

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12688-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

NASAR HUSSAIN

Respondent

Before:

Mr J. Johnston (Chair)

Mr R. Nicholas

Ms L. Fox

Date of Hearing: 30 September -1 October 2025

Appearances

Philip Ahlquist, Counsel of Fountain Court Chambers, Temple, London EC4Y 9DH,
for the Applicant.

Jonathan Goodwin, Solicitor Advocate of Jonathan Goodwin Solicitor Advocates for
the Respondent.

JUDGMENT

Allegations

1. The allegations against the Respondent, Nasar Hussain, made by the SRA was that while in practice as a Solicitor at Regal Solicitors (NW) Limited (“the Firm”):
 - 1.1 Between July 2020 and April 2021, the Respondent when representing himself in a personal injury claim, failed to disclose information in respect of his medical history when he knew and/or ought to have known that this was relevant to
 - (a) the expert report prepared for the case.
 - (b) the issue being litigated.

He thereby breached any or all of Principles 1, 2, 4 and 5 of the SRA Principles (“the Principles”) and Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”).

Executive Summary

2. The Tribunal found that the Respondent, between July 2020 and April 2021 failed to ensure his prior medical history was accurately disclosed in a personal injury claim, breaching SRA Principles 1 (upholding the rule of law), 2 (maintaining public trust), and 5 (integrity), but not Principle 4 (dishonesty) and paragraph 1.4 of the SRA Code . In mitigation, the Tribunal noted his 23-year unblemished career, self-reporting, cooperation, and remorse.

Sanction

3. A 4-month suspension, suspended for 2 years, was imposed, and he was ordered to pay £15,000 towards costs. The Tribunal’s decision on Sanction can be found [[here](#).]

Documents

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

Factual Background

5. The Respondent, is a solicitor having been admitted to the Roll in 15 July 2002. Since August 2009 he had been the sole practitioner and director of Regal Solicitors (NW) Limited. He was the COLP, COFA, MLRO and MLCO of the Firm which practises in commercial/corporate and, in the past, limited personal injury work. He held a practicing certificate free from conditions.

Findings of Fact and Law

6. The Applicant was required to prove the allegations 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 right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

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

Dishonesty

The test set out at paragraph 74 of [Ivey v Genting Casinos \(UK\) Ltd t/a Crockfords \[2017\] UKSC 67](#).

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.

8. **Allegation 1.1 - Between July 2020 and April 2021, the Respondent when representing himself in a personal injury claim, failed to disclose information in respect of his medical history when he knew and/or ought to have known that this was relevant to (a) the expert report prepared for the case and (b) the issue being litigated.**

The Applicant's Case

R12 Statement

- 8.1 The Respondent was a solicitor of 19 years' standing at the relevant time and the sole director of his firm. He self-reported to the SRA in April 2022 after his own personal injury claim was dismissed for fundamental dishonesty. That claim arose from a road traffic accident on 1 June 2019, yet the Respondent had already suffered a shoulder injury in December 2018 which he failed to disclose to his medical expert, to the defendant, or to the court. Despite this, he verified pleadings and signed a witness statement which omitted any mention of the earlier injury, whilst asserting that his symptoms were wholly attributable to the later accident.
- 8.2 At trial in April 2021, HHJ Sephton QC rejected the Respondent's evidence as "conflicting and incoherent" and found that he "knew jolly well" the account of his injuries was false. The claim was dismissed for fundamental dishonesty, with both the Respondent and his daughter ordered to pay costs. Appeals were refused. The judge observed that, as an experienced solicitor with personal injury expertise, the Respondent must have understood the critical importance of disclosing his medical history and ensuring the accuracy of expert evidence.
- 8.3 In opening this case, Mr Ahlquist submitted that the Respondent's conduct was not a momentary lapse but a sustained failure to correct inaccurate evidence, culminating in submitting a signed statement that actively misled the court. He reminded the Tribunal that misleading the court was, in his words, "a fundamental affront to the rule of law and the administration of justice." The Respondent's actions, he argued, breached the most basic standards of the profession: acting dishonestly (Principle 4), without integrity (Principle 5), and in a way that undermines public trust (Principle 2). Further, by attempting to mislead the court, he breached his duty to uphold the proper administration of justice (Principle 1) and paragraph 1.4 of the Code of Conduct, which

prohibits misleading the court or others. His conduct was also said to have been reckless in light of the obvious risk of misleading the court about the cause of his injuries.

