



# Sunyana Sharma

**Year of Call:** 2006

**Email Address:** [sunyana.sharma@3pb.co.uk](mailto:sunyana.sharma@3pb.co.uk)

**Secure Email:** [sunyana.sharma@3paper.cjsm.net](mailto:sunyana.sharma@3paper.cjsm.net)

**Telephone:** 020 7583 8055

## Overview

Sunyana is a regulatory and criminal law barrister who practices in maritime and fishing law, health and safety law, all areas of regulatory compliance and consumer protection and professional disciplinary work and healthcare practice.

She has been appointed to the C list of Specialist Regulatory Advocates for The Health & Safety & Environmental Law Executive and is the Head of the Professional Disciplinary Group and Deputy Head of the Public Regulatory Group.

Prior to joining Chambers, Sunyana worked for the Solicitor International Human Right's Group ('SIHRG') with whom she organised the Zimbabwe Fundraising Event called 'Protecting Lawyers in Zimbabwe' in collaboration with the Bar Human Rights Committee. She also worked as part of a team in researching and drafting legal submissions on the rule of law and the importance of an impartial tribunal following the suspension of the Chief Justice of Pakistan in March 2007. In addition, she undertook an internship with the criminal justice department of 'JUSTICE', the all party law reform and human rights organisation. She assisted with the research on policy papers commissioned by JUSTICE, which included changes to the rape in the Sexual Offences Act 2003 and responses to the Home Office paper on 'New powers against organised and financial crime'.

### Reported Cases

#### **Marlena Ocran [2010] EWCA Crim 109; [2011] 1 Cr App R (S) 36**

The Court considered whether exceptional circumstances exist justifying the court in not imposing the required minimum sentence for the possession of firearms.

## Recommendations

*"Sunyana has conducted numerous prosecutions for us as a regulator over several years. Sunyana is a diligent hard-working barrister who provides clear advice with absolute clarity on a consistent basis.*

*A barrister who always appears to be pro-active, on the front foot and seemingly always one step ahead of the game. Sunyana serves us as a client timely and measured response in all instructions and is keen to work with us the regulator at an early stage in all matters.*

*In the court room is where you see the real deal with Sunyana, strong and robust advocacy, fast thinking and good on her feet, clearly respected by the bench and peers alike and consistently builds strong working relationships with all parties in every case we have worked on together.*

*In all Sunyana is hugely knowledgeable, highly effective whilst still being a delightful person to work with."*

**Head of UK Maritime Investigations Team, Maritime & Coastguard Agency**

*"I just wanted to say a big thank you for your hard work on our recent case. Considering you only received the papers at very late notice, your knowledge and understanding of the case was outstanding. I was so impressed by your meticulous preparation and would have no hesitation in instructing you again or recommending you to any of my colleagues. Thank you again".*

**Partner, Law firm**

*"Hardworking, intelligent, very approachable and a pleasure to work with. She is always available to speak to and bounce ideas off and is very good both at advising clients and managing their expectations".*

**Senior Associate, Law firm**

*'She understands both sides of nursing and midwifery cases.'*

**Legal 500 2016**/Professional Discipline and Regulatory Law (including police law) – Leading juniors

## **Academic qualifications**

- LLB Law (Hons), London School of Economics
- LLM Public International Law (Merit), London School of Economics
- Bar Vocational Course, BPP Law School, London (2006, very competent).
- Jessup International Mooting Competition, (UK rounds) – Finalist, 2004 and Semi-Finalist, 2006

## **Professional qualifications & appointments**

- Panel C list of Specialist Regulatory Advocates for The Health & Safety & Environmental Law Executive

## **Professional bodies**

- Association of Regulatory and Disciplinary Lawyers (ARDL)
- Criminal Bar Association (CBA)
- Human Rights Lawyers' Association (HRLA)
- Constitutional and Administrative Law Bar Association (ALBA)
- Western Circuit

# Expertise

## Public and Regulatory

Sunyana Sharma is a busy regulatory and criminal law specialist with significant expertise in the health and safety, maritime, fisheries and professional disciplinary sectors. She has been appointed to the C list of Regulatory Advocates for the Health and Safety Executive, Office of Rail Regulation and the Environment Agency. She has both defended and prosecuted in various regulatory law matters, which have included collisions at sea, fisheries offences, breaches of a health and safety regulations, animal welfare and trading standards prosecutions. Furthermore, she regularly appears before various disciplinary tribunals.

Sunyana is regularly invited to speak on regulatory matters to solicitors and industry experts.

## Health and Safety

Sunyana Sharma has appeared for both the prosecution and defence in a number of health and safety cases in various tribunals and courts. Her experience has enabled her to be appointed to the C list of Specialist Regulatory Advocates for The Health & Safety Executive, Environment Agency and Office of Rail Regulation. Between 2017 and 2018, Sunyana was contracted to work as In House Counsel for National Grid PLC in Health, Safety and Environment. She was therefore exposed to various health, safety and environmental issues in the Electricity and Gas Industry. Her work extends to representing both local authorities as well as Companies and individuals. She has expertise in the following:

- Electricity and Gas safety
- Food safety
- Unsafe products
- Accidents at work
- Environmental and pollution offences
- Housing Act 2004 breaches.

