SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 — Case No. 11453-2015

BETWEEN:

SOLICITORS REGULATION AUTHORITY — Applicant

and

IAN RICHARD BURTON, — First Respondent

MICHAEL JOHN DRURY CMG — Second Respondent

Before:

Mr A. N. Spooner (in the chair)
Mr R. Hegarty
Mr S. Howe

Date of Hearing: 19 to 21 & 27 July 2016

Appearances

Mr Timothy Dutton CBE QC, of Fountain Court Chambers, Fountain Court, Temple, London EC4Y 9DH, instructed by Mr Daniel Purcell, solicitor, of Capsticks Solicitors LLP, of 1 St George`s Road, London, SW19 4DR, for the Applicant.

Mr Gregory Treverton-Jones QC and Mr Patrick Gibbs QC, both counsel, of 39 Essex Chambers, 81 Chancery Lane, London, WC2A 1DD and 3 Raymond Buildings, Gray's Inn, London WC1R 5BH respectively, instructed by Ms Jane Glass, solicitor, of BCL Burton Copeland, 51 Lincoln's Inn Fields, London, WC2A 3LZ for both Respondents, who were present.

JUDGMENT
FOR PUBLICATION

Explanation for this document

1. On 19 July 2016 the Tribunal directed that the hearing of the application should take place in private, in exceptional circumstances. As will appear from the facts summarised below the whole of the case against the Respondents concerned advice which they had given to a client in the context of a police investigation. The client's instructions and the advice given by the Firm remained confidential and subject to legal professional privilege ("LPP"). Privilege had not been, and has still not been, waived by the client. It was common ground between the parties that the SRA may override LPP in the exercise of its statutory powers and that privileged material can be submitted to and admitted into evidence by the Tribunal. The Tribunal, in these unusual circumstances, concluded and directed that the only way in which the client's interests could be protected was by conducting the hearing in private.

2. The Tribunal's order, handed down on 27 July 2016 at the conclusion of the hearing, is public and has been published on the SRA's website. A full judgment, unredacted by reference to any privilege, was released to the parties and to the client, only, on a confidential basis on 6 September 2016.

3. The interests of the Applicant and Respondents have accordingly been met in ensuring that they have a complete understanding of the Tribunal's conclusions and reasoning. There has been no appeal by the Applicant or the Respondents against the Tribunal's judgment and orders. The full confidential judgment will be available to the costs judge in the event of detailed assessment proceedings. The question remained as to how best the Tribunal could meet in full the requirements of open justice and the need to ensure, in the interests of the public and profession, that there is an understanding that the conduct of the Respondents has been found to be in breach of the Solicitors' Code of Conduct 2007, and why.

4. Following submissions from the parties and the client the Tribunal determined on 22 December 2016 that the correct course was to produce a stand-alone public judgment, balancing the principles of open justice with the legitimate interests of the client, whose identity remains undisclosed and whose anonymity should be respected.

5. The Tribunal wishes to emphasise that in making this decision and causing the full judgment to remain confidential to the parties it is taking a wholly exceptional course driven by the exceptional facts of this case, on a highly fact-sensitive basis. This decision should not be regarded as a precedent nor should it be expected that this course will be followed in any future case.

6. The Tribunal has had full regard to its Judgment Publication Policy (April 2016), and in particular to the provision to the effect that the fact that a Tribunal has directed that a hearing or part of it is to be held in private does not determine that the Tribunal must decide that the judgment should be anonymised, and that each case must be decided on its own facts and merits. Here, there is no anonymisation of the Respondents. The particular and highly individual facts have dictated an exceptional solution, not for the protection of the Respondents, but for the protection of the client who, as the Tribunal has found, was given improper advice.

7. The client will be referred to throughout as "the client"; the specific police force conducting the relevant investigation will be referred to as "the police". The only other relevant party, the Crown Prosecution Service, carries no geographic indicator and does not need anonymisation. The date on which the advice was given will be referred to as "the Relevant Date". The absence of any specific date reference is designed to limit speculation or deduction as to the identity of the client. It is necessary to note that the Relevant Date was in 2011, but the Tribunal was satisfied that no material change in the law has occurred since that time so that its conclusions remain valid today.

8. Details contained in the original allegations and narrated facts have been omitted and adjusted for the reasons already given. For the purposes of creating a seamless document devices such as [*name redacted*] or [*words omitted*] have not been used.