- 8.4 Mr Ahlquist submitted that the Respondent's own admissions of "oversight" and "failure to give the matter proper attention" could not be taken at face value. Those admissions, in his view, were themselves admissions of misconduct, but the more compelling explanation, as the trial judge concluded, was that this was deliberate dishonesty pursued for financial gain. The Tribunal was therefore invited to place considerable weight on the civil court's findings and to conclude that dishonesty, not mere carelessness, lay at the heart of this case.

Submission of No Case to Answer

- 8.5 The Respondent, through his counsel, Mr Goodwin, submitted that there was no case to answer in relation to Allegation 1.1, which alleged that he had failed to disclose information regarding his medical history. Mr Goodwin submitted that the evidence showed the Respondent had disclosed his medical records on two occasions within the relevant period: in August 2020 to Dr Tanvir and in October 2020 to the defendant's solicitors. He argued that these disclosures ~~satisfied~~ disproved the allegation and that, on any fair reading, there could be no finding of failure to disclose.
- 8.6 Mr. Goodwin further submitted that the Tribunal should interpret the allegation narrowly, in accordance with its precise wording, which referred simply to a "failure to disclose." He contended that the charge did not relate to timeliness, follow-up, or adequacy of disclosure, and that it would be unfair to recast it as such. Because the respondent had physically disclosed the records twice, the allegation was inherently flawed and should be dismissed.
- 8.7 In response, Mr Ahlquist submitted that the Tribunal should adopt a broader interpretation. He invited the Tribunal to consider the context of the Rule 12 statement and accompanying information, demonstrating that the Respondent was aware of the information he was obliged to disclose and that his duty extended beyond mere physical disclosure.
- 8.8 Mr Ahlquist further submitted that a solicitor's duty of disclosure requires active steps to ensure that all relevant information, including the Respondent's prior fall down a flight of stairs, was properly reflected in expert reports and witness statements. Failure to address known omissions, he submitted, constituted a breach of that ongoing duty.
- 8.9 The Tribunal considered Mr Goodwin's submission that there was no case to answer in respect of Allegation 1.1. The purpose of such a submission is to determine whether the Applicant has presented sufficient evidence to support the allegation, taking the evidence at its highest, without weighing it. The test is informed by the Galbraith principles: if there is no evidence of the alleged act, the case must be stopped; if evidence exists but is tenuous, the case may be stopped only if no properly directed panel could reasonably find the allegation proven.
- 8.10 The Tribunal noted that while the Respondent had disclosed his medical records in August and October 2020, the allegation was constrained by the dates specified and the issue was whether, within that period, the Respondent failed to ensure that relevant

information was accurately reflected in expert reports and witness statements. The Tribunal considered the evidence presented at its highest and concluded that there was a sufficient evidential basis to proceed.

- 8.11 In particular, the Tribunal identified two occasions where the Respondent allowed inaccuracies to persist. First, on 26 August 2020, upon reviewing Dr Tanvir's addendum report, the Respondent was aware that it omitted reference to his prior fall down the stairs, rendering the report incomplete, yet he did not take steps to correct it. Second, on 29 October 2020, in preparing his witness statement, he asserted that the injuries were wholly attributable to the index accident, despite knowing the report did not accurately reflect all relevant information. On both occasions, the Tribunal considered that a properly directed panel could find that the respondent failed in his ongoing duty of disclosure.
- 8.12 The Tribunal also noted that it was entitled to draw inferences regarding dishonesty.
- 8.13 Applying the Galbraith test, the Tribunal concluded that there was a case to answer in respect of Allegation 1.1 and that the case should proceed, noting that the Applicant's case was constrained to the timeframe set out in the allegation, namely July 2020 and April 2021.

The Respondent's Case

- 8.14 The Respondent gave evidence denying the allegation, maintaining that any omissions in his personal injury claim were inadvertent, and that his claim was genuine, albeit poorly prepared. He explained that he was not an expert in medical reporting and had relied on the expert, Dr Tanvir, to identify and report on pre-existing injuries. When the initial report omitted a prior shoulder injury, he contacted the medical agency on two occasions in early 2020 to request corrections. The claim was subsequently issued without the corrected report. He provided all his medical records to the defendants and noted that Dr Tanvir later accepted responsibility for the oversight and apologised.
- 8.15 In cross-examination, the Respondent was challenged on whether he had deliberately sought to mislead to maximise compensation. He denied this, asserting that he had acted transparently, raised the issue with the expert, and had no intention of exaggerating his claim. He also denied fabricating attendance notes or giving inconsistent explanations, attributing delays in document provision to factors outside his control. He maintained that he would not have risked his long-standing career over a modest claim.