### Recent cases

#### **National Grid PLC and National Grid Gas PLC ('NGG') (2017 to 2018):**

- Advised on various HSE investigations, prosecutions, improvement notices
- Advised on amendments to the NGG Gas Safety Case including interpretation of duties in respect of Meters on the Network
- Advised a Control of Major Accidents Hazard site on improving health and safety arrangements for the distribution network operators on site maintaining their own assets
- Involved in meetings and discussions on industry led changes to the Gas Safety (Management) Regulations 1996
- Advised on the regulatory compliance of major assets e.g. The Fluorinated Greenhouse Gases Regulations 2015
- Led the team to update policy in relation to employees travelling overseas
- Responded to 'Environmental Information Regulations 2004' requests

#### **Inquest touching the death of RS (2016)**

Represented an employee as an interested party at a three day jury inquest into the death of a colleague whilst at work following a fall through a Perspex roof on his employer's premises.

#### **Buckinghamshire County Council v. B Ltd & PD (2015)**

Represented a Company and its Director for producing and supplying an 'unsafe product' known as the 'Nutkins cot bed', attempting to pervert the course of justice and breaches of the Consumer Protection from Unfair Trading Regulations 2008. This was a high profile case which featured on the BBC's 'The One Show' due to the near death of a child.

#### **London Borough of Islington v. C Carnavale Ltd & Others (2015)**

Drafted in at the last hour to represent a Company in a complex application to dismiss for offences pursuant to regulation 4 of the General Food Regulations 2004 as enabled by the Food Safety Act 1990 relating to the traceability requirement and an offence contrary to the regulation 19(1) and 19(2) of the Food Safety and Hygiene (England) Regulations 2013 in respect of the processing of raw cow's milk.

#### **R v. SJ Norman (2015)**

Represented the Crown in prosecuting a slaughter house for failing to take a stem cell sample from a bovine contrary to regulation 5(a) and paragraph 8(1) of Schedule 2, Transmissible Spongiform Encephalopathies (England) Regulations 2010.

#### **Ealing Borough Council v. MMC Ltd (2014)**

Instructed in advising a Company and its management on a local authority prosecution in relation to hygiene offences and emergency prohibition order breaches under the Food Safety Act 1990 of its restaurant.

#### **South Weald Inns Ltd v. Brentwood Borough Council (2012)**

Represented South Weald Inns Ltd in an appeal of a noise abatement notice pursuant to the Environmental Protection Act 1990.

#### **Health and Safety Executive v. MB Facilities Ltd (2012)**

Represented the Defendant Company for breaches of the Health and Safety at Work Act 1974 and Work at Height Regulations 2005 arising from the fall of an employee whilst working at height.

#### **Slough Borough Council v. Bellforce Developments Ltd, Gurpartap Singh Bhullar, and Jagdeep Singh Bhullar (2012)**

Successfully prosecuted 3 Defendants in a 9 day appeal to the Crown Court for a local authority for breaches of s.234 and s.72 of the Housing Act 2004.

#### **South Oxfordshire District Council v. Doris Davey (2011)**

Successfully prosecuted a 78 year old Defendant for 11 out of 18 offences for breach of a noise abatement notice under the Environmental Protection Act 1990.

#### **Lectures**

Sunyana has been invited to speak to Trading Standards on regulatory matters alongside Ian Lawrie QC (now HHJ Ian Lawrie QC) and Nigel Lickley QC (now HHJ Nigel Lickley QC). These have included the following:

- Chartered Trading Standards Institute (2019)
- National Grid Legal Team & National Grid Grain LNG (2018)
- Various solicitors firms (2015, 2016, 2017, 2018)
- Lawyers in Local Government Eastern Branch (2014)
- Oxfordshire County Council Trading Standards (2012 & 2014)
- South Western Consortium of Trading Standards (SWERCOTS) (2012).

## **Regulatory Compliance & Consumer Protection**

Sunyana Sharma's regulatory compliance and consumer protection practice straddles both prosecution and defence work. She is regularly instructed by Local Authorities, individuals and Companies. Her expertise includes:

- Unsafe goods and toys

- Trademark breaches
- Endangered Species
- Benefit fraud and Fraud Act 2006 offences
- Consumer Protection for Unfair Regulations 2008
- Cattle Identification Regulations
- Animal Welfare Act offences.

#### **Recent cases**

**DU Ltd v. TH Council (2019):** Representing an Estate Agent Company to appeal a fine imposed for regulatory non compliance under the Consumer Rights Act 2015.

**Bournemouth Christchurch and Poole Council v. PR (2019):** Represented the Council to prosecute a builder for a number of breaches under the Consumer Protection from Unfair Trading Regulations 2008.

