

## SAM KARIM QC (SHEIKH M S KARIM)

Year of call: 2002

Clerked by: William Brown Mark Ronson

AREAS OF EXPERTISE:

Administrative & Public Law Arbitration Court of Protection & Mental Health Health & Social Care Inquests Judicial Review Licensing Local Government Procurement Technology & Construction



## Judicial Review

Sam is the head of the Administrative Law & Local Government Team at Kings Chambers. He has been consistently recommended in this area as a leading specialist and had been a member of the Attorney General Panel of Regional Counsel representing central government for almost a decade in cases of significance. Sam has been recognised as the “driving force behind the development of administrative law” in the regions.

He is a well-known author in this field, a sample of his publications include: (1) 'public law online', and online based legal knowledge database, (2) Patterson & Karim (3<sup>rd</sup> Edition) 'Judicial Review: Law & Practice', and (3) the chapter on judicial review in Bullen & Leake & Jacob's Precedents of Pleadings.

Sam is also the administrator and founding member of the Public Law Pro Bono Scheme, which provides free legal advice on public law matters, including representation at renewal hearings at the Administrative Court in Manchester.

As a silk his specialist practice includes:

(a) Commercial judicial review and public procurement. His experience includes:

- Commercial disputes arising from performance of government contracts such as benchmarking
- Market testing and performance issues
- Concessions and part B contracts
- Health service procurement, and outside the EU
- Project finance and PFI/PPP matters,
- Regeneration schemes
- Procurement by EU institutions
- State aid and procurement and
- Utilities procurement

(b) Regulatory and disciplinary. He has experience in:

- Professional Disciplinary Hearings, e.g. relating to accountants, solicitors, healthcare professionals (GMC and GDC) and police officers
- Breaches of planning regulations, fly tipping, Medicines Act breaches, trading standards, food standards and environmental offences
- Care Standards Tribunal
- Immigration Services Tribunal
- General Social Care Council
- Represented former Primary Care Trusts in hearings before the Family Health Services Appeal Unit (FHSAU) and
- Civil penalty regimes, such as the regime for employing illegal migrant workers

(c) Employment: advising local government on disciplinary and employment law compliance issues and Equality Act duties. Sam has provided advice on the implementation and proper conduct of disciplinary and capability procedures in relation to senior managers in local government and advised on the lawfulness and application of voluntary severance and early retirement provisions to senior management team members in local government.

(d) Data protection, freedom of information, human rights issues, privacy and breach of confidence. Sam has advised a wide range of public sector and commercial organisations regarding their use of personal information, and relating the implications of sharing confidential personal sensitive information with other public authorities for the prevention of crime and fraud. He has experience of RIPA at the First-Tier Tribunal, and in appeals from that Tribunal, and also appearing in the county court in proceedings under the DPA 1998 for public and private sector data controllers. Sam was recently a keynote speaker on Data Protection Compliance for the European Fraud Network in Brussels.

(e) Immigration, nationality and prison. His extensive experience derives from representing central government for a decade in this in cases of significance (see below).

(f) Community care and health care law. Sam has also advised on: (1) The adequacy of assessments and care plans for the provision of

residential care, (2) Good practice in the provision of services to vulnerable adults and children in a residential setting, (3) Health issues in residential care homes, and (4) Demarcation of responsibilities between local authorities, health care providers and other service providers.

Significant reported cases include:

