



1 CROWN OFFICE ROW

Sarabjit Singh QC

Call: 2001 QC: 2018



Sarabjit Singh QC specialises in tax, with a particular emphasis on all forms of indirect tax and the interface between tax and public law. He is ranked as a leading silk in tax by both Chambers and Partners and the Legal 500, and has been described in those directories as “*very persuasive*” and “*a very compelling advocate*”, whose “*drafting is fantastic*” and whose “*performances in conference impress*”. Sarabjit also specialises in public law in its own right, and frequently appears in public law and tax cases in the highest courts, including regular appearances in the Court of Appeal and Supreme Court.

Prior to becoming a silk, Sarabjit was appointed to each of the Attorney General’s A, B and C panels, and it was through his work on the panels that Sarabjit represented government departments and others in the most complex and high-profile cases in his areas of practice. His excellence in advocacy in the higher courts was recognised by his appointment as Queen’s Counsel in 2018, whilst still in his thirties.

Sarabjit has appeared in some of the most heavyweight cases in tax and public law in the last few decades, as outlined in the description of his practice in each of those areas below. He continues to act both for the government in high-profile cases, being instructed by HMRC in Brexit-related litigation, and against the government in similar cases, including in a recent £300m import tax case.

Unusually for someone who practices in tax and public law, Sarabjit is regularly instructed in and thoroughly enjoys acting in more witness-focused areas of the law such as clinical negligence, where his careful and high-quality pleadings and advocacy and tactful manner with clients invariably help secure excellent settlements and trial outcomes.

Outside of his practice, Sarabjit is heavily involved in work promoting access to the Bar and retention in the profession of those from underrepresented groups. Being from an underrepresented group himself, he feels strongly that barriers to access should be broken down, and to that end he travels all over the country to speak to students from state schools to encourage them to see the Bar as an option for them. He is also a member of the Bar Council’s Equality, Diversity and Social Mobility Committee, with a particular interest in ensuring the fair allocation of publicly funded work.

"He is approachable, easy to deal with and keen to work hard." "His written advices and his performances in conference impress."

Chambers & Partners 2021

"Produces very high quality; his drafting is fantastic and he's a very compelling advocate."

Chambers & Partners 2020

'Sarabjit is hard working and has an attention to detail. He is a punchy advocate which can be very effective for some tribunals.'

Legal 500 2021

Tax

Sarabjit accepts instructions from HMRC, taxpayers and ratepayers and has acted in numerous landmark cases over the last few years. These include successfully representing HMRC in the *British Film Institute* litigation on the VAT cultural exemption that went to the European Court of Justice, appearing as sole counsel in the *Amoena* appeal which is the only ever customs case to have gone to the House of Lords or Supreme Court, acting as lead counsel in the seminal rating case of *Newbiggin v Monk* in the Supreme Court and appearing again for the Revenue in the Supreme Court in the major VAT case of *SAE Education Ltd*.

Selected Cases

Tax & Duties

- **Kishore v HMRC [2021]**: Acting as lead counsel for HMRC in case due to be heard in the Court of Appeal with major implications on the correct approach to abuse of process in the tax tribunal in the context of a previous struck out appeal.
- **Malca-Amit (UK) Ltd v HMRC [2021]**: Appearing as sole counsel for taxpayer in appeal concerning liability to duty on significant importation of rough diamonds.
- **Sporting Wholesale Ltd v HMRC [2021]**: Acting as sole counsel for taxpayer in multi-pronged attack on HMRC for repeated interceptions of company's goods for no proper reason; case involves simultaneous judicial review, human rights and statutory challenges against HMRC.
- **Gray & Farrar International LLP v HMRC [2019] UKFTT 684 (TC)**: Succeeded for HMRC in case on appeal to Upper Tribunal on whether the services of a high-end matchmaking agency should be subject to VAT.
- **Claims Advisory Group Ltd v HMRC [2019] UKFTT 512 (TC)**: Appeared successfully for HMRC in case on whether certain supplies were exempt insurance transactions; appeal to Upper Tribunal due to be heard in 2021.
- **SAE Education Ltd v HMRC [2019] UKSC 14**: Appeared as sole counsel for HMRC in the Supreme Court in case about what an entity needs to show to establish that it is a college 'of' a university for the

purposes of the VAT education exemption.

