

IN THE MATTER OF SIMON PAUL HETT, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr R J C Potter (in the chair)  
Mr A G Gibson  
Mrs N Chavda

Date of Hearing: 23rd September 2008

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## **FINDINGS**

(and Order relating to enforcement of  
Inadequate Professional Services Direction)

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of The Law Society on 31<sup>st</sup> July 2007 by Stuart Roger Turner, solicitor and partner in the firm of Lonsdales Solicitors of 7 Fishergate Court, Fishergate, Preston, PR1 8QF that Simon Paul Hett of Cheltenham, Gloucester, solicitor, 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 Applicant made a supplementary statement dated 4<sup>th</sup> January 2008 containing further allegations.

The Tribunal was subsequently notified that the Respondent's address was Llanelltyd, Gwynedd, North Wales.

The Applicant also applied that the Tribunal make an Order that for the purposes of enforcement the Inadequate Professional Service decision of the Solicitors Regulation Authority dated 6<sup>th</sup> February 2007 be treated as though it were an Order of the High Court.

The allegations set out below are those contained in the original and supplementary statements.

The allegations were that the Respondent had been guilty of conduct unbefitting a solicitor as follows:

1. that the Respondent failed to provide full and proper instructions to his firm's agent and in so doing compromised or impaired his duty to act in the best interests of his client, the good repute of the profession, his proper standard of work and his duty to the court in breach of Rule 1(c), (d),(e) and (f) of the Solicitors Practice Rules 1990 (as amended).
2. that the Respondent failed to respond promptly and/or substantively or at all to correspondence from The Law Society;
3. that the Respondent failed to comply with an Inadequate Professional Service decision made by on 6<sup>th</sup> February 2007 by an Adjudicator of the Solicitors Regulation Authority, requiring the Respondent to pay £350 in compensation to a member of the public.
4. that contrary to s.34 of the Solicitors Act 1974 he failed to deliver within the time allowed an Accountant's Report to The Law Society for the year ending 31<sup>st</sup> October 2006;
5. that he failed to comply with a decision of an Adjudicator made, on 8<sup>th</sup> October 2007, requiring him to deliver an Accountant's Report to The Law Society by 5<sup>th</sup> November;
6. that he failed to respond promptly and substantively, or at all, to correspondence from the Solicitors Regulation Authority ("the SRA");
7. that he failed to maintain proper accounting systems and proper internal controls over those systems to ensure compliance with the Rules contrary to Rule 1 of the Solicitors Accounts Rules 1998 ("SAR");
8. that he made improper withdrawals of funds from client account by way of round sum cash withdrawals and transfers resulting in a cash shortage on client account;
9. that in November 2006 he improperly transferred £1,163.75 from client to office account by creating a false bill of costs against money which was held in client account for the purposes of discharging counsel's and clerk's fees;
10. that he failed to obtain qualifying indemnity insurance for his firm for the year 2007/2008;
11. that he failed to notify his then current indemnity insurers of a professional negligence claim against his firm;
12. that he abandoned his practice.

For the avoidance of doubt the Applicant pointed out that allegations 8 and 9 were allegations of dishonest conduct by the Respondent.

The application was heard at The Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 23<sup>rd</sup> September 2008 when Stuart Roger Turner appeared as the Applicant and the Respondent was represented by Stanley Best of Counsel.

#### The evidence before the Tribunal

The evidence before the Tribunal included the oral evidence of Ms SE Clarke, Mr C Norton and of the Respondent. During the course of the hearing the Respondent admitted allegations 2, 4, 5, 6, 7 and 10.

#### **At the conclusion of the hearing the Tribunal made the following Order:**

The Tribunal Orders that the Respondent, Simon Paul Hett of Llanelltyd, Gwynedd, North Wales, solicitor, be Struck Off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £26,771.93.

The Tribunal now formally Orders that for the purposes of enforcement the Inadquate Professional Service direction of the Solicitors Regulation Authority dated 6<sup>th</sup> February 2007 (in respect of the Respondent's client, Mrs JSM) be treated as though it were an Order of the High Court.

#### **The facts are set out in paragraphs 1 – 26 hereunder:**

The facts were not contested by the Respondent rather the contest was as to the interpretation of those facts where the allegations had not been admitted.

