



Sunyana Sharma

Year of Call: 2006

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Overview

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

She has been appointed to the C list of Specialist Regulatory Advocates for The Health & Safety & Environmental Law Executive.

In August 2021, Sunyana was appointed an Assistant Coroner for Hampshire. To read more about Sunyana's relevant expertise, please see her specialist inquests profile [here](#).

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.

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.

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).

Secondments

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

- Ad Hoc secondment with the GCC to advise on cases.
- Six month secondment as a case presenter to the NMC dealing with a variety of misconduct and lack of competence cases (NMC).
- 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 and Fieldfisher Waterhouse).

Professional Discipline and Regulatory Law

Sunyana Sharma has developed a strong practice in professional disciplinary regulation following secondments as a case presenter at the Nursing and Midwifery Council ('NMC') and in house lawyer at the General Chiropractic Council ('GCC'). She appears regularly in various healthcare tribunals which includes the NMC, GCC, Health and Care Professions Council ('HCPC'), Medical Practitioner's Tribunal Service ('MPTS'), General Optical Council ('GOC'), British Association for Counselling and Psychotherapy ('BACP') 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.

Sunyana was seconded to the Financial Conduct Authority ('FCA') from 2019 to 2020 to assist in two high profile dual tracked investigations into systemic failures by two major global banks.

Recent Cases

GDC v. x (2021): representing CDT for multiple allegations relating to working out of scope, breach of an interim order and various dishonesty allegations.

BACP v. x (2021): Representing a counsellor for misconduct allegations in relation to joint counselling sessions for a couple with a history of domestic violence.

GMC v. x (2020): Instructed to represent a consultant anaesthetist for incorrect and dangerous intubation pre-surgery of two patients leading to near deaths.

GDC v. SK (2020): Successfully represented a dentist in an IO hearing who faced allegations of sexual abuse.

CQC v. YSL (2020): Successfully represented care home in an appeal to cancel its registration before the First Tier Tribunal (Care Standards).

Human Givens Institute v. LM (2019): Advised an integrative therapist specialising in mental and emotional health on an appeal of the decision of the Human Givens Institute for practising out of scope.

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

GMC v. x (2017): Represented 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 adequacy of sight testing, the fitting of contact lenses, record keeping and dishonesty for a patient with keratoconus.

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 a student optician for dishonesty allegations.

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.

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:

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- 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. 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.

Articles

Sunyana Shama looks at the case of Zuber Bux v. General Medical Council [2021] EWHC 762 (Admin) in which the opportunity is given to revisit the key duties and obligations inherent in good expert witnesses.

[View Article](#)

Sunyana Shama examines the case of Raied Haris v GMC [2021] EWCA Civ 763 in which a doctor is found to have undertaken nonclinical intimate examinations on patients without their informed consent.

[View Article](#)

Professional Standards Authority for Health and Social Care v Health and Care Professions Council, Roberts [2020] EWHC 1906 (Admin)

Specialist regulatory law barrister [Sunyana Sharma](#) reviews the case of *Professional Standards Authority for Health and Social Care v Health and Care Professions Council, Roberts [2020] EWHC 1906 (Admin)*. The case concerned a member of staff that had used racist language.

[View Article](#)

Beckwith v. Solicitors Regulation Authority [2020] EWHC 3231 (Admin)

[Sunyana Sharma](#), a regulatory and criminal law barrister reviews the case of *Beckwith v. Solicitors Regulation Authority [2020] EWHC 3231 (Admin)*. In this case, the High Court concludes that Regulator overstepped the mark into Solicitor's private life.

[View Article](#)

Sunyana Sharma reviews the impact of the case of Maughan in the Coroner's Court.

[View Article](#)

Counsel magazine featured an article from 3PB's specialist crime and regulatory barrister Sunyana Sharma, alongside Anjali Gohil of Guildhall Chambers, about the lack of ethnic diversity on the Western Circuit.

[View Article](#)

3PB's specialist crime and regulatory barrister Sunyana Sharma was featured in the September 2020 issue of Counsel magazine describing her own experiences becoming a barrister as part of the Black Lives Matter campaign. In this article Sunyana describes her own experience and struggles in becoming a barrister as a young Asian female.

[View Article](#)

Recommendations

'Strengths include a wealth of knowledge, strategic acumen and impeccable client care. In addition to being incredibly talented, Sunyana is also efficient, approachable, and always easy to reach and happy to advise. Instructing solicitors cannot rate the service provided by Sunyana highly enough.'

Legal 500 2022/Inquests and Inquiries/Leading Juniors/London Bar

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

Legal 500 2016/Professional Discipline and Regulatory Law (including police law)/Leading Juniors

"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

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
- Steering Committee member of BarNone, Western Circuit

Professional bodies

- ARDL (Association of Regulatory and Disciplinary Lawyers)
- HSLA (Health and Safety Lawyers Association)
- HRLA (Human Rights Lawyers Association)
- Western Circuit