- *Lyons v. Criminal Cases Review Commission* [2019] EWHC 183 (Admin): Divisional Court decision when he successfully defended a challenge against the decision to refuse to make a reference to the Court of Appeal
- *FK* [2016] EWHC 56 (Admin): a case considering the definition of human trafficking under the Trafficking Convention
- *Bhudua v. Secretary of State for the Home Department* [2016] All ER (D) 82
- *P v. Gangmasters Licensing Authority* [2015]: EWHC 1487 (Admin): successfully challenged the decision of the Authority to revoke a licence
- *Chimuka* [2015] EWHC 2531(Admin): defended a challenge relating to a prisoner's life sentence and whether he was deprived of a proper review by the Parole Board
- *CH* [2015] EWHC 453: data access request by an individual who was subject to serious criminal allegation whilst holding a public office. Those allegations, which formed part of family law proceedings, were subsequently dismissed. The individual sought various data access requests from the local authority in respect of investigations and evidence
- *Dong v. Secretary of State for the Home Department* [2014] EWHC 3100 (Admin). Whether the period of grant in respect of discretionary leave was appropriate in the circumstances
- *Aziz v. Secretary of State for the Home Department* [2014] EWHC 2589. A challenge to the lawfulness of the decision relating to Tier 1 Post Study Work pursuant to Part 6A of the Immigration Rules
- *Peters v. Secretary of State for the Home Department* [2014] EWHC 1336 (Admin). Whether the defendant's decision to grant discretionary leave rather than indefinite leave was lawful or not
- *R (1st Choice Engines Limited) v. the Secretary of State for Business, Innovation and Skills* [2014] EWHC 1765 (Admin). Considering whether the decision made by the defendant in relation to a notice pursuant to sections 447 and 452A of the Companies Act 1985 was lawful or not
- *HM Coroner County Durham & Darlington* [2014] EWHC 3688 (Admin): application is made by the Senior Coroner for the Coroner area of County Durham Darlington with the *fiat* of the Attorney
- *SN v. Secretary of State for the Home Department* [2014] EWHC 1111 (Admin). Whether the defendant's decision to certify under was section 94(2) of the Nationality, Immigration and Asylum Act 2002 was lawful or not.
- *Jaferi v. Secretary of State for the Home Department* [2013] EWHC 1275 (Admin). Legacy case
- *MJ (Iraq) v. Secretary of State for the Home Department* [2013] EWCA Civ 932. Delay and whether the Claimant would have benefited from the earlier policy towards asylum seekers
- *R (Kheirollahi-Ahmadroghani) v Secretary of State for the Home Department* [2013] EWHC 1314 (Admin). Council Regulation (EC) No343/2003 of 18 February 2003 ("the Dublin II Regulation
- *R (Touray) v. Secretary of State for the Home Department* [2014] EWHC. Challenge to request for further leave
- *R (Khan) v. Secretary of State for the Home Department* [2013] EWHC 3430(Admin). Article 8
- *Reed v. Parole Board* [2013] EWHC 3329 (Admin). Refusal to make recommendations to release
- *Thomas v. Parole Board* [2013] EWHC 2112 (Admin). Refusal to transfer a prisoner to open conditions, and also not to provide an oral hearing pursuant to Article 5 of the ECHR
- *R (Simpson) v. Governor of HMP Wakefield* [2013] EWHC 2652 (Admin). Entitlements under the Prison Rules
- *R (Bibi) v. Secretary of State for the Home Department* [2013] EWHC 671 (Admin). Nationality
- *R (Smith) v. Parole Board* [2013] EWHC 218 (Admin). Transfer to open condition and the requirement to undertake balancing exercise
- *R (Amin) v. Secretary of State for the Home Department* [2013] EWHC 2813 (Admin). Domestic violence and indefinite leave to remain under IR 289
- *A* [2012] EWCA 1879 (Fam). Data Protection and Freedom of Information. Redaction and disclosure of personal sensitive information to a third party and a disciplinary body
- *R (M) v. Secretary of State for the Home Department* [2012] EWHC 1244. Deportation, detention and reasonable prospect of removing a deportee within a reasonable time
- *R (S) v. Secretary of State for the Home Department* [2012] EWHC 2825 (Admin). Certification
- *R (Manchester College of Higher Education & Media Technology) v. Secretary of State for the Home Department* [2012] EWHC 1463 (Admin). Sponsor under the tier based system
- *R (Ajibade) v. The Nursing and Midwifery Council* [2012] EWHC 2790 (Admin). Disqualification
- *R (Ian Morris) v. Chester West & Cheshire Council* [2012] EWHC 3016 (Admin). Non-Domestic Rates Liability Order
- *R (Jalal) v. Secretary of State for the Home Department* [2012] EWHC 4035 (Admin). Delay and whether the Claimant would have benefited from the earlier policy towards asylum seekers
- *R (Riley) v Upper Tribunal* [2012] EWHC 3436 (Admin). Article 8
- *R (Cardao-Pito) v. Office of Independent Adjudicator for Higher Education* [2012] EWHC 203 (Admin). Complaint to the Adjudicator regarding the treatment of a pupil at a university
- *R (Tolowiwa) v. Secretary of State for the Home Department* [2012] EWHC 2386 (Admin). Certification
- *R (Fox) v. Secretary of State for Justice* [2012] EWHC 2411 (Admin). Oral hearing entitlement
- *Al-Halal & Wajid Ali v. Secretary of State for the Home Department* [2012] EWHC 128. Costs under the civil penalty regime for employing illegal migrant workers
- *R (Kaur) v. Secretary of State for the Home Department* [2012] All ER (D) 68. Certification
- *R (Adetola) v. Secretary of State for the Home Department* [2010] All ER (D) 145. 3197 (Admin). Marriage and evidence
- *R (Austin) v. Parole Board* [2011] EWHC 128 (Admin). Open transfer and balancing exercise
- *R (Leach) v. Parole Board* [2011] EWHC 2470 (Admin). Open transfer and balancing exercise
- *R (D'Cunha) v. Parole Board* [2011] EWHC 128 (Admin). Open transfer and balancing exercise
- *R (Jacob) v Parole Board* [2010] EWHC 2475 (Admin) & [2010] EWHC 3035 (Admin). Release and oral hearing
- *R (Akram) v. Secretary of State for the Home Department* [2010] EWHC 3437 (Admin). Article 8
- *R (Ahmed) v. Secretary of State for the Home Department* [2010] EWHC 2779 (Admin). Sufficiency of protection
- *R (Da Costa) v Secretary of State for the Home Department* [2010] EWHC 2259 (Admin). Further leave to remain and evidential requirement
- *R (Alam) v. Secretary of State for the Home Department* [2010] EWHC 1303 (Admin)
- *R (Mohamed) v. Secretary of State for the Home Department* [2010] EWHC 1244 (Admin). Deportation and Article 8
- *R (Sanyalou) v. Secretary of State for the Home Department* [2010] EWHC B9 (Admin). Certification
- *R (Howden) v. Secretary of State for Justice* [2010] All ER 140 (D). Release on licence and recall
- *R (McDonagh) v. Secretary of State for Justice* [2010] EWHC 369 (Admin). Release on licence and recall

