

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11445-2015

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

RAJESH BABAJEE

Respondent

Before:

Ms A. E. Banks (in the chair)

Mr P. S. L. Housego

Dr P. Iyer

Date of Decision: 25 March 2020

Appearances

There were no appearances as the matter was dealt with on the papers

**MEMORANDUM OF
DECISION ON AN APPLICATION FOR NON-PARTY
DISCLOSURE**

Background

1. The proceedings against the Respondent concluded on 20 April 2016, when the Respondent was struck off the Roll.
2. On 1 March 2020 Mr Shivam Raval made an application for non-party disclosure of documents. In his application form he stated that “documents such as bank statements would be helpful”. An earlier email requested “any evidence” the Tribunal held.

The position of the parties

3. The Applicant was neutral on the issue of bank statements being disclosed, but noted that they may contain confidential information. The Applicant opposed disclosure of any additional documents.
4. The Respondent supported the application. He informed the Tribunal that Mr Raval employed him as a safeguarding officer for his karate school in India and that he wished Mr Raval, as his employer, to have sight of the documents.

The Tribunal’s Decision

5. The Tribunal considered the matter carefully and in accordance with the Guidance Note on Non Party Disclosure Applications and Tribunal’s Policy on the Supply of Documents to a Non Party From Tribunal Records.
6. It was unclear from the application whose bank statements were being requested. If they were the Respondent’s personal bank statements then he could provide these to Mr Raval directly. If they were not his personal bank statements then it was very likely that they related to the client account, which would contain confidential information which should not be disclosed.
7. If Mr Raval had already employed the Respondent, it was unclear why he now required bank statements from the disciplinary proceedings going back to 2016. The Tribunal noted that the allegations against the Respondent had not been based solely on the misappropriation of client money.
8. The Respondent had supported the application, when in fact it was open to him to obtain the documents himself. Further, the Tribunal’s judgment was a matter of public record and could be accessed without needing to make an application.
9. The Tribunal therefore refused the application for the reasons set out above.

Dated this 26th day of March 2020

On behalf of the Tribunal



A. E. Banks
Chair