

CASE NO.

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL****IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)****AND IN THE MATTER OF:****SOLICITORS REGULATION AUTHORITY LIMITED**Applicant

- and –

**SHEHZAD ILYAS**Respondent

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

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I, Nadine Gabbidon 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 Shehzad Ilyas, made by the SRA are that, while in practice as a Solicitor at Goldmark Legal Services Limited (“the Firm”):
  - 1.1. Between 31 March 2022 and 24 November 2022, inclusive, when representing Client A in litigation arising from a road traffic accident, he failed to adequately comply with the following court orders, which led to costs orders being made against the Firm and the claim being struck out:
    - 1.1.1. 31 March 2022
    - 1.1.2. 18 May 2022; and/or
    - 1.1.3. 26 May 2022.

In doing so, he breached any or all of Paragraphs 2.5 and 2.6 of the Code of Conduct for Solicitors 2019 ("**the Code**"), and any or all of Principles 1,2,5 and 7 of the SRA Principles 2019 ("**the SRA Principles**")

The facts and matters relied upon in support of this allegation are set out in paragraphs 7 to 42 below.

- 1.2. On 24 November 2022 during a hearing at Bradford County Court, he provided answers during cross-examination which were misleading, in that he omitted to disclose to the court that he and Client A were co-directors of more than one company, and that Client A was also an employee at the Firm.

In doing so, he breached any or all of Paragraph 1.4 of the Code and Principles 1,2,4 and 5 of the SRA Principles.

The facts and matters relied upon in support of this allegation are set out in paragraphs 7 to 21 and 43 to 77 below.

- 1.3. Between 10 February 2023 and 16 July 2024, he provided the SRA with inaccurate information in relation to his connection to Client A which he knew or ought to have known was inaccurate/and or misleading in that:

- 1.3.1. On 10 February 2023, he stated that Client A was a family friend and that none of the employees at the Firm, including the Respondent, have any personal interest with any other clients of the Firm; and/or

- 1.3.2. on 21 November 2023 he stated that the email address [Sohail@goldmarksolicitors.com](mailto:Sohail@goldmarksolicitors.com) belonged to Muhammad Sohail an administrative assistant at the firm but failed to disclose that it was used by Client A.

In doing so, he breached any or all of Paragraph 1.4 of the Code, Principles 2,4 and 5 of the SRA Principles.

The facts and matters relied upon in support of this allegation are set out in paragraphs 7 to 21, 49 to 58 and 78 to 92.

- 1.4. In addition, manifest incompetence is alleged as an aggravating factor with respect to allegation 1.1 above but is not an essential ingredient in proving the allegation. For further particulars of manifest incompetence, see paragraphs 93 to 102.

- 1.5. In the alternative to dishonesty, allegations 1.2 and 1.3 are advanced on the basis that the Respondent's conduct was reckless. Recklessness is alleged as an

aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations. For further particulars of recklessness, see paragraphs 103 to 106.

### **Appendices and Documents**

2. The following appendix is attached to and relied upon in this Statement:

Appendix 1: Relevant rules and regulations.

Appendix 2: Anonymisation Schedule

3. I also attach to this statement a bundle of documents, marked ["Exhibit NG1"], to which I refer in this statement. Unless otherwise stated, page references in this statement relate to that exhibit, using the format [NG1, X].

4. The bundle is divided into the following sections:

4.1. Section A: Court Orders

4.2. Section B: Attendance notes.

4.3. Section C: Correspondence from the client file

4.4. Section D: SRA correspondence

4.5. Section E: Companies House records

### **Professional Details**

5. The Respondent, who was born on [REDACTED] 1985, was admitted as a solicitor on 1 June 2012 and his current practising certificate has no conditions. At the time of the conduct and currently, he is a director, owner, Compliance Officer for Legal Practice ("COLP"), Compliance Officer for Financial and Administration ("COFA") and authorised signatory at the Firm.

6. The Firm is a company limited by shares and was authorised as a recognised body on 1 November 2016. It has one office based in Bradford and it specialises in Personal Injury, Immigration, Family and Matrimonial and Wills and Trusts.

