SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12534-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD Applicant

and

STUART NUTTALL Respondent

Before:

Mr P Lewis (in the chair)
Mr R Nicholas
Mr G Gracey

Date of Hearing: 02 October 2025

Appearances

Andrew Bullock, Barrister, employed by the Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant.

The Respondent did not attend and was not represented.

JUDGMENT

Allegations

1. The allegations against the Respondent, Mr Stuart Nuttall, are that:

1.1 On or around 3 November 2018 he obtained a loan of £5,000 for his company, Sentium Group Limited, by misrepresentation in that he provided false information to the loan company. In doing so he breached any or all of:

1.1.1 Principle 2 of the SRA Principles 2011;

1.1.2 Principle 6 of the SRA Principles 2011.

In addition, Allegation 1.1 is advanced on the basis that the Respondent's conduct was dishonest. Dishonesty is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations.

1.2 On 10 December 2021 he falsely represented to Counsel's clerk that he had authorised payment of Counsel's fees in the sum of £1,200 when he had not done so. In doing so he breached Principle 2, 4 and 5 of the SRA Principles 2019.

1.3 Between July 2020 and September 2021 the Respondent failed to co-operate with the SRA in relation to the ongoing investigation against him. In doing so he breached any or all of:

1.3.1 Principle 5 of the SRA Principles;

1.3.2 Paragraph 7.3 of the; and

1.3.3 Paragraph 7.4 of the SRA Code of Conduct for Solicitors

Executive Summary

2. This case concerned allegations of professional misconduct brought by the Solicitors Regulation Authority (SRA) against Mr Stuart Nuttall, a solicitor on the Roll, but not holding a practising certificate at the time of the relevant conduct.

3. The first Allegation related to Mr Nuttall obtaining a loan of £5,000 for his company, Sentium Group Limited, by misrepresentation, including impersonating a fellow director and electronically signing his name as guarantor**.** The second allegation concerned a false representation made to Counsel's clerk that payment of fees had been authorised, when no such payment had been made. The third allegation involved a prolonged failure to co-operate with the SRA's investigation, despite evidence that Mr Nuttall was actively engaged in litigation during the same period.

4. In the absence of the Respondent engaging with the proceedings or attending the hearing, the Tribunal proceeded to hear the case in his absence. All of the allegations were found proved to the requisite standard.

5. The Tribunal found on the balance of probabilities that Mr Nuttall's conduct breached multiple Principles under both the 2011 and 2019 SRA Principles, including acting

without integrity, failing to maintain public trust, and acting dishonestly. The Tribunal applied the test for dishonesty as set out in *Ivey v Genting Casinos* and concluded that the Respondent's conduct in respect of the first two allegations was dishonest by the standards of ordinary decent people.

Sanction

6. The Respondent was struck off the Roll of Solicitors and ordered to pay costs in the sum of £7,603. The Tribunal's reasoning on Sanction can be found [here].

Documents

7. The Tribunal considered all of the documents contained in the electronic case File which included the following:

   (a) The Applicant's Rule 12 Statement dated 2 January 2024 and exhibit bundle JG1 (X1-X206);

   (b) Memorandum of Case Management Hearing date dated 22 February 2024 and the appended Standard Directions;

   (c) Memorandum on Adjourned Substantive Hearing dated 2 September 2024.

Preliminary Matters

Application to Proceed in Absence

8. Mr Bullock informed the Tribunal that the Respondent was neither present nor represented. Following a short adjournment after the start of the hearing—granted to allow the Applicant to leave a message on the Respondent's mobile phone instructing him to urgently contact the Applicant's office, the Respondent still failed to make contact.

9. Mr Bullock submitted that, provided the Tribunal was satisfied that notice of the hearing had been properly served on the Respondent, it was open to the Tribunal to proceed in his absence pursuant to Rule 36 of the Solicitors (Disciplinary Proceedings) Rules 2019 (" the SDPR").

10. In accordance with Rule 44 of the SDPR, which addressed the requirements as they related to service of documents, the Tribunal was informed that the Respondent had been sent a notice dated 18 September 2025 informing him of the date and time of the present hearing. The notice had been sent to email address held by the Applicant and to which previous correspondence had been sent.

11. The Respondent had failed to acknowledge, or respond to the email from the Applicant on the 18 September 2025, or to earlier emails that had sent.

12. Mr Bullock submitted that on the basis of documents and correspondence served on the Respondent, the Respondent had notice of the hearing and it would be appropriate for the Tribunal to proceed in the Respondent's absence as he could be deemed to be

voluntarily absent having regards to the authorities of: *R v Hayward, Jones and Purvis* [2001] EWCA Crim 168 and *Adeogba v General Medical Council* [2016] EWCA Civ 162.

