



**Year of call** 2023

**Telephone** 07974 908 565

**Email** [Bilal.shabbir@themis-advocates.co.uk](mailto:Bilal.shabbir@themis-advocates.co.uk)

## Areas of Practice

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

## Profile

Bilal practises in Scotland (in public law and commercial dispute resolution) and Jersey (in trust and insolvency litigation). He is Chairman of the Football Association's (FA) National Serious Case Panel.

### **Public Law**

Prior to calling to the Scottish Bar in 2023, Bilal was Head of Court of Session Litigation at a boutique litigation firm in Edinburgh and worked on some of the leading public law cases in Scotland. Since calling to the Bar, Bilal has developed a varied judicial review and public law practice encompassing sports law (including sporting discipline and regulation), immigration and nationality law (including challenges to 'clearly unfounded' certificates, the immigration implications of foreign/domestic adoptions, appeals to the First-tier and Upper Tribunal and claims for unlawful detention) and professional liability.

In his current role as Chairman of the National Serious Case Panel, Bilal adjudicates on all types of serious football disciplinary matters within grassroots football, including assaults on participants/match officials, other types of violent conduct, threatening and abusive language and discrimination. He is involved in the issuing of sanctions to players, clubs and other participants. Bilal was one of the decision-makers in the misconduct proceedings brought by Manchester FA against former Wales captain, Ashley Williams, for alleged violent conduct. Bilal is also a Specialist Member on the Sport Resolutions Panel.

Bilal is also an ad-hoc Advocate Depute and prosecutes serious crimes in the High Court of Justiciary, including attempted murder and rape.

### **Commercial Dispute Resolution**

As a solicitor, Bilal practised in a leading international law firm defending a broad spectrum of professional negligence claims, primarily for professionals in the construction, insurance and finance sectors, on behalf of some of the UK's largest insurers. He was involved in advising and representing a core participant in the Scottish Hospitals Inquiry. During devilling, Bilal gained particular experience of professional negligence claims against solicitors.

As Counsel, Bilal maintains a varied commercial disputes practice including in professional negligence actions, unfair prejudice petitions, corporate insolvency matters, defective construction claims, and actions for breach of directors' duties. He has also provided advice on policy coverage, prescription and enforceability of commercial contracts. He acts in sports-related commercial litigation including acting for a Scottish Premiership football club in various litigations before the Court of Session.

### *Jersey Practice*

In his Jersey practice, as an ad-hoc Consultant for a boutique litigation firm, 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 was formerly Commissioner of the Jersey Appointments Commission where he overseen the recruitment into Jersey States' supported or related bodies (including judicial appointments) by chairing recruitment panels and selection exercises.

### *Other Engagements/Qualifications*

Bilal is a part-time Teaching Fellow on the LLM in International Commercial Law programme in the Doha, Qatar campus of AFG College with the University of Aberdeen. He also 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 CPD trainer and has organised, chaired and presented at some of the largest legal conferences in Scotland. He is a trainer with Bond Solon Training where he provides accredited training for expert witnesses giving evidence in UK courts.

