

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

Case No:

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITEDApplicant

and

ZAHID AKHTARRespondent

**STATEMENT PURSUANT TO RULE 12 (2) OF THE
SOLICITORS (DISCIPLINARY PROCEEDINGS RULES) 2019**

I, Emma Christina Priest, am a Solicitor employed by the Solicitors Regulation Authority Limited of The Cube, 199 Wharfside Street, Birmingham, B1 1RN. I make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("SRA").

The allegations

1. The allegations against the Respondent, Mr Zahid Akhtar, by the SRA are that while in practice as a freelance solicitor:

1.1 From around 28 February 2022 to at least around 25 July 2022 he undertook immigration work as a solicitor when he was neither a recognised sole practitioner nor a manager, employee or member of an authorised body, and therefore breached any or all of:

1.1.1 Principles 2 of the SRA Principles 2019;

1.1.2 Regulation 9.5 of the SRA Authorisation of Individuals Regulations 2019; and

1.1.3 Regulation 10.1 of the SRA Authorisation of Individuals Regulations 2019.

The facts and matters relied upon in support of this allegation are set out in paragraphs 16 to 52 below.

1.2 On or around 1 April 2022 and / or 8 July 2023 he provided inaccurate and/or misleading information to the SRA in relation to him undertaking immigration work, and in doing so, he was dishonest, and therefore breached any or all of:

1.2.1 Principle 2 of the SRA Principles 2019;

1.2.2 Principle 4 of the SRA Principles 2019;

1.2.3 Principle 5 of the SRA Principles 2019;

1.2.4 Paragraph 7.4(a) of the SRA Code of Conduct for Solicitors, RELs and RFLs;

1.2.5 Paragraph 7.6(c)(i) of the SRA Code of Conduct for Solicitors, RELs and RFLs;
and

1.2.6 Paragraph 7.6(c)(ii) of the SRA Code of Conduct for Solicitors, RELs and RFLs.

The facts and matters relied upon in support of this allegation are set out in paragraphs 53 to 65 below.

Appendices and Documents

2. I attached to this Statement Appendix 1, an Anonymisation Schedule.
3. I also attach to this Statement Appendix 2, a Schedule of the Principles, Rules and Outcomes relied upon in this Statement.
4. I also attach to this statement a bundle of documents, marked “ECP1” to which I refer in this statement. Unless otherwise stated, the page references (“ECP1 []”), (which appear at the bottom of the page in the centre) in this statement relate to documents contained in that bundle.

Professional Details

5. The Respondent, who was born on 1 March 1978, is a solicitor having been admitted to the Roll of Solicitors on 15 September 2014.

6. The SRA records show that the first recorded employment for the Respondent was from 25 November 2019 when he was at stated to be a freelance solicitor at 'Zahid Akhtar. (Generally, you will only be able to provide reserved legal services as a solicitor through an entity that is authorised to do so. However, if you are a solicitor practising on your own account, you can provide reserved legal services without being authorised as a recognised sole practice if you meet the conditions set out in regulation 10.2(b) of the Authorisation of Individuals Regulations.)
7. The Respondent had a Practising Certificate for the year 2023-2024 free from conditions.

The facts and matters relied upon in support of the allegations

Background

8. Regulations 9.5 to 9.7 of the SRA Authorisation of Individuals Regulations 2019 refer to Immigration work and state that:

“9.5 Subject to regulation 9.7, if you are a [solicitor](#), an [REL](#) or [RFL](#) you may undertake [immigration work](#), provided that such work is undertaken:

- (a) through an [authorised body](#);
- (b) through an [authorised non-SRA firm](#) that is a qualified person under the Immigration and Asylum Act 1999;
- (c) as an employee, for your employer or work colleagues; or
- (d) through a non-commercial advice service which is registered with the Office of the Immigration Services Commissioner or is otherwise a qualified person under the Immigration and Asylum Act 1999.

