

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No: 12703-2024

BETWEEN:

and

ERIC KAWOYA KABUYE Respondent

Before:

Mr M N. Millin (in the chair)
Mrs L Boyce
Mr G Gracey

Date of Hearing: from 4 to 8 August 2025 and 6 November 2025

Appearances

Thomas Walker, Barrister, employed by Blake Morgan LLP of New Kings Court, Chandlers Ford, Eastleigh, SO53 3LG for the Applicant.

Christopher Hamlet, Barrister, 23 Essex Chambers, 1 Gray's Inn Square, London WC1R 5AA, instructed by Richard Nelson LLP, 20 Old Bailey, London, EC4M 1AN, for the Respondent.

JUDGMENT

Allegations

1. Between March 2022 and July 2023, the Respondent, Mr Eric Kawoya Kabuye, while in practice as a solicitor, sole manager, director, COLP and COFA at Queenscourt Law Ltd t/a Hamilton Solicitors (“the Firm”):

1.1 Facilitated and/or failed to prevent the Firm facilitating fraudulent, or potentially fraudulent, property transactions which caused the Firm to have a minimum client account shortage of £825,368.00, and a potential further client account shortage of up to £1,610,000.00, which had not been replaced as at 6 July 2023.

By doing so, the Respondent breached any or all of Principles 2 and 5 of the SRA Principles 2019 (“the Principles”), Paragraph 4.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code”), Paragraphs 5.2 and 9.2(a) of the SRA Code of Conduct for Firms (“Code for Firms”) and Rules 5.3 and 6.1 of the SRA Accounts Rules (“Accounts Rules”).

1.2 Used, or allowed the use of, the Firm’s client account as a banking facility by distributing, or permitting the distribution of, the proceeds of sale from property transactions to third parties

By doing so, the Respondent breached Rule 3.3 of the Accounts Rules.

1.3 Demonstrated a lack of control, supervision, governance and oversight of the Firm.

By doing so, the Respondent breached any or all of Principles 2 and 5 of the Principles and Paragraphs 2.1(a) and 4.4 and 8.1 of the Code for Firms.

1.4 Failed to co-operate with the SRA’s investigation adequately, or at all.

By doing so, the Respondent breached any or all of Principle 2 of the Principles and Paragraphs 7.3 and 7.4 of the Code.

1.5 In addition, manifest incompetence is alleged as an aggravating factor in respect of allegation 1.3 above, but it is not an essential ingredient in proving the allegation.

Executive Summary

2. The Respondent, Mr Eric Kawoya Kabuye, appeared before the Tribunal in connection with allegations arising from his conduct while practising as a solicitor, sole manager, director, COLP and COFA at Queenscourt Law Ltd t/a Hamilton Solicitors. The allegations concerned the facilitation of fraudulent property transactions, misuse of the Firm’s client account, lack of supervision and governance, failure to cooperate with the SRA investigation, and manifest incompetence.

3. The Respondent admitted Allegations 1.1 and 1.2, and the Tribunal found Allegations 1.3, 1.4 and 1.5 proved. The Tribunal did not find that the Respondent had acted with a lack of integrity. The findings were delivered on 8 August 2025 following a hearing held between 4 and 8 August 2025.

4. The Tribunal found that the Respondent had, in practical terms, acted as COLP and COFA during the relevant period, and that his conduct had facilitated fraudulent property transactions resulting in significant client account shortages. The Tribunal also found that the Respondent had failed to exercise adequate control and oversight of the Firm, and that his conduct amounted to manifest incompetence.
5. The Tribunal considered that the finding of manifest incompetence was limited to the Respondent's conveyancing practice and his management and oversight of the Firm. Taking into account his previously unblemished regulatory record since admission in 2003, and his expressed remorse and insight into his failings, the Tribunal concluded that the seriousness of the conduct and the need to protect the public could be met by a suspension from practice for six months, suspended for twelve months, with appropriate conditions imposed on his practice as a solicitor.