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

### *Immigration*

- **JR v Advocate General for Scotland [2024] CSOH 64 (as counsel)**; acting on behalf of the Petitioner in a judicial review of the certification of a protection and human rights claim. The case provided guidance on the discretionary transfer provisions in the Tribunals, Courts and Enforcement Act 2007.
- **Khawar & Ors v Advocate General for Scotland (2024) (as counsel)**; acting on behalf of the Petitioners challenging the UK Government's refusal to issue a British Passport and seeking declarator that the Petitioners were British Citizens. The case involved procedural fairness arguments relating to the right to respond to an allegation of forgery prior to a decision being issued.
- **Ashraf v Advocate General for Scotland (2024) (as counsel)**; acting for the Petitioner in a judicial review of a refusal to grant long residence pursuant to paragraph 276B of the Immigration Rules. The case raised complex issues surrounding the interplay between section 3C of the Immigration Act 1971 and the effect of a decision reduced by the Court of Session.
- **Nadarasa v Advocate General for Scotland, unreported (2024) (as counsel)**; acting for the Petitioner in a judicial review of a failure to issue a decision on further submissions under paragraph 353 of the Immigration Rules.
- **MH v Advocate General for Scotland, (2024) (as counsel)**; acting for the Petitioner in a judicial review of a failure to grant an application for long residence under paragraph 276B of the Immigration Rules. The case raised interesting issues of res judicata and the effect of an unappealed finding of the First-tier Tribunal
- **ID v Advocate General for Scotland, unreported (2024) (as counsel)**; acting for the Petitioner in a judicial review seeking interim interdict preventing his removal based on an insufficiency of state protection in Albania
- **EF v Advocate General for Scotland, (2023) (as counsel)**; acting on behalf of the Petitioner seeking declarator that the UK Government's policy on the withdrawal of asylum claims was unlawful.
- **ZJ v Secretary of State for the Home Department, unreported (2023) (as counsel)**; appeal to the Upper Tribunal on the issue of the validity of a proxy marriage and the effect of a second marriage ceremony in terms of the Marriage (Scotland) Act 1977

- **Goralczyk v Secretary of State for the Home Department [2018] CSIH 60 (as agent);** 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.

#### *Commercial Dispute Resolution & Professional Negligence*

- **Ward & Ors v Hogarth & Ors, unreported (2024) (as counsel);** acting on behalf of the Pursuers seeking interim orders and for reduction of various board resolutions and share transfers and orders for removal of directors relating to the former holding company for Livingston Football Club. The case involved detailed argument on the nature of agent/ principal agreements and the revocability of a Power of Attorney which bore to be irrevocable.
- **Hogarth v OPCCO6 Limited & Ors (2024) (as counsel);** acting on behalf of Livingston Football Club in an unfair prejudice petition challenging the sale of the Club and alleging breach of directors' duties
- **Re a Trust (2024) (as counsel);** providing advice in respect of the implementation of an agreement to create a trust and related issues of prescription
- **A v A Tax Advisor (2023) (as counsel);** acting on behalf of the Pursuer in a complex claim for professional negligence against a tax advisor. The case involved difficult issues of causation and quantum in relation to the loss of tax relief as a result of triggering the Money Purchase Annual Allowance for pensions.
- **AB v CD (High Court of England & Wales) (2021) (as agent);** \$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.
- **A v A Firm of Accountants (Court of Session, Outer House) (2021) (as agent);** 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) (as agent);** 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 (as agent);** 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) (as agent);** whether a Decree in foro of the Sheriff Court should be reduced on the grounds of procedural unfairness and inadequate notice.
- **Ben-Arous v Mediouni [2015] CSOH 124 (as agent);** action for fraud/unjustified enrichment and seeking interdict against alienation of shares in limited company and disposal of taxi cabs.

#### *Public Law*

- **Aslam v Robert Gordon University (2024) (as counsel);** Judicial review of a decision to withdraw the Petitioner from his university course for alleged lack of engagement
- **Greenpeace Limited v Secretary of State for Business, Energy and Industrial Strategy & Oil and Gas Authority (British Petroleum and Ithaca intervening) [2020] CSOH 88 (as agent);** 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 (as agent)**; 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) (as agent)**; 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.
- **YJ v University of Edinburgh (Court of Session, Outer House) (2017) (as agent)**; judicial review of a university’s decision to exclude on the grounds of alleged unsatisfactory academic progress.

#### **Construction**

- **Scottish Hospitals Inquiry (as agent)**; 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 Piling Contractor (Court of Session, Outer House) (2021) (as agent)**; 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.
- **A v Architects (Court of Session, Outer House) (2021) (as agent)**; 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) (as agent)**; 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) (as agent)**; acting on behalf of Pursuer in a claim for damages following the negligent construction of a cottage.