Decision of the Tribunal

13. The Tribunal listened with care to the submissions of Mr Bullock and reminded itself that it must proceed with care and caution when reaching a decision whether to proceed in a Respondent's absence. In considering whether to exercise its discretion on this occasion it took into account the following:

    (a) The nature of the Respondent's behaviour during the proceedings.

    (b) Whether an adjournment would serve any useful purpose.

    (c) Whether the Respondent had deliberately exercised his right not to attend or instruct a legal representation.

14. The Tribunal noted that the Respondent had not substantively engaged with the proceedings to date. His only engagement had been during the submission of an application for an adjournment to substantive hearing which had originally been listed on 29 and 30 August 2024.

15. It was further noted that since 27 August 2024, the Respondent had not made further contact with the Applicant or the Tribunal.

16. In the circumstances, the Respondent had failed to engage with the proceedings, and had not attended any of the listed hearings or engaged any legal representation, the Tribunal concluded that the Respondent had voluntarily absented himself from the present hearing.

17. After giving due consideration to *R v Hayward, Jones and Purvis* [2001] EWCA Crim 168 and *Adeogba v General Medical Council* [2016] EWCA Civ 162, and balanced fairness to the Respondent with fairness to the Regulator and the public interest in the efficient and expeditious resolution of proceedings, in accordance with the overriding objective set out in Rule 4(3) of the SDPR 2019, the Tribunal granted the application for the matter to proceed in the Respondent's absence.

Factual Background

18. The Respondent, is a solicitor having been admitted to the Roll on 15 April 1997.

19. After November 2002 the Respondent did not hold a practising certificate and was later removed from the Roll, but restored in March 2016.

20. After being restored to the Roll, he did not apply for a practising certificate until 1 April 2019.

21. The Respondent has not held a practising certificate since 2023.

Witnesses

22. The written evidence of witnesses is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal.

23. No oral evidence was heard by the Tribunal.

Findings of Fact and Law

24. The Applicant was required to prove the allegations beyond balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights.

25. For the avoidance of doubt, the Tribunal read all of the documents in the case and made notes of the oral evidence given. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence.

26. With reference to its consideration of integrity, the Tribunal had regards to *Wingate v SRA [2018] EWCA Civ 366*

27. In its determination of the issue of dishonesty the Tribunal the considered the test set out at paragraph 74 of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*

28. The Applicant's Case

28.1 The Applicant's case in respect of all the allegations is set out in the Rule 12 Statement dated 2 January 2024 which can be found here – Click Here.

28.2 Further oral submissions were made by Mr Bullock during the course of the hearing in relation to Allegation 1:1 which are summarised below.

Allegation 1:1 - Breach of Principles 2 and 6 of the SRA Principles 2011

28.3 Although Sentium Group limited, of which the Respondent was a Director, was not a solicitor's practice, and the Respondent did not hold a practising certificate, at the relevant time, the Respondent's alleged conduct nonetheless engaged the regulatory framework applicable to solicitors.

28.4 The Applicant relied on Principle 2 (integrity) and Principle 6 (maintaining public trust in the profession) under the 2011 SRA Principles. While Outcome 11.14 of the 2011 Code had not been pleaded, it was relied on as illustrative of the standards of behaviour expected of solicitors, including the obligation not to mislead others or take advantage of third parties in either a personal or professional capacity.

28.5 The Applicant did not seek to amend the allegations to include Outcome 11.14, in the Respondent's absence. However, it was submitted that the conduct described was demonstrably relevant to the standards of behaviour expected of solicitors and supported the allegation of breach of Principles 2 and 6 of the 2011 Principles.

28.6 Although accepted that the conduct occurred outside of legal practice, but it was nonetheless qualitatively relevant to the Respondent's standing as a solicitor. *Beckwith v SRA* [2020] EWHC 3231 (Admin), particularly paragraph 54, recognised that Principles 2 and 6 may extend into private life of a solicitor where the conduct alleged realistically touched upon the practice of the profession or its public standing.

28.7 The impersonation of another and falsification of a signature for financial gain, was conduct that would reasonably concern the public and thereby engaged the regulatory principles.

28.8 Finally, the Respondent's actions not only lacked in integrity and failed to maintain the public confidence in solicitors, but further satisfied the test for dishonesty as set out in *Ivey v Genting Casinos* [2017] UKSC 67. The electronic signing of another person's name on a legal document without consent was, on any view, both dishonest and a serious breach of professional standards.

29. The Respondent's Case

29.1 In light of the Respondent's failure to provide Answer to the Rule 12 Statement, non-engagement with the proceedings and his absence from the hearing, the Tribunal was unable to determine his position in relation to the allegations.

