



BJ GILL KC

Year of Call

2006

Year of Silk

2023

Devil Masters

Ruth Crawford KC

Thomas L Ross KC



Practice Profile

BJ Gill is currently a full-time Advocate Depute.

Before his appointment as an Advocate Depute in 2021, he had a general practice in public and administrative law and valuation for rating.

He has acted in many judicial reviews and statutory appeals to the Court of Session, principally in relation to immigration/asylum and planning matters. He appeared for the UK Government Law Officers in their reference to the Supreme Court under section 33 of the Scotland Act 1998 for a ruling on the legislative competence of the Scottish Parliament's UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, the first such reference to be made. He was previously Standing Junior Counsel to the Advocate General for Scotland and the Home Office.

He also has a particular interest in valuation for rating, acting for both Assessors and ratepayers, in the Lands Valuation Appeal Court, local valuation appeal committees and the Lands Tribunal for Scotland. He has regularly spoken at IRRV and RICS events on the subject.

Other matters of note include appearing as junior counsel for the applicants in public inquiries on applications under section 37 of the Electricity Act 1989 for consent for the Gills Bay and Beaully-Denny overhead electricity transmission lines (2017 and 2007-2008, respectively); appearing for the MoD in a public inquiry on an application under section 36 of the Electricity Act 1989 for an extension to the Hill of Towie windfarm (2015-2016); drafting the statutory instrument granting a development consent order for the Ferrybridge Multifuel (FM2) Power Station (an English "nationally significant infrastructure project" under the Planning Act 2008) (2015-2016); and appearing as junior counsel for Greater Glasgow Health Board in the Vale of Leven Hospital Inquiry (2010-2014).

Education & Professional Career to Date

Assistant Parliamentary Counsel, London (2003-2005)
Associate, Corporate Department, Freshfields Bruckhaus Deringer, London (2002-2003)
Vice President, Aircraft Principal Finance Group, Morgan Stanley, London (2000-2002)
Associate, Corporate Department, Davis Polk & Wardwell, New York and London (1995-2000)
BA (Hons) in England and French, University of Oxford (1992)
LLB, University of Edinburgh (1994)
LLM, University of Pennsylvania (1995)

Appointments

- Advocate Depute (2021–present)
- Standing Junior Counsel to the Advocate General for Scotland (Aug 2012–2021)
- Standing Junior Counsel to the Home Office (Aug 2012–Jul 2018)
- Clerk to the Examiners and Depute Clerk of Faculty (2015–2019)
- Attorney and Counsellor at Law and Member of the New York State Bar (1995–present)

Selected Cases

- **Carlton Rock Limited v Grampian Assessor [2021] CSIH 9, 2021 SLT 839, [2020] RA 8 (LVAC)**
Application for a reference to the CJEU of a rating appeal under the Valuation Acts in relation to a fibre optic cable network, on the basis that the Assessor's valuation was incompatible with EU law
- **Vtesse Networks Limited v Assessor for Renfrewshire Valuation Joint Board LTS/VA/2013/0367 (8 January 2021) (Lands Tribunal for Scotland)**
Application for a reference to the CJEU of a rating appeal under the Valuation Acts in relation to a fibre optic cable network, on the basis that the Assessor's valuation was incompatible with EU law
- **Crofters Sandwickhill North Street v Crofting Commission [2020] CSIH 49, 2021 SC 63, 2020 SLT 1109 (IH)**
Appeal from the Scottish Land Court in relation to applications for consent under s50B(2)(b) of the Crofters Act 1993 for the approval of community-owned windfarms to be installed on common grazings
- **Arqiva Limited v Kingsbeck Limited LTS/ECC/2019/005 (21 May 2020) (Lands Tribunal for Scotland)**
Application for interim rights under paragraph 26 of the Electronic Communications Code
- **Assessor for Lothian Valuation Joint Board v McLaughlin [2020] CSIH 16, 2020 SC 386, 2020 SLT 433 (IH)**
Interpretation of the open market purchase assumption to be applied in a council tax valuation, in relation to a property to which a "Golden Share" restriction applies
- **Ali v Serco Limited [2019] CSIH 54, 2020 SC 182, 2019 SLT 1335, 2020 Hous LR 2 (IH)**
Lawfulness of issuing lock change notices in respect of failed asylum seekers without obtaining a court order
- **Nyamayaro and Okolo v Advocate General for Scotland [2019] CSIH 29, 2019 SC 537, 2019 SLT 535 (IH)**
Lawfulness of amendments to asylum support regulations
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YC v Secretary of State for the Home Department [2019] CSIH 5, 2019 SC 285 (IH)

Status of the contents of a decision, in a case involving different parties, as admissible "evidence" in another case; departure from country guidance cases

- **Assessor for Central Scotland Valuation Joint Board v British Waterways Board (Scotland) [2018] CSIH 82, 2019 SC 222, [2019] RA 223 (LVAC)**
Scope of a section 2(1)(f) "error" appeal
- **The UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill - A Reference by the Attorney General and the Advocate General for Scotland [2018] UKSC 64, 2019 SC (UKSC) 13, 2019 SLT 41, 2019 SCLR 500, [2019] 2 WLR 1, [2019] 2 All ER 1 (UKSC)**
UK Law Officers' reference to the Supreme Court for a ruling on the legislative competence of the Scottish Parliament's Brexit Bill
- **Grampian Assessor v Anderson, Anderson and Brown LLP [2018] CSIH 15, 2018 SC 370, 2018 SLT 293, 2018 SCLR 641 (LVAC)**
Definition of material change of circumstances; material change of circumstances based on economic downturn
- **Fife Council Assessor v Hall Construction Services Ltd [2017] CSIH 71, 2018 SC 163, 2017 SLT 1334 (LVAC)**
Material change of circumstances based on exhaustion of an opencast coal mine
- **Tesco Stores Ltd v Fife Council Assessor [2016] CSOH 76, 2016 SLT 1260 (LVAC)**
Material change of circumstances based on opening of nearby supermarket
- **John Muir Trust v Scottish Ministers [2016] CSIH 51, 2017 SC 207 (IH)**
Judicial review of windfarm consent under section 36 of the Electricity Act 1989
- **A v Secretary of State for the Home Department [2016] CSIH 39, 2016 SLT 1208 (IH)**
Entitlement to a residence permit under Citizens Directive
- **Secretary of State for Work and Pensions v Robertson [2015] CSIH 82, 2016 SC 725, 2016 SLT 52 (IH)**
Vires of regulations for disability living allowance; appellate jurisdiction of the court
- **Imperial Tobacco Ltd, Petitioner [2012] UKSC 61, 2013 SC (UKSC) 153, 2013 SLT 2 (UKSC)**
Legislative competence of the Scottish Parliament to pass sections 1 and 9 of the Tobacco and Primary Medical Services (Scotland) Act 2010; scope of reserved matters in Schedule 5 to the Scotland Act 1998
- **Sinclair Collis Ltd v Lord Advocate [2012] CSIH 80, 2013 SC 221, 2013 SLT 100 (IH)**
Legislative competence of the Scottish Parliament to pass section 9 of the Tobacco and Primary Medical Services (Scotland) Act 2010; articles 34 and 36 of the Treaty on European Union

Areas of Practice

- Commercial
- Property
- Public Law
- Taxation