



## Vikram Sachdeva KC

Year of call: 1998 | Silk: 2015

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*"Vikram is meticulous in his preparation, commercially astute, supremely intelligent and charming with clients and judges alike."*

*"He is outstanding both on his feet and on paper."*

*"He is an excellent advocate; he is very calm under pressure..."*

*"[He] has got a brilliantly strategic mind. He spots points no one else can at an early stage..."*

*"A once in a generation talent."*

Vikram is a highly accomplished and multi-talented advocate who specialises in Administrative & Public Law, Civil Liberties & Human Rights, Healthcare, Commercial Law, Regulatory & Disciplinary, Tax, Media Law, and Costs & Litigation Funding. He is known for creatively pushing the boundaries of the law, and has appeared in a number of important cases in all of these fields up to the Supreme Court. He is often brought in for high profile cases outside his primary fields when a different perspective is needed.

Vikram is recommended in the legal directories in Administrative and Public law, Civil Liberties and Human Rights, Regulatory and Disciplinary law, Court of Protection (Welfare), and Costs and Litigation Funding.

In March 2013, whilst still a Junior, he was named The Times' Lawyer of the Week.

Vikram acts for both Claimants and Defendants in Public Law and Human rights cases in approximately equal measure, and was until recently the Chair of the Constitutional and Administrative Law Bar Association. Vikram sits in the Administrative Court as a Deputy High Court Judge. He was one of only two members of the Bar to be chosen to be a member of Lord Faulks' Independent Review of Administrative Law.

Vikram studied Undergraduate Medicine and Law at Cambridge, then obtained the one year BCL at Oxford, before completing Clinical Medical course at Oxford.

He then taught Administrative law at Cambridge University, and Tort and Criminal law at Oxford University, for several years. On coming to the Bar, Vikram was awarded the Queen Mother Scholarship, the Harmsworth Entrance Exhibition, and an accommodation scholarship by Middle Temple.

Before taking silk, Vikram spent many years on the Attorney General's A, B and C panels. He has acted in four cases in the Supreme Court, 49 cases in the Court of Appeal, and more than a hundred in the High Court. His cases are often high profile, concern fundamental questions of principle, and attract national

media attention, for instance the Supreme Court cases of *Tigere* (student loans and the right to education), *Aintree v James* (definition of "futile" medical treatment), *NHS v Y* (whether court application needed to withdraw CANH if family agrees); and *JB v A Local Authority* (whether capacity to engage in sexual relations requires an understanding that the other person must consent throughout). He also acted in the *Skripal* case (whether blood samples could be taken for the OPCW); the *Interchange Fee Litigation* (whether parties had settled after expiry of the relevant period); advice during the *VW and Mercedes Emissions litigation*; *Smith v Lancashire* (declaration of incompatibility against the Fatal Accidents Act leading to a change in the legislation in causing the right to bereavement damages to be extended to cohabitants of 2 years); *Ashya King* (whether proton radiotherapy should be performed in Czech Republic); *Tafida Raqeeb* (whether breach of TFEU article 56 not to permit travel to Italy for medical treatment); and the reinterpretation of the *Mitchell* principles concerning relief against sanction in *Denton v White*.

As well as appearing in most of the important medical treatment cases of the last decade, Vikram was a founder member and Chair of the Court of Protection Bar Association. He sits as a Deputy High Court Judge in the Family Division and often hears medical treatment cases. Vikram has a thriving commercial and arbitration practice ranging from general commercial law, to civil fraud, to banking, to international supply contracts.

He also practices in Regulatory & Disciplinary (often providing strategic advice to Regulators), Tax (most recently appearing in the Court of Appeal in a £1 billion direct tax case), Media law (particularly in relation to medical treatment cases) and Costs and Litigation Funding.

Vikram was nominated for The Legal 500 Bar Awards for Government and Third Sector Silk of the Year in 2022, and for Court of Protection and Community Care Silk of the Year in 2023.

## Areas of expertise

Public Law and Human Rights

Healthcare/Medical Treatment

Commercial Litigation and Arbitration

Regulatory and Disciplinary

Tax

Media Law

Costs and Litigation Funding

## Healthcare/Medical Treatment

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Vikram's busy healthcare practice is wide-ranging and he acts for Trusts, the Official Solicitor and for individuals. He has appeared in many of the important medical treatment cases of the last 15 years (in particular, he is the only barrister to have appeared in and won both Supreme Court cases concerning medical treatment).

### Cases of note:

- ***University Hospitals Birmingham NHS Foundation Trust v ST* [2023] EWCOP 40 (forthcoming, CA)** – meaning of impairment or disturbance in functioning of mind or brain in MCA; whether there is an implicit requirement of belief in the veracity of the “information relevant to the decision”.
- ***Clitheroe v Bond* [2021] EWHC 1102 (Ch) [2021] P & CR DG14 and [2022] EWHC 2203 (Ch)** – whether the test for testamentary capacity should be the common law test in *Banks v Goodfellow* or whether the test in the MCA should be adopted.
- ***A Local Authority v JB* [2021] UKSC 52 [2022] AC 1322** – overall approach to assessment of

mental capacity, including definition of “information relevant to the decision”