9.6 Where you undertake work under regulation 9.5(c) or (d) above, this must be undertaken by you personally and not by another person on your or your employer's behalf unless such person is a qualified person under the Immigration and Asylum Act 1999 other than under section 84(2)(e) of that Act.

9.7 If you undertake [immigration work](#) through a body which is registered with the Office of the Immigration Services Commissioner, other than as permitted under regulation 9.5(d), you must be registered as an individual with the Office of the Immigration Services Commissioner or otherwise qualified to provide such

services under the Immigration and Asylum Act 1999 and must undertake such work in that capacity.

9.7A For the purposes of regulation 9.7, you are not otherwise qualified to provide services under the Immigration and Asylum Act 1999 by virtue of your authorisation by the SRA to practise as a [solicitor](#), an [REL](#) or [RFL](#).

9.7B Where you are undertaking work under 9.7 above, in the event of any conflict between the [SRA's regulatory arrangements](#) and any requirements placed on you by the Office of the Immigration Services Commissioner, the latter shall prevail.

9.7C Nothing in regulations 9.5 to 9.7B restrict you from undertaking [immigration work](#) if you fall within section 84(6) of the Immigration and Asylum Act 1999."

9. The purpose of those regulations is to ensure that solicitors dealing with potentially vulnerable clients are only doing so when they are suitably qualified, and the appropriate safeguards are in place. Freelance solicitors are not permitted to carry out immigration work under Regulation 9.5.
10. SRA Guidance entitled - 'Preparing to become a sole practitioner or an SRA-regulated freelance solicitor' (the Guidance) **[ECP1 399 to 404]** states: *"You must get your practice authorised if you provide immigration, claims management (including employment claims) or regulated financial services and are not regulated by another suitable regulator."* **[ECP1 400]**. A copy of this Guidance was sent to the Respondent on 8 March 2022 **[ECP1 83]**.
11. On 9 February 2023 Michael Clements, President of the First Tier Immigration and Asylum Chamber (the Immigration Tribunal) (Mr Clements) made a report to the SRA and to the Office of the Immigration Services Commissioner (OISC) that the Respondent was trading from an unregulated entity in Wembley along with his unregulated colleague Ms Mizbah Atcha (Ms Atcha) **[ECP1 26 to 28, together with attachments at 29 to 52]**.
12. Mr Clements' letter stated that Ms Atcha had attended at the Immigration Tribunal at Feltham as representative in two appeals **[ECP1 27]**. Ms Atcha states in notices pursuant to Section 84 of the Immigration and Asylum Act 1999 (the Act) that she was authorised to appear before them because she was supervised by a solicitor the Respondent **[ECP1 32 to 33]**.

13. The Immigration Tribunal wrote to the Respondent asking him and Ms Atcha to write and confirm the basis on which they were authorised to act in the matter **[ECP1 27]**.
14. On 22 January 2022 the Respondent responded to the Immigration Tribunal maintaining why he thought he was entitled to carry out immigration work **[ECP1 35 to 36 together with attachments at 37 to 52]**.
15. The allegations against the Respondent arise from the report received from Mr Clements.

Allegation 1.1 - From around 28 February 2022 to at least around 25 July 2022 he undertook immigration work as a solicitor when he was neither a recognised sole practitioner nor a manager, employee or member of an authorised body

16. On 9 February 2023 the SRA was advised by Mr Clements that Ms Atcha had attended at the Immigration Tribunal in Feltham on 14 January 2022 as the representative for Client A in an appeal matter and for 6 linked cases in another appeal matter with the lead appellant being Client B **[ECP1 27]**.
17. In order to appear before the Immigration Tribunal, representatives are required to complete a notice explaining how they are complying with Section 84 of the 1999 Immigration Act. The section 84 notices were completed to indicate that Ms Atcha was authorised to appear as she was supervised by a solicitor (the Respondent) **[ECP1 32 TO 33]**.
18. Following receipt of the letter from Mr Clements, on 28 February 2022, an Investigation Officer in the employment of the SRA (the Investigation Officer) wrote to the Respondent advising him of the SRA's concerns that he was providing immigration work as a freelance solicitor, and supervising individuals not regulated by the SRA in their providing immigration work, which is not permitted under the SRA's rules **[ECP1 53 to 55]**. The Investigation Officer also clearly stated that the Respondent should not be undertaking immigration work **[ECP1 55]**.
19. The Respondent replied on 1 March 2022 **[ECP1 57 to 58 with attachments at 59 to 81]**. In his letter he stated that *"once I received [the SRA's] kind correspondence of 7th December 2020, I believe I then complied by registering as a Freelancer which was kindly and duly approved"* **[ECP1 58]**.