Application by Mr Ahlquist to Make a Closing Submission

- 8.16 Under the usual procedure of the Tribunal, the Applicant may make an opening speech and the Respondent may make a closing speech; the Applicant does not ordinarily make a closing submission.
- 8.17 Mr Ahlquist sought to depart from this practice on the basis that, following the Tribunal's half-time ruling, the Applicant's case was constrained to the period set out in Allegation 1.1, and that other matters, while contextual, were not material to that allegation. He submitted that a short closing submission would allow him to address key themes emerging from the cross-examination, particularly regarding

inconsistencies in the Respondent's account, without introducing new evidence. He emphasised that he did not seek the "last word" and relied on practice in other jurisdictions as precedent for such submissions. Mr Ahlquist argued that the submission would assist the Tribunal in considering the evidence.

- 8.18 Mr Goodwin opposed the application, submitting that it was 'novel and unusual' in this jurisdiction. He emphasised that the Tribunal is the finder of fact, not counsel, and that permitting the Applicant to make a closing submission would constitute a derogation from standard practice. He invited the Tribunal to reject the application.
- 8.19 The Tribunal considered the application in light of the overriding objective under Rule 4 of the SDPR 2019, which emphasises fairness and proportionality. The Tribunal concluded that there was no compelling reason to depart from the usual procedure. It observed that allowing the Applicant to make a closing submission would be unfair to the Respondent, who had not had an opportunity to make an opening speech, creating an obvious imbalance. The Tribunal also noted that it had already heard the evidence and was in a position to assess credibility without additional submissions from counsel.
- 8.20 The Tribunal rejected Mr Ahlquist's application to make a closing submission, confirming that the last word would remain with the Respondent in accordance with the usual practice, to ensure procedural fairness.

Mr Goodwin's Closing Submission

- 8.21 In his closing submissions, Mr Goodwin emphasised the gravity of the allegations of dishonesty against the Respondent, a solicitor of over 23 years' unblemished practice, stressing that such findings are career-threatening and must only be made on solid, cogent evidence.
- 8.22 Mr Goodwin submitted that the single allegation of failure to disclose (Allegation 1.1) could not be sustained as pleaded. The evidence demonstrated that the Respondent had disclosed his medical records on multiple occasions, and it would be impermissible for the Tribunal to reframe the charge beyond its formal terms, as had been suggested by the Applicant, to encompass delays or minor errors. Any shortcomings, such as failing to ensure the report was amended, were inadvertent and fell far short of misconduct. The Respondent's conduct in disclosing records, seeking corrections, and referring to the addendum in his witness statement was fundamentally inconsistent with dishonesty.
- 8.23 The omission of a pre-existing shoulder injury from the expert medical report was not deliberate but the product of an error, which the Respondent had actively attempted to rectify. He telephoned the medical agency on two occasions in February and March 2020 to request amendments, but no action was taken, likely because of the disruption caused by the first national COVID-19 lockdown. The claim was subsequently issued in April 2020 without the corrected report. Mr Goodwin emphasised that the Respondent had provided the defendants with his complete medical records, that the examining expert, Dr Tanvir, had later accepted responsibility for overlooking the pre-existing injury and apologised, and that at no stage had Mr Hussain been accused of exaggerating his injuries.

- 8.24 Although a civil court had found the Respondent to have been dishonest, the Respondent had disputed the fairness of that finding, noting that he had pursued an appeal and had subsequently self-reported the matter to the SRA. Mr. Goodwin submitted that the Tribunal was not bound by the civil court's conclusion and must reach its own determination on the facts. The finding of "fundamental dishonesty" in separate proceedings was entirely distinct from the allegation before the Tribunal and was not binding.
- 8.25 Mr Goodwin relied on established legal principles regarding the limited weight of civil findings (*Gray v SRA*), the requirement for cogent evidence where allegations are inherently improbable (*Birmingham City Council v Jones; Re H*), and the test for dishonesty (*Ivey*). He submitted that it was inherently unlikely that an experienced solicitor with 23 years of unblemished practice would jeopardise his career for a claim valued at around £2,300.
- 8.26 The Respondent's substantial character evidence, comprising testimonials from colleagues, clients, and professional peers, attested to his integrity, diligence, and professional reliability. Mr Goodwin submitted that such evidence directly supported the Respondent's credibility and the improbability that he would act dishonestly over a modest claim.
- 8.27 Taken together, the Respondent's transparency, attempts to rectify the expert report, full disclosure of records, and exemplary character all demonstrated that any errors were inadvertent and could not be equated with dishonesty. Mr Goodwin invited the Tribunal to dismiss Allegation 1.1 as pleaded, emphasising that upholding it would require impermissibly reframing the case, and concluded that the Respondent's conduct fell very far short of the threshold for dishonesty or misconduct.

