SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No:12745-2025

BETWEEN:

RAJOB ALI Applicant

and

SOLICITORS REGULATION AUTHORITY LTD Respondent

Before:

Mr M.N. Millin (Chair)
Mrs A. Sprawson
Ms J. Rowe

Date of Hearing: 1 August 2025

Appearances

The Applicant appeared and was not represented.

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

JUDGMENT ON AN APPLICATION TO REMOVE CONDITIONS ON PRACTICE PURSUANT TO RULE 18 SDPR 2019

Factual Background

1. The Applicant appeared before the Tribunal on 3 and 4 June 2014 and 24 September 2014 where the following allegations were proved against him:

   (a) He failed, or alternatively facilitated, permitted or acquiesced in a failure to disclose material information to lender and/or purchaser clients and failed to act in the best interests of those clients, contrary to the Solicitors Code of Conduct 2007 (the 2007 Code), in breach of the SRA Principles 2011 (the Principles) and failed to achieve outcomes of the SRA Code of Conduct 2011 (the 2011 Code);

   (b) Acted where there was a conflict or a significant risk of a conflict contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code;

   (c) Failed, or alternatively facilitated, permitted or acquiesced in a failure to obtain the written consent of clients where there was a common interest, contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code;

   (d) Permitted the use of one client's funds for the benefit of another contrary to the Solicitors Accounts Rules 1998 (the 1998 Accounts Rules) and the SAR 2011;

   (e) Failed to keep accounting records properly written up, contrary to the 1998 Accounts Rules and the SAR 2011;

   (f) Allowed the client bank account to be used as a banking facility contrary to the 1998 Accounts Rules and the SAR 2011;

   (g) Provided prohibited services through a separate business (Omega Planning Ltd) contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code;

   (h) Failed to inform clients of his interests in a separate business, contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code;

   (i) Failed to ensure compliance with the 1998 Accounts Rules and the SAR 2011;

   (j) Failed to remedy breaches of the accounts rules promptly on discovery contrary to the 1998 Accounts Rules and the SAR 2011;

   (k) Paid non-client money into client account contrary to the 1998 Accounts Rules;

   (l) Withdrew client money from client account when not entitled to do so; contrary to the 1998 Accounts Rules and the SAR 2011;

   (m) Failed to keep accounting records properly written up contrary to the 1998 Accounts Rules and the SAR 2011;

(n) Failed to properly record all dealings with client money contrary to the 1998 Accounts Rules and the SAR 2011;

(o) Failed to properly record all dealings with office money contrary to the 1998 Accounts Rules and the SAR 2011;

(p) Client ledger balances were not readily ascertainable contrary to the 1998 Accounts Rules and the SAR 2011;

(q) Failed to show the cause of differences in the client bank account reconciliation statement contrary to the 1998 Accounts Rules and the SAR 2011;

(r) Failed to inform clients of commissions and/or financial benefits received by them contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code;

(s) Failed and/or delayed in complying with undertakings contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code;

(t) Disposed of confidential client papers in a public waste bin contrary to the 2007 Code, in breach of the Principles and failed to achieve outcomes of the 2011 Code.

2. Following an Appeal by the SRA to the High Court against the findings and sanction of the Tribunal, the case was remitted back to the Tribunal for re-determination and appropriate sanction.

3. Based on the findings, the Tribunal considered that the appropriate and proportionate sanction was to impose a fixed term suspension along with restrictions on the Applicant's practising certificate on his return to practice.

4. The Tribunal ordered that the Applicant be suspended from practice for a period of three years to commence on 29 September 2015. In addition, the Tribunal ordered that on return to practice that he may not:

(a) practise as a sole practitioner or sole manager or sole owner of an authorised body;

(b) practise as a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other recognised body;

(c) be a Compliance Officer for Legal Practice ("COLP") or (Compliance Officer for Finance and Administration (COFA);

(d) hold client money and not act as a signatory on client account.

5. The Applicant's suspension ended on 29 September 2018, and the Applicant applied for a practising certificate for the year 2018/19. This application was granted but the SRA imposed conditions prohibiting the Applicant from:

   (a) acting as a manager or owner of any authorised body;

   (b) acting as a Compliance Officer for Legal Practice (''COLP''); or Compliance Officer for Finance and Administration ('COFA'') for any authorised body;

   (c) holding or receiving client money or acting as a signatory to any client or office account or having the power to authorise transfers from any client or office account.