20. On 8 March 2022 the Investigation Officer replied to the Respondent [ECP1 83 to 88] repeating that “as set out in the guidance, as a freelance solicitor you cannot do immigration work” [ECP1 85], and providing him with a copy of the Guidance [ECP1 83].

21. The Respondent replied on 15 March 2022 [ECP1 89 to 91]. In his letter he states that:

“I most respectfully and humbly wish to continue to remain a freelance solicitor undertaking in my own name solely non-reserved immigration work and seek authorisation to do so as this is mainly my sole livelihood.

Towards this I have submitted the relevant application for it be expedited and processed quickly and in order for me to continue working in my own name.

I seek to practice on (sic) my own name and provide immigration service to the public.

Your guidance and letter has been helpful and I did not intend to be in breach of the requirements.” [ECP1 90].

22. The Respondent also refers to previous correspondence with the SRA which he states led him to believe that he was authorised to work in his own name. He further states that:

“My understanding is that the whole point and purpose of Registering as a freelance SRA regulated Solicitor was that to practise (sic) on my own account in order to provide immigration service to the public as authorised.

As immigration is non-reserved activity for a solicitor, the nature of my work required no authorisation especially following the regulatory reforms of 25/11/2019 and by the fact that I worked in my own name” [ECP1 91].

23. The Investigation Officer replied on 17 March 2022 [ECP1 92 to 93] again clearly setting out why the Respondent was not authorised to undertake immigration work, and advising him to immediately cease undertaking immigration work until he could meet one of the requirements under Regulation 9.5 of the SRA Authorisation of Individuals Regulations 2019 [ECP1 93].

24. On 23 March 2022 the Respondent applied to the SRA’s Authorisation department to become authorised as a recognised sole practice, stating “I also wish to continue to be a freelance solicitor to carry out non reserved immigration services” [ECP1 97 to 109]. He

subsequently withdrew this application on 19 August 2022 pending the outcome of the SRA's investigation **[ECP1 213]**

25. On the same day, the Respondent provided the Investigation Officer with a number of documents **[ECP1 96 to 123]** including a copy of his application **[ECP1 97 to 109]**. He also referred to previous correspondence with the SRA regarding his practice **ECP1 122 to 123]** and repeated that he believes he meets the SRA guidance requirements of 25 November 2019 **[ECP1 123]**.

26. It is noted that the Respondent has corresponded with the SRA over a number of years regarding his immigration practice:

26.1 In 2016 the Respondent asked the SRA for confirmation that he was able to do immigration work. A Contact Centre Officer employed by the SRA replied on 21 July 2016 stating "You are able to do any work for which the term Solicitor may be used, and for which you are duly qualified" **[ECP1 45]**. (The Respondent also provided a copy of this email to the Tribunal when questioned on behalf of Mr Clements).

26.2 The Respondent has stated that he was advised by the SRA over the telephone on 17 August 2017 that he was permitted to work as an immigration practitioner (and other unreserved activities) in my own right, and that he required no formal approval to undertake immigration work **[ECP1 122]**.

26.3 The Respondent has stated that on 10 October 2017 the SRA confirmed in writing that immigration work was not defined as reserved work under the SRA rules and nor does the Legal Services Act 2007 define immigration work as reserved work for a solicitor (but he did not provide a copy of that letter) **[ECP1 122]**.

