



Practice

Public Law and Judicial Review/ Prison Law

Maya has in the past combined a busy criminal practice with crime related judicial review as well as civil litigation with an emphasis on human rights issues. However in recent times her main focus has been on a civil and public law practice. She has taken judicial review challenges in a wide range of areas: police cautions, youth justice issues, community care. She was recently instructed as junior counsel in the Supreme Court in the controversial **Hookway** bail JR case on behalf of Mr Hookway (led by Rabinder Singh QC).

She also has a wealth of experience in the prison law context advising on JR challenges to recall, miscalculation of sentence, licence conditions, prison conditions, recategorisation, parole board decisions and HRA challenges. She provides regular training in this area. She also advises on repatriation.

Claims against the Police/ Inquests

With over a decade of experience of pure criminal advocacy, she is well-suited to appearing in such cases. She regularly advises on actions against the police and other public authorities (in particular false imprisonment, assault, malicious prosecution, misfeasance and *Keegan* type Article 8 claims) as well as negligence claims against the police and the prison service/ MOJ.

She has appeared on behalf of bereaved families in a number of death in custody inquests as well as in deaths on the railway. She is currently instructed as junior counsel (led by Ben Emmerson QC) in the recently resumed and extremely controversial inquest into the death of **Alexander Litvinenko** on behalf of his widow.

Civil Orders

She has a specialist knowledge of ASBOs; s. 222 of the LGA 1972 injunctions and other civil orders imposed in the criminal courts (eg: premises closure orders) and is often instructed in appeals to the Crown Court as well as JRs and appeals by way of case stated. She is the author of "**ASBOS: A Practitioner's Guide to Defending Anti-Social Behaviour Orders**" (LAG, September 2006). Click here to read one of the first reviews. Her case of **Birmingham City Council v Shafi** (see cases listed below) has had far reaching consequences and resulted in reactive legislation being passed to create anti-gang injunctions ('GANGBOs') in the county court.

Crime and Extradition

Over the past 14 years she has had a busy, exciting and varied Crown Court practice (she has, for example, been a junior in over 20 murder trials) but she now focusses her practice on discrete areas of crime (i) appellate crime - in particular CCRC appeals and Privy Council death penalty appeals (ii) protest and public order cases - she has a long history of appearing in cases involving the policing of black communities, the right to protest and has taken human rights challenges to the SOCPA regime (iii) children and young people charged with serious crime - she regularly represents children & young people charged with serious violent crime and other grave crimes including murder. She has particular expertise in representing young people in fitness to plead and effective participation hearings. She wrote the material on this issue for the **Prison Reform Trust/ Just for Kids**

Year of Call

1997

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Education

BA (Hons) (Oxon) English Language and Literature, MSc (London) Race and Ethnic Relations, CPE

Languages

French and Hindi (both basic).

Practice Areas:

Maya Sikand is a member of the following Practice Areas:

- Civil Law
- Claims Against The Police & Public Authorities
- Community Care
- Crime
- Extradition Law
- Inquests
- International Advice and Litigation
- Mental Health
- Prison Law
- Public & Administrative Law

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Law nationwide training programme as part of PRT's "Out of Trouble" Campaign in 2010.

For many years she has had both an academic interest in extradition law as well as appeared on behalf of numerous defendants both at first instance and in the High Court, under both the 1989 and 2003 Extradition Acts.

Appellate Practice

She has a well established appellate practice and has appeared in the Privy Council, Divisional Court / Administrative Court and the Court of Appeal (civil and criminal divisions) on numerous occasions (see some of her cases below). She is committed to *pro bono* work and continues to represent those convicted of capital offences in the Caribbean before the Privy Council. She is utterly committed to the abolition of the death penalty.

Background

Maya spent five years in the voluntary sector working in refuges with women and children fleeing domestic violence and sexual abuse before turning to the law. She spent a significant period of time employed by a leading firm of criminal solicitors before embarking on crime and human rights pupillages at Two Garden Court and Doughty Street (first and second six respectively). She was one of 3 finalists in the category ' **Legal Aid Barrister of the Year**' in the 2008 Legal Aid Lawyer of the Year (LALY) Awards, nominated for her work in the youth justice system.

Publications and Training

Maya is one of the contributing authors to the well-known text book **Blackstone's Criminal Practice** (OUP) for which she writes four chapters. She is the General Editor of the '**Blackstone's Guide to the Criminal Justice and Immigration Act 2008**' (OUP, 2009). She is the author of '**ASBOs: A practitioner's guide to defending anti-social behaviour orders**' (LAG, 2006). She has published articles in legal journals including **Archbold News** (on the European Arrest Warrant and the Extradition Act 2003; Special Measures and the challenge to automatic eligibility; the bad character provisions under the CJA 2003; the ramifications of the *Hookway* bail case) and **New Law Journal** (Extradition Act 2003).

She has also published numerous articles on the topic of anti-social behaviour and the law including a regular column on Civil Orders in the Criminal Courts for the **LAG LAG** journal and has lectured widely on the subject (including at the **CBA CBASpringConference** (2007) and the **JUSTICE Human RightsConference**(2007)). [Click Here](#) to read Maya's article '**Striking the right balance**' in which she outlines how the operation of ASBOs in recent years should serve as a warning about the consequences of the unfettered use of other civil orders.

She has also spoken at legal conferences on a range of other topics. In March 2004, for e.g. she spoke at a conference in Hong Kong organised by the British Council, where she shared a platform with Lord Phillips and spoke on '**Judicial Review and the Rule of Law**'. In November 2008, she spoke on the issue of '**Hate Crime**' at the annual Bar Conference. She spoke on '**Human Rights and peaceful protest**' at the Butterworth's conference on Civil Actions Against the Police in February 2011.