1. The Respondent, born in 1968, was admitted as a solicitor in 1994.
2. The SRA had been notified of a complaint by the Chairman of the Bench at Cwmbran Magistrates Court about the Respondent's conduct in a case listed for trial.
3. On 15<sup>th</sup> August 2006 the Respondent notified the court that he wished to be placed on the record as representing Mr B who faced speeding and failing to provide the name of the driver charges. The Respondent instructed agents to attend a pre-trial review on 18<sup>th</sup> September 2006 when the case was set down for trial on 30<sup>th</sup> October 2006 at Cwmbran Court.
4. The Respondent instructed the same agents to appear on his behalf on 30<sup>th</sup> October 2006. The solicitor who acted as agent informed the court that her firm had been instructed at 3.15pm on Friday, 30<sup>th</sup> October to appear at the hearing on the following Monday. The agent believed that she was attending Court for an adjournment. She told the court that she had not prepared to represent Mr B at a trial and that he would be prejudiced if the trial were to proceed that day. The Respondent had provided the agent with a fax cover note, copy letter to the client and copy letter to the Crown Prosecution Service.

5. The Court adjourned the trial in the interests of justice. The Chairman of the Bench stated:

"...the Court and the Defendant were both left in an invidious position by this apparent failure to conduct the case properly."

6. It was the Respondent's position that he had already instructed the agent's firm in connection with Mr B's matter and the firm already knew about the case. It had been Mr B's position that he could not remember whether he had been driving the car at the material time. The Respondent accepted that he had not provided a proof of evidence of Mr B. At Court Mr B had made it clear that his defence would require witnesses to be called to give corroborative evidence
7. The Law Society raised the matter with the Respondent by letter of 24<sup>th</sup> January 2007. He did not reply. He was warned about his failure to reply by letter of 22<sup>nd</sup> February 2007. There was no response. On 22<sup>nd</sup> March 2007 a copy of The Law Society's caseworker's report was provided to the Respondent and he was given fourteen days to make any comments. On 11<sup>th</sup> April 2007, having not received a reply, the Respondent was notified that the report had been sent for adjudication.
8. On 21<sup>st</sup> December 2006 Master Venne, Registrar of Criminal Appeals, wrote to The Law Society about the conduct of the Respondent's firm. The Law Society wrote to the Respondent on 6<sup>th</sup> February requiring the Respondent's response. He did not reply. On 7<sup>th</sup> March 2007 The Law Society wrote again and the Respondent did not reply.
9. On 6<sup>th</sup> February 2007 an Adjudicator of The Solicitors Regulation Authority made a finding of Inadequate Professional Service on the part of the Respondent and directed him to pay £350 to his client, Mrs JSM. The Decision was sent to the Respondent in a letter dated 9<sup>th</sup> February 2007. He was given seven days to comply. The Respondent had not paid the award to Mrs JSM, he did not reply and he was not available to take telephone calls made to him on 20<sup>th</sup> and 27<sup>th</sup> February 2007. He did not return those calls. The Respondent had not contacted The Law Society at all about this matter. Shortly before the disciplinary hearing Mrs JSM confirmed that she had not received the sum awarded to her.
10. The Respondent was required, in accordance with s.34 of the Solicitors Act 1974 (as amended) to file an Accountant's Report for the year ending 31<sup>st</sup> October 2006 within six months of that date. The Respondent had not done so.
11. On 8<sup>th</sup> August 2007 the Solicitors Regulation Authority sought an explanation from the Respondent for his failure. In the absence of a reply a "chasing letter" was sent on 24<sup>th</sup> August 2007.
12. The matter was referred to an Adjudicator who, on 8<sup>th</sup> October 2007, "expected" the Respondent to deliver the Report within 28 days of the letter notifying him of the decision. The Respondent did not reply to any correspondence from the SRA about this particular matter.