   (d) Applicant subsequently applied for his practising certificate for the year 2019/20, which was granted with the same conditions as granted the previous year, but an additional condition was attached prohibiting the Applicant from practising on his own account under regulation 10.2(a) or (b) of the SRA Authorisation of Individuals Regulations.

6. The subsequent practising certificates for years 2020/21, 2021/22, 2022/23 and 2023/24 held the same conditions as set out above in paragraphs 8 and 9.

The Application

7. In an application lodged on 14 March 2025, the Applicant, supported by a witness statement and multiple exhibits, sought to have removed, the conditions imposed on his practice by the Tribunal.

The Applicant's Submissions

8. The Applicant qualified in September 2005. Apart from the indefinite conditions being imposed upon his practice in 2019 following the expiration of a three-year suspension he has maintained an otherwise unblemished regulatory record.

9. The conduct investigated by the Respondent in 2011, which ultimately led to the referral to the Tribunal, dated back to events in 2008. At the time of the proven misconduct, the Applicant was a relatively junior solicitor with only three years post-qualification experience.

10. Of the total of 22 allegations levelled against the Applicant:

   (a) Sixteen related to breaches of the then Solicitors Code of Conduct directly linked to the Firm's involvement in implementing SDLT avoidance schemes.

   (b) Four concerned independent breaches of the Accounts Rules, unrelated to the SDLT schemes.

   (c) One allegation related to a breach of undertakings.

   (d) The final allegation related to the improper disposal of confidential papers.

11. The breaches relating to confidential papers and undertakings were isolated incidents. In response to the former, the Firm entered into a contract with a professional shredding company to ensure proper disposal of confidential waste. The Applicant continues to maintain such a contract, evidenced by a destruction certificate dated January 2025, despite his current business not being a regulated practice.

12. To address the breach of undertakings, the Applicant has implemented a central register for retained clients to record and monitor undertakings.

13. In relation to the main allegations involving SDLT avoidance schemes, the Applicant accepted that:

    (a) his conduct involved clear mistakes and errors of judgment;

    (b) the proven misconduct was serious;

    (c) the passage of time, in itself, could not justify the removal of the conditions Imposed.

14. In October 2013, the Applicant established a business consultancy to support small businesses, including solicitors and law firms, with compliance and general business operations.

15. In March 2018, the Applicant attended the Law Society's Lexcel Consultant Training Course and subsequently became a Lexcel Accredited Assessor, conducting assessments of firms and organisations against the Lexcel standard on behalf of the Law Society.

16. In June 2019, within a year of the expiration of his suspension, the Applicant presented a workshop at the Law Society's Lexcel conference, focusing on strategies to avoid non-compliance.

17. During his work as a Lexcel Assessor, several firms requested that the Applicant transition from assessor to consultant, largely due to his deep understanding of Lexcel and CQS standards, and his practical experience in running a law firm.

18. Since 2018, the Applicant has provided consultancy services to various firms, offering Lexcel and compliance support, and assisting COLPs and COFAs in fulfilling their regulatory obligations. Several firms have submitted references and testimonials in support of this application.

19. In addition to his consultancy work, the Applicant holds remote consultancy solicitor positions in at least six firms, operating under the supervision of their partners and directors. A director from one of these firms, where the Applicant has worked since September 2022, has provided a reference recommending that he be issued a practising certificate without conditions.

20. The Applicant presented cogent evidence of his efforts to re-establish himself within the profession, learn from past mistakes, and support others in achieving regulatory compliance. Through these actions, and with the backing of multiple recommendations

and testimonials, he has demonstrated insight and a commitment to professional standards.

21. The Applicant has no intention of practising on his own account and thus engaging in any of the conditions imposed by the Tribunal. Nevertheless, he submitted the

22. continued imposition of conditions is no longer necessary for the protection of the public or the integrity of the profession.

The Respondent's Submissions

23. Mr Bullock, on behalf of the Respondent, opposed the application for removal of conditions.

24. He asserted that despite the volume and presentation of the Applicant's evidence, it lacked sufficient substance to justify the removal of restrictions. He further submitted that the protection of the public and the reputation of the profession continued to require the conditions to remain in force.