## **The facts and matters relied upon in support of the allegations**

### **Background**

7. The Firm was instructed in relation to a road traffic accident claim on behalf of their client, Client A, trading as Company A. The accident took place on 20 July 2021 and Client A was the Claimant **[NG1, 23]**. The claim was issued on 20 December 2021 and was allocated to the Small Claims Track **[NG1, 13]**. The Respondent had conduct and overall supervision of the matter **[NG1, 51]**.
8. On 31 March 2022, District Judge (“DJ”) Hickinbottom made 19 case management directions **[NG1, 1-4]**. Under oath on 24 November 2022, the Respondent confirmed that due to a copying error, he was not aware of directions 11 through to 13, though he was aware that there was a gap after direction 7 and should have therefore realised that a page was missing **[NG1, 43-45]**.
9. The trial was originally listed for 18 May 2022 before Deputy District Judge (“DDJ”) Rose. As the Claimant’s witnesses did not have access to a complete trial bundle, the hearing could not proceed **[NG1, 36, 100-102]**. There were also issues with an unsigned version of a further witness statement being served. That evidence was excluded **[NG1, 5, 36]**. DDJ Rose adjourned the trial and ordered that:
  - 9.1. The Claimant is amended to Company A reservice dispensed with
  - 9.2. The matter is adjourned to the 15 July 2022
  - 9.3. The Claimant's solicitor is to ensure that the claimant’s witnesses are given access to, or a copy of, the bundle, including the defendant's evidence for the purposes of cross examination
  - 9.4. No later than 14 days prior to the adjourned hearing the Claimant's solicitor must, by way of witness statement, show cause why they ought not be fixed with the wasted costs of today, summarily assessed at £350.00. In the event the Claimant's solicitor chooses not to show cause then the costs must be paid, in full, by 4pm 7 days prior to the hearing (i.e. by 8 July 2022). **[NG1, 5]**
10. This wasted costs order was not challenged and was not paid in accordance with the order. In his witness statement dated 25 August 2022, the Respondent admits at paragraph 29 that he failed to pay the wasted costs order dated 18 May 2022 **[NG1, 25]**.

11. On 26 May 2022, DJ Hickinbottom made various further case management directions **[NG1, 6-8]**.
12. On 14 July 2022, the Respondent applied for relief from sanctions to allow the claimant to rely on the evidence of two further witnesses. A witness statement was filed in support of this application by the Respondent. This statement contained a declaration of truth. At paragraph 2 of the witness statement, the Respondent incorrectly states that there were no specific directions for disclosure, witness statement exchange etc. **[NG1, 13-15]**.
13. A hearing took place before DDJ Rose on 15 July 2022. Relevantly, DDJ Rose ordered that:
  - 13.1. Any evidence of Person C is excluded for failure to file and serve in accordance with the Directions Order
  - 13.2. The Solicitor for the Claimant (i.e. the Respondent) shall attend the hearing personally and explain, under oath, why he has failed to discharge the order dated 18 May 2022
  - 13.3. The Solicitor for the Claimant shall pay the wasted costs of the previous hearing assessed at £350.00 (No VAT), and the wasted costs assessed at £350.00 plus VAT, by 4pm on 22 July 2022, or show cause why he should not do so
  - 13.4. In the event of default, the Court shall report the Solicitor for the Claimant to the Solicitors Regulation Authority pursuant to s.51(7A) Senior Courts Act 1981 and the Defendant is at liberty to apply for strike out pursuant to CPR3.4(2)(b) and (c) **[NG1, 17]**.
14. On 25 August 2022, the Claimant filed an application to move the hearing date from 19 September, to dispense with paragraphs 3-7 of the order dated 15 July 2022, that the 14 July 2022 application be listed and for the Defendant to pay the Claimant's costs. This was supported by a signed witness statement from the Respondent. His witness statement confirmed that £865.00 wasted costs was paid on 15 July 2022 **[NG1, 18-27]**.
15. In an order dated 3 October 2022, DJ Hickinbottom ordered that:
  - 15.1. The trial listed for 19 September 2022 is vacated and relisted (and the parties to liaise with each other and the court to find a suitable date).
  - 15.2. The Claimant's application of 14 July 2022, to be heard in person on the day of the trial.
  - 15.3. The remainder of the Claimant's application is dismissed.

- 15.4. The Claimant do pay the Defendant's wasted costs in sum of £350 + VAT **[NG1, 29]**.
16. £350.00 in wasted costs was paid by the Respondent on 17 October 2022 **[NG1, 43]**.
17. The trial was re-listed for 24 November 2022 at Bradford County Court. The Respondent was ordered to personally attend the hearing by DDJ Rose. He did attend and was cross-examined by DDJ Rose and counsel for the Defendant at that hearing **[NG1, 40-99]**. It was recorded in the subsequent court order that at the hearing, the Respondent confirmed under oath, the following:
- 17.1. He had not complied with a costs order of DDJ Rose dated 18 May 2022 until 15 July 2022, despite the same being an order of 14 days.
- 17.2. He was unfamiliar with the area of law and procedure and did not understand his obligations.
- 17.3. His conduct of this matter was poorly supervised by him and negligent.
- 17.4. Following Mr Vries (Counsel instructed by the Respondent) making an application to withdraw from acting as he became professionally embarrassed, the Respondent believed he did not have rights of audience in this matter **[NG1, 32-39]**.
18. DDJ Rose noted that there had been a wholesale failure to comply with court orders dated: 31 March 2022; 18 May 2022; 15 July 2022; and 25 August 2022 **[NG1, 32]**.
19. On 24 November 2024, DDJ Rose made an order that a copy of the judgment from the hearing was to be sent to the SRA pursuant to s.51(7A) Senior Courts Act 1981 **[NG1, 34]**.
20. The court order was sent to the SRA by Bradford County Court on 30 November 2022 and by DAC Beachcroft LLP ("DACB") on 11 October 2023. DACB were acting on behalf of the defendant at the hearing.
21. At the hearing, the claimant's claim was struck out on the basis that there was no valid claim, as the evidence was late and could not be relied upon, save for that of the claimant director who was not at the scene **[NG1, 32]**.