13. On 29<sup>th</sup> October 2007 an Adjudication Panel of the SRA considered a Report prepared by a Forensic Investigation Officer ("the FIO") dated 10<sup>th</sup> October 2007 and, among other things, resolved to intervene into the Respondent's practice.
14. The FIO began an inspection of the Respondent's practice on 28<sup>th</sup> August 2007. The FIO's Report was dated 10<sup>th</sup> October 2007 and it was before the Tribunal.
15. When the FIO attended at the Respondent's practice the Respondent was absent. The FIO took more than a day to establish contact with the Respondent.
16. The books of account were not in compliance with the Solicitors Accounts Rules. The Respondent said that he had encountered problems with his telephone lines since April or May owing to flooding which prevented him from communicating information to the company which maintained his accounts. The Respondent told the FIO, and the Tribunal in his oral evidence, that the accounting records had been maintained manually since that problem began.
17. Initially the FIO was provided with various chits and completion statements. When the FIO explained to the Respondent that he had not been able to locate any meaningful accounting records, the Respondent agreed to provide them the following day.
18. The further information provided to the FIO was incomplete. The FIO was not able to undertake a meaningful analysis, but he was able to establish that thirteen round sum cash withdrawals totalling £13,000 from one bank's client account and a round sum transfer of £5,000 from another bank's client account had been made. It was the Respondent's evidence that these moneys were due to him for costs and the individual withdrawals in each case were less than the amount actually due to him.
19. The FIO returned to the Respondent's practice on 8<sup>th</sup> October. The Respondent was not present. The FIO noted further cash withdrawals from client account and identified a minimum cash shortage on client account of at least £17,453.75 from the limited information made available to him.
20. The cause of the cash shortage was the £13,000 total of cash withdrawals from client account identified by the FIO on 8<sup>th</sup> October; and a transfer of £1,163,75 from client account to office account against a bill described as an "interim bill" where the amount invoiced exactly matched the balance standing to the credit of the client. That credit balance represented Counsel's fees. A "final" bill had previously been submitted to the client. In his oral evidence the Respondent said that additional work had been undertaken after the delivery of the "final" bill and that his interim bill was justified.
21. The FIO recorded that HSBC Insurance Brokers Ltd had confirmed that the Respondent's indemnity insurance policy had not been renewed. The Respondent had failed to notify his (then) indemnity insurers of a professional negligence claim against his firm which resulted in a default judgment for £57,057.21 being made against the firm.

22. The Respondent's own staff had informed the FIO that the Respondent, as at 8<sup>th</sup> October at least, had not attended his firm's offices since 1<sup>st</sup> September 2007. The FIO found staff at the office on that date and the door was open. The firm's nameplates had been removed from the exterior of the building.
23. The SRA was informed that the Respondent had assured his staff on 16<sup>th</sup> October that he would return to the UK from Thailand on 18<sup>th</sup> October and that he had told his legal representatives on 17<sup>th</sup> October that he would be returning to the UK during the weekend commencing 20<sup>th</sup> October.
24. Mr M, a consultant at the practice, who undertook conveyancing, resigned from his employment on 30<sup>th</sup> September 2007 leaving no person qualified to supervise or manage the practice. The FIO revisited the practice on 19<sup>th</sup> October 2007 and found that a secretary and a receptionist were in attendance, opening the post, answering the telephone and admitting callers.
25. On 18<sup>th</sup> October the SRA wrote to the Respondent seeking an explanation of the points raised in the FIO's Report. The Respondent's legal representative spoke to the SRA caseworker on 22<sup>nd</sup> October and provided written confirmation that they had been instructed on 24<sup>th</sup> October, when an extension of time to reply was sought. Nothing further had been received from the Respondent or his representatives.
26. It was the Respondent's evidence that he had decided, when his professional indemnity insurers indicated that they would not renew his insurance because of the criminal charges against him, to close his practice. The firm closed on 30<sup>th</sup> September 2007. The firm's signs were removed and a notice indicating the closure was placed on the door. The Respondent said that he retained two members of staff to assist him in managing the closure. He went on holiday which had been booked in advance to coincide with his anticipated satisfactory conclusion of his criminal trial.

### **The Submissions of the Applicant**

27. The Applicant made submissions with regard to the allegations which had not been admitted by the Respondent.
28. With regard to the complaint made by the Chairman of Magistrates, the appointed agent's evidence had been clear. All that she had received from the Respondent had been the fax cover and copies of two letters. There had been no indication that the agent's firm had been instructed on a previous occasion and she had no way of knowing that that had been the case. All of the information that an agent would require to conduct a trial on behalf of a client had not been provided. The matter had to be adjourned because the agent had not been put in a position where she could properly be prepared for the trial. The Magistrates, unsurprisingly, had been annoyed at having to adjourn the matter in such circumstances.
29. With regard to allegations 8 and 9 the Respondent had admitted that under the Solicitors Accounts Rules it was improper to withdraw moneys from client account by way of cash. It was clear that when the Respondent's accounts executive left him, his accounts became disordered and, indeed, chaotic. The Respondent appeared to have no understanding as to what was required in order properly to take money from client

account by way of costs. The Respondent's accounts records fell very far short of the requirements set out in the Solicitors Accounts Rules. He had taken several round sums in cash from client account.

