

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12306-2021

BETWEEN:

SAFDAR AKHTAR

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.

Nathan Cook, 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 Akhtar 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;
 - 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; and
 - 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.

2. Having found the matters proved, the Tribunal ordered that Mr Akhtar pay a fine in the sum of £5,000 and costs in the sum of £2,000. The Tribunal further ordered that Mr Akhtar be subject to the following restrictions on his practise:

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

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

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

3. By way of an application dated 15 February 2022, Mr Akhtar 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 Akhtar dated 15 February 2022
 - Reference from Mr Akhtar’s current employer dated 2 February 2022
 - Respondent's Answer and Exhibits dated 10 March 2022

Factual Background

5. Mr Akhtar was admitted to the Roll of Solicitors in August 2013. 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 Akhtar submitted that since the Tribunal's findings, he had undertaken a number of courses in order to rehabilitate his professional understanding. 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 he 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 Akhtar 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 Akhtar would be able to demonstrate both to the SRA and the Tribunal how he had continued to develop and remedy the mistakes he made that led to the imposition of the restrictions.
8. Mr Akhtar's current employers reference attested to the excellent feedback he had received from clients as a result of his well maintained and clear files, together with his extensive legal knowledge. The firm had policies and procedures in place to ensure compliance with the restrictions on his practise. His files had been independently reviewed when the firm attained its Lexcel accreditation. He had provided internal training sessions. Mr Akhtar had demonstrated that he was rehabilitated and considered that the restrictions on his practise had made him take action that was now ingrained in his everyday practise. The firm supported the application for the removal/variation of the conditions.

The Respondent's Submissions

9. Mr Cook submitted that in his application for his practising certificate for the year 2021/22, Mr Akhtar had applied to remove the conditions imposed by the SRA. After consideration of the representations made and the documents in support, the Authorised Officer of the SRA considered that the following conditions were appropriate:
 - Mr Akhtar is not a sole manager or sole owner of any authorised body; and
 - Mr Akhtar may not practise on his own account under Regulation 10.2 (a) or (b) of the SRA Authorisation of Individuals Regulations.
10. The reason for those conditions were due to the risks associated with Mr Akhtar's ability manage a firm. There was a concern about Mr Akhtar's ability to be solely responsible for ensuring that a firm and its employees were compliant with all regulatory and professional obligations at this stage. The rehabilitation undertaken was recognised, thus the conditions were varied to enable Mr Akhtar to undertake

managerial experience so that he could demonstrate he could fulfil the regulatory duties and responsibilities expected of a manager.

11. Having considered the matter, Mr Cook submitted that the Respondent was satisfied that Mr Akhtar had provided sufficient evidence to demonstrate that the restriction prohibiting him from undertaking management roles was no longer necessary for the protection of the public and the reputation of the profession. Mr Akhtar had provided evidence of the training he had undertaken and had demonstrated insight into his misconduct. Accordingly, the Respondent did not oppose the application.

The Tribunal's Decision

12. The Tribunal had regard to the Guidance Note on Sanctions (9th Edition – December 2021) and its Guidance Note on Other Powers of the Tribunal (6th Edition – March 2022). 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.
13. The Tribunal considered the application in detail, including the reference from Mr Akhtar'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.
14. The Tribunal noted that Mr Akhtar had been employed by his current employer since 2017. During that time, there had been no regulatory concerns regarding his conduct. There was also no suggestion that Mr Akhtar had failed to comply with the restrictions imposed on his practise by the Tribunal.
15. Mr Akhtar had demonstrated insight into his misconduct and had expressed to his employer that the restrictions placed on his practise had been "a blessing in disguise" forcing him to take remedial action and to make regulatory compliance part of his everyday practise. 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 Akhtar's application. Further, such application was not opposed by the Respondent.
16. The Tribunal considered that Mr Akhtar's application had been properly considered in that he was only applying for the variation/removal of some conditions. The Tribunal considered that it was to his credit that Mr Akhtar recognised the need for some conditions to remain. The Tribunal determined that Mr Akhtar was taking a methodical and reasonable approach to his rehabilitation with the intention of obtaining a condition/restriction free practising certificate once he was able to demonstrate that he no longer posed any risk to the public or the reputation of the profession. Accordingly, the Tribunal granted Mr Akhtar's application to vary the restrictions imposed by the Tribunal on 5 July 2018.

Costs

17. The parties agreed costs in the sum of £725.00. The Tribunal considered that the agreed sum was reasonable and proportionate. Accordingly, the Tribunal ordered that Mr Akhtar pay costs of £725.00.

18. **Statement of Full Order**

1. The Tribunal Ordered that the application of SAFDAR AKHTAR 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 Akhtar may not be a sole manager or sole owner of any authorised body;
and

2.2 Mr Akhtar 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 the Applicant do pay the costs of the response of the Solicitors Regulation Authority Ltd to this application fixed in the agreed 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