- R (Byran) v. Secretary of State for Justice [2010] EWHC 2507 (Admin). Contact with children, prisoner and Article 8
- R (Westwater) v. Secretary of State for Justice [2010] EWHC 2403 (Admin). Contact with children, prisoner and Article 8
- R (Sarwat) v. Secretary of State for the Home Department [2009] All ER (D) 316. EWHC 2825 (Admin). Fresh claim
- R (AS) v. Secretary of State for Justice [2009] EWHC 1315 (Admin). Licence and recall
- R (Boswell) v. The Parole Board & Secretary of State for Justice [2009] All ER (D) 176. Right to speedy review of lawfulness of detention
- R (Hinds) v Liverpool City Council [2008] EWHC 665 (QB), 1 FLR 475. Care proceedings, contact and Article 8
- R (J) v. The Healthy Futures Joint Committee of PCT & Others [2007] EWCA 1611 (Admin). Reconfiguration of health care services and consultation

## Profile

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Sheikh Mohammed Samiul Karim QC (Sam Karim QC) is dynamic silk who is regarded as a leading practitioner by legal commentators who say that, *"When he is on his feet in a courtroom, he is simply captivating."*, he is *"an outstanding advocate....and one of the leading practitioners"*, and that he remains *"remarkably calm and in control, he never gets fazed by the complexities of a case"*. It is also said that, *"... His academic understanding of subject matter litigation is incredible."*

He is specialist areas are four-fold:

- (a) Domestic and international commercial arbitration in which he acts as counsel and sits as panel or sole arbitrator;
- (b) Procurement;
- (c) Judicial Review and Human Rights / Civil Liberties; and
- (d) Court of Protection

Sam is a Member of the Chartered Institute of Arbitrators and is admitted as a practitioner in the Dubai International Finance Centre (DIFC) Court.