Notable and Reported Cases

Maya began her legal career as junior counsel for the CRE in the **Stephen Lawrence Inquiry** [1998] (in particular, writing the closing submissions on the issue of institutional racism)

R v Horseferry Road Magistrates' Court ex p. Rugby [2000] 1 Cr. App. R. (S.) 484, DC (judicial review: committal for sentence, legitimate expectation)

Jonathan Brady v Customs & Excise [2001] EWHC Admin 422 7/6/01 (habeas corpus: alleged drug "swallower", legality of continued detention by C & E, compatibility with Art. 5 and Art.3 of the ECHR)

Information Commissioner v Islington Borough Council [2002] EWHC 1036 Admin (case stated: requisite *mens rea* in the Data Protection Act) (led by Owen Davies QC)

Daly v Governor HM Brixton Prison & Anor[2003], EWHC 1838 Admin(successful habeas corpus: extradition, delay)

R (B) v Balham Youth Court [2004] EWHC 421 Admin (judicial review; successful challenge to youth court mode of trial procedure and decision)

R (W) v Brent Youth Court [2006] EWHC 95 (Admin) (judicial review; successful challenge to mode of trial decision)

Keegan v UK (Application no. 28867/03) [2007] 44 EHRR 33 (Violations of Art. 8 and Art. 13 during a police search of a family home; just satisfaction awarded)(led by Stephen Simblet).

R v Jones and Others [2006] EWCA Crim 2942 (successful appeal against 10 demonstrators' ASBOs)

Rabess v The Commissioner for Police for the Metropolis [2007] EWHC 208 (Admin) (case stated: challenge to the terms of an ASBO imposed on a warring couple)

Leeds City Council v RG (2007) 4 All ER 652; (2007) 1 WLR 3025; [2007] EWHC 1612(Admin) (case stated; whether the power to vary an ASBO includes the power to extend its duration)

Steele v DPP [2008] EWHC 438 (Admin) (case stated; animal rights protestor who posted an image of a security guard on a website and later removed it; the question for the court was whether it was legitimate to prosecute him for causing intentional harassment, alarm or distress in the circumstances)

R (D) v Sheffield Youth Court [2008] EWHC 601 (Admin) (successful judicial review of a youth court's decision to re-open the question of jurisdiction; the failure of the adult magistrates' court to consider venue before the entering of a plea did not render its subsequent decision to remit the case for summary trial in a youth court invalid; s142 of the MCA 1980 could not be used to vacate an unequivocal guilty plea)

R v Altaf Hussain [2008] EWCA Crim 1518 (CCRC referral to the C of A in which a 1988 conviction for conspiracy to import heroin from Pakistan was quashed; this was the first conviction obtained by the [now controversial] use by British Customs of Pakistani participating informants in the late 80's and throughout the 90's)



R (Smith) v Snaresbrook Crown Court [2008] EWHC 1282 (Admin); (2009) 1 All ER 547; (2009) 1 WLR 2024 (judicial review; challenge to the statutory interpretation of the test for the extension of "crack house" closure orders) (led by Jan Luba QC).

Birmingham City Council v Shafi & Ellis[2008] EWCA Civ 1186; (2009) 1 WLR 1961; (2009) 3 All ER 127; (2009) HLR 25; (2009) BLGR 367 (successfully defended appeal to Court of Appeal (Civ Division) on behalf of the First Respondent Shafi, arguing that the Council should not use s 222 of the Local Government Act 1972 to obtain injunctions against alleged gang members when there was an alternative statutory route available under the ASBO legislation.

R v Sultan Shah [2010] EWCA Crim 2326 (the last in a series of CCRC referrals involving both non-disclosure of material evidence and malpractice by British Customs Officers in their deployment of participating informants in Pakistan to infiltrate the drugs trade between Britain and Pakistan in the late 80s and early 90s - see **R v Altaf Hussain** above. Shah's 1994 conviction was quashed on the basis of gross prosecutorial misconduct).

R (Sands) v Chief Constable of Merseyside Police [2010] EWHC 2698 (Admin) (judicial review; successful challenge to a police decision to prevent the Claimant working on police contracts; the Admin Court found the decision to be an unreasonable application of the police's vetting policy).

R (A) v Lewisham Youth Court & DPP [2011] EWHC 1193 (Admin.) (successful judicial review challenge of the Youth Court's refusal to apply the CYPA 1969, s.23 remand regime to a 15 year old charged with murder. CAJA 2009, s.115 [removal of bail hearings from the magistrates' court in murder cases] had not impliedly displaced s.23. Case/Issue held to be of general importance and of real concern to youth courts).

Tabeel Lewis (Appellant) v The State (Respondent) [2011] UKPC 15. The PC considered the difficult question of whether the trial judge had been wrong not to leave provocation to the jury in a capital case. In the end the Board did not interfere with that decision but went on to find that fresh psychiatric and psychological evidence should now be considered and the case has been remitted to the Court of Appeal in Trinidad & Tobago who will need to decide if there is now evidence of provocation fit for consideration by the jury (led by Owen Davies QC).

Societies and Interests

Haldane Society, Justice, Liberty, Howard League, Administrative Law Bar Association (ALBA), INQUEST Lawyers' Group (ILG), Criminal Bar Association (CBA), Association of Prisons Lawyers (APL), Police Action Lawyers Group (PALG). Maya is a Council member of the **Association of Commonwealth Criminal Lawyers** (www.acclawyers.org).

Profile updated July 2011