Sanction

6. The Respondent was made the subject of a suspension from practice for six months which was suspended for twelve months and restrictions were imposed upon his practise as a solicitor. The Tribunal's reasons on Sanction can be found [[here](#)]

Documents

7. The Tribunal considered all of the documents in the case contained in the electronic case bundle which included:
 - The Applicant's Rule 12 Statement dated 22 October 2024;
 - The Respondent's Answer to the Rule 12 Statement dated December 2024;
 - The Applicant's Reply to the Respondent's Answer dated 20 January 2025.

Factual Background

8. The Respondent was admitted to the Roll on 17 November 2003.
9. The Respondent purchased the Firm in September 2021 and became a director on or around 20 September 2021 and was listed with Companies House as the person with significant control of the Firm from 30 September 2021.
10. The Respondent became the sole Director of the Firm on 13 June 2022.
11. The SRA intervened in the Firm on 6 July 2023.
12. The Respondent holds a current Practicing Certificate which is subject to the following conditions:
 - (a) The Respondent is not a manager or owner of any authorised body;
 - (b) Subject to the condition above, the Respondent may act as a solicitor, only as an employee where the role has first been approved by the SRA;
 - (c) The Respondent may not act as a COLP or COFA for any authorised Body;

- (d) The Respondent does not hold or receive client money, or act as a signatory to any client or office account or have the power to authorise transfers from any client or office account;
- (e) The Respondent may not provide legal services as a freelance solicitor offering reserved or unreserved services on his own account.

13. On 29 July 2024, Montas Solicitors was granted approval to employ the Respondent as a consultant solicitor subject to conditions at its offices at 97 High Street, Thornton Heath, CR7 8RY.

Witnesses

14. The following witnesses gave oral evidence:

- (a) Sean Grehan, Financial Investigation Officer (the FIO) – Called by the Applicant;
- (b) The Respondent.

15. The written and oral 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, and to facts or issues in dispute between the parties.

Findings of Fact and Law

16. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (on the balance of probabilities). The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998.

17. For the avoidance of doubt, the Tribunal read all of the documents in the case and made notes of the oral evidence of all witnesses. 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.

18. With reference to its consideration of integrity, the Tribunal had regards to [Wingate v SRA \[2018\] EWCA Civ 366](#)

19. In its determination of the issue of manifest incompetence, the Tribunal considered [Iqbal v SRA \[2012\] EWHC 3251 \(Admin\)](#).

20. [The Applicant's Case](#)

20.1 The Applicant's Rule 12 Statement setting out the case against the Respondent in full can be found here – [Click Here](#)

21. [The Respondent's Case](#)

21.1 In summary the Applicant put his case as follows:

- (a) Upon receipt of instructions in relation to the conveyancing transactions he took the appropriate steps to verify the identities of his clients. However, both the Firm and the Applicant were the unwitting victims of a sophisticated fraud.
- (b) When concerns arose over the Priests Lane transaction, he promptly reported concerns to the SRA and to his indemnity insurer.
- (c) While accepting breaches in relation to one transaction (Priests Lane), and acknowledging violation of Principle 2, Paragraph 4.2 of the Code, Paragraph 5.2 of the Code for Firms and 5.3 and 6.1 of the Accounts Rules, he denied any fraud or client account shortages in respect of any other transactions stating that no claims had been made and no losses were suffered by clients.
- (d) He denied breaching Para 9.2(a) of the Code for Firms. While accepting he was the Manager of the firm, he had not been approved as the COFA of the Firm. Although he had submitted an application for his approval of COLP and COFA to the firm, it had not been determined by the SRA before the alleged misconduct took place.
- (e) In admitting Allegation 1.2 levelled against him, he believed that he was entitled to make payment to a company purported to belong to his clients on their instruction. He had arranged for the necessary checks to be made with Companies House Online register to verify that his clients were the owners of the limited companies that the payments were made.
- (f) He had systems in place for supervision and oversight of the Firm. He implemented policies inclusive of anti-money laundering (AML) policies and supervised staff directly. Staff found to be wanting, either with regards to their performance, or failing to comply with the necessary identity checks, were asked to leave the Firm.
- (g) His conduct did not meet the threshold established in *SRA v Iqbal*. Any errors made were the result of being misled and lacking concrete evidence of fraud at the time rather than incompetence.
- (h) He had never refused to cooperate with the SRA investigation. The FIO's conduct during this initial visit to the Firm had been aggressive and intimidating which had exacerbated his health issues and rendered attendance at a face to face interview with the FIO untenable. He had requested reasonable adjustments inclusive of being provided the opportunity to respond to questions and had provided medical evidence when he could do so.