#### **OCC v. T (2017)**

Instructed to advise a Company on various toys that breached the Toy Safety Regulations 2011, The General Product Safety Regulations 2005 and the Trade Marks Act 1994.

#### **R v. SB (2017)**

Represented a well known fashion designer for the keeping for sale and the displaying of a number of endangered species contrary to regulation 8(1) of The Control of Trade in Endangered Species (Enforcement) Regulations 1997.

#### **EBC & DWP v. LE (2016)**

Successfully prosecuted on behalf of the EBC and DWP a number of offences pursuant to the Social Security Administration Act 1982 for fraudulent benefit claims made over a period of 6 years. The overpayment of benefits was assessed at being over £75,000.

#### **Buckinghamshire County Council v. B Ltd & PD (2015)**

Represented a Company and its Director for producing and supplying an 'unsafe product' known as the 'Nutkins cot bed', attempting to pervert the course of justice and breaches of the Consumer Protection from Unfair Trading Regulations 2008. This was a high profile case which featured on the BBC's 'The One Show' due to the near death of a child.

#### **London Borough of Barnet v. KN (2015)**

Represented a Defendant for breaching her licensing conditions with the Local Council for contrary to s.95(2) of the Housing Act 2004 for permitting more than one household to live in her tenanted property. Strong discussions led to the prosecution being abandoned and the Prosecution agreeing to the Defendant being cautioned.

#### **RSPCA v. FA (2015)**

Defended a farmer for his lack of duty of care and for causing unnecessary suffering to a number of pigs pursuant to ss. 4 and 9 of the Animal Welfare Act 2006. Following the discovery of a number of dead pigs on his farm. Successfully avoided a Disqualification Order being imposed.

#### **Oxford Trading Standards Services v. Maddison Hawk & Perfect Strands Ltd (2014)**

Represented OTSS for a joint prosecution of a Company and Director for supplying unsafe goods under The Electrical Equipment (Safety) Regulations and Consumer Protection Act 1987 and breaches of s.92 of the Trademarks Act 1994.

#### **RSPCA v. BS (2014)**

Defended a barefoot trimmer for his actions relating to a horse s.4 and s.9 offences under the Animal Welfare Act 2006. Despite the Defendant being convicted, a Disqualification Order was avoided.

#### **Dorset County Council v. FL, AS, JB and GB (2013)**

Successfully prosecuted a four handed 'dodgy trader' case under the Fraud Act 2006 and the Consumer Protection from Unfair Trading Regulations 2008 for mis-selling solar panel systems to pensioners.

### **Dorset County Council v. Brian Pitman (2012)**

Following a successful application under s.20 of the Animal Welfare Act 2006 in respect of this Defendant, Sunyana was instructed to prosecute the Defendant in a 7 day trial for offences under s.4 and 9 of the said Act.'

## **Marine and Fisheries**

As a criminal and regulatory specialist, Sunyana has developed expertise that focuses on the maritime and fisheries sector. She regularly prosecutes, defends and advises in actions brought by the Maritime Coastguard Agency ('MCA'). She has also defended a number of cases prosecuted by the Marine Management Organisation ('MMO'). Her cases have included:

- Collisions at sea
- Health and safety breaches
- Pollution offences
- Illegal fishing
- Registration and technical failures.

Her clients include: masters, owners, charterers, operators, harbour authorities and the MCA.

### **Recent cases**

**R v. DW & LB Ltd (2019):** Representing the MCA in a double collision on the River Thames causing damage in excess of half a million pounds.

**R v. DR (2019):** Representing the MCA following a collision of a high speed tour boat with a buoy on the River Thames causing injury to passengers.

**Inquest touching the death of NW (2018):** Represented HM Coastguard Service for the MCA following a death at sea in which article 2 issues were raised following a complaint by SECAMB.

### **R v. F & Others (2016)**

Represented the owners of a Fishing Company on a high profile three handed fisheries matter in the Falkland Islands for breaches of ss. 167 and 168 of the Fisheries (Conservation and Management) Ordinance 2005 and Regulation 61 of the Fishing Regulations Order 1987 for failing to report £184,038 of hake. Avoided a conviction of the s.168 offence which would have led to the forfeiture of the owner's vessel, which has been valued at £1.5million.

### **MCA v. Michael Stimson (2015)**

Successfully prosecuted a fisherman on behalf of the MCA for harvesting shellfish from a prohibited area of Southampton Waters contrary to Regulation 19(1) of the Food Safety and Hygiene (England) Regulations 2013, failing to display navigation lights at night pursuant to the rule 23 of the COLREGs, displaying the Port of Registry and Fishing Numbers on his vessel despite his vessel being unregistered for a period of 2 years, contrary to s.15(3) and (5) of The Merchant Shipping Act 1995.

### **MMO v. Westminster Dredging Company Ltd (2015)**

Represented a multi national Company for breaching s.65 of the Marine and Coastal Access Act 2009 in that it deposited dredging material in an area outside the area designated within the licence at HMNB Devonport on 31 occasions.

