

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12369-2022

**BETWEEN:**

MALIK NAZEER

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

---

Before:

Mrs C Evans (in the chair)

Mrs L Boyce

Mrs C Valentine

Date of Hearing: 15 December 2022

---

## **Appearances**

Susanna Heley, solicitor, of Weightmans LLP, for the Applicant

Shaun O'Malley, solicitor, of The Solicitors Regulation Authority Ltd for the Respondent

---

## **JUDGMENT ON APPLICATION TO REMOVE CONDITIONS**

---

## Application

1. By an application dated 1 September 2022 Mr Nazeer applied for the removal of four conditions previously imposed on him. The relevant conditions were imposed by the Tribunal on 1 December 2017 and stated that he may not:
  - “2.1 Practice as a sole practitioner or sole manager or sole owner of an authorised or recognised body;
  - 2.2. Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body;
  - 2.3. Be a Compliance Officer for Legal Practice (“COLP”) or a Compliance Officer for Finance and Administration (“COFA”);
  - 2.4. Work as a solicitor other than in employment approved by the Solicitors Regulation Authority.”
2. Alternatively, he applied for the variation of these conditions.

## Background

3. The Tribunal had imposed a fine of £20,000 on Mr Nazeer on 1 December 2017. The Tribunal had found that:
 

*“Between around January 2014 and December 2015, he [...] facilitated the abuse of litigation by bringing or facilitating judicial review claims on behalf of clients 8 and 9 in circumstances where they knew or should have known that the claim was not properly arguable, and its true purpose was to thwart and/or delay lawful removal and/or procure release from lawful detention. This was in breach of Principles 1 and 6 of the SRA Principles 2011 (the 2011 Principles) and a failure to achieve Outcome 5.6 of the SRA Code of Conduct 2011 (the 2011 Code)”* and

*“Between around January 2014 and August 2016, he [...] failed to take reasonable steps to protect, keep confidential and provide to the SRA client files which were requested by the SRA, thereby breaching any or all of Principles 7, 8 and 10 of the 2011 Principles.”*
4. The Tribunal had previously imposed a fine of £5,000 on Mr Nazeer on 18 January 2012. This followed his admission that:
 

*“Contrary to Rule 1(d) of the Solicitors Practice Rules 1990, in applications for professional indemnity insurance, he had failed to ensure that complete and accurate information was provided for the years 2005/06, 2006/07 and 2007/08.*

*Contrary to Rule 1.06 of the Solicitors Code of Conduct 2007, in applications for professional indemnity insurance, he had failed to ensure that complete and accurate information was provided for the years 2008/09 and 2009/10.”*

## Documents

6. The Tribunal considered all of the documents submitted by parties which were included in an agreed electronic bundle.

## Witnesses

7. Mr Nazeer gave oral evidence, having affirmed the truth of the evidence he would give. Mohammed Asif of Newgate Solicitors provided a written witness statement supporting the application. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties.

## The Applicant's submissions

8. Ms Heley, for Mr Nazeer, addressed the Tribunal by reference to a skeleton argument dated 13 December 2022. Excerpts from her submissions are summarised below under the headings from the skeleton argument.

### *The test on an application for removal or variation of conditions*

9. It was noted that the Tribunal's guidance notes do not contain express guidance on the test to be applied when considering applications to remove or vary conditions. The Tribunal was referred to the case of Manak v SRA [2018] EWHC 1958 (Admin) and paragraphs [62] and [63] in particular. In Manak the High Court considered an appeal against the imposition of conditions and said that they could continue if they were necessary and appropriate. When considering whether they were appropriate, Holroyde LJ took into account the effect of the conditions on the solicitor's ability to earn a living. On the facts of that case, the Court said that three conditions which made it very difficult to obtain employment as a solicitor should be removed.
10. It was also noted that Mr Nazeer had appealed against the Tribunal's imposition of the conditions. Lavender J concluded that the conditions were not "clearly inappropriate" in a short summary at paragraph [85] of his judgment in Nazeer v SRA [2019] EWHC 37 (Admin):