### Allegation 1.1 – Failing to comply with court orders

22. The SRA relies upon paragraphs 7 to 21 above. Additionally, the SRA relies upon the following facts and matters. In summary the following court orders were not complied with:

22.1 31 March 2022 (case management directions) **[NG1, 1-4]**

22.2 18 May 2022 (wasted costs in the sum of £350) **[NG1, 4]**

22.3 26 May 2022 (trial directions) **[NG1, 6-8]**

23. Non-compliance with these orders led to the claim being struck out **[NG1, 32]**. This is summarised in paragraph 23 of the Judgment of DDJ Rose **[NG1, 35, 39]**

*“The claim evidences no valid claim as all evidence was late and therefore cannot be relied upon, save that of the Claimant Director, who was not at the scene, the solicitor for the Claimant has admitted under direct examination that he was unfamiliar with the area of law and procedure, failed to properly supervise the case and does not understand his obligations, and that this is accepted as a prima facie case of negligence on his part and is an abuse of process. There has been also the failure to comply with the orders of 31 March 2022, 18 May 2022, 15 July 2022 and 25 August 2022, including two failures to meet court ordered wasted costs, being 18 May 2022 and 25 August 2022, and which places Mr Ilyas in breach of his duty to the court and in contempt. Therefore it is ordered that the claim is struck out under CPR 3.4(2) on all limbs.”*

### The Respondent’s representations

24. At the hearing on 24 November 2022, the Respondent told DDJ Rose, the order dated 31 March 2022 was not fully scanned to the Firm’s system and the directions had jumped from paragraph 7 to 14. The Respondent accepts the missing paragraphs of the order should have been identified at that point, but it was missed and was an oversight **[NG1, 44-46]**. The Respondent accepted that the payments could have been made more promptly, and says it was an unfortunate oversight as it was not diarised accordingly **[NG1, 53]**.

25. In his response to the Investigation Officer on 10 February 2023, the Respondent (via his legal representative) states that a copy of the order dated 18 May 2022 was not on the client matter. He says that he can only speculate that the order was either not received

and/or was misplaced, and which explains the reason why the costs order was not paid within time [NG1, 135]. The Respondent accepts it was the Firm's responsibility to have checked the position with the court and/or the defendant's solicitors [NG1, 135].

26. In representations made (via his legal representative) on 3 March 2025, the Respondent describes his failures as "good faith mistakes" to which he "made sensible admissions" [NG1, 251].

### **Breaches of the Principles and the Code for Solicitors in relation to allegation 1.1**

#### Paragraphs 2.5 and 2.6 of the Code

27. As a solicitor, and officer of the Court, the Respondent is responsible for ensuring compliance with court orders that are made against him (where they are not legitimately challenged), or in the circumstances of this matter he was responsible for compliance by the Firm. Solicitors and regulated law firms are expected to comply with court orders which place obligations upon them.
28. The above is reflected and set out in paragraph 2.5 of the Code which includes the requirement that solicitors "comply with court orders which place obligations" on them and in paragraph 2.6. which states that solicitors "do not waste the court's time".
29. As the solicitor with conduct of the case, the Respondent was the individual responsible for ensuring he complied with the court orders, including an order to pay the wasted costs of the hearing on 18 May 2022 in the sum of £350.00. He failed to do comply with these orders. Serious consequences followed the Respondent's non-compliance with the orders of the court because it wasted the court's time due to the number of adjournments and hearings required in what was a straightforward case, and it ultimately led to the claim being struck out.
30. The Respondent therefore breached paragraphs 2.5 and 2.6 of the Code.

#### Principle 1 of the SRA Principles

31. Principle 1 of the SRA Principles requires solicitors to act in a way that upholds the constitutional principle of the rule of law and the proper administration of justice. The Respondent has an obligation to comply with court orders because the failure to do so can impede the proper administration of justice. He did not apply to vary or set aside the orders,

which he could have done, and took no steps to comply with them. This is inconsistent with his duty to the Court, as an officer of the Court.

32. The Respondent therefore breached Principle 1 of the SRA Principles.

Principle 2 of the SRA principles

33. The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services.

34. Solicitors are of course entitled to dispute matters through the Courts. However, as noted above this matter raises the wider issue of compliance with court orders by solicitors and/or law firms, in particular, when those orders are made against them in the pursuance of their role as solicitor.

35. In relation to litigation, and involvement with Courts, solicitors hold a privileged role within society. When a court order is made that requires action by a solicitor, the public would expect a solicitor to ensure compliance or to make significant attempts to comply with any such order.