30. The Tribunals Findings

30.1 The Tribunal considered the evidence presented to it, including oral submissions made during the hearing and the documentary exhibits.

30.2 In reaching its findings the Tribunal also took into account the relevant provisions of the 2011 Principles, the 2019 Principles, and the Code.

Allegation 1.1: - On or around 3 November 2018 the Respondent obtained a loan of £5,000 for his company, Sentium Group Limited, by misrepresentation in that he provided false information to the loan company.

30.3 The Tribunal found on the balance of probabilities, that:

(a) The Respondent had on 3 November 2018, obtained a corporate loan from IWOC, a loan company.

(b) In taking out the loan, he used a false company email address in his fellow Director (MP's) name and impersonated MP on the phone to the loan company thereby causing MP to be a named as a personal guarantor.

(c) The Respondent had electronically signed MP's signature on the guarantor form dated 3 November 2018.

(d) MP had no knowledge about the loan until he had been advised of a default on the loan on 17 January 2019.

(e) In a letter to the loan company dated 29 January 2019, the Respondent admitted to wrongfully taking out the loan and stated that he had assured MP that he would indemnify him against any costs arising from the loan.

Breaches

30.4 As a result of its findings, the Tribunal considered whether the Respondent had breached Principle 2 and Principle 6 of the Principles.

30.5 Insofar as the Respondent's actions at this time occurred when he was not in practice, the Tribunal had regards to the decision in *Beckwith v Solicitors Regulation Authority* [2020] EWHC 3231 (Admin) particularly at paragraphs 43 and 54**.**

30.6 Given the fact that the Respondent did not possess a practising a practising certificate and was not engaged in legal practice at the time of the relevant conduct, the Tribunal addressed the issue of whether the conduct proved occurred outside the ambit of professional regulation.

30.7 The Tribunal reminded itself of the following passage from paragraph 43 of *Beckwith:*

> *"There is a qualitative distinction between conduct that does or may tend to undermine the public trust in the solicitor's profession and conduct that would be regarded as wrong, inappropriate or even for the person concerned disgraceful. Whether that line between personal opprobrium on the one hand and harm to the standing of the person as a provider of legal services or harm to the profession per se on the other hand has been crossed, will be a matter of assessment for the Tribunal from case to case, but where that line lies must depend on a proper understanding of the standards contained in the Handbook"*

30.8 The Tribunal determined that the Respondent's conduct crossed the threshold identified in *Beckwith*, moving beyond personal opprobrium and into professional misconduct. The Tribunal found that the Respondent had failed to act with integrity, and that his conduct undermined the maintenance of trust and confidence in solicitors and in the provision of legal services.

30.9 The Tribunal found the following breaches of the following 2011 Principles proved to the requisite standard:

- Principle 2 (failure to act with integrity);
- Principle 5 (failure to maintain public trust and confidence in the solicitor's profession and in the provision of legal services).

Dishonesty

30.10 Having regards to the test as set out in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 the Tribunal considered the following:

(a) At the time the Respondent actions when applying for the loan, the Respondent knew or believed that:

(i) His co-director, MP, was not aware that a loan was being applied for;

(ii) MP had not agreed to be a guarantor for the loan and had not signed the guarantee document;

(iii) The information provided by him to the loan company was not accurate and was a misrepresentation of the true position;

(iv) The loan company would rely on the information provided in granting the loan;

(v) His actions in taking out the loan in the name of MP were wrong.

(b) The actions of the Respondent were dishonest in by the standards of ordinary decent people

(c) The Tribunal therefore found the Respondent's conduct to be Dishonest.

Allegation 1.2: - On 10 December 2021 he falsely represented to Counsel's Clerk that he had authorised payment of Counsel's fees in the sum of £1,200 when he not done so.

30.11 The Tribunal found on the balance of probabilities, the following in respect of this allegation:

(a) Following Counsel being instructed by the Respondent to advise in conference on 9 September 2021, the Respondent was invoiced for a total of £1,440.00.

(b) As a result of the Respondent's failure to respond to emails chasing Payment of the outstanding fee, chambers eventually finally threatened to report him to the SRA if payment was not received on 26 November 2021.

(c) On 10 December 2021 the Respondent confirmed in writing that Counsel's fees had been paid and requested for confirmation of receipt.

(d) On the 15 December 2021, chambers notified the Respondent that that despite repeated chasers no payment had been received.

(e) The Respondent had therefore falsely represented to chambers that payment had been made when it had not.