The Tribunal's Findings

- 8.28 The Tribunal carefully considered all the documents contained in the electronic bundle and the oral evidence of the Respondent, together with the submissions of counsel for both the Applicant and the Respondent. In doing so, the Tribunal applied the civil standard of proof, namely the balance of probabilities, and was mindful of its statutory duty under section 6 of the Human Rights Act 1998 to act compatibly with the Respondent's rights to a fair trial and to respect for private and family life under Articles 6 and 8 of the European Convention on Human Rights.
- 8.29 In assessing the evidence, the Tribunal applied the legal tests for dishonesty as set out in *Ivey* and for integrity as established in *Wingate*.
- 8.30 The Tribunal first clarified the scope and contextual issues relevant to its decision. With respect to Allegation 1.1, the Tribunal focused on conduct occurring between July 2020 and April 2021, although matters outside this period were considered where necessary to provide context.
- 8.31 The Respondent was recognised as operating in a dual capacity, both as client and as solicitor acting on his own behalf and that of his daughter and the Tribunal was careful to frame its assessment in terms of the Respondent's professional conduct as a solicitor within the disciplinary proceedings.

- 8.32 In addressing the meaning of “failure to disclose”, the Tribunal rejected the narrow interpretation advanced by Mr Goodwin, namely that disclosure had been satisfied by providing the physical GP notes containing the full medical history. The Tribunal accepted the proposition that a solicitor has an ongoing duty to disclose all relevant matters, particularly in personal injury proceedings where the Respondent had some previous, professional experience, though it was noted that this was an area of his practise which he no longer pursued.
- 8.33 Allegation 1.1 concerned the Respondent’s alleged failure to disclose information regarding his medical history where he knew, or ought to have known, that such information was relevant to the expert report and the issue being litigated. The Tribunal found that the Respondent was aware that details of his earlier stair fall and resultant injury were relevant. This was evidenced by his own case and attendance notes, which showed he had telephoned the agency instructing Dr Tanvir in February and March 2020 to notify the agency that Dr Tanvir’s initial medical report had made no reference to the fall.
- 8.34 Within the period under consideration, the Tribunal identified two occasions when the Respondent’s ongoing duty of disclosure arose and was breached.
- 8.35 First, on receipt of Dr Tanvir’s addendum report on 26 August 2020, the Respondent would have known that the report still omitted reference to the stair fall, rendering the addendum flawed. He took no steps to address this flaw, thereby satisfying Allegation 1.1.
- 8.36 Second, in preparing a witness statement for his civil claim on 29 October 2020, the Respondent asserted that the injuries suffered were “unequivocal and confirmed by the medical expert to be wholly attributable to the index accident”. At this time, he knew that the medical report did not include information regarding the stair fall, and the Tribunal found that this statement was misleading.
- 8.37 Based on these findings, the Tribunal was satisfied that the Respondent had failed, while acting as solicitor for himself, to disclose material information regarding his medical history.
- 8.38 As a result of this conduct, the Tribunal found breaches of the following SRA Principles:
- Principle 1, relating to upholding the rule of law and proper administration of justice, was proved, as the misleading witness statement affected the administration of justice and amounted to conduct contrary to paragraph 1.4 of the SRA Code of Conduct for Solicitors.
 - Principle 2, requiring conduct that upholds public trust and confidence, was also proved.
 - Principle 5, concerning integrity, was similarly breached; the Tribunal, referencing the *Wingate* noted that integrity requires professionals to be particularly scrupulous about accuracy, and the submission of a statement based on a report known to be flawed constituted conduct lacking integrity.

