

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12649-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

SHAH SYED RASHID MASOOD SAHIB

Respondent

Before:

Mr P Lewis (Chair)
Mr J Johnston
Ms K Wright

Date of Hearing: 24 March 2025

Appearances

Mr Montu Miah, counsel of the Solicitors Regulation Authority Ltd, The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant.

The Respondent did not attend and was not represented.

JUDGMENT

Readers are reminded that:

****REPORTING RESTRICTIONS APPLY pursuant to the Sexual Offences Amendment Act 1992.**

The provisions of the Sexual Offences Amendment Act 1992 apply to this offence. Under those provisions, where a sexual offence has been committed against a person, no matter relating to that person shall, during their lifetime, be included in any publication if it is likely to lead members of the public to identify that person as the victim of that offence. This prohibition applies unless waived or lifted in accordance with s.3 of the Act **

Allegations

The allegation against Shah Syed Rashid Masood Sahib (“the Respondent”) is:

Allegation 1

1. Whilst in practice as a solicitor, on 28 November 2020, the Respondent raped Person A resulting in his conviction on 13 February 2024 before the Crown Court at Nottingham, for the offence of rape of a woman 16 years or over contrary to Section 1 of the Sexual Offences Act 2003.

In doing so, he breached any or all of Principles 2 and / or 5 of the SRA Principles 2019.

2. The Applicant relied upon the Respondent’s Certificate of Conviction, dated 26 February 2024, for the offence of Rape of a woman 16 years of age or over as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

Executive Summary

3. The Respondent did not attend the hearing, having indicated in a letter dated 26 February 2025 that he was aware of the hearing but would not attend. In the light of this information the hearing went ahead in his absence.
4. The Tribunal found proved to the requisite standard that by reason of his conviction the Respondent’s conduct had lacked integrity and also amounted to a breach by him of the requirement to behave in a way which maintains the trust placed by the public in him, the profession and in the provision of legal services (respectively Principles 5 and 2 of the Principles 2019).

Sanction

5. Given the inherent seriousness of the Respondent’s conduct nothing less than his strike off from the roll of solicitors was required.

The facts can be found [\[here\]](#).

The Applicant’s case can be found [\[here\]](#).

The Tribunal’s findings can be found [\[here\]](#).

Mitigation can be found [\[here\]](#).

The Tribunal’s decision on sanction can be found [\[here\]](#).

Preliminary Matters

Proceeding in absence

6. By a handwritten letter to the Applicant from the Respondent dated 26 February 2025 he stated the following:

“Dear Madam,

Thank you for your message in response to my message regarding the Solicitors Disciplinary Tribunal hearing on 25 March 2025.

I confirm that I do not wish to participate in the above hearing. So please do not arrange for my attendance.

Thank you for your consideration.

Signed [by the Respondent]

Dated 26 February 2025''

7. There was no subsequent message from the Respondent countermanding his stated intention not to attend.
8. There had been no engagement from the Respondent, save for this letter and no application from him to adjourn the Substantive Hearing.

The Tribunal's Decision

9. The Tribunal found that it was evident the Respondent was aware of the date of the hearing and there was evidence before the Tribunal that the Respondent had been served correctly with the proceedings and notified of the date of the hearing. There had been no engagement from the Respondent, save for this letter and no application from him to adjourn the Substantive Hearing.
10. With respect to proceeding in his absence the Tribunal considered the applicable case law as set out in General Medical Council v Adeogba; General Medical Council v Visvardis [2016] EWCA Civ 16231 which in turn approved the principles set out in R v Hayward, R v Jones, R v Purvis QB 862 [2001], EWCA Crim 168 [2001] namely that proceeding in the absence of the Respondent was a discretion which a Tribunal should exercise with the upmost care and caution bearing in mind the following factors:
 - The nature and circumstances of the Respondent's behaviour in absenting himself from the hearing;
 - Whether an adjournment would resolve the Respondent's absence;
 - The likely length of any such adjournment;
 - Whether the Respondent had voluntarily absented himself from the proceedings and the disadvantage to the Respondent in not being able to present his case.
11. The Tribunal was mindful that it should only decide to proceed in the Respondent's absence having exercised the utmost care and caution.
12. The Tribunal considered the factors set out in Jones and Adeogba in respect of what should be considered when deciding whether or not to exercise the discretion to proceed in the absence of the Respondent. The Tribunal noted that the Respondent had been served with notice of the hearing under Rule 13(5) SDPR 2019 and the Tribunal had

the power under Rule 36 SDPR 2019, if satisfied service had been effected, to hear and determine the application in the Respondent's absence.