- **Case C-592/15, Commissioners for HMRC v British Film Institute** [2017] STC 681: Successfully appeared before the Court of Justice of the European Union in case about whether Member States are permitted to choose which cultural services to exempt for the purposes of applying the cultural exemption from VAT.
- **Amoena (UK) Ltd v HMRC** [2016] UKSC 41, [2016] 1 WLR 2904: Appeared as sole counsel for the Revenue in the Supreme Court in customs duty case on the meanings of 'part' and 'accessory'.
- **South African Tourist Board v HMRC** [2014] UKUT 280 (TCC), [2014] STC 2650: Succeeded in appeal on the issue of whether a tourist board owned by the South African government was making supplies of marketing services for consideration to the government.
- **Vehicle Control Services Ltd v HMRC** [2013] EWCA Civ 186, [2013] STC 892: Appeared before Court of Appeal in case on whether charges collected by a parking enforcement company were outside the scope of VAT as either damages for breach of contract or damages for trespass.
- **British Association of Leisure Parks, Piers & Attractions Ltd v HMRC** [2013] UKUT 130 (TCC): Successfully appeared before the Upper Tribunal (Tax and Chancery Chamber) on the issue of whether a trade association's primary purpose was political lobbying and whether it would be unjustly enriched by the repayment of output tax.
- **Tui Travel PLC & Ors v HMRC** [2013] UKFTT 75 (TC): Successfully acted in claim by travel agents for repayment of approximately £150 million in VAT allegedly overpaid on commissions received from tour operators for selling package holidays.
- **Checkprice (UK) Ltd (In Administration) v HMRC** [2010] EWHC 682 (Admin), [2010] STC 1153: Acted for claimants in judicial review challenge to the actions of HMRC in detaining perishable goods without seizing or releasing them and then destroying them.
- **Holland (t/a the Studio Hair Company) v HMRC** [2008] EWHC 2621 (Ch), [2009] STC 150 & **HMRC v Denyer** [2007] EWHC 2750 (Ch), [2008] STC 633: Successfully appeared in two appeals to the Chancery Division of the High Court on the issue of whether certain supplies were supplies of land for VAT purposes.

Rating & Valuation

- **Hughes (VO) v Exeter City Council** [2020] UKUT 7 (LC): Acted for the Revenue in major case on whether loss-making museums should in effect pay no non-domestic rates.
- **Newbiggin (VO) v SJ & J Monk (a firm)** [2017] UKSC 14, [2017] 1 WLR 851: Appeared in Supreme Court as leading counsel for the Revenue in case on rateability and valuation of non-domestic buildings undergoing reconstruction; reported below at [2015] EWCA Civ 78, [2015] 1 WLR 4817.
- **Tunnel Tech Ltd v Reeves (VO)** [2015] EWCA Civ 718: Succeeded before the Court of Appeal on the question of whether a hereditament was a 'market garden' for the purposes of the agricultural exemption and on the issue of whether buildings could fall within the exemption for agricultural land.
- **Johnson (VO) v HB Foods Ltd** [2013] UKUT (LC) 539: Appeared before President of the Upper Tribunal (Lands Chamber) in case about whether appeals before the Lands Chamber are heard de novo.

Public Law

In public law, Sarabjit appears in first-instance judicial reviews for both claimants and public bodies and also

has vast appellate experience in the Court of Appeal, having appeared there dozens of times as sole counsel. He has acted in a number of complex cases, particularly where they interact with other areas he practices in. For example, he appeared as *amicus* in the Court of Appeal in the *AR (Pakistan)* case on immigration bail powers and has had numerous successful appearances in the Court of Appeal in human rights and immigration cases, as illustrated below.