- ***Re Knight (A Child)* [2021] EWCA Civ 362 [2021] Med LR 323** – whether physical harm to an unconscious patient was properly regarded as harm.
- ***Z v University Hospitals Plymouth NHS Trust* [2020] EWCA Civ 1772** – whether just entitled to find that continuation of life-sustaining treatment was not in the best interests of a patient in a coma
- ***NHS Trust v Y* [2018] UKSC 46; [2019] AC 978** – Whether it was a breach of A2 to fail to seek permission from court before withdrawing CANH in a Prolonged Disorder of Consciousness.
- ***In re Briggs (Incapacitated Person)* [2017] EWCA Civ 1169 [2018] Fam 63** – Whether s21A MCA 2005 permitted the determination of withdrawal of CANH from a patient in a Prolonged Disorder of Consciousness.
- ***M v N* [2015] EWCOP 83 [2015] COPLR 88** – first case in which the court ordered withdrawal of life-sustaining treatment from a patient in a minimally conscious state
- ***Re Ashya King (A Child)* [2014] EWHC 2964 (Fam)** – whether parents entitled to take child to Prague for proton beam radiotherapy
- ***Aintree v James* [2013] UKSC 67 [2014] AC 591** – the leading case which defines “best interests” in medical treatment cases, including the meaning of “futility” as applicable to medical treatment
- ***In re M (Adult Patient) (Minimally Conscious State – Withdrawal of Treatment)* [2011] EWHC 2443 (Fam) [2012] 1 WLR 1653** – whether the court had jurisdiction to order withdrawal of life-sustaining treatment from patients in a minimally conscious state.

## Recommendations

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- *“Exceptionally on the ball and quick to provide strategic and commercial advice.”* Chambers & Partners
- *“A charming and eloquent advocate with an almost unique background of medicine and law.”* Legal 500
- *“A very forceful and very well-liked advocate.”* Chambers & Partners
- *“[O]f note for his niche expertise in medical human rights.”* – Civil Liberties and Human Rights, Legal 500 2019
- *“Is very responsive and has a particular expertise in complex medical treatment cases.”* – Court of Protection and
- Community Care, Legal 500 2019
- *“One of the best-established practitioners in the area and a man with wide-ranging knowledge.”* – Costs, Chambers
- & Partners 2019
- *“A very forceful and very well-liked advocate.”* – Costs, Chambers & Partners 2019
- *“Vikram is a leading silk for Court of Protection welfare cases. He has a strong intellect, attention to detail and a real*
- *depth of knowledge.”* – Court of Protection: Health & Welfare, Chambers & Partners (2019)
- *“He is outstanding both on his feet and on paper.”* – Court of Protection: Health & Welfare, Chambers & Partners
- (2019)
- *“He is incisive, well balanced and really goes the extra mile for his clients.”* – Court of Protection:

Health & Welfare,

- Chambers & Partners (2019)
- *"Exceptionally on the ball and quick to provide strategic and commercial advice."* – Administrative & Public Law, Chambers & Partners (2019)
- *"A guru on anything to do with the medical treatment field. He's very good at explaining things in a very succinct way because he has so much experience and knowledge as a former doctor."* – Administrative & Public Law Chambers & Partners (2019)
- *"He gives incredibly pragmatic and risk-based advice. He was a qualified medical professional, which gives him great insight into the work of a medical regulator. His written advice is very clear and we can share it with clients without 'translation'. He is approachable and always gets back to us."* – Professional Discipline, Chambers & Partners (2019)
- *"Meticulous in his preparation and will always go the extra mile for the client."* – Civil Liberties and Human Rights, Legal 500 (2018)
- *"Has great knowledge of costs law and its practical application."* *"Vikram is a good advocate, who is energetic and hard-working."* – Costs Litigation, Chambers & Partners (2018)
- *"Has an effective and persuasive advocacy style."* – Costs, Legal 500 (2018)
- *"He's very methodical, calm and controlled."* *"Vikram is at the top of his game, he'll be brought in for any challenging, high-level case."* – Court of Protection: Health & Welfare, Chambers & Partners (2018)
- *"A persuasive advocate."* – Court of Protection and Community Care, Legal 500 (2018)
- *"Very personable, easy to communicate with and very quick to explain. He's very calm and his advocacy skills are excellent."* – Administrative & Public Law, Chambers & Partners (2018)
- *"Extremely knowledgeable on healthcare judicial review – he always makes things easy for us."* – Administrative & Public Law, Chambers & Partners (2018)
- *"The man you want to instruct in difficult litigation – determined and robust, while remaining a calm personality."* – Professional Discipline and Regulatory Law, Legal 500 (2018)
- *"Very personable and very approachable."* – Professional Discipline, Chambers & Partners (2018)

## Memberships

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- Law Bar Association
- COMBAR
- Chancery Bar Association
- London Common Law & Commercial Bar Association
- Bar European Group
- Association of Regulatory & Disciplinary Lawyers
- Court of Protection Bar Association

## Qualifications

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### Education

- B.C.L. (Law): New College, Oxford, 1993
- M.A. (Hons) (Law and Medicine): Clare College, Cambridge, 1996

- B.M., B.Ch. (Medicine): New College, Oxford, 1996

## Additional Information

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### Appointments

- Deputy High Court Judge, Kings Bench Division and Family Division (2022)
- Formerly Chair of Administrative Law Bar Association
- Formerly Chair (and co-founder) of Court of Protection Bar Association
- Member of Independent Review of Administrative Law
- Attorney-General's A Panel 2014 (previously on B and C Panels)
- Member of the Executive Committee of the Association of Regulatory and Disciplinary Lawyers

### Other Professional Qualifications

Vikram qualified as a doctor in 1996 and became registered with the General Medical Council. Before qualifying for the Bar he spent a year practicing as a house doctor in the John Radcliffe Hospital, Oxford, and the Royal United Hospital in Bath. His medical background has proved invaluable in cases involving scientific and technical matters.

### Languages

- French
- Hindi

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