30. It was the Applicant's case that the transfer of £1,163 from client to office account had been made against a false bill. The ledger showed that this sum was available as a credit and the Respondent prepared a false bill in order to make it appear that the transfer was a proper one. In fact the money standing to the credit of the client's ledger was money that had been received for the payment of counsel's fees. That money should have been used to settle those fees and for no other purpose.
31. It was the Applicant's position that in taking round sum cash withdrawals from client account and in effecting the transfer against a false bill, the Respondent had acted dishonestly having regard to the two-part test in the case of Twinsectra Ltd v Yardley and Others [2002] UKHL 12. It was clear that what the Respondent did would be recognised by others as being dishonest and he, himself, knew that it was wrong. The Applicant further relied on the case of Bultitude -v- The Law Society [2004] EWCA Civ 1853 where it was said that Mr Bultitude, a solicitor, neither knew nor cared whether he was entitled to take moneys held in client account by way of costs. The Respondent neither knew nor cared that the money that he was either taking from client account or transferring out of client account into office account was money to which he was entitled.
32. With regard to allegations 10 and 12, the only indication that the Respondent had given that he intended to close his practice was the removal of the signs from the exterior of the building in which his offices were situated. The Respondent had not produced any other evidence to support his contention. The FIO said that he had not been told at any time that the Respondent intended to, or indeed had, closed his practice. No notification had been given to The Law Society or the SRA. The Respondent had made no effort to draw a line under his dealings with clients or to deal with clients' money held in client account. When the FIO had visited the Respondent's practice he found the front door was open and staff were there working. No member of staff told him that they had been kept on as a skeleton staff in order to assist with the closure of the practice.
33. The Respondent had gone on holiday during the first week of October and had returned during the third week of October. If the Respondent truly had been closing his practice, that was a remarkable action to take. It remained the Applicant's case that the Respondent's practice was not closed and he was therefore required to maintain qualifying indemnity insurance. He did not.

#### **The Submissions of the Respondent**

34. The Tribunal was invited to take due account of the Respondent's written response which had been filed with the Tribunal.
35. The Respondent accepted that he had acted inappropriately in transferring the money which he did from client to office account and in withdrawing round sums in cash from client account. The Respondent had not been dishonest when taking those steps. Costs were due to him and the moneys taken represented costs which had been

recovered from other parties in successful actions and would have come to him properly. The Respondent had taken only a fraction of what was properly due to him.

36. The Tribunal was invited to give due weight to the psychiatrist's report on the Respondent which had been filed. The psychiatrist recognised that the Respondent had shown fortitude in the face of considerable misfortunes. He had stood up very well to the strains which had been imposed upon him.
37. The Respondent's wife had left taking their children with her. A senior employee of the Respondent had left the firm and he had not been able to obtain a replacement. The computerised accounts service which he had engaged failed him.
38. The Respondent did keep manual accounts. He was not able to prove the position as all documents had been taken away by the SRA or by the interveners and had not been handed back. The Respondent had not been given a catalogue of documents which had been removed and continued to be held by others. The Respondent had thereby been put in a difficult position in endeavouring to conduct his defence.
39. The agent instructed by the Respondent in connection with Mr B's case conceded that she was one of several people in her firm that dealt with agency work. The client had been charged with speeding and the client had not been able to recall whether or not he was driving. The facts of the case had been extremely simple. It would have been a routine matter for an agent to ascertain from the prosecution what the position was and give the client appropriate advice.
40. When the FIO went to the Respondent's practice he said that he had found only two employees working there and the practice's name-plate had been removed. That was the best evidence that the Respondent had indeed given up his practice. The Legal Services Commission had in a letter acknowledged that the Respondent was no longer in practice. That letter was not produced to the Tribunal but endeavours would be made to find it. The Legal Services Commission needed to know the position because of the system of Legal Services Commission contracts with solicitors.
41. The Respondent had practised as a solicitor for eleven years without a stain on his character. If the Tribunal were to find that the Respondent had behaved irregularly it was not right that he should be treated as if he had behaved deliberately or for personal gain or because he was reckless as to the consequences.
42. At the material time the Respondent's personal life caused him much anguish. His mother had been dying and he had faced a long trial in the criminal court which had tried serious criminal charges. Eventually the Respondent had been acquitted of those charges but the attendant publicity and continuing rumour and the fact that the Respondent's name continued to be besmirched had caused the Respondent a great deal of distress and had played no small part in the break-up of his marriage which in turn had led to his wife not allowing him to see his children and that had added to the stresses and strains that he was under.
43. At worst the Respondent acted unwisely. He had not acted dishonestly.