Selected Cases

- **YD (Algeria) v SSHD [2020] EWCA Civ 1683**: Successfully resisted challenge by Appellant and UNHCR, brought in Court of Appeal on Refugee Convention and human rights grounds, to legality of Tribunal country guidance on the safety of Algeria for gay men.
- **AL (Albania) v SSHD [2019] EWCA Civ 950**: Succeeded before the Court of Appeal in arguing the correct approach that a tribunal should take to findings made in a decision in a linked case.
- **AS (Afghanistan) v SSHD [2019] EWCA Civ 873, [2019] 1 WLR 5345**: Acted in major case in the Court of Appeal, with the UNHCR intervening, on the correct approach to be taken to the reasonableness of internal relocation. See also earlier decision of the Court of Appeal in the same case at **[2019] EWCA Civ 208, [2019] 1 WLR 3065**, where **Sarabjit** succeeded in establishing that the Upper Tribunal had statutory and inherent powers to correct errors in the reasons for its decisions.
- **R (Guled) v SSHD [2019] EWCA Civ 92**: Appeared before the Court of Appeal in a case concerning the implication of an *Anisminic* error of law in a deportation order.
- **SSHD v SM (Rwanda) [2018] EWCA Civ 2770**: Succeeded in showing before the Court of Appeal that the failure to comply with a statutory precondition to the granting of immigration bail rendered the grant invalid and of no legal effect; acting as lead counsel for SSHD in appeal to Supreme Court due to be heard in 2021.
- **SSHD v Lucas [2018] EWCA Civ 2541**: Succeeded in case in the Court of Appeal about the scope of FTT bail and the consequent effect on the legality of detention.
- **R (Teh) v SSHD [2018] EWHC 1586 (Admin), [2018] 1 WLR 4327**: Appeared as leading counsel for the Claimant in a judicial review claim in the Administrative Court and succeeded in arguing that a person with solely British Overseas Citizen status was stateless.
- **IT (Jamaica) v SSHD [2016] EWCA Civ 932, [2017] 1 WLR 240**: Succeeded before the Court of Appeal on the question of the weight to be attached to the public interest, under the current immigration rules, when considering an appeal by a person who has already been deported against a refusal to revoke a deportation order.
- **R (AR (Pakistan)) v SSHD [2016] EWCA Civ 807, [2017] 1 WLR 255**: Appeared as *amicus curiae* in the Court of Appeal in a case concerning the issue of whether the Chief Immigration Officer had the power to vary bail conditions imposed by an immigration tribunal.
- **HD (Trafficked women) Nigeria (CG) [2016] UKUT 454 (IAC)**: Appeared in country guidance case before the Upper Tribunal on whether it was safe for Nigerian sex trafficking victims to be returned to Nigeria.
- **OO (Gay Men) (CG) [2016] UKUT 65 (IAC)**: Appeared in country guidance case on the issue of whether gay men were generally at risk of persecution in Algeria.
- **Sarfraz v Disclosure and Barring Service [2015] EWCA Civ 544, [2015] 1 WLR 4441**: Appeared for claimant in Court of Appeal case on whether a right to appeal existed against a refusal of permission to appeal against the decision of a body that was not a tribunal of law.
- **AA (Algeria) v SSHD [2014] EWCA Civ 1741 and Soares v SSHD [2013] EWCA Civ 575**: Succeeded in two cases before the Court of Appeal on the correct application of Article 3(2)(a) of Directive

2004/38/EC, which requires Member States to facilitate the entry and residence of “other family members” of European Union citizens.