36. This is particularly the case when an order arises from their work as solicitors or Officers of the Court. Such matters are most closely aligned to their practice, and this is reflected in the heightened expectations and potential consequences of failing to comply. The Respondent's failure to ensure that his Firm complied with multiple court orders, taking accountability when matters go wrong, is likely to reduce the trust placed in the profession. The Respondent therefore breached Principle 2 of the SRA Principles.

Principle 5 of the SRA Principles

37. The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code) in breach of Principle 5 of the SRA Principles. In Wingate v SRA [2018] EWCA Civ 366, the Court of Appeal held that integrity connotes adherence to the ethical standards of one's profession. Lord Justice Jackson held:

*“Integrity is a broader concept than honesty. In professional codes of conduct the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members”..*

38. A fundamental aspect of practising as a solicitor is compliance with court orders. This is particularly the position for solicitors where the orders are made against them when acting in litigation as solicitors or Officers of the Court. A solicitor acting with integrity would, where they have not formally disputed or challenged any such order, seek to ensure compliance with it. A solicitor acting with integrity would not have failed to comply with a series of orders imposed by the court.
39. The Respondent’s conduct therefore breached Principle 5 of the SRA Principles.

Principle 7 of the SRA principles

40. Principle 7 requires solicitors to act in the best interests of each client. Solicitors should always act in good faith and do their best for their client.
41. The Respondent’s actions in failing to comply with court orders not only led to multiple adjournments, the exclusion of evidence and several wasted costs orders but ultimately led to the claim being struck out entirely. Furthermore, on 24 November 2022 DDJ Rose ordered that the Respondent and the Firm be removed from acting as there was a clear conflict between their interests and those of the claimant.
42. The Respondents conduct therefore breached Principle 7 of the SRA Principles.

**Allegation 1.2 – Providing misleading answers during cross examination**

43. The SRA relies upon paragraphs 7 to 21 above. Additionally, the SRA relies upon the following facts and matters.
44. It is alleged that the Respondent misled the court during a hearing on 24 November 2022 in the answers he gave under cross-examination by counsel for the Defendant. A transcript of his evidence is contained in the bundle supporting this application [NG1, 40-99].

45. In cross-examination at the hearing, counsel for the Defendant asked the Respondent whether he knew Client A personally. The Respondent said that he did in the context that *“I know the family and I know him through the family, and we’re both directors of another business.”* He confirmed that the business they are co-directors of, relates to properties **[NG1, 54]**.

46. However, later in the hearing DDJ Rose put the following to the Respondent:

*“Deputy District Judge Rose: ...So Mr Ilyas, we’re now at 12.15, we were due to start at 11 o’clock. I’ve examined you under oath. I’ve made various findings and you have made various submissions, your advocate today, your client’s advocate has withdrawn on professional embarrassment. It has been established under cross-examination that you have personal financial links with the Claimant. I have to say that I take judicial notice of the information held at Companies House. You were not 100% accurate in cross-examination, you share more than one company with, with the Claimant, you also were a director of a company with him, Company B, which has since been dissolved --*

*Mr Ilyas: Which is --*

*Deputy District Judge Rose: So you had more than one financial interest linked with this claimant...” [NG1, 62-63]*

47. This is reflected in paragraphs 17 and 18 of the Court’s judgment dated 24 November 2022 **[NG1, 38]**.

48. Mr Vries’s attendance note from the hearing on 24 November 2022 records that *“Under cross-examination from D counsel SI confirm that he knew Client A personally via his family, and that they were co-directors in one and or more business ventures together. DDJ made a prompt warning to SI stating that he should consult the SRA conduct rules on financial dealings with clients in respect of his ability to meet his duties to the court. DDJ hinted that he’d be open to an app for professional embarrassment purposes in relation to evidence just given by SI and stood down for 15 mins. ....” [NG1, 108]*.

49. In representations from Mr Ilyas’ legal representative on 10 February 2023, it was stated that: *“I am instructed that [the Respondent] has no financial associations, directorship, or shareholding with Company A. The Director of Company A is a Client A, and who is a family friend.... [the Respondent] and Client A decided to go into business together, with the intention of opening a dessert business. With that in mind, they incorporated Company B, but which was not progressed and the company was dissolved in February 2022. In*

*January 2022, ...[the Respondent] and Client A decided to enter into a new venture and incorporated Company C, but to date the company has not traded, and I am instructed is in the process of being dissolved.” [NG1 135].*