### **The Tribunal's Findings**

44. The Tribunal found all of the allegations to have been substantiated and found in particular that allegations 8 and 9 showed clear dishonesty on the part of the Respondent. In Finding that the Respondent was dishonest the Tribunal applied the test expressed by Lord Hutton at paragraphs 27 and 36 of Twinsectra v Yardley. The Tribunal found that in taking money in cash from client account in round sums the Respondent had taken such money without being sure or caring that he was entitled to such sums of money. The Tribunal noted the Respondent's explanation that he had been entitled to greater amounts but utilising client account in such way was contrary to the provisions of the Solicitors Accounts Rules and the Respondent had produced no bills to demonstrate that he did have an entitlement to the payment of such moneys. The Tribunal concluded that the Respondent's conduct both in this respect and in respect of preparing a bill enabling him to take a credit balance from client account when the matter had already been concluded and billed was dishonest by the standards of reasonable and honest people. Having heard and seen the Respondent give evidence and heard his explanation for his actions the Tribunal was satisfied so that it was sure that the Respondent did not have an honest belief that his actions were proper or that he had an entitlement to the moneys he was taking and therefore that he knew that what he was doing was dishonest by those same standards. Even if the Respondent's actions had not been dishonest they represented such a serious breach of the Solicitors Accounts Rules and such a failure to deal with clients' money in accordance with the underlying principles that the Tribunal's decision to impose the ultimate sanction would have remained in place.
45. The Tribunal did not accept that the Respondent had closed his practice on 30<sup>th</sup> September as he asserted. It was clear that the office was open to the public, there were members of staff undertaking the duties which they might normally have been expected to undertake, no attempt had been made to transfer clients' matter files to other solicitors, no attempt had been made to take instructions from clients as to the transfer of their files to other solicitors and no attempt had been made to close the client account. The very fact that a client account continued to be maintained was evidence that the practice had not been closed. It followed that when the Respondent went on holiday to Thailand leaving no qualified person to supervise and manage the practice, he did in fact abandon his practice.
46. The Tribunal saw the Respondent give oral evidence and it did not accept his evidence. The Tribunal did not find him to be a witness of truth.

### **The Respondent's mitigation**

47. The Respondent's mitigation had been placed before the Tribunal at some length. It had taken due account of it and briefly summarises below the mitigation factors put forward by the Respondent.
48. The Respondent had undertaken both privately and publicly funded work and had been awarded a contract for crime and matrimonial work by the Legal Services Commission.

49. In May 2006 the police conducted an investigation into allegations against the Respondent under the Sexual Offences Act 2003. The Respondent had emphatically denied those matters but the investigation had been a considerable professional embarrassment to him. He had suffered the indignity of being held in custody for 23 hours. Following protracted investigations the Respondent was charged in September 2006. As a result of two adjournments of substantial length at the request of the prosecution, the matter was finally brought to trial in February 2008. The Respondent had been acquitted of all five charges against him.
50. During the course of the investigation and whilst waiting for trial, the Respondent had been the subject of a sustained campaign of adverse publicity in the local press. That had had a catastrophic effect upon the Respondent's client following. In March 2007 the Respondent's accounts executive, upon whom the Respondent greatly relied to maintain his accounts and for financial management, left without giving his contractual three months notice. The Respondent had not been able to find a replacement.
51. Additionally the Respondent had faced domestic difficulties as a result of the criminal charges brought against him. His wife had left with his three children and she had denied him access to those children which had been very upsetting.
52. The Respondent had become depressed in the winter of 2006 and had contemplated suicide in December 2007.
53. The Respondent had been in difficulty with regard to providing papers and accounts relating to his practice as these had been seized by the interveners.
54. The Respondent had been informed that some of the firm's archives, including files and billing records, had been destroyed when the basement of his firm's offices had been flooded to the depth of two feet.
55. He had further been informed that following the intervention his office had been burgled and ransacked.
56. The Respondent had been compelled to surrender his place of residence to his mortgagees and had been adjudicated bankrupt in December 2007. At the time of the disciplinary hearing the Respondent was living with his father in north Wales.
57. The Respondent had accepted that he did not respond as he should have done to his own professional body and apologised for this.
58. The Respondent apologised unreservedly to Mrs JSM. He had had every intention of ensuring that the award made to her be paid but his intention was frustrated by the intervention and additionally he had been adjudicated bankrupt.
59. The Respondent had been prevented from filing an Accountant's Report by 30<sup>th</sup> April 2007 because of the resignation, without notice, of his accounts executive.
60. The Respondent had believed that full and proper records of account had been maintained by his firm until the departure of the accounts executive.