### **MCA v. Gerardus Chapel (2014)**

Instructed to advise the Master of a dredger for offences under the Merchant Shipping Act 1995 following a collision that led to a fatality.

### **MCA v. Richard Pease (2014)**

Successfully prosecuted a hovercraft driver who was almost 3 x over the legal limit in alcohol whilst under passage between Southsea, Hampshire & Ryde, Isle of Wight under the Railways and Transport Safety Act 2003.

**MCA v. NJ (2014)**

Successfully defended the driver of a rib for breaches of The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996, following a collision on the Cardiff Bay.

**MCA v. The Beauchamp Lodge Settlement (2014)**

Prosecuted on behalf of the MCA a charity company which had failed to operate a passenger vessel with a valid passenger certificate as required under The Merchant Shipping (Survey and Certification) Regulations 1995.

**MMO v. Saltire Seafoods Ltd (2013)**

Represented a Fishing Company for dredging £12,500 worth of undersized scallops, a regulatory offence pursuant to The Scallop Fishing (England) Order 2012 and The Sea Fish (Conservation) Act 1967.

**MCA v. Generic Enterprises Ltd (2012)**

Represented Owners of a Spanish Vessel for breaches under the Merchant Shipping Act 1995 and Health and Safety at Work Regulations 1997 for Merchant Shipping and Fishing Vessels.

**MCA v. Captain Koningstein (2012)**

Represented the Master of a vessel who was involved in a collision with another vessel on the Thames Barrier for offences contrary to The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996.

## Professional Regulation

Sunyana Sharma has developed a strong practice in professional disciplinary regulation following a 6 month secondment as a case presenter at the Nursing and Midwifery Council ('NMC'). She appears regularly in the various healthcare tribunals which include the NMC, General Chiropractic Council ('GCC'), Health and Care Professions Council ('HCPC'), General Medical Council ('GMC'), General Optical Council ('GOC') and General Dental Council 'GDC' for substantive misconduct and health hearings, interim order applications and substantive order reviews. In addition, she is regularly instructed by nursing, care homes and GP Surgery's appealing CQC decisions before the First Tier Tribunal (Health, Education and Social Care Chamber).

Having developed an in depth and robust understanding of the 'fitness to practise' regime, she takes instruction in all professional disciplinary cases including doctors, osteopaths and other healthcare workers.

**Recent cases**

**NMC v. RP (2018):** Represented a nurse for a number of failings in which he was blamed for the death of the patient. Following the week's substantive hearing none of the allegations were found proved.

**GMC v. x (2017)**

Currently instructed to represent a Doctor for carrying out medical practise whilst not holding a licence to practise.

**HCPC v. KC (2017)**

Represented a social worker for receiving a caution for disclosing sexual photographs of his ex partner.

**GOC v. AP (2016)**

Represented an optician for over 50 misconduct allegations relating to the adequate sight testing, the fitting of contact lenses, record keeping and dishonesty.

**NMC v. JN (2015)**

Instructed to advise a registrant on an appeal to the High Court relating to a Substantive Order determination on dishonesty.

**NMC v. PN (2015)**

Represented the NMC at a misconduct substantive hearing in which the registrant was undertaking shift work when signed off sick and working excessive hours, including a continuous 37 hour shift.

**GDC v. IK (2014)**

Instructed to represent a dental technician for acting outside his scope of practice.

**NMC v. KA-A (2014)**

Successfully represented the NMC for a 9 day substantive misconduct hearing against two nurses for restraining a vulnerable dementia patient to a hospital bed with a bedsheet and cable ties.

**NMC v. AA (2014)**

Represented the NMC for dishonesty allegations against the Registrant who had produced and provided false references to an NHS Trust to obtain a Band 5 Nursing post. The five day substantive hearing resulted in the Nurse being struck off.

**GCC v. X (2014)**

Represented the GCC for a substantive order review hearing of a Chiropractor who had been convicted of acts of voyeurism.

**GCC v. EJ (2013)**

Successfully represented EJ in a four day substantive hearing for allegations of unacceptable professional conduct relating to a sexual relationship with a patient, confidentiality breaches and dishonesty.

**GOC v. AP (2012)**

Appeared on behalf of an optician who despite having failed to complete his pre-registration.

**Secondments**

Sunyana has undertaken the following secondments in the field of healthcare regulation:

- Ad Hoc secondment with the GCC to advise on cases (2016).
- Six month secondment as a case presenter to the NMC dealing with a variety of misconduct and lack of competence cases (NMC, 2013).
- Assisted the public and regulatory team on advising the Nursing and Midwifery Council ('NMC') on 'fitness to practise' cases under the NMC 'Code: Standards of conduct, performance and ethics for nurses and midwives', 'Standards for Medicines Management' and Guidance on 'Recordkeeping' for nurses and midwives (Blake Morgan, 2012 and Fieldfisher Waterhouse, 2011).