26.4 On 20 February 2020 the SRA advised the Respondent that they had added the work category of 'Immigration and Nationality' to his details on MySRA **[ECP1 46]**.

27. However, a Letter of Guidance was sent to the Respondent on 7 December 2020, informing him of our rules and regulations with regards to immigration work and specifically the SRA Authorisation of Individuals Regulations, regulations 9.5 - 9.7B **[ECP1 534 to 535]**.

28. Some of the correspondence which the Respondent received from the SRA prior to 28 February 2022, as summarised above, may have been potentially ambiguous as to the circumstances in which a solicitor could undertake immigration work. However, any such ambiguity was resolved by the letters of 28 February, 8 and 17 March 2022 which made it clear that the Respondent could not undertake immigration work as a freelance solicitor.
29. In the email of 28 March 2022 [ECP1 124 to 125] the Investigation Officer again detailed the specific circumstances in which the Respondent could undertake immigration work and reiterated that he was in breach of the SRA's regulations until his application for authorisation as a Sole Practitioner was approved [ECP1 124].
30. The Respondent acknowledged this email on 30 March 2022, and asked for a period of grace of 21 days to enable him to conclude pending administrative matters so that clients were not prejudiced. He also confirmed that *"In the meantime I intend to not undertake Tribunal attendance work nor take on new work under Z. Akhtar"* [ECP1 126].
31. The request for a period of grace was refused by the Investigation Officer on 31 March 2022 [ECP1 128] who also advised the Respondent that
- "You are not currently authorised by the SRA to provide immigration work to clients in your current arrangement working as a freelance solicitor. By continuing to provide immigration work you will be in breach of our rules and regulations*
- You should therefore cease undertaking all immigration work on behalf of clients immediately until such time that you comply with our requirements under the Regulations..."*
32. The Respondent acknowledged this email the same day, stating *"I will not undertake work in the name of Z. Akhtar until the outcome of my application"* [ECP1 130]. The Investigation Officer sought confirmation from him that neither he nor Ms Atcha had ceased undertaking immigration work on behalf of clients, and the date that he ceased undertaking immigration work" [ECP1 132].
33. On 1 April 2022 the Respondent emailed to Investigation Officer stating that *"I have ceased undertaking immigration work on 31.03.2022"* [ECP1 135].
34. On 25 April 2022 SRA wrote to the Immigration Tribunal for any information and evidence that showed that the Respondent had or may have been undertaking immigration work [ECP1 142 to 144].

35. On 29 April 2022 the Immigration Tribunal provided a list of appeals where the Respondent was listed as representative **[ECP1 145 to 148]**. Further information was received from the Immigration Tribunal on 16 May 2022 **[ECP1 154 to 165]** when the Immigration Tribunal also stated that *“of continuing concern is that [the Respondent] remains on the record of acting in the list of appeals sent previously, and attached again. Until he comes off the record notices will automatically be sent to them as representative”* **[ECP1 154]**.
36. The information provided by the Immigration Tribunal shows that the Respondent had submitted four applications for appeals on behalf of clients as Legal Representative onto the Immigration Tribunal’s Core Case Database (CDD) on 4 April, 25 April, 26 April and 6 April 2022 **[ECP1 158 to 161]**. He also made submissions dated 6 April 2022 **[ECP1 164 to 165]** and had failed to remove himself from the record as acting in the list of 67 appeals previously provided by the Immigration Tribunal **[ECP1 147 to 148]**.
37. On 22 June 2022 the Investigation Officer asked the Respondent for his explanation about the information received from the Immigration Tribunal **[ECP1 166 to 177]**.
38. The Respondent provided his response on 5 July 2022 **[ECP1 178 to 184]** in which he stated that *“after 1 April 2022 work was undertaken under the name of JP Dean (Direct Access Barrister) associated with the organisation of Z Akhtar / JP Dean / Assoc (Organisation No 813166)”*. This is the SRA number for Zahid Akhtar Freelance Solicitor. He also states that *“work continues to be undertaken in the name of J P Dean and another (Yasmin Ebrahim-Wright (Consultant / Practising Barrister)”* **[ECP1 179]**. He also referred to his correspondence with the SRA from September 2020 **[ECP1 180 to 183]** (which clearly predates the Letter of Guidance and the very detailed correspondence from the Investigation Officer clearly setting out that he does not meet the requirements to practice immigration law).
39. On 8 July 2022 the Respondent responded to the Investigation Officer’s email of 7 July 2022 **[ECP1 185 to 186]** stating *“I most sincerely, genuinely and honestly did not mean to be inconsistent with my replies nor did I intend to mislead and I apologize (sic) to the SRA if my replies came across in that manner”* **[ECP1 188]**. He also again states that he believes he is able to work **[ECP1 188]** but that *“In the meantime I will cease work altogether until you kindly revert to me”* **[ECP1 188]**.
40. Further correspondence passed between the Investigation Officer and the Respondent between 11 and 28 July 2022 **[ECP1 189 to 207, and 211 to 212]** with the latter again providing copies of the historic correspondence with the SRA and repeating that he worked