The Findings of the Tribunal

22. **Allegation 1.1**

22.1 The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that:

- (a) The admissions made by the Respondent in relation to the Priests Lane transaction was properly admitted in that he had failed to prevent the Firm from facilitating a fraudulent transaction.
- (b) The Respondent had further failed to prevent the Firm from facilitating potentially fraudulent transactions in respect the Clifton Road, Birdham Close and Bridge Road Transactions.
- (c) The failure by the Respondent to ensure that the necessary identity checks were carried out caused the Firm to have a minimum client account shortage of £825,368.00 and a further potential client account shortage of up to £1,610.000.00 which was never replaced.
- (d) The Respondent, in practical and functional terms, acted as the COLP and COFA during the relevant period. Although formal written approval from the SRA had not been granted, the responsibilities he undertook and the manner in which he operated within the Firm left no reasonable alternative description of his role.

Breaches

22.2 In the light of its findings in respect of Allegation 1.1, the Tribunal found the following admitted breaches proved to the requisite standard:

- Principle 2 of the Principles (failing to uphold public trust and Confidence in the profession);
- Paragraph 4.2 of the Code (safeguarding money and assets entrusted to Solicitors);
- Paragraph 5.2 of the Code (safeguarding money and assets entrusted to the Firm);
- Rule 5.3 of the Accounts Rules (Withdrawing money from a client account only when sufficient funds are held to make the payment);
- Rule 6.1 of the Accounts Rules(immediate repayment of any money improperly withdrawn).

22.3 The Tribunal found on the balance of probabilities that the Respondent had not breached Principle 5 (acting without integrity).

23. Allegation 1.2

23.1 The Tribunal also found that admissions in respect of Allegation 1.2 were properly made and accordingly found the allegation proved on the balance of probabilities. The Tribunal was satisfied that the Respondent had used or allowed the use of the Firm's client account as a banking facility, by distributing the proceeds of sale from the Priest Lane and Clifton Road properties to third party accounts without any underlying transaction involving those Third Parties.

Breaches

23.2 As a result of its finding, the Tribunal found the following admitted breach proved to the requisite standard:

- Rule 3.3 of the Accounts Rules (usage of the client account to provide banking facilities to clients third parties).

24. **Allegation 1.3**

24.1 In respect of Allegation 1.3 which was denied by the Respondent, the Tribunal found the following facts proved on the balance of probabilities: there was a demonstrable lack of control, supervision, governance and oversight of the Firm by the Respondent in his roles as a director and as de facto COLP and COFA.

24.2 The Tribunal found in summary that:

- (a) There were individuals permitted to work within the Firm who had not provided a CV or undergone any formal application process. There was no evidence of background checks being completed in relation to any of the workers and in one instance, an employee was found to have worked at the Firm for six months without providing identity documentation before being dismissed.
- (b) It was unclear who had access to the Firm's premises and whether those who had access were self-employed, employed or otherwise engaged.
- (c) The Respondent lacked a clear understanding or accurate estimation of the individuals operating under the Firm's name. This was evidence of notable discrepancies between the staff list submitted to the FIO and the employee records held by the SRA, as well as inconsistencies in the employment dates provided by the Respondent to the FIO.
- (d) The Respondent had permitted a Mr Zeeshan Mian, who had previously been fined £20,000 by the Tribunal in July 2020, had conditions imposed on his practising certificate, and had subsequently been disbarred by the Bar Standards Board in June 2022, to share part of the Firm's office space.
- (f) The Respondent had also permitted a Mr Stephen John-Cyrus, who was subject to a section 43 Solicitors Act 1974 to carry out work for the Firm without obtaining the necessary SRA permission and further had permitted him to undertake high risk transactional work.
- (g) There was no evidence of any supervision of Mark Jones and Paul Green—both unadmitted fee-earners who handled the Priest Lane and Clifton Road sales—which was significant given that the firm's clients' identities in these transactions had never been properly verified and their instructions were fraudulent.
- (h) The Respondent failed to ensure that the Firm had in place proper AML risk assessments, policies, controls and procedures. He further failed to ensure that

himself and all relevant employees were appropriately trained in their AML obligations.