#### **Jersey**

- **Adams v FS Capital Ltd [2023] EWHC 1649 (Ch) (as Consultant)**; assisting with research for Expert Report on issues of Jersey trust and insolvency law to be used in English High Court proceedings. The issues included when trust property vested in a trustee; whether in a cash-flow insolvent trust a trustee should primarily exercise their fiduciary powers and duties in the interests of creditors or also in the interests of residuary beneficiaries; the knowledge required for actual and constructive notice of breach of trust in terms of the Trusts (Jersey) Law 1984; and whether a fraud on a power was void or voidable.
- **Representation of Altum Trustees (formerly LGL Trustees Ltd) and VG Trustees Ltd re Andha Trust [2023] JRC 080 (as Consultant)**; application to the Royal Court of Jersey to set aside a decision by trustees as a ‘mistake’ arising out of a failure by the trustees to pay timeous interest on loans between trusts with the same settlor which caused ‘tainting’ for the purposes of the Income Tax (Trading and Other Income) Act 2005.
- **HWA 555 Owners, LLC v Redox PLC S.A (formerly Regus PLC) and Thieltgen [2023] JCA 085 (as Consultant)**; appeal to the Court of Appeal on whether a Costs Order granted by a Californian Court was a ‘liquidated sum’ for the purposes of Article 157A of the Companies (Jersey) Law 1991 for the purposes of an application for a creditors’ winding up.

#### **Sports Law**

- **Gloucestershire FA v Wassell (2024) (as Chairman)**; adjudicating on a charge of improper conduct against a Match Official. Imposed a suspension, fine, education programme requirement and Club disciplinary points.

- **Liverpool FA v Windmill FC & Morgan Athletic FC (2024) (as Chairman)**; adjudicating on a misconduct charge for a breach of FA Rule E20 and E21. Fine imposed as a sanction.
- **Middlesex FA & London FA v Hayes & Hillingdon FC, Jamrock Vets FC & Matthews (2023) (as Chairman)**; adjudicating on a misconduct charge for a breach of FA Rule E20 and improper conduct against a Match Official. Imposed a suspension and a fine.
- **London FA v Zaykov (2023) (as Chairman)**; adjudicating on a charge of physical contact against a Match Official. Imposed a suspension, fine, education programme requirement and Club disciplinary points.
- **Norfolk FA v Bobby & Hinton (2023) (as Chairman)**; adjudicating on a charge of foul and abusive language aggravated by reference to a protected characteristic. Imposed a suspension, fine and Club disciplinary points.
- **Worcestershire County FA & Birmingham County FA v McGrath & Devonport (2023) (as Wing Member)**; adjudicating on a charge of threatening or abusive language against a Match Official.
- **London FA v Kensington Town FC & Banks (2023) (as Wing Member)**; adjudicating on a charge of assault and a breach of FA Rule E20.
- **Lancashire FA v McAvoy (2023) (as Wing Member)**; adjudicating on a charge of improper conduct against a Match Official. Imposed a suspension, fine and Club disciplinary points.
- **Bedfordshire FA v Quirke (2023) (as Wing Member)**; adjudicating on a charge of improper conduct aggravated by reference to a protected characteristic. Imposed a suspension and fine.

## 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

- Chairman of the Football Association's National Serious Case Panel
- Specialist Member of Sport Resolutions Panel
- Part-time Teaching Fellow (LLM in Commercial Law) at AFG College with the University of Aberdeen in Doha, Qatar
- Expert witness trainer for Bond Solon Training
- Rights of audience before the Astana International Finance Centre (AIFC) Court, Kazakhstan
- Postgraduate and Undergraduate Tutor in Public Law, University of Edinburgh
- Guest Lecturer, Edinburgh Napier University
- Member of the Contentious Trusts Association (ConTrA)
- Former Commissioner, Jersey Appointments Commission
- Former Board Member of the Free Legal Services Unit (Faculty of Advocates)
- 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)
- Diary of a Devil II – The Compulsory Skills Course (March 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 KC (principal)
- Paul Reid KC (subsidiary)
- David Welsh (subsidiary)
- Frances Connor (criminal)