

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10832-2011

## BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

RIZWAN AHMAD

Respondent

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Before:

Mr A. G. Gibson (in the chair)

Mr M. Fanning

Mr S. Marquez

Date of Hearing: 8th March 2012

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## Appearances

Mrs Suzanne Jackson, solicitor, of the Solicitors Regulation Authority, Berrington Close, Redditch, Worcestershire, B98 0TD for the Applicant.

The Respondent was not present or represented.

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## JUDGMENT

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## **Allegations**

1. The allegations against the Respondent, Rizwan Ahmed were that:
  - 1.1 He failed and/or delayed in delivery of an accountant's report for the six month period ending 31 March 2010 (due to be delivered on or before 31 May 2010) contrary to Rule 35(1) of the Solicitors' Accounts Rules 1998;
  - 1.2 He failed to comply with a condition attached to his 2008/2009 practising certificate as regard the filing of half yearly accountant's reports contrary to Rule 20.10 of the Solicitors Code of Conduct 2007 ("SCC");
  - 1.3 He failed to deal in an open, prompt and cooperative way with the SRA contrary to Rule 20.5 of the SCC.

## **Documents**

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent, which included:

Applicant:

- Application dated 16 September 2011;
- Rule 5 Statement with Exhibits dated 16 September 2011;
- Schedule of Costs.

## **Preliminary Matters**

3. The Tribunal noted that the Respondent was not present or represented. Mrs Jackson informed the Tribunal that she had received no communication from him and it was noted that the Tribunal had had no communication from the Respondent either. The Tribunal was told that the Rule 5 Statement had been served at the Respondent's residential address, which was also his last known place of business. On 7 November 2011 the Tribunal had informed the Respondent of the hearing date. Mrs Jackson had written to the Respondent in November 2011 to confirm the hearing date and serve a Civil Evidence Act Notice. No Counter-Notice had been received.
4. It was submitted that the Respondent was well aware of the proceedings, although he had not responded to them.
5. It was noted that the correspondence from the Tribunal concerning the proceedings and the hearing date had not been returned through the postal service.
6. The Tribunal was satisfied that the Respondent had been served with notice of the proceedings and this hearing. No reason had been given for his non-attendance and in those circumstances it was appropriate for the hearing to continue in the Respondent's absence.

## **Factual Background**

7. The Respondent was born in 1967 and was admitted as a solicitor in 1997. His name remained on the Roll of Solicitors.
8. At the relevant time the Respondent carried on practice as a sole practitioner under the style of Herald Solicitors from offices at 13 Amersham Road, High Wycombe, Buckinghamshire, HP13 6QS. The firm closed on 30 September 2010.
9. The Respondent's accountant's report for the period ending 31 March 2010, which was due for delivery on or before 31 May 2010 remained outstanding at the time proceedings were issued and to the date of hearing.
10. A condition in the following terms was imposed on the Respondent's practising certificate for the practice year 2008/2009:
 

“That he delivers half yearly accountant's reports, such reports and any cease to hold report required, to be delivered within two months of the end of the period to which they relate”.
11. By letter dated 29 March 2010 an administration officer of the SRA wrote to the Respondent enclosing the accountant's report and check list for the accounting period 1 October 2009 to 31 March 2010 for completion and return by 31 May 2010. On 17 June 2010 an administration officer of the SRA wrote to the Respondent reminding him that the accountant's report for the period ending 31 March 2010 was overdue.
12. By letter dated 12 July 2010 the SRA wrote to the Respondent in relation to the outstanding accountant's report, seeking his explanation in respect of the same. No response was received.
13. By letter dated 10 August 2010 the SRA wrote to the Respondent, again seeking his explanation, to which no reply was received.
14. Further letters were sent to the Respondent on 9 and 24 November 2010, to which no response was received.
15. The accountant's report had not been filed within the required time period and remained outstanding at the time proceedings were issued. The Respondent's conduct was referred to the Tribunal on 16 February 2011.