*“Likewise, I am not satisfied that the conditions imposed by the Tribunal were clearly inappropriate. Mr Williams submitted that the Tribunal had failed in its duty (as set out in Manak v SRA [2018] EWHC 1958 (Admin)) to explain why the conditions were necessary or appropriate. In my judgment, however, those reasons are to be found in paragraphs 44 to 47 of the Tribunal's judgment, which I have cited. It is apparent from those reasons why the conditions have been imposed and why they have been imposed indefinitely, since the Appellant would need to show some insight before it would be appropriate for them to be removed. The fact that he had shown no insight to date was referred to in paragraph 46 of the Tribunal's judgment. Mr Williams focused in particular on the fourth condition, pursuant to which the Appellant may only work as a solicitor in employment approved by the SRA. In my judgment, the Tribunal was entitled to conclude that the factors set out in paragraphs 44 to 47 of its judgment made this level of oversight necessary and appropriate.”*

11. It was submitted that it followed that the High Court interpreted the principal reason for the existence, or necessity, of the conditions as requiring Mr Nazeer to show insight into what he did wrong. It was said that no other requirement has been identified either by the original Tribunal or the High Court and it was submitted that Mr Nazeer had since demonstrated insight for the reasons set out in the application.
12. The Tribunal was referred to Whitcombe v SRA (Case Number 11792-2018) in which the Tribunal said the overriding objective was whether it was necessary to continue to impose the restrictions so as to protect the interest of the public and the reputation of the profession. That was submitted to be comparable to the Tribunal's Guidance note on Sanctions which stated, in relation to the initial imposition of conditions, that:
 

*"restricted practice will only be ordered if it is necessary to ensure the protection of the public and the reputation of the legal profession from future harm by the respondent"*.
13. In summary, it was submitted that:
  - A condition should only continue if it was necessary and appropriate.
  - A condition was only necessary if needed to ensure the protection of the public and the reputation of the legal profession from future harm by the solicitor, and
  - The Tribunal should take into account the effect of conditions on a solicitor's ability to practice and earn a living (rights under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR")) when considering whether it was appropriate for a condition to continue.
  - Applying Manak, where the Tribunal proposed to impose or continue any restriction, it should articulate clear reasons and make clear what steps a solicitor could take to secure their removal in time.

#### *Mr Nazeer's evidence*

14. It was submitted that Mr Nazeer's two witness statements and his oral evidence showed that conditions were no longer necessary and appropriate. Mr Nazeer's evidence was that he had reflected at length on his own conduct and culpability in what went wrong at Malik & Malik and had worked hard to expand his knowledge as to the proper management of a firm and the roles of COLP and COFA within that.
15. The work on the two immigration cases giving rise to the previous findings was carried out in April and May 2015, over seven years ago. Five years had elapsed since the conditions were imposed in December 2017. Mr Nazeer stated that he waited a long time before making his application to ensure that he knew that he had the insight required to remove the conditions.
16. Mr Nazeer expressed remorse in his written and oral evidence. It was submitted to be clear from his evidence that he accepted the Tribunal's findings, realised that he made mistakes, regretted that he did so, and would not make the same mistakes again.

17. Mr Nazeer had attended what Ms Heley described as a remarkably large number of training courses over the past five years. He concentrated not only on his area of practice but also on management and compliance courses which addressed the mistakes he made on compliance and supervision at his firm. It was submitted that his comments on the courses showed that he continued to think about the courses after attending them and that he had learnt from them.
18. It was said that the Tribunal's conditions had made it difficult for Mr Nazeer to find work after the December 2017 hearing. He managed to obtain employment as a part time duty solicitor in October 2020 at Newgate Solicitors and by the time of the hearing had worked there for over two years. The Tribunal was referred to a statement from his employer indicating that if the conditions were removed Mr Nazeer would be offered full time employment and including acting as a manager of the firm's branch office.
19. There were no SRA complaints about Mr Nazeer's conduct over the past five years. The person who has worked most closely with him (his employer, Mr Asif) wished to promote him to a management role which was submitted to reflect Mr Nazeer's conduct since the hearing.
20. Mr Nazeer ensured that the SRA had been paid all costs orders, despite the change in his financial position arising from the loss of his role as a partner and the difficulty finding employment after the December 2017 hearing.