25. It was acknowledged that the Tribunal's decision was not binary; it was open to the Tribunal to consider whether some, but not all, of the conditions should be removed. Particular attention was drawn to the possibility that the Applicant's evidence of developing a compliance practice may be relevant to the need for continued restriction on acting as a COLP or COFA.

26. Mr Bullock referred the Tribunal to the relevant factors set out in the SRA's response and the Tribunal's *Guidance Note on Other Powers* (7th Edition, February 2025), paragraph 5, which outlines considerations relevant to its determination. These included:

    (a) The seriousness and circumstances of the original misconduct;

    (b) An assessment of whether there is any continuing risk to the public;

    (c) Evidence of training or efforts to maintain legal knowledge;

    (d) Employment history and safeguards in place;

    (e) Length of time since the order was imposed;

    (f) Evidence of compliance with the conditions;

    (g) Character references;

    (h) The Regulator's response to the Application.

27. Mr Bullock reviewed the background to the original order made in 2016, highlighting the seriousness of the misconduct. It was emphasised that the High Court later found that the Tribunal had underestimated the gravity of the misconduct, particularly in relation to integrity and independence. The schemes implemented by the Applicant

were found to be aggressive, poorly advised, and carried significant risks for clients and lenders. The Applicant's conduct was described as showing a heedless indifference to client interests in pursuit of personal profit.

28. It was submitted that the Sentencing Tribunal had found the Applicant's misconduct to be repeated, deliberate, and financially motivated and concluded that the Applicant had subordinated client interests to his own.

29. Mr Bullock further submitted that any evidence of rehabilitation must be compelling, given the seriousness of the original misconduct. The concern was not about technical competence, but about the Applicant's ethical judgment and moral insight.

30. It was asserted that the Applicant had not sought rehabilitation through supervised employment within the profession, such as working under a senior solicitor. Instead, he had operated independently as a consultant.

31. Although the Applicant had gained compliance knowledge through Lexcel and CQS and had delivered this training to others, this did not address the core ethical concerns that had resulted in the imposition of the conditions by the Tribunal.

32. Both in terms of his work as an in-house consultant or training others, there were no clear and compelling examples of the Applicant facing, and resolving an ethical dilemma or demonstrating personal ethical growth.

33. Mr Bullock concluded that despite the volume of material presented before the Tribunal of the Applicant's experience in compliance, there was insufficient evidence of rehabilitation in relation to the original misconduct. The Applicant had not demonstrated that he had learnt from his previous misconduct, or possessed the required insight.

34. Mr Bullock submitted that if the Tribunal were minded to grant partial relief, the restriction on acting as a COLP or COFA should remain in place.

The Decision of the Tribunal

35. The Tribunal carefully reviewed the Applicant's submissions and the exhibits accompanying the application. It also considered the written response and oral submissions made by the Respondent. The absence of reference to any particular submission or document should not be taken as an indication that it was not read, heard, or considered.

36. The application to remove all conditions imposed by the Tribunal at the sanctions hearing on 21 April 2016 was granted.

37. The Tribunal noted that two previous Tribunals and the High Court had determined that a sanction short of strike-off was appropriate. This indicated that remediation of the Applicant's conduct was considered a realistic possibility.

38. The Applicant had served a lengthy suspension, and the question before the Tribunal was whether the conditions remained necessary for the protection of the public and the reputation of the profession.

39. In considering public confidence in the profession, the Tribunal reflected on how the removal of conditions might be perceived. Given the nature of the misconduct which concerned one practice areas namely stamp duty mitigation, and the duration of the suspension, the Tribunal concluded it was likely that most fair-minded members of the public would consider that the conditions which had been imposed over the past six years were no longer necessary.

40. The Tribunal noted that misconduct was not unique to the Applicant's firm, and similar practices were not uncommon at the time. The Tribunal accepted that the Applicant had been unable to earn his living in the way he would have preferred, and that it was now fair to consider whether all or some of the conditions could be eased.

41. The Respondent submitted that rehabilitation would have been best demonstrated through supervised employment, with a supervisor able to attest to the Applicant's ethical development. While the Tribunal acknowledged the logic of this model, it did not accept that it was the only route to demonstrating rehabilitation. The Respondent also noted that the Applicant had not undertaken any ethics-focused courses or sought advice from the SRA ethics helpline. However, the Tribunal accepted that attendance at a course or contacting the helpline would not, in itself, demonstrate ethical insight or transformation.