50. The SRA received the Firm’s client file on 10 February 2023. A review of the file showed two emails sent to [Sohail@goldmarksolicitors.com](mailto:Sohail@goldmarksolicitors.com) on 2 August 2021 and 2 September 2021, both of which related to the road traffic accident on 20 June 2021 where Client A was the Claimant **[NG1, 112-114]**.
51. On 11 October 2023, the SRA received a separate report from DAC Beachcroft Limited (“DACB”), who acted on behalf of the defendant in the litigation connected with that road traffic accident. The report was made in line with the court order dated 24 November 2022, which directed that a copy of the Judgement was to be sent to the SRA. DACB also reported additional concerns that Client A was an employee at the Firm. Evidence was provided in the form of three Claim Notification Forms (“CNFs”) which had been submitted on other cases by an employee of the Firm matching the name of Client A. **[NG1, 176-198]**.
52. On 26 October 2023, the Investigation Officer asked the Respondent to confirm the full name and role for [Sohail@goldmarksolicitors.com](mailto:Sohail@goldmarksolicitors.com) **[NG1, 147]**. In his response to the Investigation Officer on 21 November 2023, the Respondent states that the email belonged to Muhammad Sohail who was employed as an administrative assistant at the Firm. He carried out the initial administrative tasks and then the file was passed to Muhammad Shiraz. Once proceedings commenced Muhammad Shiraz retained conduct but was assisted by the Respondent **[NG1, 154]**.
53. On 9 April 2024, the Investigation Officer provided the three CNF’s to the Respondent **[NG1, 175]**.
54. In his response to the Investigation Officer on 30 April 2024, Mr Ilyas’ representative confirms that the claimant, Client A, was in fact an employee at the Firm: *“Client A initially joined Goldmark Services in December 2019 as a consultant providing business development and admin support services to the firm. He was then formerly employed by the firm in this very same role from October 2020 to October 2023. Following the termination of his employment, Client A continued to provide business development consultancy services to the firm, however, notice to terminate the same has been given by Mr. Ilyas and the engagement of Client A is due to end on the 31 May 2024. Client A’s role within the firm has been very limited and on a part time basis.” [NG1, 199-200]*

55. It was stated on the Respondent's behalf that he genuinely understood that the e-mail address [sohail@goldmarksolicitors.com](mailto:sohail@goldmarksolicitors.com) was the e-mail belonging to Sohail Iqbal a former employee of the Firm. He was under the impression that Client A had been allocated a different e-mail address. However, following further checks, and clarification from the firms' accountants, it appeared that as Client A was engaged by the firm following the departure of Sohail Iqbal, the firm's IT support had simply reallocated the email address to Client A rather than creating a completely new one. In providing incorrect information to the SRA, the Respondent claims it was an honest mistake **[NG1, 199-200]**.
56. On 1 July 2024, the Investigation Officer raised further enquiries with the Respondent after noting that the staff list provided did not include a Muhammed Sohail and further noting that the Respondent on 30 April 2024 states the email address [Sohail@goldmarksolicitors.com](mailto:Sohail@goldmarksolicitors.com) belonged to Sohail Iqbal **[NG1, 202]**.
57. On 15 July 2024, the Respondent's legal representative confirmed that Muhammad Sohail and Sohail Iqbal are the same individual. He states that *"Given the length of time that had passed since Mr. Iqbal's employment with the firm, Mr. Ilyas had mistakenly referred to him as Muhammad Sohail"* **[NG1, 202]**.

### **The Respondent's representations**

58. I refer to paragraphs 48 to 57 above. No further representations were made in response to the Notice.

### **Breaches of the Principles and the Code for Solicitors in relation to allegation 1.2**

#### Principle 1 of the SRA Principles

59. A solicitor is first and foremost an officer of the court, and is likely to breach the obligation to uphold the proper administration of justice if they mislead or try to mislead the court, or knowingly or recklessly allow the court to be misled.
60. The Lord Chief Justice said in *Brett v SRA* [2014] EWHC 2974 (Admin) that:

*"...misleading the court is regarded by the court and must be regarded by any disciplinary tribunal as one of the most serious offences that an advocate or litigator*

*can commit. It is not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings. Such conduct will normally attract an exemplary and deterrent sentence. That is in part because our system for the administration of justice relies so heavily upon the integrity of the profession and the full discharge of the profession's duties and in part because the privilege of conducting litigation or appearing in court is granted on terms that the rules are observed not merely in their letter but in their spirit. Indeed, the reputation of the system of the administration of justice in England and Wales and the standing of the profession depends particularly upon the discharge of the duties owed to the court."*

61. The Respondent gave evidence that the claimant was a family friend and co-director of a property company. He did not disclose a second co-directorship (until this was raised by the Judge), nor the fact that the claimant was working at the Firm. According to the judgment and the transcript of the hearing, the court was led to believe that Client A was a family friend and a co-director of the Respondent. There is no evidence that the Respondent has corrected the Court's understanding of the true position that Client A was also an employee of the Firm. The Respondent's actions in misleading or allowing the court to be misled as to the nature of his relationship with the Claimant/Client A failed to uphold his role as an Officer of the Court.

62. The Respondent's conduct therefore breached Principle 1 of the SRA Principles.

#### Principle 2 of the SRA Principles

63. The trust that the public places in solicitors, and in the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. Solicitors are required to discharge their professional duties with integrity, probity and trustworthiness.

64. Members of the public should also be able to place their trust in members of the profession, who are held in high regard. Any behaviour which undermines this trust damages not only the regulated person, but also the ability of the legal profession as a whole to serve society.