#### *Character references*

21. Eight character references were supplied in support of the application. There were six references from members of the legal profession as well as references from a Chartered Accountant and a respected member of the local community who held an MBE. All the referees knew Mr Nazeer well and many had known him for more than twenty years. All the lawyers have confirmed they are aware of the Tribunal judgment and the reasons for the imposition of the conditions. They also confirmed that they had discussed the mistakes with Mr Nazeer and were satisfied that he has insight into what he did wrong and that he would not make the same mistakes again. All the referees supported the application for the conditions to be removed.

#### *Mr Nazeer's employer*

22. Mr Nazeer's employer, Mohammed Asif of Newgate Solicitors, confirmed in his witness statement that:
  - he was aware of the Tribunal judgment and the reasons for imposing the conditions,
  - he had discussed the judgment with Mr Nazeer on two occasions,
  - he knew from those discussions that Mr Nazeer was very remorseful, realised he made mistakes and regretted what had happened, and
  - he does not believe Mr Nazeer would make the same mistakes again.

23. Mr Asif also confirmed that he closely supervised Mr Nazeer over the past two years and (as stated above) would offer Mr Nazeer full time employment and a management role if the conditions were removed.
24. The SRA confirmed that they did not wish to cross-examine Mr Asif and the Tribunal was requested to accept his statement into evidence.

*The previous appearance before the Tribunal*

25. Mr Nazeer's previous appearance before the Tribunal did not relate to a complaint about supervision. It was said that the fine of £5,000 was imposed in February 2012 following Mr Nazeer's failure to understand a question in the firm's professional indemnity proposal forms. The errors occurred over twelve years ago. The previous Tribunal had accepted the error was not deliberate, and that the relevant forms had been correctly completed since 2009, and did not consider it necessary or appropriate to impose any conditions. Similarly, the SRA did not consider it necessary or appropriate to impose any Practising Certificate conditions after considering the Tribunal's findings. It was submitted that the first appearance before the Tribunal did not justify the continuation of conditions either when viewed in isolation or together with the second appearance.

*Mr Nazeer's future plans*

26. Mr Nazeer's evidence was that he wished to obtain full time employment as a solicitor for a period of three years and to then become the criminal partner in a high street firm which has at least two other partners. His application for removal of all conditions was made so that he could achieve that goal.

*The effect of continuation of some of the conditions*

27. The conditions were said to have two consequences on Mr Nazeer's ability to earn a living and practise as a criminal lawyer.
28. In relation to employers generally, and Newgate Solicitors in particular, the conditions made it extremely difficult to find work as a solicitor. Mr Nazeer said that he had made 47 unsuccessful applications for employment in 2018 and 2019 before finding a job at Newgate Solicitors in 2020. It was submitted that Mr Nazeer had been fortunate to obtain his part time job with Newgate Solicitors. Mr Asif's evidence was that he knew and wanted to help Mr Nazeer. However, Mr Asif could not offer him full time employment unless the conditions were removed because the condition relating to SRA approval of employment resulted in an SRA requirement for supervision coupled with restrictions on the scope of Mr Nazeer's work and his ability to supervise others, and Mr Asif's evidence was that he wished to engage a full-time criminal lawyer who could manage a branch office.
29. In relation to the effect of conditions on a criminal Legal Aid franchise, Mr Nazeer was said to be unable to obtain a position as a partner specialising in crime until he had practised for three years without conditions. This was because a partner specialising in crime in a small high street firm needed to be able to be the lead partner responsible for supervising the firm's Legal Aid franchise, and the Legal Aid Agency would not appoint a solicitor to act as a firm's Crime Supervisor unless the solicitor had had a Practising

Certificate free of conditions for at least three years.

