

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12251-2021

**BETWEEN:**

BENNY THOMAS

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

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Before:

Mr G. Sydenham (in the chair)

Mr P. Jones

Mrs S. Gordon

Date of Hearing: 4 October 2021

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**Appearances**

The matter was dealt with on the papers in the absence of the parties

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**JUDGMENT ON AN AGREED APPLICATION  
TO ENFORCE COSTS**

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1. On 19 March 2015 in proceedings before the Tribunal it ordered that:-

*“Benny Thomas be struck off the Roll of Solicitors and do pay costs of and incidental to the application and enquiry fixed in the sum of £18,602.80 such costs not to be enforced without leave of the Tribunal.”*

2. In those proceedings, Mr Thomas, the Respondent, faced a number of allegations relating to breaches of the Solicitors Accounts Rules (SAR), and breaches of the Solicitors Regulation Authority Principles 2011. Dishonesty, an aggravating feature was found proved by the Tribunal.
3. In relation to costs, the Respondent submitted a statement of means and the Tribunal found:

*“The Respondent appeared to be impecunious and his statement of means had not been challenged by the Applicant. He had now been struck off the Roll but should in future still be able to obtain alternative employment. In following its own guidance set out in paragraph 6 of the Tribunal’s Guidance Note on Sanction (Third Edition) the Tribunal ordered that the Respondent should pay the costs of £18,602.80 but in the circumstances they were not to be enforced without leave.”*

#### The Application

4. The Applicant’s view is that the Respondent’s financial circumstances have materially changed. Whilst the circumstances of the change have not fully been agreed, both the Applicant and the Respondent consent to the present application, that the Applicant may enforce the order for costs.
5. Those acting on the Applicant’s behalf prepared a draft consent order which both parties signed whereby the Applicant should be entitled to enforce the award of costs. The Applicant submitted, rightly, that such application was subject to the Tribunal’s determination.
6. The draft consent order is in the following terms:

*“On the 18<sup>th</sup> and 19<sup>th</sup> day of March 2015 the Tribunal heard proceedings brought by the Solicitors Regulation Authority, against the Respondent, Benny Thomas [address redacted] and made the following order:-*

*Benny Thomas be struck off the Roll of Solicitors and do pay the costs of and incidental to the application enquiry fixed in the sum of £18,602.80 such costs not be enforced without leave of the Tribunal.*

*The said order was dated and filed with the Law Society on 19 March 2015.*

*The Applicant has now transferred its business to Solicitors Regulation Authority Limited of The Cube, 199 Wharfside Street, Birmingham B1 1RN (SRA Limited) on 1<sup>st</sup> June 2021, which now has the benefit of the said order for costs.*

*SRA Limited wishes to apply to the Tribunal for leave to enforce the said order for costs.*

*The said Benny Thomas consents to an order giving leave to SRA Limited to enforce the award of costs.*

*The parties submit this request to the Tribunal to approve an order in the following terms:- That Solicitors Regulation Authority Limited do have leave to enforce the award of costs dated 19th March 2015 in the sum of £18,602.80.”*

7. The draft order dated 30<sup>th</sup> day of June 2021 is signed by Messrs Bishop & Sewell on the Applicant’s behalf and by the Respondent.
8. The Applicant said that the Respondent was aware of the application and that neither side considered it is necessary for a hearing to be convened, providing the Tribunal was satisfied with the terms of the draft consent order.

#### The Tribunal’s Decision

9. The Applicant had applied for the Tribunal’s leave to enforce the costs order.
10. The Respondent had agreed to the Applicant having leave to enforce the costs order and both had signed the draft consent order dated 30 June 2021. The Respondent had made no further representations on the matter and the Tribunal was satisfied that the Respondent was aware of the Applicant’s application to the Tribunal.
11. The Tribunal considered the application and the proposed draft consent order and determined that this was an appropriate outcome.
12. The application for leave to enforce costs was granted.

#### **Costs**

13. The Tribunal noted that the Applicant had not applied for its costs with respect to the application.

#### **Statement of Full Order**

14. The Tribunal GRANTS the Applicant, with the consent of the Respondent, leave to enforce the Order for costs, made by the Tribunal on 19 March 2015 against the Respondent, BENNY THOMAS, in the sum of £18,602.80. The Tribunal further Ordered that there be no order for the costs of this application.  
There be liberty to apply

Dated this 18<sup>th</sup> day of October 2021  
On behalf of the Tribunal



G. Sydenham, Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**18 OCT 2021**