under J P Dean, a qualified person under the IAA Act 1999 and who met the requirements of Section 84(2) as his work colleague **[ECP1 191]**.

41. The Investigation Officer wrote to James P Dean (Mr Dean) and Yasmin Wright (Ms Wright) on 24 August 2022 **[ECP1 214 to 216 and 217 to 219 respectively]**.
42. On 7 September 2022 Ms Wright replied to the Investigation Officer advising that although she had been instructed by the Respondent and his associates, she did not have formal arrangements and she had not supervised him **[ECP1 220]**.
43. The same day the Respondent forwarded a response from Mr Dean to the Investigation Officer **[ECP1 222 to 223]**. In that response, Mr. Dean stated that he had worked with the Respondent professionally on immigration work since 1 September 2017. He also stated that he did not supervise the Respondent nor did he have any formal written arrangements with the Respondent **[ECP1 223]**.
44. On 11 October 2022 **[ECP1 224]** the Investigation Officer received a witness statement from Ms Louisa Goodfellow, who was employed in the Appeals, Litigation and Admin Review Directorate, part of Visas, Information and Passports, within the Home Office (Ms Goodfellow) **[ECP1 225 together with exhibits at 226 to 398]**.
45. In her statement, Ms Goodfellow stated that *“According to my preliminary checks, the Home Office has received numerous representations/ submissions from [the Respondent] and his associates from the 1st April 2022, operating from 1 - 3 Lancelot Road. Many of those representations have also been sent to the First Tier Tribunal of the Immigration and Asylum Chamber for appeal hearings on behalf of clients. I attach a schedule listing some examples as Exhibit EX/LG/01. Please note that these are only a small sample, there are more submissions being sent to Appeals, Litigation & Admin Review and also to other parts of the business, e.g. National Removals Command”* **[ECP1 225 at paragraph 4]**
46. The Schedule attached to Ms Goodfellow’s witness statement details 18 emails received from the Respondent’s zakhtarlawyeradvocate@gmail.com email address between 1 April and 25 July 2022 **[ECP1 226 to 227]**. She also provides a bundle of documentation referred to in that Schedule **[ECP1 228 to 398]**.
47. It is noted that some of the emails in that bundle are sent in the name of “J.P.Dean/ZAKhtar/Assoc” however, the Respondent had previously been advised on numerous occasions of the circumstances set out by Regulation 9.5 of the SRA

Authorisation of Individuals Regulations in which he could undertake immigration work, with which this did not comply.

48. The Respondent was therefore clearly continuing to undertake immigration work whilst not authorised to do so, and despite the assurances he had provided to the SRA that he had ceased to do so.