*Other matters*

30. Rule 13.2 of the SRA Authorisation of Firm Rules 2019 excluded Mr Nazeer from the automatic deeming provisions relating to the appointment of partners and compliance officers because he had been subject to a finding of the Tribunal. Consequently, he could not become a sole practitioner, partner or compliance officer after the conditions were removed unless the SRA decided at the time of any such application that he was a fit and proper person to hold the appointment.
31. The SRA's Answer to the application objected to removal of conditions including that Mr Nazeer may not act as a sole proprietor or a compliance officer. It was submitted that the SRA's position as a regulator would not be prejudiced by the removal of those conditions because the SRA could object to any appointment as a compliance officer, sole practitioner or partner under the SRA Authorisation of Firm Rules. The SRA Authorisation of Firm Rules were submitted to provide a very effective way of considering any objection as:
  - It ensured that any SRA objection took account of the circumstances existing at the time of the application, and
  - If the SRA did object at that time, the issue would be determined by an SRA Adjudicator. If the Adjudicator dismissed the SRA's objection, Mr Nazeer's ability to become a partner in a three partner firm would not have been prejudiced by the objection.
32. The Tribunal was asked to bear in mind that Mr Nazeer was 58 years old and that if conditions were removed, he would be eligible to become a partner in a legal aid criminal firm when he was 61. If they were not removed, it was said that he would likely never achieve partnership given his age and employment prospects.

*Variation of conditions*

33. If the Tribunal was minded to vary the conditions rather than remove them, it was submitted that Mr Nazeer should be given an opportunity to make representations on the variations.
34. Ms Heley stated that as of 12 December 2022 it was understood that the SRA had reviewed its position after submission of Mr Nazeer's second witness statement and was now of the view that conditions should be varied to enable Mr Nazeer to become a partner in a three-partner practice and to remove the condition for approved employment. Notwithstanding this concession, it was submitted that, in practice, he would only be able to become a partner conducting criminal work if conditions were removed and then only in a minimum of three years; time, subject to the then review of the SRA.

*Conclusion*

35. It was submitted that the Tribunal could be confident that Mr Nazeer had learnt from

his past mistakes, had demonstrated insight, and had fulfilled the expectations of the original Tribunal as interpreted by the High Court in relation to steps needed for rehabilitation. In those circumstances, it was submitted that the appropriate order was removal rather than variation of the conditions. It was submitted not to be necessary and appropriate to continue the conditions.

### **The SRA's submissions**

36. Mr O'Malley, for the SRA, addressed the Tribunal by reference to the SRA's Answer to the application dated 3 October 2022. He stated that if the conditions were lifted, Mr Nazeer would still be required to apply to the SRA for the removal of his practising certificate conditions. He noted that the SRA would not be bound by the Tribunal's decision as the SRA fulfilled a distinct, regulatory, role and would reach its own decision.
37. The SRA did not suggest that Mr Nazeer was incapable as a lawyer, his references and client following demonstrated this was not the case. It was the removal of all conditions that was opposed.
38. Mr O'Malley stated that the SRA did not oppose a variation of the conditions such that they would state that Mr Nazeer may not:
  - *Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body;*
  - *Be a partner or member or director of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body unless there are at least 2 other partners or members or directors;*
  - *Provide legal services as a freelance solicitor offering reserved and unreserved services on his own account under regulations 10.2(a) and (b) of the SRA Authorisation of Individuals Regulations;*
  - *Be a Compliance Officer for Legal Practice or a Compliance Officer for Finance and Administration.*
39. Mr O'Malley confirmed that all fines and costs due to the SRA had been paid by Mr Nazeer.
40. The SRA's position was that lifting all of the conditions was premature. Mr O'Malley referred the Tribunal to the comments made by Mr Justice Lavender about the conduct of cases by Malik & Malik, where Mr Nazeer had been COLP and COFA, in the appeal against the Tribunal's 2017 decision. He said in [12] of Nazeer v SRA [2019] EWHC 37 (Admin):