- (i) The Respondent failed to ensure that he had full control of the Firm's bank accounts as:
- (ii) He did not have access to the Firm's accounts from September 2021 till May 2022;
- (iii) He failed to ensure that former directors of the Firm relinquished rights of access to the bank accounts;
- (iii) He permitted the office manager, an unauthorised and unadmitted person, to access the Firm's online accounts

25. **Allegation 1.5**

25.1 The Tribunal determined that the extent of the Respondent's failure to exercise control, supervision, governance and oversight of the Firm's operations was so significant as to constitute "manifest incompetence" within the meaning of *Iqbal v SRA* [2012] EWHC 3251 (Admin).

Breaches

25.2 As a consequence of the Tribunal's findings in respect of Allegation 1.3 and Allegation 1.5, the Tribunal found the Respondent to be in breach of the following:

- Principle 2 of the Principles (upholding the public trust and confidence in the profession);
- Paragraph 2.1(a) of the Code for Firms (having effective governance structures, arrangements and controls in place);
- Paragraph 4.4 of the Code for Firms (having an effective system for supervising client matters);
- Paragraph 8.1 of the Code for Firms (his responsibilities as manager responsibility for compliance with the code);

26. **Allegation 1.4**

26.1 In relation to Allegation 1.4, The Tribunal found on the balance of probabilities that the Respondent failed to cooperate adequately with the SRA investigation.

26.2 In summary the Tribunal found the following:

- (a) Following the FIO's without notice attendance at the Firm on 15 May 2021, the Respondent did not provide a full response to requests for information made by the FIO.

- (b) The Respondent did not provide the documents requested during the inspection, including AML policies and staff vetting records, despite asserting that such documents were available and had been shown to the FIO.
- (c) The Respondent failed to respond substantively to the interim report issued in June 2023, citing health concerns and lack of access to resources, but did not provide sufficient medical evidence within the timeframe requested.
- (d) The Respondent declined to attend a regulatory interview scheduled for 6 July 2023, despite repeated requests and reminders, and instead requested to respond in writing. The Tribunal accepted that he had experienced health difficulties, but found that his overall response fell short of the level of cooperation required.

26.3 Accordingly, the Tribunal was not satisfied that the Respondent had refused to cooperate altogether, but found that his level of cooperation was partial and inadequate in the circumstances.

Breaches

26.4 As a consequence of the Tribunal's findings in respect of Allegation 1.4, the Tribunal found the Respondent to be in breach of the following:

- Principle 2 (failing to act in a way that upholds public trust and confidence in the solicitors' profession);
- Paragraph 7.3 of the Code (failing to cooperate with the SRA investigating concerns in relation to legal services);
- Paragraph 7.4 of the Code (failing to provide full and accurate information and documents on request and ensuring that relevant information is available for inspection).

27. Principle 5 (Integrity) as Related to Allegations 1.1 and 1.3

27.1 After considering whether the conduct found proved in Allegations 1.1 and 1.3 the Tribunal made the following findings with regards to integrity

- (a) The Respondent was ill-equipped and ill-prepared to manage conveyancing transactions and to discharge the responsibilities associated with the roles of Manager COLP and COFA. His failures therefore reflected a lack of competence and oversight rather than any intention to mislead, deceive or act improperly.
- (b) Although the Respondent did not prevent the Firm from facilitating fraudulent or potentially fraudulent property transactions, the Tribunal was satisfied that this was the result of ineptitude rather than any conduct engaging ethical standards.

