

Stephen O'Rourke QC



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Stephen specialises in commercial litigation, public and administrative matters, planning, property and corporate/regulatory crime.

Legal 500 2017 ranks Stephen as a Tier 1 practitioner for commercial litigation, describing him as '*a very thorough advocate*' and for Civil Liberties, Human Rights, Public Inquiries and Public and Administrative Law (including Local Government) noting that he is '*recommended for public inquiries*'.

Prior to taking Silk Stephen was ranked as a leading commercial junior (Legal 500, 2016) and described as having "*a first-rate reputation in high value cases*". The same edition also ranked Stephen as a leading junior in the fields of civil liberties, human rights, public inquiries and public and administrative law (including local government), mentioning that '*his recent work included handling immigration and asylum cases for the Home Office*'.

Stephen was also ranked by Legal 500 as a leading individual at the Bar in 2015 and described as 'highly regarded'.

Biography

Stephen is a careful and accomplished court practitioner with a wealth of experience acting for government, commercial clients and high net worth individuals. He has depth of experience across a range of challenging cases in the areas of commercial law, public and administrative law, planning and property law, fatal accident inquiries and regulatory crime. He is regularly instructed in the Inner and Outer Houses of the Court of Session, the Lands Valuation Appeal Court, the High Court of Justiciary, the Land Court, the Lands Tribunal and other Tribunals.

Stephen is an accredited mediator and accepts instructions both as mediator and as counsel for parties involved in mediation. He also accepts instructions both to represent parties in arbitration and to act as arbitrator.

Appointments

Legal Chair, Parole Board for Scotland, 2017

Member of Fraud Advisory Panel, 2017

Advocate Member of the Scottish Sentencing Council, 2015 - 2019

Standing Junior to the Advocate General for Scotland (General Pool), 2013 - 2017

Ad Hoc Reporter to the Scottish Legal Complaints Commission

Advocate Depute (full time High Court prosecutor), 2010 - 2013

Director of the Faculty of Advocates Dispute Resolution Service

Trustee of the English Speaking Union, 2013 - 2015

Former Tutor in Commercial Law, Business Law and Roman Law, Edinburgh University

Memberships

Member of the Centre for Commercial Law, Edinburgh University
Member of the Chartered Institute of Arbitrators
Member of Scottish Mediation Network
Member of the Council of the Stair Society, 2010 - 2013
Member of Faculty Council, 2005 - 2008

Recent Cases

Supreme Court:

Uprichard v Scottish Ministers [2013] UKSC 21
Cairngorms Campaign v Cairngorms National Park Authority (settled while pending before the Supreme Court)**Court of Session:**

DC v DG & DR [2017] CSIH 72
Fife Council Assessor v Hall Construction Services Ltd [2017] CSIH 71
Fatal Accident Inquiry: Liberton High School [2017] FAI 14
McManus & another v Lanarkshire Housing Association & others [2017] CSIH 17
Boston Scientific Limited v The Common Service Agency [2016] CSOH 132
Auchnie v Auchnie [2014] CSIH 102
KM (Pakistan) v Secretary of State for the Home Department [2014] CSOH 70
SK (Pakistan) v Secretary of State for the Home Department [2014] CSOH 35
MS v Secretary of State for the Home Department [2014] CSOH 1
RK(DRC) v Secretary of State for the Home Department [2014] CSIH 2
AA (Palestine) v Secretary of State for the Home Department [2013] CSIH 87
MIK (Pakistan) v Secretary of State for the Home Department [2013] CSOH 176
Scottish Natural Heritage v The Assessor for Highland & Western Isles [2009] CSIH 91
McGovern v Glasgow City Council [2009] CSOH 148
John Green v SIAC Assicurazione SpA [2006] CSOH 162
Wilson & Gould v Glasgow City Council 2004 SLT 1189
Nicol v Advocate General for Scotland & others (Lord Menzies, 2003)**High Court of Justiciary:**

Scott v Procurator Fiscal, Glasgow [2013] HCJAC 52
Jones & Doyle v Her Majesty's Advocate 2010 SCCR 523 & [2009] HCJAC 108
McKnight v Her Majesty's Advocate 2008 SCCR 983
Gray & another v Her Majesty's Advocate [2005] HCJAC 104
Stewart v Her Majesty's Advocate 2005 SCCR 565
Dudley v Her Majesty's Advocate [2004] HCJAC**Lands Tribunal for Scotland:**

Council for Music in Hospitals v Trustees of R. Gerald Assoc. 2008 SLT (Lands Tr) 17
Graham v Lee [2008/41]