*".... it is hard to think of a starker warning from the judiciary than that delivered to Malik & Malik in the case of Patel. Moreover, the judgments in Madan and Patel mean that there is no substance in Mr Williams' submission [Leading Counsel for Mr Nazeer] that the Appellant "had no reason not to trust [his*



*brother] to supervise [immigration] work efficiently." On the contrary, the Appellant had every reason to believe that the immigration department, as supervised by his brother, was behaving improperly and that it was his duty as COLP to do something about that."*

41. Mr Nazeer's employment had been closely supervised for the two years leading up to the current application. Mr O'Malley acknowledged the difficulties in obtaining relevant experience given the current conditions and said this was part of the rationale for no objection being raised to the removal of the condition requiring SRA approval for employment. The removal of this condition would allow Mr Nazeer more scope to be able to demonstrate relevant experience. Mr O'Malley submitted that Mr Nazeer's intention to become a criminal law supervisor, which required an absence of conditions, coupled with his age were insufficient reasons for the complete removal of all conditions.
42. By reference to the Tribunal's Guidance Note on Sanctions (10<sup>th</sup> Edition – June 2022) Mr O'Malley submitted that Mr Nazeer was required to demonstrate that the conditions were no longer necessary and that he had failed to discharge that burden. Mr O'Malley reviewed the various illustrative factors listed in [5] of the Tribunal's Guidance Note on Other Powers of the Tribunal (6<sup>th</sup> Edition – March 2022) and submitted they were also relevant to the subsequent removal or variation of conditions. Both he and Ms Heley addressed the Tribunal by reference to these factors.
43. The Tribunal's findings which led to the imposition of the conditions were of "very serious misconduct" in that Tribunal's view. The Tribunal had found that Mr Nazeer breached:
  - Principle 1 (upholding the rule of law and the proper administration of justice),
  - Principle 6 (maintaining the trust the public placed in him and in the provision of legal services), and
  - Outcome 5.6 of the Code of Conduct (complying with duties to the court).
44. The Tribunal had found, in [47] of its judgment, that Mr Nazeer "turned a blind eye" to the deficiencies in how his brother was running the department. His conduct was found to be aggravated by the fact it continued over a period of time and breached his regulatory obligations as COLP, a role the Tribunal had found Mr Nazeer was unable to properly describe. It was found that he had shown no insight. The Tribunal determined that conditions were necessary for the future protection of the public.
45. The SRA also considered the previous findings relating to the failure to turn his mind to making full and factual disclosure in the context of insurance renewal were relevant to the present application.
46. Mr O'Malley stated that the Tribunal was being invited to conclude, by reference to Manak and Mr Justice Lavender's comments in Mr Nazeer's appeal, that insight was the only issue to be considered. The SRA did not accept this submission. Mr Justice Lavender had made reference to the management failures as well as the lack of insight and had specifically noted that the condition that Mr Nazeer's employment be approved

by the SRA was necessary given the need for oversight which had been found by the Tribunal.

47. It was acknowledged that Mr Nazeer had completed various training courses. The SRA's concern was about the total removal of all conditions and allowing him to undertake regulatory roles which he had not done for 5 years. In the previous Tribunal hearing he had been unable to describe the role of COLP that he held. During the period since that hearing, from 2017 to 2021, Mr Nazeer was described as having completed two courses and read two books on regulatory matters. There were said to be four other courses relating to management. It was submitted there was limited evidence of learnings from these courses.
48. Mr O'Malley said that the SRA's main objection was that there had been no practical application of the matters covered in the training courses. Again, he acknowledged the difficulty of obtaining such experience given the conditions but noted that no applications to vary Mr Nazeer's employment had been received by the SRA. The Tribunal was invited not to take too much comfort from courses without practical application. The Tribunal was referred to an earlier Tribunal case, Abereoje (Case Number 11863/2018) where such caution was shown and the Tribunal noted that it would not be appropriate for that applicant to be able immediately to practise as a partner, member, director or sole practitioner, or either as a COLP or COFA following the removal of other conditions.
49. Mr Nazeer had complied with the conditions imposed on him.
50. Mr O'Malley submitted that the Tribunal was entitled to take public perception and confidence into account. The Tribunal had responsibility for public confidence in the profession. He referred the Tribunal to Ebhogiaye v SRA [2013] EWHC 2445 (Admin) in which Mr Justice Haddon-Cave said:

