



Tim's practice covers housing, homelessness, allocation of social housing, gypsies and travellers, community care, asylum support, mental health, mental capacity, prison law, planning, public and administrative law, regulatory crime inclusive of environmental law and general civil law.

Practice Areas

Housing, Community Care and Asylum Support

In Tim's housing practice his work concerns the representation of tenants in possession proceedings brought by local authorities and claims by tenants against local authority or private landlords. With cases involving local authorities there is often a strong public law dimension either by reference to other public law duties or reference to inherent failures by local authorities in seeking possession. Most of Tim's housing cases are rent arrears or disrepair claims but he also deals with succession, unlawful eviction, nuisance, anti-social behaviour and cases involving community care and mental health issues. Tim also represents defendants in mortgage possession cases. Tim is also experienced in homelessness cases and related appeals. Tim also deals with complex issues related to land law, trusts and property. Tim is routinely instructed in community care cases concerning assessments under s.47 National Health Service and Community Care Act 1990, s.21 National Assistance Act 1948, s.17 Children 1989 and in asylum support cases.

Gypsy and Traveller Cases

Tim represent's gypsies and travellers in possession claims brought by local authorities and police in respect of unauthorised encampments and evictions from licenced sites. Tim is also experienced in bringing challenges by way of Judicial Review in gypsy and traveller cases which is inclusive of making urgent applications for interim injunctions and claiming other interim relief before the High Court.

Mental Health

Tim provides advice and representation before mental health review tribunals (MHRTs). Tim appears regularly before tribunals reviewing the continued detention of restricted patients and patients in the DSPD units at Broadmoor and Rampton hospitals as well as other secure unit and appeals in the Administrative Chamber of the Upper Tribunal. He also provides advice and representation concerning mental health and capacity issues raised in the county court. Tim also advises and represents former patients in disputes concerning the provision of after care services under section 117 Mental Health Act 1983. In a joint advice with Stephen Knafler QC he has advised MIND concerning the consequences of the reforms to section 117 Mental Health Act 1983 proposed in the Health and Social Care Bill, for the MIND briefing paperclick here. Tim also provides representation in Inquests for families of patients who have died while under the care of Mental Health services.

Court of Protection

Tim represents and advises individuals and local authorities in personal welfare, deprivation of liberty issues and financial matters before the Court of Protection. Tim also provides advice and representation before the High Court under its inherent jurisdiction to protect vulnerable adults.

Welfare Benefits

Year of Call

2001

Email Address

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Telephone

020 7993 7600

Education

BSc (Hons)(Biochemistry),
ARCS, PhD (Neuroscience),
LLB (Hons) (London), MA
(Medical Law &
Ethics)(London)

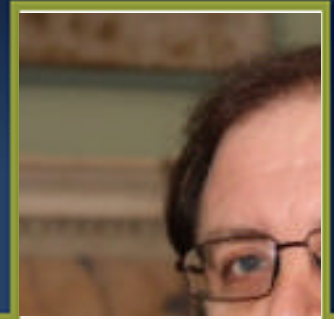
Practice Areas:

Tim Baldwin is a member of the following Practice Areas:

- Civil Law
- Community Care
- Court of Protection
- Gypsy & Traveller Rights
- Housing
- Mediation
- Mental Health
- Planning & Environmental Law
- Prison Law
- Property Law
- Public & Administrative Law
- Welfare Benefits

Garden Court Chambers

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



Tim is experienced in providing advice and representation in the appeals service on housing and disability benefits. Tim specialises in providing advice concerning the impact of trusts of land, the disposition of capital via wills or other instruments on entitlement to welfare benefits.

Prison Law

Tim is experienced in both adjudication and parole hearings held in prisons. In adjudications he has successfully represented prisoners accused of drug violations, having contraband, disobeying orders and having mobile phones. Tim has successfully represented prisoners either serving determinate or life sentences in parole hearings before the parole board, particularly in recall hearings. He also advises and represents prisoners in claims for Judicial Review of parole board and other decisions relating to their detention. Tim also advises prisoners in respect of potential personal injury, disability discrimination and other potential claims against the prison service. Tim also teaches aspects of prison law for the "Institute of Prison Law".