65. Members of the public would expect a solicitor to act in a straight-forward and transparent manner with the court, colleagues, and other members of the profession. This clearly includes not providing information that they know to be inaccurate, and correcting any misleading impression that may have been created by that information.

66. Public confidence in the Respondent, in solicitors and in the provision of legal services is likely to be undermined by a solicitor providing misleading information to the Court. It was incumbent upon the Respondent to ensure that the information he was providing to the Court was accurate and truthful. The Respondent did not do this, nor did he take steps to correct the inaccurate information that he had provided to the Court. A member of the public would expect a solicitor to ensure that the information provided to the Court was accurate so that the Court would not be misled when reaching its decision.

67. The Respondent therefore breached Principle 2 of the Principles.

Principle 4 of the SRA Principles

68. 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.”*

69. As to the Respondent’s knowledge and belief as to the facts, the SRA relies upon the following matters in particular.

70. At the time he gave evidence under oath, the Respondent knew:

70.1. That he had more than one business with Client A namely, Company B, and Company C **[NG1, 62-63]**; and

70.2. That Client A was employed by the Firm. Client A had in fact been working on his own case by virtue of the emails sent to him on 2 August 2021 and 2 September 2021, which the Respondent knew, or ought to have known as he had conduct of the case. **[NG1, 112-114]**.

71. The Respondent nevertheless told the court that he knew Client A through family and that they were both directors of a property company. He failed to inform the court about Company B and Client A's work for the Firm. Indeed, the court only became aware of Company B as a result of DDJ Rose taking judicial notice of Companies House records **[NG1, 258-270]**. At no stage was the court informed about Client A's work for the firm.

72. Given this state of knowledge and belief, the Respondent acted dishonestly by the standards of ordinary decent people. Ordinary decent people would consider it dishonest for a solicitor to knowingly mislead, or try to mislead, the court as to his relationship with Client A, particularly when providing evidence under oath.

73. The Respondent therefore failed to act with honesty and breached Principle 4 of the SRA Principles.

Principle 5 of the SRA Principles

74. Paragraph 37 above is repeated as to the test for integrity.

75. The Respondent was in a position of trust and responsibility as a solicitor. A solicitor acting with integrity would not have acted in a manner that misled, or attempted to mislead, the court and the defence. A solicitor acting with integrity would have ensured that the information they were providing to the Court was accurate. The Respondent did not do so. The Respondent therefore breached Principle 5 of the SRA Principles.

Paragraph 1.4 of the Code

76. The Respondent had a duty to ensure that he did not mislead, or attempt to mislead the court or others, either by his own acts or omissions. The Respondent chose not to tell the Court that he shared a second directorship with Client A, or that Client A was employed at the Firm. Whilst the true position as to the second company was eventually discovered by DDJ Rose, the Respondent's actions and omissions led the Court to mistakenly believe that his relationship with Client A was limited to being a family friend and co-director of two companies. Neither the transcript of the hearing or DDJ Rose's judgment reveals that the

court was made aware by the Respondent that Client A was also an employee of the Firm. Instead, the Respondent allowed the Court to be misled about the true position.

77. The Respondent therefore breached Principle 1.4 of the Code for Solicitors.

### **Allegation 1.3 – Providing the SRA with inaccurate information**

78. The SRA repeats and relies upon paragraphs 7 to 21 and 49 to 57.

### **Breaches of the Principles and the Code for Solicitors in relation to allegation 1.3**

#### **Principle 2 of the SRA Principles**

79. Paragraphs 49-57 are repeated.

80. Members of the public would expect a solicitor to act in a straight-forward and transparent manner with the regulator. This clearly includes not providing information that they know to be inaccurate, and promptly correcting any misleading impression that may have been caused by that information.

81. On 10 February 2023, via his legal representative, the Respondent told the Applicant during an investigation, that Client A was a family friend and that none of the employees at the Firm, including the Respondent, have any personal interest with any other clients of the Firm. This was untrue because Client A was an employee of the Firm and also the director of Company A. Furthermore, on 21 November 2023 he told the Applicant that the user of the email address '[Sohail@goldmarksolicitors.com](mailto:Sohail@goldmarksolicitors.com)' was Muhammad Sohail who was employed as an administrative assistant at the Firm, and did not disclose to the SRA that it was used by Client A.

82. In providing the SRA with inaccurate and/or misleading information as to the nature and extent of his relationship with Client A, the Respondent failed to uphold public trust and confidence in the profession and acted in breach of Principle 2.

