

## Malcolm Bishop QC

Call Date: 1968 | Silk Date: 1993

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**Malcolm joined 3 Hare Court in 2020 after defending in the biggest case in the history of the Commonwealth lasting five years to date.**

It involved the prosecution for corruption and money laundering by the former premier and some cabinet members of the Turk and Caicos Islands government. There were over 200 witnesses and hundreds of thousands of exhibits. This case played to his strengths of advocacy and dexterity with words. "The art of the advocate is to persuade. His tools are words" he says, "He uses them to make his case sometimes deploying the rapier, sometimes the blunderbuss, his aim is to get the court onside and to look favourably on his case." His approach with meticulous preparation has been spectacularly successful over the years.

Malcolm has appeared in all Divisions of the High Court, the Court of Appeal and the Supreme Court/Privy Council and his range of expertise is unusually varied.

When he started in practice solicitors expected counsel to provide a comprehensive service and this habit of tackling diverse areas of the law has stayed with him all his professional life. As a result, he has regularly handled commercial, property, landlord and tenant, defamation, trusts and public law litigation. To this background he can add huge experience in court room skills including cross examination in criminal work and the attractive presentation of legal arguments which equips him to provide a service second to none.

He had a widely based common law practice, which has become increasingly focused on civil work. He has received instructions from Commonwealth jurisdictions and has a strong connection with Bermuda. He is called to the Turks and Caicos Bar and has advised a leading Dublin firm on potential class compensation actions for alleged child abuse in Jersey.

Malcolm is willing to enter into arrangements in respect of conditional fees and direct access.

Clients welcome his deep knowledge and wide experience in the law. He has advised on hedge funds, compliance issues and money laundering regulations, disputes with HMRC re withholding VAT payments in cases of MTIC fraud, Bermuda based trusts, professional negligence etc.

Malcolm Bishop operates an 'open door' policy with all his clients. He welcomes open access and an informal professional relationship.

In August 2020, Malcolm sat down with Robert Rinder (aka Judge Rinder) for the New Law Journal, where they spoke on mentors, diving into Greek translations and restoring the office of the Lord Chancellor. The full conversation can be viewed in the New Law Journal [here](#).

## Legal Services

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### Administrative Court

#### Notable Administrative Court cases

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South Glamorgan CC v Secretary of state for Wales

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Admin Court. Wide ranging dispute by all the Welsh local authorities against Sec of States amendments to contracts of employment and pension provisions

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R (B) v Gloucestershire CC

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Child care, parent's right of appeal

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Burston v Rawlins

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JR of magistrates taxation of costs

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[R v Governor of Brixton prison ex parte Marais \[2001\] EWHC Admin 1051](#)

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Extradition application of Act to South Africa

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[R \(C\) v Regent's Park College, Oxford \[2008\] EWHC 739](#)

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Judicial review of order of Conference of Colleges Appeal Tribunal

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R (South Glam CC) v XY

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JR of Sec. of State's failure to rule on school closure

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[R \(Gurmit Singh Nahal\) v Law Society; \[2003\] EWHC 2186 \(QB\)](#)

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Powers of Law Society to strike off solicitor

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Gwent Area Health Authority v X

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JR of hospital closure

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[R \(Robinson\) v Sutton Coldfield Magistrates Court \[2008\] EWHC 307 Admin](#)

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New guidance on hearsay and bad character evidence

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[In Re The Earl of Cardigan V Moore et al](#)

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Trust dispute on behalf of the Earl of Cardigan

## Advisory Work

Innumerable opinions and advices on all aspects of education, child care and public law matters for many local authorities particularly in South Wales and South West England.

## Court of Appeal

Notable Court of Appeal cases

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[R v Wood CA \[2008\] EWCA Crim 1305](#)

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Involuntary intoxication in murder cases

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[R v Jabber](#)

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New guidelines on permissible inferences

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[R v Carmona: CA \[2006\] EWCA Crim 508](#)

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Article 8 and deportation rules; permission to appeal to the House of Lords granted

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[R \(Sezek\) v Sec. of State for Home Dept. CA \[2001\] EWCA Civ 795](#)

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Judicial Review, Article 8 and deportation

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[R v SENT ex parte South Glamorgan CC](#)

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Admin civil procedure

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R v Ali: Court of Appeal Crim Div. Hughes LJ, Roderick Evans J and HH Judge Gordan: 18 Feb. 2011

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Guidance on 'steps to verdict' directions

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[R v Ali](#)

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Court of Appeal Crim. Div Thomas LJ, Saunders and Sweeney JJ Important decision on autrefois acquit in the airline terrorist case: leave to appeal to Supreme Court under consideration

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[Ludsin Overseas Ltd v Shadrin and the Hon Charles Balfour et al](#)

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Allegations of fraudulent misrepresentation between Russian oligarchs

## Public Inquiries

Throughout his extensive and multi-faceted practice Malcolm Bishop has been involved in numerous public inquiry and related work. Apart from domestic inquests he has represented public bodies on several high profile planning inquiries such as the elevated dual carriageway, part of the M4 configuration into Swansea.

His work in parliamentary boundary inquires saw him acting for the leader of a national political party. Additionally he chaired the Isle of Man Commission of Inquiry onto the provision of legal aid in the Crown dependency. With the assistance of a panel of experts he authored a well received report aimed at increasing access to justice.

## Supreme Court/House of Lords

### Notable Supreme Court/House of Lords cases

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Re M and H [1988] 2 FLR 431

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Family childcare

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Re: Birmingham CC

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Family childcare

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R (Champion) v Gwent CC

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Judicial Review of Chief Constable's disciplinary powers

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R v Ireland and Burstow

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Crime ingredients of assault

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France and v Vessel v Attorney General of Jamaica

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Pro bono criminal appeal

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## Direct Access

Malcolm is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). Malcolm has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Malcolm on a direct basis, please speak to the clerks.

For more information on public access, please see the Bar Council [website](#).

## Memberships

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- Member Bar Council 1982-1988
- Family Law Bar Association
- Inner Temple
- Commercial Bar Association (COMBAR)
- London Common Law & Commercial Bar Association (LCLCBA)
- R3

## Qualifications

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- Regent's Park College, Oxford University MA (Oxon) (Honour Moderations in Theology and Final Honour school jurisprudence. Samuel Davies prizeman.
- Ruabon Grammar School (North Wales)

## Appointments

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- Former Deputy High Court Judge
- Recorder in the Crown Court
- Chair, Isle of Man Public Inquiry into Legal Aid Provision
- Bencher of the Inner Temple
- Hon. Standing Counsel to Regent's Park College, Oxford University of which he is an honorary Fellow

## Languages

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- Conversational Welsh