Planning and Environmental Law

Tim is a member of PELT at Garden Court Chambers as he has experience in planning enforcement, appeals concerning statutory notices under the Environmental Protection Act 1990 and issues of compulsory purchase.

Public and Administrative Law

Tim is experienced in making Judicial Review applications and representation in other matters before the Administrative Court.

Property Law

Tim is also a member of the Property Team and provides advice and representation in TOLATA cases, boundary disputes, business tenancies and other commercial leases.

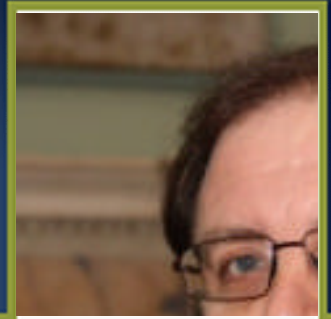
Other

Tim is also a trained mediator and is qualified to take instructions via direct access. He has provided seminars to solicitors on the Mental Capacity Act 2005, Mental Health law, Treatment in the NHS, Community Care and equality, prison law and Judicial Review. Tim was one of the trainers for the Public Law Project in their summer school for Introduction to Judicial Review in 2009. He is a mentor for Lincoln's Inn and is involved in other mentoring projects to encourage people from economically and socially disadvantaged backgrounds to join the legal profession. Tim also works as a volunteer housing adviser for the Camden Law Centre.

Notable Cases

Buckinghamshire County Council (Appellant) v Kingston Upon Thames Royal London Borough Council (Respondent) & (1) SL (By her litigation friend the Official Solicitor) (2) National Society for Epilepsy (3) Secretary of State for Health (Interested Parties) [2011] EWCA Civ 457: The Court of Appeal held, on dismissing Buckinghamshire's appeal, that a local authority, in moving a person whose care it had funded into supported housing in another local authority's area following a needs assessment had been under no duty to consult the other local authority. [Click here for the transcript.](#)

JP v Birmingham and Solihull MH NHS Trust. Appeal number HM/535/2010 (Unreported 30 July 2010) (Administrative Chamber Upper Tribunal): An appeal based on challenge to the reasons given by a First Tier MHT refusing



discharge of a patient detained under s 37 and 41 of the Mental Health Act 1983. The challenge was based on a failure to give adequate reasons for preferring the evidence of the Responsible Clinician and the detaining authority over the evidence of independent experts by applying *BB v South London & Maudsley NHS Trust* [2009] UKUT 157 (AAC) which was similar on the facts. [Click here for the transcript.](#)

R (on the application of Salami) v Parole Board; R (on the application of Robinson) v Secretary of State for Justice [2009] EWHC 2251 (Admin): The Court held the rights of two long-term prisoners under the European Convention on Human Rights 1950 art.6 were not breached as a result of the amendments to the early release provisions in the Criminal Justice Act 1991 Pt II by the Criminal Justice and Immigration Act 2008. [Click here for the transcript.](#)The Court of Appeal upheld this decision in *R (on the application of Robinson) v Secretary of State for Justice*[2010] EWCA Civ 848.

Lexi Holdings v Luqman and others [2009] EWHC 496 Ch. Represented the second Defendant in contempt proceedings in a major commercial fraud of over £65million.

Konodyba v Royal Borough of Kensington and Chelsea (Wandsworth County Court).