42. The misconduct concerned a failure to recognise and act upon obligations to clients and lenders, driven by a desire for financial gain. The Applicant was candid and did not shy away from acknowledging this. He demonstrated openness and candour in his responses to cross-examination and presented as a genuine witness.

43. The Tribunal was satisfied that the Applicant had had sufficient time to reflect. He acknowledged that he had defended his actions during the original proceedings, but no longer held that position. He did not object to being punished and had resolved not to infringe again. He had taken considerable steps to educate himself on compliance and embed ethical considerations into practice.

44. While the Respondent argued that the Applicant had not addressed the ethical shortcomings underlying the original misconduct, the Tribunal noted that two testimonials specifically spoke to his ethical approach. His work had a demonstrable impact on firms' insurance premiums, and those who engaged him expressed confidence in his ability to manage files and comply with professional standards.

45. It was common ground that paragraph 5 of the Tribunal's *Guidance Note on Other Powers* (7th Edition, February 2025) sets out a non-exhaustive list of factors relevant to applications for the termination of suspension from practice. Although these factors were not directly applicable to the removal of conditions, the Tribunal considered them relevant in the present context. It found virtually all of the factors satisfied in favour of the Applicant.

46. In particular, the Tribunal was satisfied that the documentary evidence presented and the oral evidence given by the Applicant demonstrated genuine insight, a reformation of character, and detailed steps taken to prevent any recurrence of the original misconduct.

47. The Tribunal concluded that there was minimal continuing risk to the public, and the removal of all conditions would not undermine public confidence in the profession or its regulatory framework.

Costs

48. Mr Bullock submitted that the Applicant should bear the Respondent's costs for two principal reasons. First, the Respondent was a necessary party and would have incurred costs regardless of whether it opposed the application. Second, the application stemmed from findings in the original proceedings dating back to 2014, making it appropriate for the Applicant to bear at least part of the costs rather than the regulator absorbing them entirely.

49. In relation to quantum, the Respondent relied on a costs schedule which set out a total amount of £3,416.00. Mr Bullock conceded that a reduction was appropriate to reflect the fact that the Respondent had not succeeded in opposing the application.

50. The Applicant accepted that the Respondent was a necessary party to the proceedings. However, he submitted that it was neither reasonable nor appropriate for the Respondent to have opposed the application, particularly in light of the evidence provided in the Applicant's first and second witness statements. He referred to several reported cases in which the Respondent had not opposed the removal of restrictions and argued that this should have been such a case.

51. The Applicant further submitted that the Respondent's opposition necessitated Mr Bullock's preparation for and attendance at the hearing, which could have been avoided if the hearing had involved the Applicant presenting his evidence without opposition.

52. The Applicant referred to a "without prejudice" offer made shortly after serving his second witness statement on the Respondent. He had given an unequivocal undertaking not to engage in any of the activities covered by the conditions. He noted that the Respondent retained the power to impose such conditions on his practising certificate if deemed necessary. The Respondent chose not to accept the undertaking.

53. It was accepted by the Applicant that certain costs were properly incurred, including those relating to the reading and reviewing of the application, consideration of the papers, amending the response, uploading to CaseLines, and reviewing the Applicant's reply and bundle.

54. The Respondent proposed that, in light of the measure of agreement, the Tribunal should deduct costs for reading and preparation, remove the VAT element from the schedule, and allow 1 hour for preparation and 2 hours for attendance. Following further adjustments—including the removal of £52 for consideration of the Applicant's reply,

which would not have been necessary, had the application been agreed—the Respondent proposed a final figure of £1,495.00.

55. The Tribunal considered the submissions and determined that the Respondent's costs, as agreed between the parties and adjusted to reflect the circumstances, should be awarded in the sum of £1,495. It deemed this to be reasonable and proportionate.

Statement of Full Order

56. The Tribunal ORDERED that the Application of RAJOB ALI for the removal of the conditions imposed by the Tribunal on 21 April 2016 be **GRANTED.** The Tribunal further Ordered that the Applicant do pay the costs of the response of the Solicitors Regulation Authority Ltd to this application fixed in the sum of £1.495.00.

Dated this 5th day of September 2025
On behalf of the Tribunal

M.N. Millin

M.N. Millin
Chair