## **Witnesses**

16. None.

## **Findings of Fact and Law**

17. **Allegation 1.1: He failed and/or delayed in delivery of an accountant's report for the six month period ending 31 March 2010 (due to be delivered on or before 31 May 2010) contrary to Rule 35(1) of the Solicitors' Accounts Rules 1998.**

- 17.1 No admissions having been made by the Respondent, the Tribunal required the allegation to be proved to the highest standard.
- 17.2 The Tribunal was satisfied so that it was sure that the Respondent's accountant's report for the six month period ending 31 March 2010 was due to be delivered on or before 31 May 2010. It was further satisfied on the documents presented that the accountant's report for that period had not been delivered by 31 May 2010 or subsequently, and remained outstanding. Accordingly, the Tribunal was satisfied so that it was sure that this allegation had been proved to the highest standard.
18. **Allegation 1.2: He failed to comply with a condition attached to his 2008/2009 practising certificate as regard the filing of half yearly accountant's reports contrary to Rule 20.10 of the Solicitors Code of Conduct 2007 ("SCC").**
- 18.1 No admissions having been made by the Respondent, the Tribunal required this allegation to be proved to the highest standard.
- 18.2 The Tribunal was satisfied on the documents that the Respondent had failed to comply with the condition on his 2008/2009 practising certificate which required the filing of half yearly accountant's reports. His failure to comply with that condition constituted a breach of the requirements of Rule 20.10 of the SCC. The Tribunal was satisfied so that it was sure that this allegation had been proved.
19. **Allegation 1.3: He failed to deal in an open, prompt and cooperative way with the SRA contrary to Rule 20.5 of the SCC.**
- 19.1 No admissions having been made by the Respondent, the Tribunal required this allegation to be proved to the highest standard.
- 19.2 The Tribunal noted from the documents that the SRA had written to the Respondent on 29 March 2010, requiring the filing of the accounts by 31 May 2010 and had written a reminder on 17 June 2010. The Respondent had failed to respond which led to a formal letter being sent to the Respondent concerning his failure to file the accountant's report on 12 July 2010. That letter required a response within 14 days. The Respondent did not reply and further correspondence from the SRA dated 10 August, 9 and 24 November 2010 elicited no response from him.
- 19.3 The Tribunal was satisfied so that it was sure that the Respondent had failed to deal in an open, prompt and cooperative way with the SRA, contrary to Rule 20.05 of the SCC in that he had failed to address any of the important correspondence sent to him. Accordingly, this allegation had been proved to the highest standard.

### **Previous Disciplinary Matters**

20. The Tribunal was handed a copy of the Findings and Decision in case 10364/2009 heard on 20 April 2010. In those proceedings the Respondent had admitted four allegations relating to failure to file accountants' reports and failure to co-operate with the SRA.

**Mitigation**

21. No mitigation was offered on behalf of the Respondent.

**Sanction**

22. The Tribunal considered that this was a serious case. The requirement that solicitors file accountants' reports with the SRA was a measure which was essential to protect the public.
23. The Tribunal noted with great concern that this was the second case against the Respondent in a short period in relation to essentially similar breaches. The case heard on 20 April 2010 had related to failure to deliver an accountant's report for the periods ending 31 March 2008, 31 March and 30 September 2009; further, that the Respondent had failed to comply with a condition attached to his 2008/2009 practising certificate regarding the filing of a half yearly accountant's report and failure to deal in an open, prompt and cooperative way with the SRA.
24. The Tribunal noted that on the previous occasion the Respondent had attended and had offered mitigation which included assurances to the Tribunal that he would put matters right and in particular that all the accountants' reports would be filed. That assurance had been given to the Tribunal a little over a month before the date the accounts for the period ending 31 March 2010 was due for delivery. Despite his assurances to the Tribunal, the Respondent had not rectified matters, had not filed the required report and had failed to cooperate with the SRA.
25. The Respondent's lack of engagement with the SRA during the investigation process, and with the Tribunal and Applicant in the course of these proceedings, together with his failure to file the required accountants' reports showed a lack of respect for the norms of the solicitors' profession. On the previous occasion the Respondent had been given a stern warning by the Tribunal, and a financial penalty had been imposed. The Respondent had failed to take the necessary steps, even having received that warning.
26. The Tribunal was conscious that the purpose of any sanction that it imposed was to maintain the reputation of the solicitors' profession and to protect the public. In the light of those principles, the reasonable and appropriate order to make was that the Respondent should be struck off the Roll of Solicitors. It was clear to the Tribunal that the Respondent was not prepared to be bound by the regulatory framework which existed for the protection of the public and the maintenance of the reputation of the profession.

**Costs**

27. The Applicant sought costs in accordance with a schedule. There were no representations concerning costs made by the Respondent. The Tribunal considered the schedule and determined that the costs claimed were reasonable in amount and should be allowed in full in the sum of £1,571.04. The Tribunal Ordered the Respondent to pay those costs as assessed.

**Statement of Full Order**

28. The Tribunal Ordered that the Respondent, Rizwan Ahmad, solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,571.40.

Dated this 4<sup>th</sup> day of April 2012  
On behalf of the Tribunal

A. G. Gibson  
Chairman