

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12582-2024

BETWEEN:

GILLIAN MARGARET WALKER

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

Before:

Ms T Cullen (in the Chair)

Ms H Hasan

Mr A Lyon

Date of Hearing: 5 August 2024

Appearances

Stephen McCaffrey, barrister, of Kings View Chambers, 5 St Johns Lane, Farringdon, London EC1M 4BH, for the Applicant

Andrew Bullock, barrister, of the Solicitors Regulation Authority Ltd (“SRA”), for the Respondent.

MEMORANDUM OF WITHDRAWAL OF APPLICATION FOR REVOCATION OF SECTION 43 ORDER

Factual Background

1. The Applicant is an unadmitted person; she is a Fellow of the Chartered Institute of Legal Executives. She was a fee-earner working at Opes Law Limited (“the Firm”).
2. The Firm started trading in October 2015, dealing with holiday sickness claims. Between April 2016 and May 2017, the Applicant became a manager and then an owner of the Firm without approval from the SRA.
3. The Applicant attended a hearing at the Tribunal on 15-17 December 2020. The Tribunal found all the allegations contained in a Rule 12 Statement dated 26 May 2020 proved against the Applicant and on 17 December 2020 the Tribunal imposed a s.43 Order against the Applicant and ordered her to pay the costs of and incidental to that application and enquiry fixed in the sum of £15,000.00 (*the Tribunal’s full reasons are set out in its judgment 12095-2020, dated 6 January 2021*).
4. The Tribunal made the following order pursuant to Section 43(2) Solicitors Act 1974:
 - i. No solicitor shall employ or remunerate the Applicant in connection with his/her practice as a solicitor;
 - ii. No employee of a solicitor shall employ or remunerate her in connection with the solicitor’s practice;
 - iii. No recognised body shall employ or remunerate her;
 - iv. No manager or employee of a recognised body shall employ or remunerate her in connection with the business of that body;
 - v. No recognised body or manager or employee of such a body shall permit her to be a manager of the body; and
 - vi. No recognised body or manager or employee of such a body shall permit her to have an interest in the body except in accordance with Society permission.
5. By an application dated 22 March 2024 the Applicant applied to the Tribunal for a review/revocation of the s.43 Order made on 17 December 2020.

The Hearing

6. At the commencement of the hearing, Mr McCaffrey informed the Tribunal that, having had the opportunity to discuss matters with Mr Bullock for the Respondent, and taken further instructions from Ms Walker, it was Ms Walker’s wish to withdraw her application for revocation from the Tribunal.
7. Mr McCaffrey said that the Respondent was prepared to agree costs in the sum of £2,200.
8. Mr Bullock confirmed that the matters set out by Mr McCaffrey were accurate and agreed by him on the Respondent’s behalf.

The Tribunal's Decision

9. The Tribunal noted there was no provision with the Tribunal's rules (SDPR 2019) which required the Tribunal's permission for the withdrawal of such an application. Rule 24 of the SDPR 2019 applied only for the amendment or withdrawal of allegations, which could not be made without leave of the Tribunal. The present application did not concern the amendment or withdrawal of *allegations* and therefore the Tribunal's permission was not required.
10. That said, withdrawal of the application, particularly at this late stage, would have a costs consequence upon the Applicant and the Tribunal was able to make an order with respect to costs, which it noted had been agreed between the parties in the sum of £2,200.

Statement of Full Order

11. The Tribunal ACCEDES to the application of GILLIAN MARGARET WALKER for **WITHDRAWAL** of an application to revoke the Tribunal's order made pursuant to Section 43 of the Solicitors Act 1974.
12. The Tribunal ORDERED that the Applicant do pay the costs of and incidental to the response to this application fixed in the sum of £2,200.00.

Dated this 21st day of August 2024
On behalf of the Tribunal

T Cullen

T Cullen
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
21 AUG 2024