Allegations

9. The allegations against the First Respondent, Mr Ian Richard Burton, on behalf of the Solicitors Regulation Authority ("SRA") were that, on the Relevant Date, acting in his capacity as a Partner in BCL Burton Copeland ("the Firm") and in the course of advising a client on an investigation by the police, he gave advice, and caused or allowed advice to be given by the Second Respondent, to the effect that steps should be taken to remove certain materials from an area of the client's premises, in anticipation of, and with the intention of preventing or impeding, a search by the police, and in doing so:

    1.1 failed to uphold the law and the administration of justice in breach of Rule 1.01 of the Solicitors Code of Conduct 2007 ("the 2007 Code");

    1.2 allowed his independence to be compromised in breach of Rule 1.03 of the 2007 Code;

    1.3 failed to behave in a way which maintained the trust the public placed in him and in the provision of legal services in breach of Rule 1.06 of the 2007 Code.

10. The allegations against the Second Respondent, Mr Michael John Drury, on behalf of the Solicitors Regulation Authority ("SRA") were that, on the Relevant Date, acting in his capacity as a Partner in the Firm and in the course of advising a client on an investigation by the police, he gave advice to the effect that steps should be taken to remove certain materials from an area of the client's premises, in anticipation of, and with the intention of preventing or impeding, a search by the police, and in doing so:

    2.1 failed to uphold the law and the administration of justice in breach of Rule 1.01 of the 2007 Code;

    2.2 allowed his independence to be compromised in breach of Rule 1.03 of the 2007 Code;

    2.3 failed to behave in a way which maintained the trust the public placed in him and in the provision of legal services in breach of Rule 1.06 of the 2007 Code.

Factual Background

11. The First Respondent was admitted as a solicitor in 1971. At all material times he was the senior partner of BCL Burton Copeland ("the Firm"), which he had founded in about 1980. The Firm's offices are and were at 51 Lincoln's Inn Fields, London WC2A 3LZ.

12. The Second Respondent was admitted as a solicitor in 1996, having previously qualified as a barrister. The Second Respondent joined the Firm in 2010, having previously worked in various public sector positions, including as a prosecutor for HM Customs and Excise and latterly as Director of Legal Affairs at the UK Government Communication Headquarters ("GCHQ").

13. Both Respondents had professional careers in the field of or related to criminal law.

The Applicant's Investigation

14. An investigation was commenced by the Applicant in November 2011, following receipt of a complaint from the Crown Prosecution Service ("CPS"). The investigation involved review of documents held by the Firm.

15. After the initial investigation, the Applicant exchanged correspondence with the Firm and thereafter solicitors instructed by the Respondents. The Applicant also obtained transcripts of interviews conducted by the police with each of the Respondents.

The Tribunal's Findings as to the facts in outline

16. The facts in this case were largely agreed and accepted.

17. Nine days before the Relevant Date the police had carried out a search of the client's premises which the Second Respondent had believed strongly was unlawful. On the Relevant Date the Second Respondent received an indication that a further search might be carried out which in his view would also be likely to be unlawful. After speaking to the First Respondent, the Second Respondent spoke to the client at about 9.10am and advised that specified material in the client's premises should be removed and secured. This advice was confirmed by email at 9.17am, in specific terms. The material was removed by about 9.35am. At 9.48am the Second Respondent sent an email to the client further confirming the advice to remove the material and setting out some reasons why this action was in the Second Respondent's view appropriate. At 9.52am it was confirmed to the Second Respondent that an arrest of a particular individual had occurred at 8.00am, a matter on which the police might have relied in exercising powers of search. At 10.15am the client confirmed to the Second Respondent that the materials had been removed. Shortly thereafter, at about 10.20am, the First Respondent spoke to the police and informed them that the material had been removed. At 10.50am, a police Inspector authorised a search of the client's premises under s18 PACE. By about 11am the materials that had been removed were delivered to the Firm's offices. In a telephone call at 11.18am the First Respondent agreed to provide the material which had been uplifted to the police. The police attended the client's premises at about 1.20pm and at about 2.25pm attended the Firm's offices and obtained the material.

