children threatened with homelessness included a duty to house a parent with a precarious immigration status. This was the first case in Scotland where the Children and Young People’s Commissioner for Scotland intervened.
- Re A (Court of Session, Outer House) (2018); advised and acted in what is believed to be one of the first adoptions in Scotland whereby the adoptive parents were outside the UK but domiciled in the British Isles under section 29 of the Adoption and Children (Scotland) Act 2007. The case raised difficult private international law issues of validity of adoptions across jurisdictions and of British nationality law.
- YJ v University of Edinburgh (Court of Session, Outer House) (2017); judicial review of a university’s decision to exclude on the grounds of alleged unsatisfactory academic progress.
- MA v Scottish Legal Complaints Commission (Court of Session, Inner House) (2016); whether the SLCC erred in its determination that a complaint against a solicitor was “totally without merit”.

Commercial Dispute Resolution/Professional Negligence

- AB v CD (High Court of England & Wales) (2021); \$1m claim by Scottish importers against freight-forwarders for breach of contract relating to supply and carriage of shipping containers. The case raised complex issues of contractual interpretation relative to the BIFA Standard Trading Conditions and limitation of liability clauses.
- AA v A Firm of Accountants (Court of Session, Outer House) (2021); acting on behalf of Chartered Accountants in a claim relating to alleged negligent business restructuring advice and subsequently incurred tax liabilities;
- SD v CB (Court of Session, Outer House) (2020); application for Decree Conform to enforce judgment of the UAE court. The case raised issues of whether substantial justice was done and whether adequate notice was given.
- X v Y (Court of Session, Outer House) (2020); action for breach of contract, copyright infringement, passing off and interdict against uploading software application on the Apple App Store and Google Play Store by a US-based software development company against a Scottish software developer.
- Khan v Hussain [2019] CSOH 11; whether it was contrary to public policy for the Pursuer to seek damages from allegedly negligent Chartered Accountants for losses arising from his own criminal acts and from the findings of a professional regulator (*ex turpi causa non oritur actio*).
- MK v MS (Court of Session, Commercial Court) (2018); whether a Decree in foro of the Sheriff Court should be reduced on the grounds of procedural unfairness and inadequate notice.
- AS v A Firm (2017); substantial claim for professional negligence where the wrong visa application had been submitted by immigration advisors and had interrupted an applicant’s right to work.

- VP v Royal Bank of Scotland (Court of Session, Outer House) (2016); seeking reduction of personal guarantees signed under essential error.
- Ben-Arous v Mediouni [2015] CSOH 124; action for fraud/unjustified enrichment and seeking interdict against alienation of shares in limited company and disposal of taxi cabs.

Construction

- Scottish Hospitals Inquiry; acting for a core participant in the Inquiry commissioned to consider the planning, design, construction and commissioning of the Royal Hospital for Children and Young People and the Department of Clinical Neurosciences in Edinburgh.
- A v A Piling Contractor (Court of Session, Outer House) (2021); acting on behalf of piling sub-contractors to defend a claim for damages from flat owners for damage allegedly caused by miscalculations in piling vibration frequencies.
- B v A Piling Contractor (Court of Session, Outer House) (2021); acting on behalf of a main contractor in a claim brought by property owners for damage caused by piling operations.
- A v Architects (Court of Session, Outer House) (2021); acting on behalf of architects in a substantial claim for damages relating to the delay in the opening of an educational establishment.
- A v Structural Engineer (Court of Session, Outer House) (2021); acting on behalf of flat owners in a claim for damages relating to loss of support in a tenement building. Third party procedure was instituted to join structural engineers into the action.
- AA v BB (Court of Session, Outer House) (2021); acting on behalf of Pursuer in a claim for damages following the negligent construction of a cottage.