13. The Tribunal found the Respondent to have been served correctly and by his own letter he was aware of the date of the proceedings. The Tribunal decided that an adjournment would not resolve his absence. The Respondent had a duty to engage but had not done so and there was nothing to suggest that he would attend a hearing on a future date if arrangements were made for him to attend. There was no evidence that he had medical issues preventing him from attending and the Tribunal concluded that the Respondent had voluntarily absented himself.
14. The Tribunal also took into account the serious nature of the allegation and concluded it was in the public interest, and that of maintaining the reputation of the profession, for the case to be concluded expeditiously and without delay.
15. Taking all these matters into account, the Tribunal was satisfied that it was appropriate and in the public interest for the hearing to proceed in the Respondent's absence and the Tribunal decided that it should exercise its power under Rule 36 SDPR to hear and determine the application in the Respondent's absence.
16. It was noted that there was some information that the Respondent was appealing his conviction, however, the Tribunal did not find this to be a reason to delay the present proceedings.

Documents

17. The Tribunal considered all the documents in the case which were contained in the electronic bundle.

Factual Background

18. The Respondent, who was born April 1965, is a solicitor having been admitted to the Roll on 2 August 2004. According to SRA records, the Respondent had been a Partner at Syeds Solicitors an Authorised Body, ("the Firm"), from 9 September 2004.
19. At the time of the incident, the Respondent was the Manager and a Partner at the Firm. The Respondent's employment at the Firm ended on 12 February 2024.
20. Following his conviction the Respondent was sentenced to 54 months' imprisonment. This was increased to 8 years' imprisonment by the Court of Appeal Criminal Division on review following an Attorney-General's Reference on the basis that original sentence imposed upon the Respondent at the Crown Court had been unduly lenient.
21. The Respondent was currently serving as a prisoner at HMP Nottingham.

Findings of Fact and Law

22. 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, to act in a manner which was compatible with the Respondent's rights to a fair trial under Articles 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

23. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

Integrity

The matters set at paragraphs 97 to 107 of [Wingate v SRA \[2018\] EWCA Civ 366](#),

NOTE: While all the evidence was carefully considered the Tribunal does not refer to each and every piece of the evidence or submissions in its judgment and findings.

The Applicant's case as set out in the Redacted R12 Statement can be found [\[here\]](#)

24. During his opening Mr Miah read into the record the comments made by Popplewell LJ upon the Attorney General's Reference in which the Judge had articulated the Respondent's culpability, his abuse of trust and the serious and lasting impact the Respondent's offending had had upon his victim.

Respondent's case

25. The Respondent had not engaged in the proceedings and did not serve an Answer or response to the allegation. The Respondent's position with respect to this allegation was not known.

The Tribunal's Findings

26. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the facts had been proved by the Applicant.

The Tribunal found the allegation proved in full, that by reason of the Respondent's conviction for rape the Respondent's conduct had lacked integrity (Principle 5) and represented a failure to uphold public trust and confidence in the solicitor's profession and in legal services provided by authorised persons.

Previous Disciplinary Matters

27. There were no previous findings.

Mitigation

28. The Respondent had advanced no mitigation.

Applicant's Submissions on Sanction

29. Mr Miah asked for permission to be heard on sanction.

30. The application was refused by the Tribunal on the basis that it would not be assisted by such submissions. The Tribunal was an expert Tribunal and competent to consider sanction in its usual way.

Sanction

31. The Tribunal considered the Guidance Note on Sanction (11th Edition June 2022) (“the Sanctions Guidance”). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
32. The Tribunal observed that the Respondent had been convicted of an inherently and self-evidently serious offence, namely rape for which he was serving a lengthy sentence of imprisonment of 8 years.
33. The Tribunal had read the sentencing remarks and the remarks of Popplewell LJ. There was no doubt that the Respondent had committed an egregious abuse of trust upon a vulnerable victim and the impact of his conduct had wrought the most terrible damage upon the victim.
34. There was no mitigation.
35. For conduct of this nature there were no words within the lexicon of regulatory and disciplinary conduct adequate to express the damage the Respondent had caused to the victim and to the reputation of the profession. The misconduct was of such a degree that the public and the profession could expect no lesser sanction than for the Respondent to be struck off the roll of solicitors.

Costs

36. Mr Miah applied for the Applicant’s costs in the sum of £6,794.50 reduced to take account of the fact that the hearing had been shorter in length (half a day than envisaged).
37. The Respondent had served no information on his finances.

The Tribunal’s Decision on Costs

38. The Tribunal found the case had been properly brought by the Applicant as it had raised allegations of an intrinsically serious and concerning nature requiring the Tribunal’s anxious scrutiny. The public would expect the Applicant to have prepared its case with requisite thoroughness and sensitivity. In this regard, Mr Miah had properly discharged the Applicant’s duty to the public and the Tribunal.
39. The Tribunal found that it was appropriate for the Applicant to recover its costs in full, less some reduction as conceded by Mr Miah.
40. The Tribunal therefore ordered the Respondent to pay the Applicant’s costs in the sum of £6,250.00, which was neither unreasonable nor disproportionate.

Statement of Full Order

41. The Tribunal ORDERED that the Respondent, SHAH SYED RASHID MASOOD SAHIB, 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 £6,250.00.

Dated this 23rd day of April 2025
On behalf of the Tribunal

P. Lewis

P Lewis
Chair