The Tribunal's Findings – General

18. Three allegations were made against the Respondents, namely that they:

    a) Failed to uphold the rule of law and the administration of justice;
    b) Allowed their independence to be compromised; and
    c) Failed to behave in a way which maintained the trust the public placed in them and in the provision of legal services

    in that on the Relevant Date the Second Respondent gave advice to the client to the effect that steps should be taken to remove materials in anticipation of and with the intention of preventing or impeding a search by the police. In the case of the First Respondent, it was alleged that he had caused or allowed this advice to be given

19. The events in this case took place some five and a half years ago.

20. Both Respondents were partners in the Firm. The First Respondent was the Senior Partner at the firm and the Second Respondent had day to day responsibility for the client's matter. Both were highly experienced solicitors. The Second Respondent had during his career acted as a Crown servant for over 25 years including as a prosecutor for HM Customs and Excise; then with the SFO and latterly as Director of Legal Affairs at GCHQ.

21. In this matter the Respondents were operating in what was described by the Second Respondent as a "fetid" or "febrile" atmosphere. The case was of major public interest.

22. An unusual feature of the case compared with many others that come before this Tribunal was that the allegations against both Respondents involved no "bad faith" on their part so far as the advice that was given.

23. The advice that they gave on the Relevant Date took place in a time frame of approximately 45 minutes between about 9.10am and 09.48am, when the earlier advice was confirmed by email.

24. The advice that the Respondents gave on that date was influenced by events that had happened some nine days before when a search had been carried out under s18 PACE.

25. The Second Respondent had had serious concerns about the justification for that search and whether it had been unlawful. Two days after the first search advice was obtained from Queen's Counsel which confirmed that this was his opinion also. A letter was drafted by the QC to go to the police which set out detailed reasons for these concerns on behalf of the client. In fact, this letter was not sent but a shorter email was sent to the police by the Second Respondent three days after the search, stating that in his view the actions taken were unlawful and that the Firm would write further to the police concerning this.

26. The Tribunal was told that the letter that had been drafted by the QC was not sent because of the client's wider strategic considerations.

27. The client's instructions throughout this period were that the Respondents were to cooperate fully with the police.

28. There was a strong feeling (endorsed by the QC) that the tactics used by the police were designed to allow the police to use a s18 power of search, which could be authorised by an officer of the rank of Inspector or above, rather than having to apply to a Judge under the provisions of section 9 and Schedule 1 PACE. The Second Respondent considered that, in the circumstances of the matter, the authority of a Judge was unlikely to be granted.

29. The Applicant's position, in brief, was that the Respondents could have: advised the client that the material should not be interfered with, pending the conduct of any search, so that the contents remained available to the police; advised the client to apply for judicial review, coupled with an application for an injunction; applied for the return of any items removed under s59 of the 2001 Act. It was also submitted that enquires should have been made of the police to check the position as to whether any relevant person had been arrested, including an enquiry about whether or not a search was to be carried out. It was noted that the police could have been told before the material was removed that the client would be advised to remove the material so as to prevent an unlawful search, but that the client would nevertheless facilitate the provision of the material to the police.

30. On behalf of the Respondents it was said that whilst that may be the case, they categorised these as "examination" type answers rather than a "real life" approach given the febrile environment in which they were working. It was further submitted that in any event it was unlikely that the police would have provided information to the Firm.

31. The Tribunal had heard evidence from the Second Respondent. The Tribunal found him to be an honest witness who, while he held strong views about this matter and the way that the police had dealt with it, clearly wanted to give his client what he considered to be the best advice he could in the circumstances.

32. The Tribunal fully accepted that the Second Respondent was working in a pressurised atmosphere and in difficult conditions. However, the Tribunal found as a fact that there was an opportunity for him to consider all the other options, as identified by the Applicant, as well as the one that he actually advised should be followed on the Relevant Date. There had been a period of 9 days following the earlier incident involving an allegedly unlawful search, in which it was clearly contemplated that further arrests could occur and a further search might have been authorised. The Second Respondent could have communicated the options to the client together with an analysis of the potential risks. Those risks may have included risks to the Second Respondent, the Firm and the client, that they might be accused of obstructing the police or perverting the course of justice. If he had done this, he would have ensured that the client was fully advised. The Tribunal found that full advice could and should have been given at or around the time that the QC gave his advice on the draft letter, some seven days before the Relevant Date.

33. The Tribunal also found that the Second Respondent could and should have made enquiries of the police as to whether a relevant person had been arrested, during the morning of the Relevant Date. By making such inquiries he would have known:

- Whether or not there had been an arrest and the manner of that arrest; or
- That the police were not prepared to disclose this information in any event.