- 8.39 As to dishonesty, the Tribunal gave careful consideration to whether the Respondent's conduct amounted to a breach of Principle 4, which requires solicitors to act with honesty. The Panel recognised that dishonesty is a serious finding and one which must be established with clear and cogent evidence.
- 8.40 The Tribunal applied the two-stage test for dishonesty established in *Ivey* as adopted in disciplinary proceedings. This test requires the Tribunal first to determine the actual state of the individual's knowledge or belief as to the facts and second to assess whether the conduct was dishonest by the standards of ordinary decent people.
- 8.41 The Tribunal found that the Respondent knew that details of his earlier stair fall and resultant injury were relevant to the expert report. This was evidenced by his own case and attendance notes, which showed he had telephoned the agency instructing Dr Tanvir in February and March 2020 because the initial medical report made no reference to the fall.
- 8.42 Turning to the second stage of the test, the Tribunal considered whether, given the Respondent's knowledge and understanding of the report's shortcomings, ordinary decent people would regard his conduct as dishonest. The panel acknowledged that this was a finely balanced question. The witness statement was misleading, and the Respondent had not fully disclosed the relevant information at the time of its submission. Nevertheless, the panel distinguished the finding of dishonesty made by HHJ Sephton QC in the civil proceedings which related to the Respondent's account of the injuries he claimed to have sustained in the accident and not to any pre-existing injuries. In addition, the panel took into account the Respondent's 23-year unblemished career, the character references, and the fact that he had provided the GP notes to the defence. Accordingly, the Tribunal concluded that ordinary decent people would not, on balance, view the Respondent as having acted dishonestly. While the panel recognised that the Respondent's conduct fell below the standards expected of a solicitor and was misleading, it did not meet the high threshold required to establish dishonesty.
- 8.43 Accordingly, the Tribunal concluded that no breach of Principle 4 could be proved, and the allegation of dishonesty was dismissed.
- 8.44 The Tribunal also considered whether the Respondent's conduct could be characterised as reckless. The issue of recklessness was not clearly pleaded as part of Allegation 1.1; it appeared only as a reference within the body of the SRA's Rule 12 Statement. Given this lack of clarity and specificity, the Tribunal determined that there was insufficient basis to make any findings on recklessness. The Panel considered that, in disciplinary proceedings, allegations must be clearly and precisely set out to allow the Respondent a fair opportunity to address them. In light of the uncertainty, the Tribunal refrained from attributing any reckless conduct to the Respondent.

Previous Disciplinary Matters

9. There were no previous findings.

Mitigation

10. Mr Goodwin made detailed submissions on sanction and mitigation following the Tribunal's findings that the Respondent had committed serious misconduct, including acting without integrity, but that dishonesty had not been proved. He noted the Respondent's gratitude for the careful consideration leading to the dismissal of the dishonesty allegation, which he described as the "poison" of the case, and argued that the remaining breaches, while serious, did not justify strike off. Citing *Sharma*, he reminded the Tribunal that strike off is generally reserved for dishonesty, a threshold not met in this case.
11. Mr Goodwin highlighted the Tribunal's wide discretion and the principle of proportionality, submitting that the sanction should be the least severe necessary to mark the misconduct, protect the public, and uphold confidence in the profession, in line with *Rashid v GMC*. He argued that public protection and confidence could be maintained without unduly interfering with the Respondent's ability to practise. Applying the sanctions ladder, he proposed a financial penalty as the proportionate outcome, noting the Respondent's modest means. He submitted that a reprimand would be insufficient given the seriousness of the findings, suspension was unnecessary and strike off would be disproportionate in the absence of dishonesty.
12. In mitigation, Mr Goodwin drew attention to the Respondent's exemplary 23-year career, the isolated nature of the misconduct, and the fact that it occurred five years ago, with fully satisfactory practice in the intervening period. He referred to the Respondent's self-reporting to the SRA in April 2022 and his efforts to disclose relevant medical records, even though the Tribunal found that the ongoing duty of disclosure had not been fully met. He also highlighted the Respondent's genuine regret and remorse, consistently acknowledging that his conduct had been "sloppy" and that he "could have done better".
13. Mr Goodwin invited the Tribunal to consider the detailed character references provided on the Respondent's behalf which spoke to his honesty, integrity, professionalism, and longstanding commitment to the profession. Taken together, these factors supported the submission that a financial penalty would be a sufficient and proportionate sanction, appropriately reflecting the seriousness of the misconduct while recognising the Respondent's personal and professional standing.