## **Marine and Fisheries Law**

As a criminal and regulatory specialist, Sunyana has developed expertise that focuses on the maritime and fisheries sector. She regularly prosecutes, defends and advises in actions brought by the Maritime Coastguard Agency ('MCA'). She has also defended a number of cases prosecuted by the Marine Management Organisation ('MMO'). Her cases have included:

- Collisions at sea
- Health and safety breaches
- Pollution offences
- Illegal fishing
- Registration and technical failures.

Her clients include: masters, owners, charterers, operators, harbour authorities and the MCA.

**Recent cases**

**R v. DW & LB Ltd (2019):** Representing the MCA in a double collision on the River Thames causing damage in excess of half a million pounds.

**R v. DR (2019):** Representing the MCA following a collision of a high speed tour boat with a buoy on the River Thames causing injury to passengers.



**Inquest touching the death of NW (2018):** Represented HM Coastguard Service for the MCA following a death at sea in which article 2 issues were raised following a complaint by SECAMB.

**R v. F & Others (2016)**

Represented the owners of a Fishing Company on a high profile three handed fisheries matter in the Falkland Islands for breaches of ss. 167 and 168 of the Fisheries (Conservation and Management) Ordinance 2005 and Regulation 61 of the Fishing Regulations Order 1987 for failing to report £184,038 of hake. Avoided a conviction of the s.168 offence which would have led to the forfeiture of the owner's vessel, which has been valued at £1.5million.

**MCA v. Michael Stimson (2015)**

Successfully prosecuted a fisherman on behalf of the MCA for harvesting shellfish from a prohibited area of Southampton Waters contrary to Regulation 19(1) of the Food Safety and Hygiene (England) Regulations 2013, failing to display navigation lights at night pursuant to the rule 23 of the COLREGs, displaying the Port of Registry and Fishing Numbers on his vessel despite his vessel being unregistered for a period of 2 years, contrary to s.15(3) and (5) of The Merchant Shipping Act 1995.

**MMO v. Westminster Dredging Company Ltd (2015)**

Represented a multi national Company for breaching s.65 of the Marine and Coastal Access Act 2009 in that it deposited dredging material in an area outside the area designated within the licence at HMNB Devonport on 31 occasions.

**MCA v. Gerardus Chapel (2014)**

Instructed to advise the Master of a dredger for offences under the Merchant Shipping Act 1995 following a collision that led to a fatality.

**MCA v. Richard Pease (2014)**

Successfully prosecuted a hovercraft driver who was almost 3 x over the legal limit in alcohol whilst under passage between Southsea, Hampshire & Ryde, Isle of Wight under the Railways and Transport Safety Act 2003.

**MCA v. NJ (2014)**

Successfully defended the driver of a rib for breaches of The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996, following a collision on the Cardiff Bay.

**MCA v. The Beauchamp Lodge Settlement (2014)**

Prosecuted on behalf of the MCA a charity company which had failed to operate a passenger vessel with a valid passenger certificate as required under The Merchant Shipping (Survey and Certification) Regulations 1995.

**MMO v. Saltire Seafoods Ltd (2013)**

Represented a Fishing Company for dredging £12,500 worth of undersized scallops, a regulatory offence pursuant to The Scallop Fishing (England) Order 2012 and The Sea Fish (Conservation) Act 1967.

**MCA v. Generic Enterprises Ltd (2012)**

Represented Owners of a Spanish Vessel for breaches under the Merchant Shipping Act 1995 and Health and Safety at Work Regulations 1997 for Merchant Shipping and Fishing Vessels.

**MCA v. Captain Koningstein (2012)**

Represented the Master of a vessel who was involved in a collision with another vessel on the Thames Barrier for offences contrary to The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996.

## **Disciplinary and Regulatory Proceedings**

### **Professional Regulation**

Sunyana Sharma has developed a strong practice in professional disciplinary regulation following a 6 month secondment as a case presenter at the Nursing and Midwifery Council ('NMC'). She appears regularly in the various healthcare tribunals which include the NMC, General Chiropractic Council ('GCC'), Health and Care Professions Council ('HPC'), General Medical Council ('GMC'), General Optical Council ('GOC') and General Dental Council 'GDC' for substantive misconduct and health hearings, interim order applications and substantive order reviews. In addition, she is regularly instructed by nursing, care

homes and GP Surgery's appealing CQC decisions before the First Tier Tribunal (Health, Education and Social Care Chamber).

Having developed an in depth and robust understanding of the 'fitness to practise' regime, she takes instruction in all professional disciplinary cases including doctors, osteopaths and other healthcare workers.

#### **Recent cases**

**NMC v. RP (2018):** Represented a nurse for a number of failings in which he was blamed for the death of the patient. Following the week's substantive hearing none of the allegations were found proved.

**GMC v. x (2017)**

Currently instructed to represent a Doctor for carrying out medical practise whilst not holding a licence to practise.

**HCPC v. KC (2017)**

Represented a social worker for receiving a caution for disclosing sexual photographs of his ex partner.