<u>Breaches</u>

30.12 The Tribunal found that on the basis of Allegation 1.2 being proved, that the Respondent's conduct breached Principle 2 **(**failure to act with integrity).

<u>Dishonesty</u>

30.13 Having regards to the test set out in *<u>Ivey</u>* the Tribunal determined that the Respondent knew or believed the following:

(a) That he owed funds to Counsel which were due within a month of the invoice being issued.

(b) That no payment had been made by him and no payment would be received by Counsel.

(c) That his written representation that payment had been made, and would be received by Counsel on 14 December 2021, was false.

30.14 In the circumstances, the Respondent's conduct was dishonest by the standards of ordinary decent people

30.15 The Tribunal found that the Respondent by his conduct was in breach of Principle 4 (the requirement for him to act honestly).

Allegation 1:3 - Between July 2020 and September 2021 the Respondent failed to co-operate with the SRA in relation to the ongoing investigation against him.

30.16 The Tribunal found to the requisite standard that:

(a) between July 2020 and September 2021, the Respondent failed to co-operate with the SRA in relation to its ongoing investigation into his conduct despite repeated attempts by the SRA to engage with the Respondent.

(b) The Respondent failed to provide the requested documents or respond substantively to the service of a production notice under section 44B(1) of the Solicitors Act 1974.

(c) Despite the period of non-engagement, the Respondent was actively involved in litigation proceedings, including attending High Court hearings and engaging in settlement negotiations.

(d) Despite the Respondent asserting to the SRA that he had been too unwell to comply with the requests to provide information, he had not provided any medical evidence that directly addressed the failure to comply.

<u>Breaches</u>

30.17 As a result of the Tribunal's findings in respect of Allegation 1:3, the Tribunal found on the balance of probabilities that the Respondent breached the following:

- Principle 5 (failure to act with integrity);
- Paragraphs 7.3 of the Code **(**failure co-operate with the SRA**);**
- Paragraph 7.4 of the Code **(**responding promptly to the SRA).

Previous Disciplinary Matters

31. The Respondent has an unblemished regulatory record.

Mitigation

32. No mitigation was advanced on behalf of the Respondent.

Sanction

33. The Tribunal referred to its Guidance Note on Sanctions (11th Edition February 2025) when considering sanction and the proper approach to sanctions as set out in *Fuglers and others v SRA* [2014] EWHC 179. The Tribunal's overriding objective when considering sanction, was the need to maintain public confidence in the integrity of the profession.

34. In determining the appropriate sanction, the Tribunal's role was to evaluate the gravity of the proven misconduct and impose a penalty that was fair and proportionate to the circumstances. In assessing the seriousness of the misconduct, the Tribunal considered the Respondent's level of culpability and the harm caused, alongside any aggravating or mitigating factors.

35. The Tribunal concluded that the Respondent's conduct in taking out the loan was financially motivated. His actions were calculated and deliberate. It noted from his correspondence with the loan company that he admitted the harm caused to his co-director and further acknowledged wrongdoing, albeit short of dishonesty. However, the Tribunal found it clear that the Respondent's conduct, both in obtaining the loan and in making false representations to chambers regarding the payment of fees that were never paid, was clearly dishonest.

36. The Tribunal had regard to the comments of Lord Bingham in *Bolton v Law Society* [1994] 1WLR 512 at paragraph 14:

> *"It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness…Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors."*

37. The Tribunal having determined that the Respondent's conduct was dishonest, observed that its finding of dishonesty would, absent exceptional circumstances, require an order striking the solicitor from the roll.

38. Having considered the authorities, in particular: *Solicitors Regulation Authority v Sharma* [2010] EWHC 2022 (Admin) and also *SRA v James* [2018] EWHC 2058 (Admin), the Tribunal could not find exceptional circumstances justifying any lesser sanction other than a striking off.

39. The Tribunal determined, given the finding of dishonesty against the Respondent, that the normal necessary penalty should follow. Therefore, the only appropriate and proportionate sanction was to strike the Respondent off the Roll of solicitors.

Costs

40. Mr Bullock, on behalf of the Applicant, claimed costs in the sum of £9,928, as set out in the costs schedule dated 25 September 2025.

41. Mr Bullock informed the Tribunal that the sum claimed required adjustment, as the hearing had been scheduled for two days but concluded earlier. He further confirmed that accommodation costs for the unused night were refundable and would not be claimed.

42. After making the appropriate adjustment, the Tribunal reduced the sum to £7,603 which it deemed to be just and reasonable.

Statement of Full Order

43. The Tribunal ORDERED that the Respondent, STUART NUTTALL, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £7,603.00.

Dated this 28th day of October 2025
On behalf of the Tribunal

P Lewis

P. Lewis
Chair