

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12305-2021

BETWEEN:

ZAIN SIDDIQI

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

Before:

Miss H Dobson (in the chair)

Mr D Green

Mr P Hurley

Date of Hearing: 23 May 2022

Appearances

The Applicant represented himself.

Paula Loughlin, solicitor in the employ of the Solicitors Regulation Authority Ltd of The Cube, 199 Wharfside Street, Birmingham B1 1RN, for the Respondent.

JUDGMENT

Application

1. On 5 July 2018, Mr Siddiqi admitted (by way of an Agreed Outcome) and the Tribunal found proved allegations that he had:
 - Failed to have properly written up books of account, contrary to Rules 29.1, 29.3 and 29.9 of the Solicitors Accounts Rules 2011 (“the Accounts Rules”) and Principles 6 and 10 of the SRA Principles 2011 (“the Principles”);
 - Held client money otherwise than in the client account, contrary to Rule 15 of the Accounts Rules;
 - Held office money in the client account, contrary to Rule 17.3 of the Accounts Rules;
 - Held debit balances on the client account, contrary to Rule 20.6 of the Accounts Rules;
 - Failed to write up dealings with office money relating to any client matter in the office side of the appropriate client ledgers contrary to Rule 29.4 of the Accounts Rules; and
 - Made inaccurate statements on professional indemnity proposal forms in 2014, 2016 and 2016, contrary to Principle 6 of the Principles.

2. Having found the matters proved, the Tribunal ordered that Mr Siddiqi pay a fine in the sum of £15,000 and costs in the sum of £2,000. The Tribunal further ordered that Mr Siddiqi be subject to the following restrictions on his practise:

“[Mr Siddiqi] may not practise as a solicitor on his own account;

[Mr Siddiqi] may not be a Manager or Owner of an authorised body;

[Mr Siddiqi] may not hold or receive client money or act as a signatory to client or office account or have the power to authorise any transfers from client or office account;

[Mr Siddiqi] shall immediately inform any actual or prospective employer of these Conditions and the reason for their imposition.”

3. By way of an application dated 11 February 2022, Mr Siddiqi applied to vary the conditions.

Documents

4. The Tribunal reviewed all the documents submitted by the parties, which included (but was not limited to):
 - Application and Statement of Mr Siddiqi dated 11 February 2022
 - Reference from Mr Siddiqi’s current employer dated 20 January 2022

- Respondent's Answer and Exhibits dated 11 March 2022
- Respondent's Statement of Costs dated 11 May 2022

Factual Background

5. Mr Siddiqi was admitted to the Roll of Solicitors in February 2004. He remained on the Roll and held a current practising certificate subject to conditions imposed by the Respondent and also subject to the restrictions placed on his practise by the Tribunal as detailed above.

The Applicant's Submissions

6. Mr Siddiqi submitted that since the Tribunal's findings, the Respondent had evaluated his conditions at each juncture, and made changes in accordance with what the Respondent considered to be part of his progressive rehabilitation. The Respondent had amended and varied the restrictions it had placed on his practising certificate such that the only conditions now imposed by the Respondent were that Mr Siddiqi was not the sole manager or owner of an authorised body and that he could not practise on his own account under Regulation 10.2 (a) or (b) of the SRA Authorisation of Individuals Regulations.
7. Mr Siddiqi applied to vary the Tribunal's restrictions such that they mirrored those of the Respondent. It was submitted that if the conditions were harmonious, Mr Siddiqi would be able to demonstrate both to the SRA and the Tribunal how he had continued to rehabilitate his professional understanding.
8. Mr Siddiqi's current employers reference explained that whilst he worked as a consultant for the firm, he had effectively been working on a full-time basis. The firm had had no issues with his work. The firm had appropriate policies and procedures in place to ensure that Mr Siddiqi complied with the conditions and restrictions on his practise. A regular review of his files evidenced that they were of a high standard. The firm considered Mr Siddiqi to be a true expert in the areas of law in which he practised.
9. Mr Siddiqi had been asked to provide internal training to the firm, including a comprehensive course of the Solicitors Accounts Rules. He had played a central and significant role in assisting the firm to attain Lexcel accreditation. He had also assisted in the implementation of a framework of quality assurance for the firm. The firm considered that Mr Siddiqi would continue to be an asset.