61. The Respondent had conceded that the procedures for the proper drawing up and delivery of bills had not been observed and that his attention to such matters had fallen behind. A number of bills had been drawn and delivered or were due to be delivered. A number of other bills had been dictated by the Respondent. It had been the Respondent's contention that any moneys transferred from client account reasonably represented moneys due to the firm in respect of work which had already been undertaken and in respect of which bills were in the course of drafting or had been drafted and delivered.
62. The Respondent repeated that it was because his insurers would no longer provide him with indemnity cover that he had decided to, and indeed did, close his practice. He had drafted a lengthy letter of notification to his insurer about the negligence claim against his firm. He was not able to assert that such letter was ever sent. He had however for some time laboured under the honest belief that such notification had been sent to the insurer.
63. It continued to be the Respondent's position that he had not abandoned his practice but rather had closed it on 30<sup>th</sup> September 2007.
64. The Tribunal was invited to take into account the fact that since May of 2006 the Respondent had faced a police investigation and charges relating to matters which he had vigorously contested. Those matters had caused him much anxiety until he was fully acquitted in February 2008.
65. The Respondent had been subjected to adverse publicity and comment over the long time that it took the Crown Prosecution Service to bring such charges to trial and that had had an adverse effect both upon the Respondent's health, his wellbeing and the financial health of his practice. It had led to matrimonial difficulties and his not being permitted by his wife to see his children.
66. The Respondent's mother had been diagnosed with a terminal illness and had died whilst these unfortunate matters were continuing.
67. The Respondent hoped that he might be permitted to remain on the Roll although he did not intend to seek a practising certificate in the near future. He wished to wait until his health had fully recovered. The Tribunal was invited to give due weight to the psychiatrist's report provided by the Respondent and in particular to give the Respondent credit for the fact that the psychiatrist recognised that he had been subjected to exceptional stresses and strains which he had borne with fortitude.

#### The Tribunal's Sanction and its Reasons

68. The Tribunal took the Respondent's mitigation into account. The Tribunal had however made a finding that the Respondent had acted dishonestly and in so doing he had fallen far short of the high standards of integrity, probity and trustworthiness required of a member of the solicitor's profession. It was both appropriate and proportionate in order to protect the public and the good reputation of the Solicitors' profession that the Respondent be struck off the Roll of Solicitors and the Tribunal so Ordered.

69. The Applicant sought the costs of and incidental to the application and enquiry and he had provided a schedule of such costs. The Tribunal took into account the fact that the Respondent was at the time of the hearing an undischarged bankrupt. It also took into account that the substantive hearing had been adjourned in order to accommodate the Respondent and that the Respondent had not complied with directions made by the Tribunal and had not until the eleventh hour admitted some of the allegations. In all of those circumstances the Tribunal considered that it was right that the Respondent should bear the costs of and incidental to the application and enquiry and having considered the schedule submitted by the Applicant considered that the costs which the Applicant sought were reasonable in all of the circumstances. The Tribunal was aware that the SRA takes a pragmatic approach when it came to the enforcement of a costs order. It would accept instalment payments and would not actively pursue an impecunious Respondent. The Tribunal therefore summarily fixed the Applicant's costs and Ordered the Respondent to pay the costs in the fixed sum.

Dated this 25<sup>th</sup> day of November 2008

On behalf of the Tribunal

R J C Potter  
Chairman