Submission on Sanctions

14. Mr Ahlquist applied for the Applicant to be heard on sanction. This was opposed by the Respondent.
15. The Tribunal refused the application. The matters were not factually complex. The Tribunal is an expert one and capable of reaching its own decision on sanction with reference to its view of the facts, mitigation, the sanctions guidance and its own experience.

Sanction

16. The Tribunal considered the appropriate sanction in accordance with the Guidance Note on Sanctions (11th Edition) and the principles set out in *Fuglers and others v SRA* [2014] EWHC 179. The Panel undertook the three-stage approach, assessing the seriousness of the misconduct, the purposes of sanctions, and the sanction most appropriate in all the circumstances.
17. In assessing seriousness, the Tribunal noted that the Respondent's conduct did not amount to dishonesty and there was no finding of recklessness, there being ambiguity as to whether this had in fact been pleaded. The motivation for his failure to disclose was uncertain and could not be clearly characterised as either deliberate or spontaneous.
18. While the Respondent ignored his obligation of disclosure, there was no breach of trust, no misleading of the regulator, and no planning or concealment. The Respondent had direct control of his actions, and the events occurred within a single episode in a 23 year unblemished career.
19. The potential impact was high, as misleading the court is inherently serious and represents a significant departure from the integrity and probity expected of a solicitor. The inaccuracy persisted for at least six months and was only corrected by the defence solicitors and the court, rather than by any action taken by the Respondent. He should reasonably have foreseen that his statement was inaccurate.
20. In considering aggravating factors, the Tribunal noted the continued period of inaccuracy, the duration of six months, and the potential risk of harm, but there was no dishonesty, no criminal offence, no deliberate intent, no exploitation of others, no hostility, no sexual element, and no violence. There was also no evidence of planning or concealment.
21. In mitigation, the Tribunal took account of the Respondent's self-reporting, his insight as demonstrated through Mr Goodwin and in his evidence to the panel, his cooperation with the regulator, the singular nature of the episode, and his unblemished 23-year career. There had been no repetition of such conduct since the events.
22. As to the purpose of sanction the Tribunal had regard to the observation of Sir Thomas Bingham MR (as he then was) in *Bolton v Law Society* [1994] 1 WLR 512 that the fundamental purpose of sanctions against solicitors was:

“to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.”
23. In determining the appropriate sanction, the Tribunal adopted the “bottom-up” approach advocated by Mr Goodwin, considering first whether the least severe measures could meet the statutory objectives. A reprimand, fine, or no order was immediately rejected as insufficient to reflect the seriousness of misleading the court and to maintain public confidence in the profession.

24. The Tribunal then considered whether conditions on practice would be appropriate but given the nature of the misconduct and the absence of ongoing risk to the public, such measures would serve little practical purpose.
25. Turning next to suspension, the panel considered a full, immediate suspension, but concluded that this would be disproportionate given the absence of dishonesty or recklessness, the Respondent's 23-year unblemished career, his cooperation with the regulator, and the insight he demonstrated.
26. The Tribunal concluded that a suspended suspension was the most appropriate and proportionate sanction. This approach marked the seriousness of the misconduct and signalled to the profession the unacceptability of misleading the court, while recognising that the Respondent's lapse was not deliberate or dishonest, that he posed minimal risk to the public, and that there were significant mitigating factors. The suspension, set at four months and suspended for a period of two years, ensured that the Respondent remained accountable and under scrutiny; it provided a clear deterrent and maintained the reputation of the profession without imposing an unnecessarily severe restriction on his ability to practise. The sanction reflected the Tribunal's careful balancing of seriousness, mitigation, proportionality, and the statutory purposes of protection, deterrence, and maintaining public confidence in the legal profession.