Represented the Appellant in 8WL02932 at Wandsworth County Court in a homelessness appeal concerning eligibility of a Polish A8 national who was not classified as "worker" under domestic regulations. The essence of this appeal was that the case fell within the scope of the case of *Ibrahim v Harrow LBC* in reliance on the "*Baumbast doctrine*" and should be stayed and the decision in the case of *Parker v Brent BC* 7WI04442 (LAG 26 December 2008) in the Central London County Court. HHJ Behar disagreed and upheld the decision of the local authority. However the point remains open (see *Konodyba v Royal Borough of Kensington and Chelsea* [2009] EWCA Civ 890. [Click here for the transcript.](#)

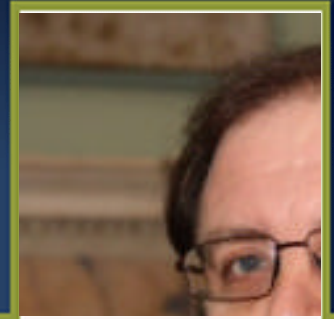
CH/1098/2007: A successful appeal before the Social Security Commissioners concerning alleged housing benefit overpayment and complex issues of trusts of land.

R (H) v Guildford Youth Court [2008] EWHC 506 (Admin): A successful judicial review application leading to a quashing of a conviction under s 20 OAPA 1861 in respect of a refusal by the Youth Court to stay proceedings as an abuse of process. Essentially the judge quashed the conviction on the papers, with the CPS conceding the case and the Instructing Solicitor taking judgment.

R (Surat Singh) v Stratford Magistrates' Court & Others [2007] EWHC 1582 (Admin); [2007] 1 WLR 3119; [2007] 4 All ER 407; [2008] 1 Cr App R 2; [2007] ACD 72; The Times, March 27 2007: A challenge by way of judicial review of the exercise of a district judge's discretion to refuse to allow the claimant to advance the defence of insanity in summary only proceedings. [Click here for the transcript.](#)

R v DPP; B v DPP [2007] EWHC 739 (Admin), The Times, March 27 2007. Also reported in the robbery sections of *Archbold and Blackstones*. An appeal by way of case stated which concerned proof of intention, *mens rea* and the use of implied force in robbery by reference to the fortitude of the victim.

Background



Tim completed his pupillage at Garden Court Chambers under the supervision of Stephen Knafler, Nicola Rogers and Stephen Simblet. Originally he was trained as a biochemist, molecular biologist and neuroscientist and was involved in scientific research for a number of years. Prior to embarking on legal training he was a researcher and administrator at the Public Law Project. Following his legal training he was a research assistant in the public law team at the Law Commission where he worked on several projects concerned with the reform of local authority inquiries, housing law and the law of compulsory purchase in collaboration with the property and trusts team. At the same time he was a visiting lecturer in law at King's College London and the University of Westminster Law Schools.

Awards

Hardwicke, Thomas More and Cassel Scholar.

Publications

Tim is a co-author of the following books:

Housing Act 2004: A Practical Guide (2005). Jordans.

The Anti-social Behaviour Act 2003: A Special Bulletin (2004). Jordans.

Legal and Ethical Aspects of Anaesthesia, Critical Care and Perioperative Medicine (2004). Cambridge University Press.

Tim is also a co-author of the **Garden Social website**.

Tim is an editor of the **Community Care Law Reports** with an interest in mental capacity and adult social care.

With Jan Luba QC Tim has co-authored the article "Localism Act 2011: *allocation of social housing*" (2012) January *Legal Action* 27. Tim has also authored "*The Localism Act 2011: will it lead to fair allocation of social housing to local people in most need?*" Journal of Housing Law to be published in 2012 and other articles including "*Anti-social Behaviour Act 2003 and Gypsies, Travellers and Public Gatherings*" (2004) August *Legal Action* 19, and co-authored 10 articles relating to medical law and ethics and scientific papers.

Professional Membership

- HLPAs (Housing Law Practitioners Association)
- ALBA (Administrative Law Bar Association)
- CBA (Criminal Bar Association)
- PIBA (Personal Injury Bar Association)
- PNBA (Professional Negligence Bar Association)
- PABA (Public Access Bar Association)
- Civil Mediation Council

Tim is also a member of Liberty.



Barrister profile

Tim Baldwin



Profile updated December 2011