How the police responded would have provided the Second Respondent with better information on which to base his advice to the client.

34. While the approach that was advised by the Second Respondent had the practical effect of removing the material, it was not proper advice from a strictly legal point of view, in view of the other options that were available. If the client did not want to go so far as the legal options outlined by the Applicant or to send the letter as drafted by the QC, a letter sent in abbreviated form laying down a marker against future similar conduct by the police and the action that the client would take if this was to reoccur could have been sent (again at any time after receipt of the QC's advice up to the day before the Relevant Date) before the search took place. This would have been a sound legal solution that would have caused no breach of the Rules and may indeed have given the client a higher moral and legal standpoint if the way that the police had dealt with the previous incident was repeated.

35. The Tribunal found that in giving the advice that he did shortly before 09.17am, which was subsequently confirmed in greater detail at 09.48am on the Relevant Date, the Second Respondent left both himself, his Firm and his client exposed to an accusation that he or they had prevented or impeded a potentially lawful search and the consequential risk of a police investigation and possible prosecution for obstructing the police and/or perverting the course of justice. In preventing or impeding a potentially lawful search, the Second Respondent failed to uphold the rule of law and the proper administration of justice.

36. The Tribunal carefully considered whether the Second Respondent allowed his independence to be compromised. While the Tribunal accepted and found that he held strong views on the question of whether the proposed search was unlawful, it noted that no bad faith had been alleged, against either Respondent. The Applicant accepted that each allegation was self-standing. In view of this, and given that the Tribunal found that the Second Respondent advised honestly, the Tribunal did not find that in advising as he did he allowed his independence to be compromised. Nor, by analogy, did the Tribunal find this allegation to be proved against the First Respondent.

37. The Tribunal noted and found that a police witness had confirmed the suspicions of the Second Respondent that the police, at least in part, had a strategy to use an arrest as a device for obtaining an Inspector's authority for a s18 search. Whilst the Tribunal found it troubling that there could be any serious question about the lawfulness of the proposed search on the Relevant Date, any such concerns did not justify the advice that the Second Respondent gave at or before 09.17, for the reasons set out above.

38. The Tribunal wanted to emphasise that there was no bad faith in the advice given by the Second Respondent. The Tribunal accepted that he was operating in difficult and pressurised conditions. The Tribunal noted that the Second Respondent forwarded his 09.48 email to the QC one minute after it was sent and received no reply. The Tribunal noted, of course, that the QC was not asked formally to advise on this email or the course of action on which the Second Respondent had advised. In any event, of course, the material had already been removed by that time.

39. The Tribunal also noted that the police were informed about the removal of the material by the First Respondent at about 10.20 am. The Tribunal found that there was no intention by the Respondents to hide what had happened from the police.

40. The Tribunal was also satisfied that the steps taken to ensure the continuity, integrity and preservation of the material appeared to be sufficient in the circumstances and were in line with the procedures followed on the earlier search. Further, the material that was taken was in the possession of the police by 2.25pm on the relevant day. The Tribunal noted the Firm continued to advise the client for some months thereafter.

41. So far as the First Respondent was concerned, the Tribunal noted that he played a less prominent role in this matter. However, the First Respondent made it clear in his witness statement that in providing the advice that they did, he considered (and still considered) that they were acting in the best interests of their client, fearlessly protecting their fundamental rights until any issue as to legality could be resolved with the police.

42. The First Respondent was the Senior Partner of the firm. He had over forty years' experience of acting in criminal cases. He was the lead partner on the matter and was providing advice in relation to strategy and any significant decisions that were to be taken. He was working closely with the Second Respondent who used him as something of a "sounding board". As such, he had a very important role to play in providing clear, calm and detached advice: He could have urged caution or even advised the Second Respondent against taking the action that was contemplated when they spoke sometime after 08.30 on the Relevant Date – but did not do so. As such, the Tribunal found that he caused or allowed the Second Respondent to give the advice.