Costs

27. Mr Ahlquist, applied for the Applicant's costs in the total sum of £30,025.00 on the basis that costs should follow the event, noting that the serious allegations of misconduct, excluding dishonesty, were largely found proved. He submitted that a full hearing was unavoidable as the Respondent denied all allegations. Although the dishonesty allegation was dismissed, the hearing still required substantial examination of breaches of Principles 1, 2 and 5, including acting without integrity.
28. He contended that it was reasonable for the SRA to advance the case on honesty, and that much of the hearing would have been necessary in any event. The overall costs claimed were presented as reasonable and proportionate, with the brief and refresher fee structure designed to reduce costs if the hearing were shorter, and significant fees justified by the procedural complexity, seriousness of the allegations, and the need to instruct junior counsel. Other work was undertaken in-house by the SRA.
29. Regarding an earlier Case Management Hearing on 22 September 2025, wherein the costs of that hearing were reserved, Mr Ahlquist accepted the Tribunal's concerns on that occasion about the late introduction of the client matter file but maintained that costs should follow the event since the application was ultimately granted albeit in a narrowed form. To recognise the Tribunal's disapproval, the SRA did not claim for the time of its internal legal team, seeking only the brief fee.
30. Mr Goodwin challenged the level of costs, particularly in relation to the CMH. He submitted that the hearing arose from the SRA's own failings, including the long delay in marking files as "unused material" and the late raising of a telephone attendance note. The Tribunal had expressly recorded disapproval of the late application, and he argued that the £1,500 brief fee should be disallowed. He also questioned the overall level of

counsel's fees, suggesting they were high for what was described as a straightforward case with a single allegation, one live witness, and non-complex issues.

31. Mr Goodwin invited the Tribunal to consider the Respondent's modest financial position and proposed that any order should be limited to a reasonable sum or reflect the Respondent's ability to pay. He submitted that, if the ultimate sanction of strike off were imposed, no order for costs would be appropriate, as such an order would deprive the Respondent of the means to earn a living.

Tribunal's Decision on Costs

32. The Tribunal considered the applications on costs under Rule 43 of the Solicitors (Disciplinary Proceedings) Rules 2019, which allowed it to make such order as it thought fit, including whether to make such an order, the payment of costs or a contribution towards costs of such amount as it considered reasonable. Costs were those arising from, or ancillary to, proceedings before the Tribunal.
33. In deciding whether to make an order, against which party, and for what amount, the Tribunal took into account all relevant matters, including the conduct of the parties, compliance with directions and deadlines, the proportionality and reasonableness of time spent, the rates and disbursements claimed, and the paying party's means. The Tribunal was mindful that, as emphasised in *R v Northallerton Magistrates Court, ex parte Dove* (1999) 163 JP 894, an order for costs is intended to compensate the Applicant for the costs incurred in bringing the proceedings and is not intended to serve as an additional punishment for the Respondent.
34. The Tribunal found that the case had been properly brought by the Applicant and that both parties had complied with directions and deadlines. The Respondent engaged appropriately throughout. The substantive hearing had lasted two full days. Although the case involved serious allegations of dishonesty and lack of integrity, it was not legally or factually complex, the issues were straightforward, and no live evidence had been required, save from the Respondent.
35. In assessing costs, the Tribunal adopted a broad-brush approach, having regard to proportionality and reasonableness. It considered the substantive hearing first, noting that the Applicant was entitled to recover reasonable costs for instructing counsel and preparing for the hearing. While much of the work could have been managed by in-house counsel, it was necessary to consider the seriousness of the allegations and the careful analysis required.
36. The Tribunal then considered the Case Management Hearing. Costs in respect of that hearing were not allowed due to the lateness of the application, which had caused delay and required Tribunal time and scrutiny.
37. Finally, the Tribunal took into account the Respondent's modest financial means. This was not a "*Barnes-type*" case, where a respondent is entirely unable to meet a costs order in any reasonable period; however, the Tribunal considered it appropriate to reduce the total to reflect a fair contribution, taking into account the Respondent's limited income.

38. Balancing all these factors, the seriousness of the allegations, the conduct of the parties, the proportionality of the costs claimed, the adjustment for the CMH, and the Respondent's financial circumstance, the Tribunal exercised its discretion under Rule 43 to determine a fair and reasonable sum. It was satisfied that the figure of £15,000 represented a reasonable contribution, consistent with the principles of compensation, fairness, proportionality, and reasonableness.
39. Accordingly, the Tribunal ordered that the Respondent pay the Applicant's costs in the sum of £15,000.

Statement of Full Order

40. The Tribunal ORDERED that the Respondent, NASAR HUSSAIN solicitor, be SUSPENDED from practice as a Solicitor for the period of 4 months, such suspension to be suspended for a period of 2 years to commence on the 1st day of October 2025 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £15,000.00.

Dated this 16th day of October 2025
On behalf of the Tribunal

J. Johnston

J. Johnston
Chair