

IN THE MATTER OF ANTHONY GILES PETER ST JOHN KINGSLEY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A G Gibson (in the chair)  
Mr P Kempster  
Mrs S Gordon

Date of Hearing: 20th January 2004

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## **FINDINGS**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Office for the Supervision of Solicitors (the OSS) by Andrew Miller solicitor employed by the Law Society at the OSS Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE that Anthony Giles Peter St John Kingsley of Grove Road, London, E3 might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that he held himself out as a solicitor and purported to practise as a solicitor whilst not having in force a Practising Certificate authorising him so to practise.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Andrew Miller appeared as the Applicant and the Respondent did not appear and was not represented.

The Applicant handed up a bundle of documents which included records of contact made with the Respondent by email, voicemail and telephone. The Applicant invited the Tribunal

to rule that the Respondent had been duly served with all of the relevant documents and that he was aware of the date of the substantive hearing. The Tribunal did so rule.

At the opening of the hearing the Applicant invited the Tribunal to disregard paragraph 6 and the documents exhibited to his statement made pursuant to Rule 4 of the Solicitors Disciplinary Proceedings Rules 1994 with reference to Mrs JM.

At the conclusion of the hearing the Tribunal made the following order:-

The Tribunal order that the Respondent, Anthony Giles Peter St John Kingsley of Grove Road, London, E3 solicitor, be struck off the Roll of Solicitors and they further order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £596.50.

**The facts are set out in paragraphs 1 to 3 hereunder:-**

1. The Respondent, born in 1961, was admitted as a solicitor in 1987. The Respondent had not held a Practising Certificate since 4th April 2000.
2. From 1st November 1999 or thereabouts until 4th April 2000 the Respondent practised under the style of Anthony Kingsley & Co solicitor. The Respondent's offices were at 1st Floor, 331a Old Street, London, EC1V 9LE.
3. On 15th March 2002 complaint was made to the OSS by Edward Hayes solicitors that the Respondent had purported to act as a solicitor in a conveyancing transaction with them at a time when he had held no current Practising Certificate. There were provided by Edward Hayes six letters which they had received from the Respondent over a period from 15th November 2001 to 6th March 2002 in which the Respondent had written to them in relation to a conveyancing transaction on letterhead describing his firm as Anthony Kingsley & Co solicitors.

**The Submissions of the Applicant**

4. During the course of his correspondence with Edward Hayes solicitors the Respondent took the name and title of solicitor whilst not having a Practising Certificate in force. By letter to the Office dated 9th July 2002 the Respondent conceded that he did act in the matter complained of by Messrs Edward Hayes.
5. The Tribunal found the allegation to have been substantiated.
6. On 4th April 2000 the Tribunal found the following allegations to have been substantiated against the Respondent:-

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following particulars:

- i) He had breached Practice Rule 1, in that his professional behaviour during the course of a retainer compromised or impaired or was likely to compromise or impair the following:
  - (a) his integrity

- (c) his duty to act in the best interests of the client
- (d) his good repute or the good repute of the solicitors' profession
- (e) his proper standard of work.

ii) He had breached the following principles of professional conduct:

- (a) 12.03 the Respondent continued to act in circumstances in which his client could not be represented with competence or diligence
- (b) 12.08 the Respondent failed to carry out his client's instructions diligently and promptly
- (c) 29.09 the Respondent failed to inform his client that independent advice should be sought in circumstances in which the Respondent had discovered an act or omission which would justify a claim against his firm.

7. In its Findings dated 18th May 2000 the Tribunal said:-

“The Tribunal found the allegations to have been substantiated, indeed they were not contested.

The Tribunal regarded the Respondent's conduct as a serious matter. He had failed to inform his client immediately of his original error so that the client could seek independent advice. He had failed to tell his employers so that they could take appropriate steps. After the automatic striking out due to the Respondent's own failure he had done nothing for twelve months and had then prolonged the fiction until he had been found out. This had been a bad and continuing case of deception by the Respondent of the client and the employer and it was damaging to the reputation of the profession.

The Tribunal ordered that the Respondent Anthony Giles Peter St John Kingsley, of 126 Dunlace Road, Lower Clapton, London E5 0ND solicitor, be suspended from practice as a solicitor for the period of eighteen months to commence on 4th April 2000, and they further ordered him to pay the costs of and incidental to the application and enquiry.”

8. On 1st October 2002 the Tribunal found to have been substantiated against the Respondent an allegation that he had been guilty of conduct unbecoming a solicitor in that he failed to comply with an adjudicator's decision of the OSS made against him on 28th August 2001. With regard to the 2002 matter the Tribunal said:-

“In October 2002 having found the allegation against him to have been substantiated the Tribunal pointed out that it was a serious matter for a solicitor not to comply with a decision made by an Adjudicator of the OSS. That was a failure to comply with a direction of the solicitors' own professional body.

The Tribunal had noted the earlier decision of the Tribunal to suspend the Respondent from practice for a period of eighteen months.

The Respondent had chosen to give priority to payments to a doctor instructed by him in a client matter over and above a direction made by his own professional body.

The Tribunal noted that the Respondent had suffered from problems with his health. The Tribunal noted that the Respondent had found himself in difficult financial circumstances. However the Tribunal could not permit a solicitor to ignore a direction properly made by his own professional body and in all of the circumstances the Tribunal considered it right to impose an indefinite period of suspension upon the Respondent and wished to make it clear that the Tribunal would be most unlikely to give favourable consideration to any application by the Respondent for the determination of that indefinite period of suspension unless he can demonstrate that he has fully complied with the Adjudicator's direction dated 28th August 2001 and he can also demonstrate by the provision of satisfactory medical evidence that he has recovered his health and is fit to practise as a solicitor.

The Tribunal further ordered that the Respondent pay the costs of and incidental to the application and enquiry such costs to be subject to a detailed assessment in the absence of an agreement between the parties.

The Tribunal further ordered that the direction made by the Law Society (that is to say the Adjudicator's Direction) of 28th August 2001 be treated for the purposes of enforcement as if it were an order of the High Court."

### **The decision of the Tribunal**

9. The Tribunal noted that the Respondent was practising uncertificated in defiance of an Order made by this Tribunal suspending him from practice as a solicitor. Clearly this was practising uncertificated of a particularly serious kind. It was clear that the Respondent was disdainful of an order made by his own professional disciplinary tribunal and appeared simply to carry on regardless of such order. It was clear that the Respondent had sought to be evasive in his dealings with the Applicant. The Respondent had demonstrated that he was not prepared to uphold the high standards of integrity, probity and trustworthiness required of members of the solicitors' profession and it was right in these circumstances that he should be struck off the Roll of Solicitors. The Tribunal so ordered and further ordered the Respondent to pay the Applicant's costs in a fixed sum.

Dated this 23rd day of February 2004  
On behalf of the Tribunal

A G Gibson  
Chairman