43. **The allegations against the First Respondent, Mr Ian Richard Burton, on behalf of the Solicitors Regulation Authority ("SRA") were that, on or about the Relevant Date, acting in his capacity as a Partner in BCL Burton Copeland ("the Firm") and in the course of advising a client on an investigation by the police he gave advice, and caused or allowed advice to be given by the Second Respondent, to the effect that steps should be taken to remove certain materials from an area of the client's premises, in anticipation of, and with the intention of preventing or impeding, a search by the police, and in doing so:**

1.1 failed to uphold the law and the administration of justice in breach of Rule 1.01 of the Solicitors Code of Conduct 2007 ("the 2007 Code");

1.2 allowed his independence to be compromised in breach of Rule 1.03 of the 2007 Code;

1.3 failed to behave in a way which maintained the trust the public placed in him and in the provision of legal services in breach of Rule 1.06 of the 2007 Code.

44. As set out above, the First Respondent had a less prominent role in the advice given on the morning of the Relevant Date. However, the matter had been referred to him by the Second Respondent in his capacity as the Firm's senior partner who was both experienced and had a role in relation to the client to advise on strategy. The First Respondent had a responsibility to provide clear, calm and detached advice to the Second Respondent. He could have advised against the proposed removal of material, or that counsel should be consulted, but did not do so. The First Respondent had caused or allowed the Second Respondent to give the advice. In doing so, the First Respondent had failed to uphold the rule of law and the proper administration of justice and had acted in a way which would diminish the trust the public would place in him and in the legal profession.

45. The Tribunal was not satisfied that in acting as he did the First Respondent had allowed his independence to be compromised, for the reasons set out in relation to the Second Respondent.

46. **Allegation 2 - The allegations against the Second Respondent, Mr Michael John Drury, on behalf of the Solicitors Regulation Authority ("SRA") were that, on or about the Relevant Date, acting in his capacity as a Partner in the Firm and in the course of advising the client on an investigation by the police, he gave advice to the effect that steps should be taken to remove certain materials from an area of the client's premises, in anticipation of, and with the intention of preventing or impeding, a search by the police, and in doing so:**

2.1 failed to uphold the law and the administration of justice in breach of Rule 1.01 of the 2007 Code;

2.2 allowed his independence to be compromised in breach of Rule 1.03 of the 2007 Code;

2.3 failed to behave in a way which maintained the trust the public placed in him and in the provision of legal services in breach of Rule 1.06 of the 2007 Code.

47. In view of the matters set out above, the Tribunal found that allegations 2.1 and 2.3 were proved beyond reasonable doubt so far as the Second Respondent was concerned. In the light of the matters set out above, the Tribunal did not find allegation 2.2 to be proved against the Second Respondent.

Previous Disciplinary Matters

48. There were no previous disciplinary matters recorded against either Respondent.

Mitigation

49. Mr Gibbs, for both Respondents, submitted that for solicitors of the standing of these Respondents, the findings alone constituted a penalty.

50. Mr Gibbs submitted that he hoped there would be no need to interfere with the ability of either Respondent to practise.

51. Mr Gibbs noted that in its oral judgment on the allegations, the Tribunal had dealt with the motivations of the Respondents and the difficulties which had faced them; there was little to add as the Tribunal had already noted these points.

Sanction

52. The Tribunal had regard to its Guidance Note on Sanction (December 2015), to all of the facts of the case and the submissions of the parties.

53. In assessing the seriousness of the Respondents' misconduct the Tribunal considered their respective culpability, the harm done and the presence of any aggravating or mitigating factors.

54. The Respondents had not planned to breach their professional obligations and had not breached any position of trust. The Respondents had control over the circumstances and both were very experienced. The Tribunal found that the Respondents had been motivated by trying to look after the interests of their client. The advice had been given without being planned, but there had been the opportunity to consider the options, perhaps with counsel, and advise calmly in the days after the previous incident and leading up to the Relevant Date.

55. The Tribunal determined that the First Respondent was less culpable than the Second Respondent. He had not given evidence, and in the absence of his evidence it was unclear what he had been told by the First Respondent in the course of the telephone conversation on the morning of the Relevant Date. The First Respondent had had a duty to ensure that he received all of the necessary information in order to give a proper view. The Second Respondent's culpability, whilst greater than that of the First Respondent, could not be said to be at the highest level.