- (c) The Tribunal accepted the Respondent's assertion that he reported the matter to his indemnity insurer, despite the absence of independent evidence. These actions were consistent with his approach to the SRA ethics line once concerns raised in respect of one of the transactions. These actions appeared to reflect an attempt to act responsibly, even if his understanding of the regulatory framework and the seriousness of the problem was limited.

27.2 Accordingly, the Tribunal was not satisfied that the Respondent's conduct in relation to Allegations 1.1 and 1.3 involved a breach of ethical standards or failure to act with integrity.

Previous Disciplinary Matters

- 28. On the 23 May 2008 the SRA issued a Reprimand to the Respondent for breaches of the SRA Accounts Rules.
- 29. In light of the nature and age of that adverse finding and the associated SRA sanction, the Tribunal considered it appropriate to treat the Respondent as having a clean regulatory record for the purposes of the proceedings.

Mitigation

- 30. The Respondent's case on mitigation was as follows:
 - (a) He accepted the Tribunal's findings and on candid reflection acknowledged that he was "out of his depth" when he assumed control of the Firm. He had been naïve, placed unjustified excessive trust in others and failed to question matters that required scrutiny.
 - (b) His failure to cooperate adequately with the investigation was the result of a misplaced sense of victimisation rather than any deliberate attempt to obstruct the investigative process.
 - (c) He expressed remorse shame and regret for the impact of his conduct on the reputation of the profession and offered apologies to all those affected.
 - (d) He has no intention of returning to any managerial or ownership role within a legal practice and has permanently stepped away from conveyancing.
 - (e) He has no prior disciplinary history and the conduct in question was isolated both in time and in practice area. The Tribunal did not find that he lacked integrity nor had he been dishonest. He therefore posed no ongoing risk to the public having voluntarily confined himself to a limited role within the profession.
 - (f) He had lost everything through the intervention into his firm and disciplinary processes. He had been unable to work for some time following the intervention and more recently been able to work and earn a living to support himself and his family.

- (g) He currently earns a modest income through criminal and child care legal work. He has no assets or alternative sources of income and described his regulatory experience as devastating.

Sanction

31. The Tribunal referred to its Guidance Note on Sanctions (11th Edition February 2025) and adopted the structured approach to sanction articulated in Fuglers and others v SRA [2014] EWHC 179. In determining the appropriate sanction, the Tribunal first assessed the seriousness of the misconduct, considered the purpose for which sanctions are imposed, and then identified the sanction that would best fulfil that purpose in light of the findings made.
32. In respect of Allegations 1.1 and 1.2, the Tribunal assessed the Respondent's culpability to be medium. It noted that although the Respondent had direct responsibility for the circumstances giving rise to the conduct, this was marked by ignorance and incompetence in conveyancing and the management roles he had assumed. There was evidence of harm to the owners of one of the properties at the heart of the fraudulent transactions the harm included them bearing legal and renovation costs incurred in the aftermath of the incident.
33. The Tribunal's finding of manifest incompetence in relation to Allegation 1.3 was central to its assessment of sanction. The Tribunal had regard to the comments of Sir John Thomas in Iqbal v SRA [2012] EWHC 3251 where at Paragraph 24 he stated:

“It seems to me that trustworthiness also extends to those standards which the public are entitled to expect of a solicitor, including competence. If a solicitor exhibits manifest incompetence, as, in my judgment, the appellant did, then it is impossible to see how the public can have confidence in a person who has exhibited such incompetence. It is difficult to see how a profession such as the medical profession would countenance retaining as a doctor someone who had showed himself to be incompetent. It seems to me that the same must be true of the solicitors' profession. If in a course of conduct a person manifests incompetence as, in my judgment, the appellant did, then he is not fit to be a solicitor. The only appropriate remedy is to remove him from the roll.”