#### **Principle 4 of the SRA Principles**

83. Paragraph 68 is repeated in respect of the test for dishonesty.

84. When providing information to the SRA, as part of its ongoing investigation, the Respondent knew that Client A had worked at the firm. He ought to have known this because he was the owner of the Firm and according to the staff list provided to the SRA, Client A had been employed from 1 October 2020 until 31 October 2023. Further, following the termination of his employment, Client A continued to provide business development consultancy services to the Firm until May 2024 following the Respondent's notice to terminate Client A's consultancy services with the Firm **[NG1 199]**. The Respondent failed to disclose these facts on either 10 February 2023 or 21 November 2023 and did so only when inaccuracies in his earlier account were drawn to his attention.
85. Given this state of knowledge and belief, the Respondent acted dishonestly by the standards of ordinary decent people. Ordinary decent people would consider it dishonest to provide inaccurate and/or misleading information to the regulator, particularly as part of an ongoing investigation into their professional conduct.
86. In doing so, the Respondent failed to act with honesty and therefore breached Principle 4 of the SRA Principles.

#### Principle 5 of the SRA Principles

87. Paragraph 37 is repeated as to the test for integrity.
88. The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code) in breach of Principle 5 of the SRA Principles.
89. The Respondent was in a position of trust and responsibility as a solicitor. A solicitor acting with integrity would not have acted in a manner that could have misled the regulator as to his relationship with Client A during an investigation into that solicitor's professional conduct. A Solicitor acting with integrity would have ensured that he was providing accurate information to his regulator when asked about his relationship with Client A and the user of the stated email address.
90. By the conduct stated in the preceding paragraphs, the Respondent therefore breached Principle 5 of the SRA Principles.

Paragraph 1.4 of the Code

91. The Respondent had a duty to ensure that he did not mislead, or attempt to mislead clients, the court or others, either by his own acts or omissions. When providing information to the SRA, as part of its ongoing investigation, the Respondent failed to disclose that Client A had worked at the firm or that Client A had been a user of the email address [sohail@goldmarksolicitors.com](mailto:sohail@goldmarksolicitors.com). He failed to disclose these facts and did so only when inaccuracies in his earlier account were drawn to his attention.
92. The Respondent therefore breached Principle 1.4 of the Code for Solicitors.

**Allegation 1.4 – Manifest Incompetence**

93. In addition, manifest incompetence is alleged as an aggravating factor with respect allegation 1.1 above but is not an essential ingredient in proving the allegation.
94. SRA v Iqbal [2012] EWHC 3251 (Admin) established the following, in the judgment of Sir John Thomas [then President of the Queen's Bench Division]:

*"It seems to me that Trustworthiness also extends to those standards which the public are entitled to expect of a solicitor, including competence. If a solicitor exhibits manifest incompetence, as, in my judgment, the Appellant did, then it is impossible to see how the public can have confidence in a person who has exhibited such incompetence. It is difficult to see how a profession such as the medical profession would countenance retaining as a doctor someone who had showed himself to be incompetent. It seems to me that the same must be true of the solicitors' profession. If in a course of conduct a person manifests incompetence as, in my judgment, the Appellant did, then he is not fit to be a solicitor. The only appropriate remedy is to remove him from the Roll. It must be recalled that being a solicitor is not a right, but a privilege. The public is entitled not only to solicitors who behave with honesty and integrity, but solicitors in whom they can impose trust by reason of competence".*

95. The Court of Appeal in Wingate v SRA [2018] EWCA Civ 366 stated as follows (Paragraphs 105 and 106) in the judgment of Lord Justice Rupert Jackson:

*“Principle 6 is directed to preserving the reputation of, and public confidence in, the legal profession. It is possible to think of many forms of conduct which would undermine public confidence in the legal profession. Manifest incompetence is one example. A solicitor acting carelessly, but with integrity, will breach Principle 6 if his careless conduct goes beyond mere professional negligence and constitutes “manifest incompetence”; see Iqbal and Libby. In applying Principle 6 it is important not to characterise run of the mill professional negligence as manifest incompetence. All professional people are human and from time to time make slips which a court would characterise as negligent. Fortunately no loss results from such slips. But acts of manifest incompetence engaging the Principles of professional conduct are of a different order”.*

96. The Respondent was the solicitor with conduct and supervision of the matter. His conduct as set out in allegation 1.1 went beyond mere professional negligence into manifest incompetence.

97. Paragraphs 7-23 are repeated.

98. At the hearing on 24 November 2024, the Respondent accepted that mistakes were made by him and that he should have “overseen it properly” **[NG1, 51]**. Further, at paragraph 41 of the witness statement dated 25 August 2022, the Respondent himself states “given the straightforward nature of this matter. I submit it should not have taken 3 Trials for the same to be resolved” **[NG1, 26]**.

99. Having instructed the Respondent to act in pursuing a claim, the claimant would expect that the Respondent would comply with the Civil Procedure Rules (“**CPR**”) and any orders from the court arising within those proceedings, including applying for relief promptly.

100. The Respondent’s conduct was manifestly incompetent taking into account the scale of the number of court orders he failed to comply with and errors he committed throughout the life of the proceedings, which ultimately resulted in the claim being struck out. No competent solicitor would have acted as the Respondent did. Competent conduct in these circumstances would have involved at the very least complying with court orders and directions, or applying to vary them as necessary.