56. In assessing harm, the Tribunal noted that a finding that a solicitor had failed to uphold the rule of law and the proper administration of justice was a serious matter and would harm the reputation of the profession. Looked at simply, the Respondents had advised that material should be removed when it was known or suspected that the police wanted to carry out a search; that would be a matter of considerable concern to the public. However, whilst two of the three allegations had been proved against both Respondents there had been no resultant damage or loss. There was nothing to suggest that the police investigation had been prejudiced in any way. The material which had been uplifted had been made available to the police about three and a half hours after the s18 search had been authorised. There was nothing to suggest that the integrity of the material had been compromised in any way. There had been no intention to keep the material from the police permanently; the Second Respondent

had told the Tribunal that the intention had been to release the material, rather than let it be seized in a potentially unlawful search.

57. The advice to the client was given deliberately, after discussion between the Respondents. The misconduct involved was not repeated and took place in a very short period of time. There had been no concealment of what had happened, either to the police or to the Applicant. The Respondents should have appreciated that the advice they gave was in material breach of their obligations under the 2007 Code. The Respondents had no previous findings against them. Any "loss" which had occurred, in the delay to the police investigation, had been put right quickly. The misconduct occurred in a very short period in otherwise unblemished careers. The Second Respondent had given evidence but had not demonstrated insight into his misconduct, largely because he still believed that he had acted correctly. The First Respondent had chosen not to give evidence so the Tribunal could not assess whether he had real insight into his misconduct, but the terms of his witness statement indicated that he did not. The degree of co-operation with the Applicant was unexceptional.

58. This was clearly a matter in which a sanction must be imposed; it was too serious for there to be no order or a reprimand, in the light of the factors set out above. However, given that the harm done was limited, that the misconduct was unlikely to be repeated and there had been no bad faith shown, there was no need to interfere with either Respondents' ability to practice.

59. The Tribunal determined that the appropriate and proportionate sanction was a fine for each Respondent. Given the greater culpability of the Second Respondent, it was right that he should be fined more than the First Respondent. The Tribunal determined that in order properly to reflect the level of seriousness of the misconduct, the First Respondent should be fined £5,000 and the Second Respondent £10,000.

Costs

60. The Applicant made an application for the Respondents to pay the costs of the proceedings. A schedule of costs in the total sum of £182,011.83 had been submitted for the Applicant.

61. Mr Dutton, for the Applicant, submitted that the Applicant was conscious that the costs set out appeared high. This was a potentially high profile case. The Respondents had instructed a large City firm initially, which had sent a number of long and detailed letters to the Applicant in the course of this matter.

62. It was submitted that the appropriate course of action was for the Tribunal to order a detailed assessment of costs, on the standard basis, if the costs could not be agreed. Mr Dutton told the Tribunal that during the hearing he had been assisted by two solicitors, which he submitted was reasonable given that he was facing two leading counsel for the Respondents. Substantial resources had been deployed by both parties in the proceedings. As two out of three allegations had been proved, it was submitted that the Respondents should be ordered to pay two-thirds of the reasonable costs of the case, as assessed.

63. Mr Gibbs for the Respondents submitted that a detailed assessment, on the basis set out above, was appropriate.

64. The Tribunal considered the schedule of costs and the submissions of the parties.

65. The costs certainly appeared to be high. The Tribunal was satisfied that as two out of three allegations had been proved there should be a reduction in the Respondents' liability for costs and that it was appropriate to order the Respondents to pay two-thirds of the reasonable costs of the case, as assessed on the standard basis, if the costs could not be agreed. As the Respondents had adopted a joint approach and had been jointly represented, it was appropriate to order them to pay costs on a joint and several liability basis.

Statement of Full Order

66. The Tribunal Ordered that the Respondent, IAN RICHARD BURTON, solicitor, do pay a fine of £5,000.00, such penalty to be forfeit to Her Majesty the Queen, and it further Ordered that he do pay the costs of and incidental to this application and enquiry, to be subject to a detailed assessment on the standard basis (unless agreed between the parties), limited to two-thirds of the costs of the substantive case, on a joint and several basis with the Second Respondent.

67. The Tribunal Ordered that the Respondent, MICHAEL JOHN DRURY CMG, solicitor, do pay a fine of £10,000.00, such penalty to be forfeit to Her Majesty the Queen, and it further Ordered that he do pay the costs of and incidental to this application and enquiry, to be subject to a detailed assessment on the standard basis (unless agreed between the parties), limited to two-thirds of the costs of the substantive case, on a joint and several basis with the First Respondent.

Dated this 2nd day of February 2017
On behalf of the Tribunal

A. N. Spooner
Chairman