**GOC v. AP (2016)**

Represented an optician for over 50 misconduct allegations relating to the adequate sight testing, the fitting of contact lenses, record keeping and dishonesty.

**NMC v. JN (2015)**

Instructed to advise a registrant on an appeal to the High Court relating to a Substantive Order determination on dishonesty.

**NMC v. PN (2015)**

Represented the NMC at a misconduct substantive hearing in which the registrant was undertaking shift work when signed off sick and working excessive hours, including a continuous 37 hour shift.

**GDC v. IK (2014)**

Instructed to represent a dental technician for acting outside his scope of practice.

**NMC v. KA-A (2014)**

Successfully represented the NMC for a 9 day substantive misconduct hearing against two nurses for restraining a vulnerable dementia patient to a hospital bed with a bedsheet and cable ties.

**NMC v. AA (2014)**

Represented the NMC for dishonesty allegations against the Registrant who had produced and provided false references to an NHS Trust to obtain a Band 5 Nursing post. The five day substantive hearing resulted in the Nurse being struck off.

**GCC v. X (2014)**

Represented the GCC for a substantive order review hearing of a Chiropractor who had been convicted of acts of voyeurism.

**GCC v. EJ (2013)**

Successfully represented EJ in a four day substantive hearing for allegations of unacceptable professional conduct relating to a sexual relationship with a patient, confidentiality breaches and dishonesty.

**GOC v. AP (2012)**

Appeared on behalf of an optician who despite having failed to complete his pre-registration.

#### **Secondments**

Sunyana has undertaken the following secondments in the field of healthcare regulation:

- Ad Hoc secondment with the GCC to advise on cases (2016).
- Six month secondment as a case presenter to the NMC dealing with a variety of misconduct and lack of competence cases (NMC, 2013).
- Assisted the public and regulatory team on advising the Nursing and Midwifery Council ('NMC') on 'fitness to practise' cases under the NMC 'Code: Standards of conduct, performance and ethics for nurses and midwives', 'Standards for

Medicines Management' and Guidance on 'Recordkeeping' for nurses and midwives (Blake Morgan, 2012 and Fieldfisher Waterhouse, 2011).

## Trading Standards

### Regulatory Compliance & Consumer Protection

Sunyana Sharma's regulatory compliance and consumer protection practice straddles both prosecution and defence work. She is regularly instructed by Local Authorities, individuals and Companies. Her expertise includes:

- Unsafe goods and toys
- Trademark breaches
- Endangered Species
- Benefit fraud and Fraud Act 2006 offences
- Consumer Protection for Unfair Regulations 2008
- Cattle Identification Regulations
- Animal Welfare Act offences.

### Recent cases

**DU Ltd v. TH Council (2019):** Representing an Estate Agent Company to appeal a fine imposed for regulatory non compliance under the Consumer Rights Act 2015.

**Bournemouth Christchurch and Poole Council v. PR (2019):** Represented the Council to prosecute a builder for a number of breaches under the Consumer Protection from Unfair Trading Regulations 2008.

### OCC v. T (2017)

Instructed to advise a Company on various toys that breached the Toy Safety Regulations 2011, The General Product Safety Regulations 2005 and the Trade Marks Act 1994.

### R v. SB (2017)

Represented a well known fashion designer for the keeping for sale and the displaying of a number of endangered species contrary to regulation 8(1) of The Control of Trade in Endangered Species (Enforcement) Regulations 1997.

### EBC & DWP v. LE (2016)

Successfully prosecuted on behalf of the EBC and DWP a number of offences pursuant to the Social Security Administration Act 1982 for fraudulent benefit claims made over a period of 6 years. The overpayment of benefits was assessed at being over £75,000.

### Buckinghamshire County Council v. B Ltd & PD (2015)

Represented a Company and its Director for producing and supplying an 'unsafe product' known as the 'Nutkins cot bed', attempting to pervert the course of justice and breaches of the Consumer Protection from Unfair Trading Regulations 2008. This was a high profile case which featured on the BBC's 'The One Show' due to the near death of a child.

### London Borough of Barnet v. KN (2015)

Represented a Defendant for breaching her licensing conditions with the Local Council for contrary to s.95(2) of the Housing Act 2004 for permitting more than one household to live in her tenanted property. Strong discussions led to the prosecution being abandoned and the Prosecution agreeing to the Defendant being cautioned.

### RSPCA v. FA (2015)

Defended a farmer for his lack of duty of care and for causing unnecessary suffering to a number of pigs pursuant to ss. 4 and 9 of the Animal Welfare Act 2006. Following the discovery of a number of dead pigs on his farm. Successfully avoided a Disqualification Order being imposed.

### **Oxford Trading Standards Services v. Maddison Hawk & Perfect Strands Ltd (2014)**

Represented OTSS for a joint prosecution of a Company and Director for supplying unsafe goods under The Electrical Equipment (Safety) Regulations and Consumer Protection Act 1987 and breaches of s.92 of the Trademarks Act 1994.

