



Practice

Although Maya has specialised in criminal defence work, crime related civil work, judicial review and extradition for much of her career, her focus in 2010 will be primarily judicial review, police actions, death in custody inquests and prison law, as well as extradition and appellate crime. She has a particular interest in the public law aspect of criminal matters, youth justice and human rights jurisprudence. She has a specialist knowledge of ASBOs and other civil orders (such as premises closure orders) imposed in the criminal courts and is the author of **"ASBOS: A Practitioner's Guide to Defending Anti-Social Behaviour Orders"** (LAG, September 2006). [Click here to read a review.](#)

Over the past 12 years she has had a busy Crown Court practice in particular representing young people charged with serious crime. She has also been a junior in 20 murder trials as well as a junior in armed robbery, drugs, unlawful immigration, kidnap and fraud cases. She has been involved in cases involving the policing of black communities as well as protest cases (she was instructed by Liberty to represent the well-known anti-war protestor, Milan Rai, in a human rights challenge to the SOCPA regime).

She has an established appellate practice and has appeared on her own in the House of Lords on a leave application as well as in the Divisional Court / Administrative Court and the Court of Appeal (civil and criminal divisions) on numerous occasions (see reported cases below). She has also been instructed in a number of CCRC appeals. 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.

She was one of 3 finalists in the category '**Legal Aid Barrister of the Year**' in the 2008 Legal Aid Lawyer of the Year Awards, nominated for her work in the youth justice system.

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 beginning her pupillage at Two Garden Court followed by Doughty Street.

Publications and Training

In addition to conducting training in a number of areas, Maya has published articles in various 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), **New Law Journal** (Extradition Act 2003) and **The Legal Action Group journal** (a regular column on Civil Orders in the Criminal Courts). In 2008 she joined the eminent team of contributors to the widely used text book **Blackstone's Criminal Practice**. and is also General Editor of the '**Blackstone's Guide to the Criminal Justice and Immigration Act 2008**' (OUP, 2009).

She has also published articles on the topic of anti-social behaviour and the law as well as lectured widely on the subject (including at the **CBA** Spring conference

Year of Call

1997

Email Address

mayas@gclaw.co.uk

Telephone

020 7993 7851

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:

- Claims Against The Police & Public Authorities
- Crime
- Extradition Law
- Inquests
- Prison Law
- Public & Administrative Law

Garden Court Chambers

57 - 60 Lincoln's Inn Fields
London WC2A 3LS
Tel 020 7993 7600
Fax 020 7993 7700



(2007) and the **JUSTICE Human Rights** conference (2007)).

In March 2004, she was invited to speak at a conference in Hong Kong organised by the British Council, where she shared a platform with the then Master of the Rolls (now President of the Supreme Court), Lord Phillips and spoke on '**Judicial Review and the Rule of Law**'. In November 2008, she was invited by the **CBA** to speak on the issue of '**Hate Crime**' at the annual **Bar Conference**.

[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.

Notable / Reported Cases

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., and HL (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(habeas corpus: extradition, delay)

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

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

Keegan v UK (Application no. 28867/03) (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 ; question certified by the High Court)



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).

Altaf Hussain v R [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) (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 (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).

Societies

Haldane Society, Justice, Liberty, Howard League for Penal Reform, Criminal Bar Association (CBA), Administrative Law Bar Association (ALBA), INQUEST Lawyers' Group, Foreign National Prisoners' Group. Maya is also proud to be a Board Member of the charity Just for Kids Law (www.justforkidslaw.org). She was a member of the Bar Standards Board Qualifications Committee.

(Last Updated: January 2010)