*"44. In my judgment, the imposition of conditions by the SDT is about both risk and reputation. It is about both the risk to the public and protecting the reputation of the solicitors' profession. When the SDT makes conditions of practice orders it does so both for the protection of the public and for the maintenance of the reputation of the solicitors' profession ...*

*73. ... the imposition of conditions is "part of the sanction". The SDT is the body which Parliament has entrusted with the disciplinary function in this area, which involves (a) protection of the public from risk and (b) ensuring that public confidence in the profession is maintained. It is clear that the SDT has a wide range of sanctions available to it and should use all such sanctions when appropriate. In imposing conditions and subsequently making variations the SDT is not acting as regulator, but merely carrying out its statutory disciplinary duty."*

51. It was submitted that the Tribunal may consider that in order to protect the public and ensure the maintenance of public confidence in the provision of legal services it would be appropriate to continue condition(s) restricting the Mr Nazeer's ability to practise having regard to the nature of the misconduct which led their imposition.

52. It was acknowledged that even if the Tribunal were minded to remove or vary the conditions which it imposed in 2017, the SRA could still impose conditions on Mr Nazeer's practising certificate under Regulation 7.1 of the SRA Authorisation of Individuals Regulations, if it considered this would protect the public interest.
53. It was submitted that a variation of the conditions, as set out above, would allow a phased return to practise. The only problem with such an approach was submitted to be Mr Nazeer's need for a three-year period free from conditions. The Tribunal was reminded that this was not the appropriate legal test. It was submitted that the proposed variations to the conditions would provide the Tribunal with reassurance whilst allowing Mr Nazeer to obtain new and relevant experience as he worked towards the stated career goals. Mr Nazeer had said in his evidence that he had run a "tight ship" in the criminal department. Mr O'Malley submitted that this was required across the board and that the reassurance of revised conditions was still necessary and appropriate.
54. A complete removal of all conditions would allow Mr Nazeer to undertake any work without safeguards. The SRA's position was that there would be harm to the public interest and damage to the reputation of the solicitors' profession if the conditions were removed in their entirety.

#### **Submission on costs**

55. Mr O'Malley applied for the SRA's costs of £2,574 which were set out in a schedule dated 7 December 2022.
56. Ms Heley stated that, given the nature of the application, Mr Nazeer would be paying the SRA's costs. Currently, based on his income, each referral back to the Tribunal accounted for around one year's salary. It was submitted that being required to revert to the Tribunal in this way was disproportionate and that the Tribunal was effectively being asked to do the SRA's job as the regulator.

#### **The Tribunal's Decision**

57. The Tribunal had due regard to the Applicant's rights to a fair hearing and respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. To this end the Tribunal gave very careful consideration to all the material it had read and the submissions made by the both parties during the course of the hearing and Mr Nazeer's oral evidence.
58. The Tribunal considered the factors highlighted by Mr O'Malley and Ms Heley as set out in the "Guidance Note on Other Powers of the Tribunal" (6<sup>th</sup> Edition).

#### *Details of the original order*

59. The previous Tribunal had found very serious misconduct and imposed a substantial fine along with conditions. The Tribunal had made findings that Mr Nazeer could not describe the role of COLP, that he occupied, and showed no insight into his misconduct. The Administrative Court had upheld the conditions imposed. The Tribunal did not consider that the previous Tribunal appearance in 2012 had had much bearing on the imposition of the conditions and the Tribunal gave this factor very little weight.