Principle 2

49. A member of the public would expect a solicitor to ensure that they complied with their regulatory obligations and to follow the rules set by their regulator which exist for their protection. They would expect a solicitor to cease to undertake work that they were not authorised to do immediately upon being notified that they were not so authorised. Consequently, the public would be concerned that the Respondent had continued to undertake immigration work from 28 April 2022 onwards in the knowledge that he was not permitted to do so by the SRA as his regulator.
50. By acting for potentially vulnerable clients in circumstances when he was not authorised to do so, and when he had been informed that he was not authorised to do so, he failed to act in a way that upheld the public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, and therefore breached Principle 2 of the SRA Principles 2019.

Regulation 9.5 of the SRA Authorisation of Individual Regulations 2019

51. By undertaking immigration work as a freelance solicitor, as opposed to through an authorised body or one of the other categories permitted by Regulation 9.5, he breached that regulation of the SRA Authorisation of Individual Regulations 2019.

Regulation 10.1 of the SRA Authorisation of Individuals Regulations 2019

52. In order to undertake immigration work, the Respondent needed to be either a recognised sole practitioner or manager, employee or member of an authorised body. By undertaking immigration work whilst not employed by an authorised body he was acting as a sole practitioner when his practice was not authorised as such, and therefore breached Regulation 10.1 of the SRA Authorisation of Individual Regulations 2019.

Allegation 2 - On or around 1 April 2022 and / or 8 July 2022 he provided inaccurate and/or misleading information to the SRA in relation to him undertaking immigration work and in doing so, he was dishonest

53. Paragraphs 33 to 48 above are repeated.

54. The Respondent provided untrue and misleading information to the SRA on two separate occasions:

54.1 On 1 April 2022 the Respondent emailed to Investigation Officer stating that “*I have ceased undertaking immigration work on 31.03.2022*” [ECP1 135]; and

54.2 On 8 July 2022 he stated that “*In the meantime I will cease work altogether until you kindly revert to me*” [ECP1 188].

55. The information provided by the Immigration Tribunal as described at paragraph 36 above shows that the Respondent had not ceased undertaking immigration work on 31 March 2022 as stated in his email of 1 April 2022 [ECP1 135].

56. Moreover, the witness statement and information provided by the Home Office as described at paragraphs 45 – 47 above also clearly show that the Respondent was sending emails until 25 July 2022, which directly contradicts the assurance the Respondent gave to the Investigation Officer over two weeks beforehand giving his assurance to the Investigation Officer that he “*will cease working altogether until you kindly revert to me*” [ECP1 188]

Principle 2

57. The public would expect any statement made by a solicitor to be strictly true and accurate, especially when corresponding with his regulator in respect of an ongoing investigation in respect of his conduct. By confirming to the SRA that he was no longer undertaking immigration work when he knew, or should have known, that this was not true, the Respondent necessarily diminished the trust the public placed in him and in the provision of legal services and therefore breached Principle 2 of the SRA Principles 2019.

Principle 4

58. The Applicant relies upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos [2017] UKSC 67*, which applies to all forms of legal proceedings, namely

that the person has acted dishonestly by the ordinary standards of reasonable and honest people:

“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.

59. Between 1 April and 25 July 2022 (at the earliest), when informing the SRA that he had ceased to under immigration work, the Respondent knew and / or believed:

59.1. That he was responding to enquiries made by his regulator in connection with its oversight of his activities;

59.2. That he was under a duty to co-operate with those enquiries and hence to be truthful when providing those responses;

59.3. That he was continuing to undertake immigration work, notwithstanding his assurances to the SRA to the contrary;

59.4. That there was disparity of knowledge between the SRA and himself, in that the SRA did not know that the statements he was making were untrue;

59.5. That the SRA would, or would be likely to, expect him to be truthful in all his dealings with it;

59.6. Consequently, that his statements would, or might be liable to mislead the SRA;

59.7. That he did not have any formal work arrangements with Mr Dean and / or Ms Wright;

59.8. That neither Mr Dean nor Ms Wright were supervising his immigration work as he alleged;

59.9. That he was not entitled to undertake immigration work as a freelance solicitor.

60. In these circumstances, the Respondent’s conduct in making statements to the SRA in which he assured the SRA that he was no longer undertaking immigration work which were untrue and which he knew were untrue at the time they were made was dishonest by the

objective standards of ordinary decent people. He therefore breached Principle 4 of the SRA Principles 2019.