34. The Respondent's failure to supervise high-risk work and allowance of unregulated individuals to operate were not isolated lapses, but systemic failures in his role as manager, COLP and COFA, sustained over a significant period. In light of these findings, the Tribunal had concluded that he was manifestly incompetent.
35. The Tribunal conducted a careful balancing exercise, weighing the mitigation advanced on his behalf which expressed genuine insight advanced on behalf of the against the seriousness of the Respondent's conduct. The Tribunal, as part of that exercise, also took account of the fact that it had not found the Respondent to lack integrity.
36. The Tribunal also noted that, aside from being of effectively good regulatory Character, the Respondent had been presented testimonials from numerous referees, at least two of whom were regulated professionals. These individuals confirmed their

awareness of the proceedings and attested to the Respondent's integrity, honesty, and empathy.

37. The Tribunal reminded itself that the finding of manifest incompetence related specifically, to the Respondent's conduct in his roles as manager, COLP and COFA of the Firm, and in his handling of conveyancing transactions. It also took into account the fact that the Respondent has practised since 2003 without any prior concerns being raised about his competence as a solicitor.
38. The Tribunal recognised that the Respondent's manifest incompetence, while serious, did not arise from conduct that breached ethical standards.
39. The Tribunal also considered the key purpose for which sanctions are imposed—Namely the protection of the public. It determined that the public could be adequately protected by a sanction other than striking the Respondent off the Roll. Given the seriousness of the conduct and the need to uphold public confidence, the Tribunal concluded that a suspension from practice for a fixed period, with appropriate restrictions, would be both proportionate and appropriate.

Costs

40. Mr Walker on behalf of the Applicant sought recovery of the full costs of £53,945.00, as set out in the Applicant's cost schedule dated 22 October 2025. This comprised £8,465.00 in respect of the investigation costs and £45,480.00 in solicitor costs for the preparation and conduct of the hearing. It was submitted that the costs were reasonable and proportionate.
41. Mr Hamlet, in response, submitted that the Respondent had admitted the primary facts and that the most serious allegation - that the Respondent had acted out of a lack of integrity - had not been proved. Accordingly, the Tribunal was invited to make no order as to costs bearing in mind the Respondent's limited means.
42. The Tribunal recognised that pursuant to Rule 43(1) of the Solicitors (Disciplinary Proceedings) Rules 2019 (the SDPR), it is empowered to make such order as to costs as it considered appropriate.
43. Pursuant to Rule 43(4) of the SDPR, the Tribunal, when deciding whether to make an order for costs, must consider all relevant matters, including the parties' conduct, compliance with directions, whether time spent, rates and disbursements were proportionate and reasonable and the paying party's means.
44. Having considered the submissions of both parties and the relevant factors under Rule 43(4) of the SDPR, the Tribunal was satisfied that it was just and reasonable to make an order for costs in favour of the Applicant. The decision to award costs against the Respondent was based on the conclusion that the matter had been properly brought, despite a finding that a lack of integrity was not proved.
45. In determining the quantum of costs, the Tribunal took account of the Respondent's limited means based on the information provided and reduced the costs accordingly. It

concluded that the sum of £7,500 was proportionate and reasonable in the circumstances.

46. Statement of Full Order

- 46.1 The Tribunal ORDERED that the Respondent, ERIC KAWOYA KABUYE, solicitor, be SUSPENDED from practice as a solicitor for the period of 6 months, such period of suspension to be suspended for 12 months to commence the 6th day of November 2025 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £7,500.00.
- 46.2 The Respondent shall be subject to conditions imposed by the Tribunal:
- 46.3 The Respondent may not:
 - 46.3.1 Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a solicitor in an unregulated organisation;
 - 46.3.2 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;
 - 46.3.3 Be a Head of Legal Practice/Compliance Officer for Legal Practice or a Head of Finance and Administration/Compliance Officer for Finance and Administration;
 - 46.3.4 Hold client money;
 - 46.3.5 Be a signatory on any client account;
 - 46.3.6 provide legal services as a freelance solicitor offering reserved or unreserved services on his own account.
- 46.4 There be liberty to either party to apply to the Tribunal to vary the conditions set out at paragraph 2 above.

Dated this 4th day of December 2025
On behalf of the Tribunal

M.N. Millin

M.N. Millin
Chair.