101. The Respondent is an experienced solicitor with over 10 years’ experience. He would have appreciated the significance of failure to comply with court orders and directions. By

the Respondent's own admission, he stated he did not have rights of audience and requested an adjournment to enable him to instruct somebody with sufficient experience of dealing with hearings [NG1, 32]. This is despite the Respondent being a solicitor and having rights of audience since admission to the roll in 2012. DDJ Rose noted that the Respondent was the COLP at the Firm, the solicitor with conduct and the Respondent was working within his sphere of experience [NG1, 32, 58-59].

102. There is no excuse for the Respondent's failure to comply with the court orders set out in allegation 1.1. This was a straightforward small claims matter, yet his failure to conduct the case appropriately and in compliance with court order ultimately proved fatal to the claim. The Respondent's conduct was manifestly incompetent.

### **Allegation 1.5 – Recklessness**

103. In the alternative to the allegation of dishonesty, the actions of the Respondent as set out within allegations 1.2 and 1.3 were reckless when providing inaccurate information to both the Court (allegation 1.2) and the SRA (allegation 1.3).

104. The Applicant relies upon the test for recklessness which was set out in the case of Brett v SRA [2014] EWHC 1974. At paragraph 78 in that case, Wilkie J said that for the purposes of the Brett appeal, he adopted the working definition of recklessness from the case of R v G [2004] 1 AC 1034. He said that the word recklessly is satisfied: with respect to (i) a circumstance when {the solicitor} is aware of a risk that it exists or will exist and (ii) a result when {the solicitor} is aware that a risk will occur and it is, in circumstances known to them, unreasonable for them to take the risk.

105. The Respondent acted recklessly by providing information to the Court and his professional regulator about the nature and extent of his relationship with Client A when this was inaccurate in that:

105.1. In answering questions under oath, the Respondent was asked specifically about his relationship with Client A and any financial links between them. As an experienced solicitor the Respondent would have known the significance of this issue. He failed to ensure the accuracy of his answers, disclosing only a single financial link to Client A via a property business, and would have been aware that inaccurate information could have misled the court about the full nature of their relationship.

- 105.2. In relation to allegation 1.3., on his own admission, the Respondent failed to check the accuracy of his statements to the Regulator regarding the email address **[NG1, 200]**. Consequently, he was aware of the risk that he might mislead the SRA.
106. No reasonable solicitor in the Respondent's position and of his experience would have taken that risk. In respect of the conduct relating to allegation 1.2, he was providing answers under oath to the court. In respect of the conduct relating to allegation 1.3, he was providing information to his regulator as part of an ongoing investigation. In those circumstances, a reasonable solicitor would have been scrupulous in ensuring the responses contained only accurate information. A reasonable solicitor would at the very least have checked the position to resolve any uncertainty. To take the risk of providing incorrect information in this manner was reckless.

### **The SRA's investigation**

107. The SRA wrote to the Respondent on 17 January 2023 in relation to the referral received from DDJ Rose **[NG1 119-129]**.
108. On 10 February 2023, the Respondent responded via his legal representative. During the course on 2023-2024, further correspondence was exchanged with the Respondent while these matters were investigated **[NG1 132-143]**.
109. The SRA issued a Notice Recommending Referral of Conduct to the Tribunal **[NG1, 205]** dated 20 January 2025 ("**the Notice**"). The Notice was provided to the Respondent for comment.
110. On 7 February 2025, Shaqil Ahmed wrote to the SRA to confirm that he was no longer acting as legal representative for the Respondent, who would be dealing with matters himself **[NG1, 246]**.
111. The SRA was subsequently contacted by Shorof Uddin, solicitor for the Respondent. On 3 March 2025, Mr Uddin provided brief representations on behalf of the Respondent, with detailed submissions to follow **[NG1, 251]**.
112. On 4 March 2025, an authorised decision-maker decided to refer the Respondent to the SDT **[NG1, 253]**.

### **Statement of Truth**

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

Signed: *Nadine Gabbidon*

Dated: 18 August 2025

CASE NO.

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL****IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)****AND IN THE MATTER OF:****SOLICITORS REGULATION AUTHORITY LIMITED**Applicant

- and -

**SHEHZAD ILYAS**Respondent

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**APPENDIX 1 TO STATEMENT PURSUANT TO RULE 12 (2)****SOLICITORS (DISCIPLINARY PROCEEDINGS) RULES 2019****Relevant Rules**

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**SRA Principles 2019**

You act:

- Principle 1 in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice
- Principle 2 in a way that upholds public trust and confidence in the solicitors' profession and in the legal services provided
- Principle 4 with honesty
- Principle 5 with integrity
- Principles 7 in the best interests of each client

**SRA Code of Conduct for Solicitors, RELs and RFLs 2019**

- 1.4 that solicitors must not mislead or attempt to mislead their clients, the court or others by their own acts or omissions or being complicit in the acts or omissions of others.

- 2.5 You do not place yourself in contempt of court, and you comply with court orders which place obligations on you.
- 2.6 You do not waste the court's time.