- **ZS (Jamaica) & Anor v SSHD [2012] EWCA Civ 1639**: Successfully appeared in the Court of Appeal on case about whether a non-British child’s best interests required him and his mother to be permitted to remain in the UK.
- **Bah (EO (Turkey) – liability to deport) Sierra Leone [2012] UKUT 196 (IAC)**: Succeeded in case before the President of the Upper Tribunal (Immigration and Asylum Chamber) on whether police intelligence from anonymous sources was admissible in deportation appeals.
- **AAO v Entry Clearance Officer [2011] EWCA Civ 840**: Succeeded in the Court of Appeal on case about whether the positive duty on the part of the state to show respect for family life under Article 8 of the ECHR extends to the provision of financial support.
- **AO (Iraq) v SSHD [2010] EWCA Civ 1637**: Successful in judicial review appeal to the Court of Appeal on the question of whether enforcement action taken against Iraqi nationals was contrary to the Secretary of State’s policy not to take such action against those belonging to countries which were ‘active war zones’.
- **MK (Algeria) v SSHD [2010] EWCA Civ 980**: Acted in judicial review appeal to the Court of Appeal on the question of the appropriate level of damages to be awarded in cases of unlawful immigration detention.
- **R (MC (Algeria)) v SSHD [2010] EWCA Civ 347**: Successfully defended judicial review challenge in the Court of Appeal to the lengthy detention, after his prison sentence had expired, of a man with mental health difficulties.
- **MD (Jamaica) v SSHD [2010] EWCA Civ 213**: Successfully appeared in appeals to the Court of Appeal on the issue of the correct interpretation of the ‘long residence’ provisions in the Immigration Rules.
- **CD (Jamaica) v SSHD [2010] EWCA Civ 768**: Succeeded in appeal before the Court of Appeal on the circumstances in which the Secretary of State should be permitted to withdraw a concession.
- **Sanchez v SSHD [2009] EWHC 3233**: Succeeded before Divisional Court in judicial review claim on whether returning a US citizen to the USA, where he claimed he would face a disproportionate prison sentence under California’s ‘three strikes and you’re out’ legislation, would breach Article 3 of the ECHR.

Clinical Negligence

Sarabjit has a thriving advisory and court practice in clinical negligence, where he regularly acts for claimants, doctors and hospitals in cases involving complex medical evidence and profound and high-value injuries. His work spans all areas of clinical negligence, such as delayed diagnosis of cancer and birth injury cases and also cases raising more unusual medical issues, one example being a trial on whether the rare disease of necrotising fasciitis should have been detected earlier in an intravenous drug user.

Selected Cases

- **JM v X Teaching Hospitals NHS Foundation Trust 2021**: Acting for hospital in complex birth injury claim.
- **DG v X NHS Foundation Trust 2020**: Instructed by hospital in cerebral palsy claim alleging negligent midwifery advice.
- **LN v X GP 2019**: Acted for claimant in case concerning alleged failure to refer earlier for investigation of potential brain tumour, which resulted in patient’s death.

- **LS v X Hospitals NHS Foundation Trust 2019:** Appearing for hospital in case involving alleged delayed diagnosis of infection that led to drastic amputation.
- **CT v X Hospitals NHS Trust 2018:** Acting for hospital in potentially high-value and medically complex case concerning alleged negligent fundoplication procedure.
- **HN v X Hospitals NHS Trust 2018:** Acting for surgeon alleged to have carried out negligent bowel operation, with difficult issues on causation and quantum.
- **MS v X NHS Foundation Trust 2017:** Acted for hospital in lengthy trial on issue of extent of delay in diagnosing necrotising fasciitis in an intravenous drug user; raised medically tricky issues on appropriate antibiotic medication, what 'localising signs' were present and what outcome would have been had disease been detected earlier.
- **M v X NHS Trust 2017:** Acted for hospital in spinal injury case with radically opposing expert evidence as to consequences of timely treatment.
- **D v X Hospitals NHS Trust 2017:** Acted for claimant in Fatal Accidents and Law Reform (MP) Act claim alleging that oesophageal cancer should have been detected earlier, which raised complex histopathology issues as to state of tumour at various earlier periods of time.

Direct Access

Sarabjit accepts [direct access](#) instruction from lay clients, with particular interest in tax, public law (including immigration) and clinical negligence. For further information please visit his profile [here](#).

Appointments

- Attorney General's A Panel of Junior Counsel to the Crown (2014- 2018)
- Attorney General's B Panel of Junior Counsel to the Crown (2009- 2014)
- Attorney General's C Panel of Junior Counsel to the Crown (2006- 2009)

Education

- MA (Oxon) in Jurisprudence

Publications

- Contributor to 'Value Added Tax: Commentary and Analysis' by Sweet & Maxwell
- Contributor to [Law Pod UK](#)
- Contributor to the 1COR Quarterly Medical Law Review (QMLR)