

Zia Nabi



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Profile

He is a very experienced public and civil lawyer specialising in judicial review, statutory appeals, community care, children and the Court of Protection. Issues of fairness and access to justice are at the heart of his work. Most of his cases are concerned with the rights and interests of the most vulnerable and marginalised members of society.

Zia is an acknowledged leader in his field and is ranked both in the Chambers UK Bar Guide and the Legal 500 as a leading individual (Band 1). He has been involved in numerous reported cases at all levels including the Supreme Court and the European Court of Human Rights. He has been involved in many strategic test judicial reviews including systemic challenges.

Zia is a specialist in the Equality Act 2010 and has appeared for Claimants in some of the most significant homelessness, allocations and possession cases considering discrimination and the public sector equality duty.

Zia is instructed by the Official Solicitor, local authorities and NHS Trusts in cases involving deprivation of liberty, residence and capacity disputes. He is also instructed in damages claims for breach of convention rights and false imprisonment. He has a particular interest in medical cases and has been instructed in cases in the Court of Protection concerning

administration of the covid vaccine and discharge from hospital of persons who lack capacity.

Zia has been appointed as a legally qualified Chair for the Medical Practitioners Tribunal Service.

What the Guides say

Chambers and Partners and Legal 500 2022 say:

"He is an absolutely amazing barrister. Zia is never afraid to challenge injustice." "He is an exceptional advocate who is not afraid to challenge settled law, and does so with considerable skill."

"Zia has been bringing the leading cases in housing law, particularly homelessness cases for a number of years now. Those who instruct him know why. It is because Zia brings an extraordinary intellect to bear on an already comprehensive knowledge and skill set."

Previous directory entries have commented:

"Consistently praised by other lawyers for his sharp legal mind, he is known for his creativity and use of novel arguments."

"He is committed to helping his clients and getting the best results for them, and often uses innovative arguments that progress the law forward in order to achieve his aims."

"Outright determination to do his best for his client".

"Successful track record in a large number of notable cases."

Examples of recent cases

In ***Kanu v London Borough of Southwark***, Zia appeared for the successful appellant in the Supreme Court in a landmark vulnerability case addressing the relevance of the public sector equality duty when assessing priority need.

In ***R (AK) v London Borough of Lewisham***, Zia challenged, by way of judicial review, the failure of the local authority to comply with its obligations under the Care Act 2014 in respect of a destitute failed asylum seeker who was terminally ill and could not be discharged from hospital because she had nowhere to live.

In ***R (AB) v Brent LBC*** a judicial review test case challenging the placement of age disputed asylum seeking children in adult asylum seeker accommodation, Zia succeeded in obtaining a declaration that the practise was unlawful.

In ***North Bristol NHS Trust v FB***, Zia was instructed by the Trust in a complex Court of Protection welfare case concerning the discharge from hospital of a person who lacked

capacity and was refusing to leave hospital.

In ***R (Nur) v Birmingham City Council*** a judicial review case challenging the Council's allocations policy Zia succeeded in obtaining a declaration that the policy indirectly discriminated against disabled persons and also obtained damages for injury to feelings.

In ***NHS Buckinghamshire CCG v MP***, AB, Buckinghamshire County Council and Hertfordshire County Council, Zia acted for P's mother and successfully persuaded the court (after a four day trial involving cross examination of treating experts) that P should be allowed to live with his mother as opposed to a residential placement.

In ***Birmingham City Council v Stephenson***, Zia successfully appealed to the Court of Appeal against a possession order made on mandatory grounds against a disabled introductory tenant, on the basis that the Judge had failed to correctly address the issue of proportionality under the Equality Act 2010.

In ***PS v London Borough of Southwark***, Zia was instructed in a Court of Protection case by the Official Solicitor when an outright possession order had already been made against PS on the basis of rent arrears, capacity was in dispute and PS faced street homelessness in circumstances which could have led to a deprivation of his liberty. In parallel with the COP proceedings, a judicial review was issued against the local authority challenging the refusal of discretionary housing payment. This led to a payment of over £13,000.

In ***R (AA) v London Borough of Brent***, Zia successfully challenged the decision of the local authority not to accommodate two sisters together under the Children Act 1989 after they were rendered homeless when their home was burnt down.

Training and Publications

Zia gives regular legal training. He has spoken at the Housing Law Practitioners Association's bimonthly meetings and at their annual conference, and at LAG's Community Care conference. He has co-written and delivered a one-day LAG seminar on Homeless Children.

He has had articles published in Legal Action, Solicitors Journal and the Journal of Housing Law.

Languages

Urdu

Punjabi

Related practice areas

Housing, Social Welfare and Property

Community Care and Health

Court of Protection & Mental Health

Administrative & Public Law

Children's Rights Group

Discrimination

Anti-Trafficking