### *Training*

60. Mr Nazeer had completed extensive training since the imposition of the conditions. The Tribunal noted that he had completed “what did I learn” notes for various courses attended. Mr O’Malley had accepted that Mr Nazeer was in something of a “Catch 22” situation when it came to demonstrating the practical application of training linked to regulation and management as he had been unable to secure such employment. When giving evidence during the hearing Mr Nazeer had outlined the ways in which he would seek to ensure proper management and compliance were he to have oversight of others in such roles in the future as intended. He described systematic file review, peer reviews and external assessment of files and their management. Whilst there was inevitably a lack of practical experience to draw on, the Tribunal considered that the understanding of such roles evidenced by Mr Nazeer was markedly improved from that described by the previous Tribunal in 2017.
61. The Tribunal considered Mr Nazeer’s evidence of insight to be extensive and impressive. Having considered his oral and written evidence, and the evidence of his current employer, Mr Asif, the Tribunal accepted that Mr Nazeer had developed insight into his misconduct and its causes and displayed genuine remorse.

### *Employment*

62. Mr Nazeer had been employed in a part-time role for two years and been subject to close supervision. His employer had provided a reference and witness statement in support of the application to remove the conditions. Mr Nazeer had had difficulty finding employment and made numerous applications before being obtaining his current part-time position. The Tribunal accepted Mr O’Malley’s submission that this recent practical experience was limited.

### *Reformation of character*

63. The previous Tribunal had not made findings relating to Mr Nazeer’s character. There had been no finding that his conduct lacked integrity or was reckless or dishonest. Specific, and extensive, management failings had been identified coupled with a lack of insight. As noted above, the Tribunal had found that Mr Nazeer had developed genuine insight into his misconduct. His reflections on the courses attended also demonstrated this.
64. Mr Asif’s evidence was that he had discussed the circumstances of the misconduct with Mr Nazeer. Others providing testimonials also made reference to such conversations. The Tribunal considered this supported Mr Nazeer’s own evidence of his reflection and insight.

### *Continuing risk and public concern*

65. In light of the above, the Tribunal did not consider there was any continuing risk either to the public or the reputation of the profession. As set out above, Mr Nazeer had demonstrated a markedly improved appreciation of what the role of COLP entailed and had demonstrated genuine insight. The testimonials, including from his current employer, were relevant and supportive. His practical experience since the conditions

were imposed was limited, but the Tribunal considered the overall position had shifted markedly since then such that the risks against which the original Tribunal was guarding had been alleviated.

66. The Tribunal determined that Mr Nazeer had demonstrated that the position had changed sufficiently in the 5 years since the conditions were imposed such that their interference with his freedom to practise was no longer necessary and appropriate.
67. Any application Mr Nazeer may make to practice as a sole practitioner, partner or compliance officer would be subject to SRA approval. The SRA was entitled to continue to apply its own conditions if this was considered appropriate. In light of the findings set out above, the Tribunal determined that the SRA as regulator was capable of managing any regulatory risk it perceived. The thrust of the reasons why the Tribunal's conditions were applied in 2017 no longer applied and accordingly the Tribunal ordered that they be removed.

### Costs

68. As noted above, Mr O'Malley had applied for the SRA's costs of £2,574.
69. Ms Heley had accepted that Mr Nazeer would be paying the SRA's costs and raised no objection to the sum claimed.
70. The Tribunal assessed the costs for the hearing. The Tribunal had heard the application and considered all of the evidence. The Tribunal carefully reviewed the schedule of costs and considered the costs claimed were reasonable and proportionate. The Tribunal ordered Mr Nazeer to pay the SRA's costs assessed at £2,574.

### Statement of Full Order

71. The Tribunal ORDERED that the application of Malik Nazeer, solicitor, for the removal of the conditions imposed by the Tribunal on 1 December 2017 be **GRANTED** and it further Ordered that he do pay the costs of the response of the Solicitors Regulation Authority Ltd to this application fixed in the sum of £2,574.

Dated this 13<sup>th</sup> day of January 2023

On behalf of the Tribunal



C Evans  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**13 JAN 2023**