Immigration

- AA v Secretary of State for the Home Department (UK Supreme Court) (2018); whether if Parliament amends domestic regulations, that change should be interpreted retrospectively and in line with establishing CJEU jurisprudence and whether the CJEU cases of Akrich and O & B were conflicting insofar as they required “genuine residence” in a host EEA state.
- Goralczyk v Secretary of State for the Home Department [2018] CSIH 60; whether the First-tier and Upper Tribunal erred in finding that the Appellant was a present risk to public safety and whether his removal was compliant with the EU law principle of proportionality.
- JD v Secretary of State for the Home Department (Court of Session, Outer House) (2017); whether the Home Office’s fee waiver policy was being applied contrary to the best interests of the child pursuant to section 55 of the Border, Citizenship and Immigration Act 2009.
- RB v Secretary of State for the Home Department (Court of Session, Outer House) (2017); judicial review of the Home Office’s decision to certify human rights claims in respect of the situation in Nepal post the 2015 earthquake, as “clearly unfounded”.
- Pana v Secretary of State for the Home Department [2016] CSOH 16; judicial review of the UK Government’s policy to remove family members of EEA nationals during the immigration appeals process where it had been alleged that their marriage was one of convenience.

Private Client

- *W v W's Executrix* [2021] CSIH 1; whether licensing of music performances were grounds for claiming fraudulent misrepresentation in respect of heads of agreement settling previous litigation. Consideration of competency of reclaiming motion.
- *Martin Wilson for Interdict* [2021] CSOH 58; petition for suspension and interdict considering whether the Petitioner's case was *res judicata*.
- Application by A to be decerned as Executor-Creditor (Edinburgh Sheriff Court) (2021); acting for one of the leading care home providers in the UK in applying to be appointed executor-creditor. The case raised issues of constructive trusts and breach of fiduciary duties.

Qualifications

- LLB (Ordinary) with Distinction, Edinburgh Napier University
- Diploma in Professional Legal Practice, University of Edinburgh
- Diploma in Islamic Finance, Chartered Institute of Management Accountants (CIMA)

Appointments/Memberships

- Board Member of the Free Legal Services Unit (Faculty of Advocates)
- Panel Member, FA National Serious Case Panel
- Former Commissioner, Jersey Appointments Commission (2022 – 2023)
- Postgraduate and Undergraduate Tutor in Public Law, University of Edinburgh
- Guest Lecturer, Edinburgh Napier University
- Affiliate Member of Society of Trust and Estate Practitioners (STEP)
- Member of Contentious Trusts Association (ConTrA)
- Former Member of Rights of Audience Sub-Committee (Law Society of Scotland)
- Former Member of Appeals and Review Sub-Committee (Law Society of Scotland)
- Former Member of Immigration and Asylum Sub-Committee (Law Society of Scotland)

Publications

- *Migrants: No Way to Turn?* (November 2015) (Law Society of Scotland Journal)
- *Form that Misses the Mark* (October 2017) (Law Society of Scotland Journal)
- *Destitution, Asylum and Insecure Immigration Status in Scotland* (March 2017) (Consultation Response)
- *Immigration Detention Inquiry* (April 2018) (Consultation Response)
- *Post-Brexit Migration Policy* (July 2018) (Consultation Response)
- *Simplifying the Immigration Rules* (April 2019) (Consultation Response)
- *Lost 1-nil on aggregate* (December 2021) (Clyde & Co)
- *How the court measures "Success"* (January 2022) (Clyde & Co)
- *Networking as a junior lawyer: all you need to know* (December 2022) (Law Society of Scotland Journal)
- *Diary of a Devil – The Foundation Course at the Faculty of Advocates in Scotland* (January 2023) (The Scottish Lawyer)
- *Better the Devil You Know: the importance of having relatable role models and support on the journey* (January 2023) (Diversity+ Blog)
- Authored over 100 blog posts since November 2017 on the Free Movement Blog

Awards

- Shortlisted for 'Rising Star in Law' (2022) (Scottish Asian & Business Awards)
- Immigration Lawyer of the Year (2020) (Acquisition International)
- Highly Commended Winner 'Young Achiever of the Year' (2019) (Scottish Asian & Business Awards)
- Shortlisted for 'Paralegal of the Year' (2019) (Scottish Legal Awards)
- Winner of 'Paralegal of the Year' (2018) (Scottish Legal Awards)
- Winner of Edinburgh Napier University Medal (2018)
- Shortlisted for Paralegal of the Year (2017) (Scottish Legal Awards)
- Edinburgh Napier University Mooting Competition Winner (2015 & 2016)

Devilmasters

- Chris Paterson (principal)
- Paul Reid (subsidiary)
- David Welsh (subsidiary)
- Frances Connor (criminal)