The Respondent's Submissions

10. Ms Loughlin submitted that in his application for his practising certificate for the year 2021/22, Mr Siddiqi had provided a comprehensive list of courses that he had undertaken including courses about the Solicitors Accounts Rules, AML procedures, client care and practice management. After consideration of the representations made and the documents in support, the Authorised Officer of the SRA considered that Mr Siddiqi posed a risk as regards his ability to manage a firm in accordance with proper governance and sound financial and risk management principles as well as his ability to discharge the roles and responsibilities of a freelancer. It was considered notwithstanding the evidence provided by Mr Siddiqi of his rehabilitation, it would be

premature to remove all of the conditions. The Authorised Officer considered that the following conditions were appropriate:

- Mr Siddiqi is not a sole manager or sole owner of any authorised body; and
- Mr Siddiqi may not practise on his own account under Regulation 10.2 (a) or (b) of the SRA Authorisation of Individuals Regulations.

11. The Authorised Officer considered that the conditions were necessary as at the time of the misconduct, Mr Siddiqi was a manager, the Compliance Officer for Legal Practice and the sole equity owner of the Firm. He was thus responsible for ensuring the Firm's compliance with its regulatory and legal obligations which he failed to do.
12. The Respondent, it was submitted, had given particular consideration as to whether Mr Siddiqi would pose a risk to the public and to the reputation of the profession were any of the restrictions imposed by the Tribunal to be removed or varied. The Respondent was satisfied that Mr Siddiqi had provided sufficient evidence to demonstrate that some of the restrictions were no longer necessary or appropriate. Accordingly, the Respondent did not oppose the application.

The Tribunal's Decision

13. The Tribunal had regard to the Guidance Note on Sanctions (9th Edition) and its Guidance Note on Other Powers of the Tribunal (6th Edition). The Tribunal's overriding objective, when considering the application was whether it was necessary to continue to impose the restrictions so as to protect the interests of the public and the reputation of the profession.
14. The Tribunal considered the application in detail, including the reference from Mr Siddiqi's employer and the conditions imposed by the Respondent. The Tribunal noted the circumstances of the previous misconduct and considered the seriousness of that misconduct and the sanction imposed.
15. The Tribunal noted that Mr Siddiqi had been undertaking work for the firm since October 2017. During that time, there had been no regulatory concerns regarding his conduct. There was also no suggestion that Mr Siddiqi had failed to comply with the restrictions imposed on his practise by the Tribunal.
16. Mr Siddiqi had demonstrated insight into his misconduct and had contributed to ensuring that the firm remained compliant with its legal and regulatory obligations. It was clear from the reference that the firm had policies and procedures in place to ensure compliance with the restrictions, preventing a repeat of any similar misconduct. The Tribunal noted that the firm fully supported Mr Siddiqi's application and considered him to be an asset. Further, the application was supported by the Respondent.
17. The Tribunal considered that Mr Siddiqi's application had been properly considered in that he was only applying for the variation/removal of the conditions that were no longer considered to be necessary or appropriate. Mr Siddiqi was taking a sensible approach to his rehabilitation and was undertaking the necessary action to remediate

his misconduct. Accordingly, the Tribunal granted the application to vary the conditions.

Costs

18. The costs schedule submitted by the Respondent detailed costs as amounting to £1,118. Ms Loughlin applied for costs in the sum of £725. It was submitted that the reduction reflected the position of the application being agreed, and the fact that the Respondent was a necessary part of the application. Mr Siddiqi submitted that there had been overlap in the costs claimed for perusal and preparation of documents in the sum of £585, and those claimed for preparation for the hearing in the sum of £325. Mr Siddiqi submitted that the appropriate costs for this matter were £525.
19. The Tribunal considered the costs schedule and noted the already significant reduction made by the Respondent. The Tribunal considered that the costs claimed were reasonable and proportionate. Further, any potential overlap in preparation costs had already been discounted given the reduction from the original costs claimed. Accordingly, the Tribunal ordered Mr Siddiqi to pay costs in the sum of £725.
20. **Statement of Full Order**
 1. The Tribunal Ordered that the application of ZAIN SIDDIQI for the variation of the conditions imposed by the Tribunal on 5 July 2018 be **GRANTED**.
 2. The Tribunal Ordered the conditions be hereby varied as follows:
 - 2.1 Mr Siddiqi may not be a sole manager or sole owner of any authorised body; and
 - 2.2 Mr Siddiqi may not practise on his own account under Regulation 10.2 (a) or (b) of the SRA Authorisation of Individuals Regulations.
 3. The Tribunal further Ordered that Mr Siddiqi do pay the costs of the response of the Solicitors Regulation Authority Ltd to this application fixed in the sum of £725.00.

Dated this 1ST day of June 2022

On behalf of the Tribunal

JUDGMENT FILED WITH THE LAW SOCIETY

01 JUN 2022

H Dobson
Chair