Principle 5

61. Solicitors must act with integrity. In *Wingate and another v Solicitors Regulation Authority* [2018] EWCA Civ 366 it was said that integrity connotes adherence to the ethical standards of one's own profession.

62. A solicitor of integrity is expected to be scrupulous about the accuracy of all statements made by him in connection with his practice. Such a solicitor also co-operates fully with his regulator. A solicitor of integrity would therefore ensure that he was truthful in all his dealings with his regulator and would not give misleading information to them. By providing misleading information to the Investigation Officer on two separate occasions stating that he was no longer undertaking immigration work when he knew or should have known such statements were not true he failed to act with integrity and therefore breached Principle 5 of the SRA Principles 2019.

Paragraph 7.4(a) of the SRA Code of Conduct for Solicitors, RELs and RFLs

63. By providing untrue and misleading information to his regulator that he was no longer undertaking immigration work when he knew he was in fact continuing to undertake such work the Respondent failed to provide full and accurate information to the SRA when requested. He therefore breached paragraph 7.4(a) of the SRA Code of Conduct for Solicitors, RELs and RFLs.

Paragraph 7.6(c) (i) of the SRA Code of Conduct for Solicitors, RELs and RFLs

64. By failing to promptly advise the Investigation Officer that notwithstanding his previous assurances to the SRA he was continuing to undertake immigration work he failed to notify the SRA promptly of material changes to the information he had previously provided to the SRA about him and his practice. He therefore breached paragraph 7.6(c) (i) of the SRA Code of Conduct for Solicitors, RELs and RFLs.

Paragraph 7.6(c) (ii) of the SRA Code of Conduct for Solicitors, RELs and RFLs

65. By failing to promptly advise the Investigation Officer that the information he had previously provided wherein he stated that he was no longer undertaking immigration work was false, misleading, incomplete and / or inaccurate he breached paragraph 7.6(c) (ii) of the SRA Code of Conduct for Solicitors, RELs and RFLs.

The SRA's investigation

66. On 11 May 2023 an Investigation Officer employed by the SRA (the Investigation Officer) sent a Notice Recommending Referral to the SDT (the Notice) **[ECP1 2 to 25, together with appendices at ECP1 26 to 521]** to the Respondent **[ECP1 1]**.

67. The Respondent provided his response to the Notice (the Response) **[ECP1522 to 526]** on 8 June 2022.

68. In his Response the Respondent stated that he does not disagree with the contents of the Notice **[ECP 1 523]**. However, he has put forward the following submissions in support of mitigation:

68.1 His understanding was that he was working as a freelance solicitor and as a self-employed solicitor, not as a recognised sole practitioner; **[ECP1 523]**

68.2 He believes he was working as a work colleague under the entity of Z. Akhtar / J.P. Dean / Assocs. with J.P. Dean (who is a barrister) being a qualified work colleague. **[ECP1 523]**

68.3 There was no intention to be inaccurate, misleading or dishonest in his responses and explanations to the SRA. **[ECP1 523]**

68.4 He accepts that while working as a freelance solicitor, he could not supervise or undertake immigration work until approved. However, he relies on the documents he sent to the SRA seeking guidance in respect of the work he could undertake.¹ **[ECP1 523]**

68.5 His understanding was that by becoming a freelance solicitor he could undertake immigration work and that is why he became a freelance solicitor. **[ECP1 524]**

68.6 His colleague J.P. Dean, who is a qualified barrister, was also jointly on the Immigration Tribunal record. **[ECP1 524]**

¹ Notwithstanding any previous correspondence the Respondent had with the SRA, the letters dated 28 February, 8 and 17 March 2022 explicitly advised the Respondent that he could not undertake immigration work as a freelancer.