**Year of Call:** 2002

**Year of Silk:** 2017

## Areas of Expertise

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Administrative & Public Law

Arbitration

Court of Protection & Mental Health

Health & Social Care

Inquests

Judicial Review

Licensing

Local Government

Procurement

Technology & Construction

## Memberships

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Member of the Executive Committee of the Administrative Law Bar Association (ALBA)

Northern Administrative Law Association (NALA), Acting Chair

Founding member and Chair of the Kings Community Care and Disability Rights Association

## Appointments

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- Attorney General's Regional Panel of Queens Counsel.
- UK Advisor to the Chinese Government on development of Administrative Reconsideration Law in China. Appointed by the Asia Foundation.
- Previously a member of the Attorney General's Regional Panel of Junior Counsel.
- Chairperson of the Legal Aid Working Group and co-chaired the Training Working Group relating to the Regionalisation of the Administrative Court.
- Director of Manchester Public Law Pro-Bono Scheme.
- Northern Circuit Education Committee Member.
- Head of Public Law 2017 to present

## Publications

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- (1) 'Public law online', and online based legal knowledge database,
- (2) 'Judicial Review: Law & Practice', which is currently in its second edition and the co-author being the late Mrs Justice Patterson (Jordans)
- (3) Bullen & Leake & Jacob's Precedents of Pleadings, and
- (4) 'A human rights perspective on reducing restrictive practices in intellectual disability and autism',

## Qualifications

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LLB (Hons), LLM (Lond.), PG Dip Law, MCI Arb (Intl. Arbitration)

## Recommendations

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"His advocacy is clear, concise, accurate and calm under pressure. He's very punctual as well."

"He's unflappable and very good at dealing with people." "He's very dedicated, researches his cases very thoroughly and really gets to grips with the main issues. He's a pleasure to work with." "He's knowledgeable, articulate in court and a very safe pair of hands."

*(Chambers & Partners, 2020)*

"Sam is an outstanding advocate. He is a pleasure to work with. He is always on hand at the drop of a hat to discuss a case, and he has an ability to put lay clients completely at ease even when dealing with difficult medical decisions."

"He understands the technical points of public law really well." "He is diligent and straight-dealing."

"He has a real breadth of knowledge. He is a measured and careful advocate." "He has a good knowledge of the law and is well-prepared. His submissions are underpinned by a knowledge of the law."

*(Chambers & Partners, 2018)*

'An outstanding advocate.'

*(Legal 500, 2018)*

'An outstanding advocate, who makes lay clients feel completely at ease.'

*(Legal 500, 2018)*

"Accomplished new silk"

*(Chambers & Partners, 2017)*

"When he is on his feet in a courtroom, he is simply captivating."

*(Legal 500, 2016)*

"He's excellent, and used by all parties - he's very academic in his thought processes."

*(Chambers and Partners, 2016)*

"... His academic understanding of subject matter litigation is incredible."

*(Chambers and Partners, 2015)*

"He is one of the leading practitioners in the North"

*(Chambers & Partners, 2017)*

"He is innovative in the way he approaches cases and creative in the way he deals with matters..."

*(Chambers and Partners, 2015)*

"He's a very skilful advocate who is always remarkably calm and in control, he never gets fazed by the complexities of a case... He puts his points across succinctly and never wavers."

*(Chambers & Partners, 2017)*

"...He has a plenary style that is very logical and meticulous, and makes his points very well without annoying the judge."

*(Chambers and Partners, 2016)*

"He is very good at negotiating with other parties and bringing them round to his way of thinking."

*(Chambers and Partners, 2015)*

"He is charismatic... [and an] engaging... advocate."

*(Chambers and Partners, 2013)*



Sam Karim QC