### **RSPCA v. BS (2014)**

Defended a barefoot trimmer for his actions relating to a horse s.4 and s.9 offences under the Animal Welfare Act 2006. Despite the Defendant being convicted, a Disqualification Order was avoided.

### **Dorset County Council v. FL, AS, JB and GB (2013)**

Successfully prosecuted a four handed 'dodgy trader' case under the Fraud Act 2006 and the Consumer Protection from Unfair Trading Regulations 2008 for mis-selling solar panel systems to pensioners.

### **Dorset County Council v. Brian Pitman (2012)**

Following a successful application under s.20 of the Animal Welfare Act 2006 in respect of this Defendant, Sunyana was instructed to prosecute the Defendant in a 7 day trial for offences under s.4 and 9 of the said Act.'

### **Lectures**

Sunyana has been invited to speak to Trading Standards on regulatory matters alongside Ian Lawrie QC (now HHJ Ian Lawrie QC) and Nigel Lickley QC (now HHJ Nigel Lickley QC). These have included the following:

- Chartered Trading Standards Institute (2019)
- National Grid Legal Team & National Grid Grain LNG (2018)
- Various solicitors firms (2015, 2016, 2017, 2018)
- Lawyers in Local Government Eastern Branch (2014)
- Oxfordshire County Council Trading Standards (2012 & 2014)
- South Western Consortium of Trading Standards (SWERCOTS) (2012).

## **Health and Safety law**

Health and Safety Sunyana Sharma has appeared for both the prosecution and defence in a number of health and safety cases in various tribunals and courts. Her experience has enabled her to be appointed to the C list of Specialist Regulatory Advocates for The Health & Safety Executive, Environment Agency and Office of Rail Regulation. Between 2017 and 2018, Sunyana was contracted to work as In House Counsel for National Grid PLC in Health, Safety and Environment. She was therefore exposed to various health, safety and environmental issues in the Electricity and Gas Industry. Her work extends to representing both local authorities as well as Companies and individuals. She has expertise in the following:

- Electricity and Gas safety
- Food safety
- Unsafe products
- Accidents at work
- Environmental and pollution offences
- Housing Act 2004 breaches.

### **Recent cases**

#### **National Grid PLC and National Grid Gas PLC ('NGG') (2017 to 2018):**

- Advised on various HSE investigations, prosecutions, improvement notices
- Advised on amendments to the NGG Gas Safety Case including interpretation of duties in respect of Meters on the Network

- Advised a Control of Major Accidents Hazard site on improving health and safety arrangements for the distribution network operators on site maintaining their own assets
- Involved in meetings and discussions on industry led changes to the Gas Safety (Management) Regulations 1996
- Advised on the regulatory compliance of major assets e.g. The Fluorinated Greenhouse Gases Regulations 2015
- Led the team to update policy in relation to employees travelling overseas
- Responded to 'Environmental Information Regulations 2004' requests

#### **Inquest touching the death of RS (2016)**

Represented an employee as an interested party at a three day jury inquest into the death of a colleague whilst at work following a fall through a Perspex roof on his employer's premises.

#### **Buckinghamshire County Council v. B Ltd & PD (2015)**

Represented a Company and its Director for producing and supplying an 'unsafe product' known as the 'Nutkins cot bed', attempting to pervert the course of justice and breaches of the Consumer Protection from Unfair Trading Regulations 2008. This was a high profile case which featured on the BBC's 'The One Show' due to the near death of a child.

#### **London Borough of Islington v. C Carnavale Ltd & Others (2015)**

Drafted in at the last hour to represent a Company in a complex application to dismiss for offences pursuant to regulation 4 of the General Food Regulations 2004 as enabled by the Food Safety Act 1990 relating to the traceability requirement and an offence contrary to the regulation 19(1) and 19(2) of the Food Safety and Hygiene (England) Regulations 2013 in respect of the processing of raw cow's milk.

#### **R v. SJ Norman (2015)**

Represented the Crown in prosecuting a slaughter house for failing to take a stem cell sample from a bovine contrary to regulation 5(a) and paragraph 8(1) of Schedule 2, Transmissible Spongiform Encephalopathies (England) Regulations 2010.

#### **Ealing Borough Council v. MMC Ltd (2014)**

Instructed in advising a Company and its management on a local authority prosecution in relation to hygiene offences and emergency prohibition order breaches under the Food Safety Act 1990 of its restaurant.

#### **South Weald Inns Ltd v. Brentwood Borough Council (2012)**

Represented South Weald Inns Ltd in an appeal of a noise abatement notice pursuant to the Environmental Protection Act 1990.

#### **Health and Safety Executive v. MB Facilities Ltd (2012)**

Represented the Defendant Company for breaches of the Health and Safety at Work Act 1974 and Work at Height Regulations 2005 arising from the fall of an employee whilst working at height.

#### **Slough Borough Council v. Belforce Developments Ltd, Gurpartap Singh Bhullar, and Jagdeep Singh Bhullar (2012)**

Successfully prosecuted 3 Defendants in a 9 day appeal to the Crown Court for a local authority for breaches of s.234 and s.72 of the Housing Act 2004.