- 68.7 He states: *'I believe that once I realized [sic] that I could not undertake immigration work as a freelance solicitor, immigration work was undertaken jointly under the entity and not in my sole name². [ECP1 524]*
- 68.8 The work undertaken jointly was in the best interests of the clients, who would not have been prejudiced by this arrangement. **[ECP1 524]**
- 68.9 He states: *'I most sincerely and genuinely apologize [sic] that I ought to have known better the SRA rules of procedure and practice'. [ECP1 524]*
- 68.10 He further states: *'Documents sent to the Tribunal and [the] Home Office were in joint names and not solely in the Zahid Akhtar name. My email was the general office email used jointly by myself and my colleague. I respectfully and humbly believe that as the work was undertaken jointly as an entity, the explanation I had sent to the SRA was not meant to be dishonest / misleading or inaccurate. My working jointly was not stated I had a contractual agreement [sic]. It was a mutual informal agreement since 25 November 2019. The organisation no. 813166 contained joint name of work colleague – J. P. Dean'. [ECP1 524]*
- 68.11 He further states that: *'I had never been dishonest and had in fact stopped undertaking immigration work in my name after 28 March 2022. After this dated [sic] I had started working in an organisation with Mr J. P. Dean for their immigration work, as I could not myself, therefore I started working in co-operation with Mr J.P. Dean who had an extensive experience in the filed [sic] of immigration. Post 28 March 2022, immigration work was undertaken in joint names. At that time I believed my working arrangement was covered by the rules'. [ECP1 524]*
- 68.12 The Respondent also states: *'I believe I never stated J.P. Dean or Yasmin Wright as my supervisor[s] and always called them as my co-workers, however, I apologize [sic] for any mistake of referring [to] them as my supervisors. I undertake to be extra careful in the future'. [ECP1 524]*
- 68.13 The Respondent states *'I believe that I had only misunderstood the SRA rules and there was never an intention to deceive the SRA'. [ECP1 524]*

² The entity of Z. Akhtar / J.P. Dean / Assocs is not authorised or regulated by the SRA, although it is acknowledged this is the trading name Mr Akhtar used while working as a freelance solicitor.

68.14 He also states: *'My HMCTS- account was in operation post 28 March 2022 as I never thought there was anything unlawful about it as all the activity carried out on the platform was in the joint name with Mr. Dean, a qualified barrister, who was entitled to use HMCTS platform. Moreover, it was convenient to use my HMCTS – account instead of transferring all information / data to a new account. Mr. Dean was the representative in all the appeals on the platform post 28 March 2022'*.

68.15 Having received the Notice, he has 'disassociated' himself from undertaking immigration work. He has said he has amended his SRA profile to reflect this and his HMCTS account and work email address are no longer in operation **[ECP1 525]**.

68.16 The Respondent maintains: *'I have never acted in prejudice to my clients and [have] always acted in their best interests'*. **[ECP1 525]**

68.17 He also states he believes he has learnt his lesson and in the future will undertake to practice in accordance with the SRA's practising rules and regulations. **[ECP1 525]**

[REDACTED]

[REDACTED]

[REDACTED]

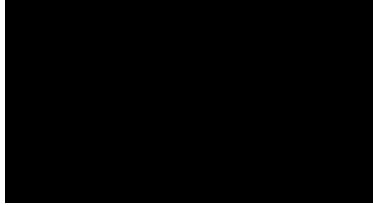
[REDACTED]

68.20 He believes he ought to be given another opportunity to prove his commitment to the legal profession and working in accordance with the SRA's rules, Standards & Regulations. **[ECP1 525]**.

69. 16 June 2022 a Statement following Representations was sent to the Respondent, advising that his representations did not change the Investigation Officer's recommended decision that the matter was referred to the Solicitors Disciplinary Tribunal **[ECP1 526 to 529]**.

70. On 4 July 2023 an Authorised Officer of the SRA decided to refer the conduct of the Respondent to the Tribunal **[ECP1 530 to 533]**.

I believe the facts and matters stated in this statement are true.



Dated 21 November 2023