#### **South Oxfordshire District Council v. Doris Davey (2011)**

Successfully prosecuted a 78 year old Defendant for 11 out of 18 offences for breach of a noise abatement notice under the Environmental Protection Act 1990.

## **Inquests**

Sunyana Sharma's experience in inquest work covers medical negligence cases, deaths at sea, fatal accidents at work and road traffic incidents of all kinds. She is well equipped to deal with a full range of inquest work as noted by her expertise in medical healthcare, maritime law and health and safety work. She provides added value to the area as a result of her previous practice area of personal injury in which she conducted clinical negligence claims, work related illnesses and accidents and police misconduct claims.

## **Notable Cases:**

- Inquest touching the death of BI (2018): Instructed to represent a dredger Company following a collision with a sailing boat leading to a death at sea.
- Inquest touching the death of NW (2017): Instructed by HM Coastguard Service following a death at sea in which article 2 issues were raised.
- Inquest touching the death of RS (2016): Represented an employee as an interested party at a 3 day jury inquest into the death of a colleague whilst at work following a fall through a Perspex roof on his employer's premises.
- Inquest touching the death of EG (2013): Represented the family of the deceased in an inquest which challenged the clinical care and treatment provided by the NHS Trust.

## **Crime**

Throughout her career at the Bar Sunyana has been instructed on a broad range of criminal work including murders, large cases involving conspiracy to supply drugs, sex offences including indecent images of a child and fraud as well as death by dangerous driving and causing death by an uninsured driver.

Parts of Sunyana's criminal practice dovetail naturally with her expertise in regulatory proceedings for which she regularly appears in the Magistrates' and the Crown Court (see specialist profile). She has also represented a number of government agencies, undertaking work for Local Authorities, Revenue and Customs, the Maritime and Coastguard Agency and the National Probation Service.

Sunyana has also appeared in the Court of Appeal on a number of occasions and has also assisted in advising on Appeals to the Privy Council from the Court of Appeal in Jamaica.

Sunyana is regularly invited to speak to both the Bar and solicitors on criminal/regulatory matters and is happy to provide specialist training if required.

### **Recent cases**

#### **R v. SB (2017)**

Represented a well known fashion designer for the keeping for sale and the displaying of a number of endangered species contrary to regulation 8(1) of The Control of Trade in Endangered Species (Enforcement) Regulations 1997.

#### **R v. x [2016]**

Defended a youth who was found to be unfit to plead for an offence of sexual assault. Following a successful s.78 PACE application to exclude the Defendant's ROTI, the case was dropped.

#### **EBC & DWP v. Louise Ellwood [2015]**

Successfully prosecuted on behalf of the EBC and DWP a number of offences pursuant to the Social Security Administration Act 1982 for fraudulent benefit claims made over a period of 6 years. The overpayment of benefits was assessed at being over £75,000.

#### **R v. Shiraz Hussain [2015]**

Successfully represented the Crown for an offence contrary to article 137 and article 241(8) of the Air Navigation Order 2009 and section 60 of the Civil Aviation Act 1982 which related to the Defendant shining a laser pen at a police helicopter.

#### **R v. Lisa Heffernan [2015]**

Represented the Crown in a successful prosecution of assisting an offender under s.4(1) of the Criminal Law Act 1967 in a violent attack on a passer-by.

#### **R v. MG [2015]**

Successfully represented a member of police staff for a number of breaches under the Data Protection Act 1998.

#### **R v. MW & others [2014]**

Represented a football fan for violent offences at a Chelsea game. Avoided a football banning order.

**R v. Santosh Gurung [2013]**

Instructed by the Defendant on a s.18 GBH for a double knifing in a night club.

**R v. CR & RST [2012]**

Prosecuted on behalf of the Crown for the supply of Ecstasy at the Bestival music festival, in which one Defendant was found in possession of 120 tablets.

**R v Watkins [2011] EWCA Crim 2833**

Successfully appealed the sentence of the Defendant from an imprisonment for public protection to an extended sentence in the Court of Appeal for possession of over 20,000 indecent images and the making of indecent images of a child.

**R v James Vaughan and others [2011]**

Second junior to Christopher Parker QC (now HHJ C. Parker QC) for the Crown in a nine-handed conspiracy to supply drugs, manslaughter, s.18 GBH and arson with intent to endanger life.

**R v Michael Kelly and others [2011]**

Junior for the Department of Work and Pensions in a nine-handed conspiracy to defraud the DWP and North Cornwall District Council.

**R v Ocran [2010] EWCA Crim 1209**

Represented the Appellant in the Court of Appeal for an appeal against sentence on whether exceptional circumstances to disapply the mandatory minimum sentence of five years for the possession of firearms.

**R v Passoni [2009] EWCA Crim 1217**

Appeared for the Appellant in an appeal against sentence in the Court of Appeal for burglary and assault occasioning actual bodily harm on an elderly victim.