

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No.12785-2025

BETWEEN:

SHANAZ HAIDER

Appellant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

Before:

Mr J. Abramson (in the chair)

Mr M. N. Millin

Ms K. Wright

Date of Hearing: 28 January 2026

Appearances

Lewis Power KC of Furnival Chambers, 16 Tooks Court, London EC4A 1LB for the Appellant.

Louis Weston, counsel of Outer Temple Chambers, 222 Strand, Temple WC2R 1BA instructed by the Solicitors Regulation Authority Ltd, The Cube, 199 Wharfside Street, Birmingham B1 1EN for the Respondent.

**JUDGMENT ON AN APPLICATION
FOR REVIEW OF A S43 ORDER**

The Legal Framework

1. The Tribunal's Guidance Note on other powers of the Tribunal (7th Edition – February 2025) contained details of its jurisdiction and its approach to reviewing and revoking s.43 Orders:

“(9) The Tribunal has jurisdiction under Section 43(3) and (3A) of the Act to decide an application by the person subject to a Section 43 Order or by the SRA for review of that Order (Section 43(3)(a)). In addition, the Tribunal having made a Section 43 Order, may at any time revoke it (Section 43(3)(b)). Under Section 43(3A) the Tribunal may order:

- (a) the quashing of the order;*
- (b) the variation of the order; or*
- (c) the confirmation of the order;*

and where in the opinion of the Tribunal no prima facie case for quashing or varying the order is shown, the Tribunal may order its confirmation without hearing the Appellant. The Tribunal, on hearing any application under Section 43(3) may make an order for the payment of costs by any party to the application.

...

(11) A Section 43 Order has a regulatory function, not a punitive function. That is why the Order is of indefinite duration, subject to review and revocation as set out at paragraph 9 above. The purpose of the Order is to safeguard the public and the reputation of the legal profession by ensuring that certain steps in relation to employment can be taken.”

(12) If the SRA made the original Section 43 Order an application for it to be revoked must be made to the SRA (see Section 43(3)(b)). If the SDT made the original Order then an application for revocation of the Order must be made to the SDT (see Section 43(3)(b))”.

2. The Tribunal's jurisdiction was limited to carrying out a review and would only allow the appeal if the SRA's decision had been “wrong” or “unjust because of a serious procedural or other irregularity.”. It had the power to (a) quash the order, (b) vary the order, or (c) confirm the order.

Preliminary Matters

3. The Tribunal noted that the documents before the Tribunal included documents that were not before the original Adjudicator: a medical letter concerning the Appellant's health and a statement on her current employment and future professional intentions.
4. Mr Power applied for these to be admitted as fresh evidence, arguing they provided relevant context on work pressures and supervision at the time of the error, and it confirmed the Appellant's present circumstances and that she did not intend to continue in legal practice.

5. The SRA, through Mr Weston, opposed the application, submitting that the appeal was a review rather than a rehearing, that the Adjudicator had already considered the Appellant's medical history, and that her current intentions were irrelevant.
6. The tribunal noted that the medical evidence post-dated the Adjudicator's decision, and the statement on future intentions duplicated material already considered. The Tribunal applied the test in *Ladd v Marshall* [1954] 1 WLR 1489 (to which Mr Weston had made reference). and concluded that the evidence would not have affected the original decision, and it was not in the interests of justice to admit it. The Tribunal refused admission of the documents.

Background

7. The Appellant had been a non-authorized person working at Sterling Winshaw Solicitors Ltd. On 16 May 2023 she had completed two court-facing applications in a client matter: an urgent Upper Tribunal application for interim relief, and an Out-of-Hours ("OOH") application to the High Court. On the OOH form, in the box for "Solicitor's name", she had entered her own name without indicating she was a paralegal, and, on the Upper Tribunal form, she had entered her firm's name and her own name as "legal representative (if applicable)", signed the statement of truth, and ticked that the application complied with professional obligations notwithstanding the form's bold notice that any representative must be authorized to conduct High Court litigation.
8. The judge who considered the OOH application found that the application was improperly made. The judge referred the Appellant's conduct to a High Court judge under the review procedure in *R(Hamid) v Secretary of State for the Home Department* EWHC 3070 (Admin). After a hearing on 12 March 2024, the High Court judge referred the Appellant to the SRA.

The Adjudicator's Decision

9. On 9 May 2025 (communicated on 12 May 2025), the SRA Adjudicator found on a balance of probabilities, that the Appellant had:
 - a) Falsely represented herself as a solicitor on two forms that were submitted to the Courts on 16 May 2024:
 - b) An application for urgent consideration of interim relief for the client using form UTIAC1; and
 - c) An out of hours application for an urgent interim order staying removal directions.
10. The Forms were clear and "straightforward": The OOH form and the UTIAC application asked specific questions and set out who may complete them; they required an authorized person (the OOH form even had a box labelled "Solicitor's name").
11. The Appellant completed them as if authorized: On the OOH form, the Appellant wrote her name in the "Solicitor's name" box; on the UTIAC form, she listed herself as the "legal representative (if applicable)", signed the statement of truth, and ticked that the

application was made in compliance with professional obligations, although the form stated in bold that the representative must be authorised to conduct High Court litigation.

12. With respect to the question of dishonesty, the Adjudicator applied the two-stage test for dishonesty set out in paragraph 74 of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*. Having ascertained the Appellant's actual knowledge (she knew she was not a solicitor/authorised to litigate), the Adjudicator applied the objective standard and concluded that completing and signing the forms would be regarded as dishonest by ordinary decent people; hence Principle 4 (honesty) was breached.
13. Integrity and public interest principles: Because the applications had to be completed by an authorised person, the misrepresentation undermined the court's assurance that urgent applications are properly scrutinised. The Adjudicator found this to be breaches of Principle 5 (integrity), Principle 1 (rule of law/proper administration of justice), and Principle 2 (public trust and confidence).
14. The Adjudicator expressly considered the Appellant's account of ill-health and the impact of a medical procedure, said to have taken place on the same day or around the date of the incident, her distress, and time pressure she had been under but concluded these matters did not alter the findings on Allegation 1 (including dishonesty).
15. The Adjudicator imposed an immediate control order under s.43 of the Solicitors Act 1974, directed publication, and ordered £600 costs. The Adjudicator concluded that a s.43 order (control order) was necessary because:
 - The Adjudicator was satisfied the Appellant was not a solicitor, was involved in a legal practice, and had committed misconduct that made it undesirable for her to be involved in legal practice in the ways listed in s.43(1A) of the Solicitors Act 1974, thus the statutory pre-conditions for a section 43 order were met.
 - Seriousness of dishonesty: Dishonesty is inherently serious misconduct in legal services. Even though the Appellant was a non-solicitor, similar controls were justified to protect the public and maintain confidence, reflecting the approach seen in authority and SRA policy.
 - Scope of restrictions: Given the dishonesty finding, the Adjudicator extended the order to include manager/ownership prohibitions (not only employment), concluding there was no prejudice in doing so and that such conditions were necessary and proportionate.
 - Immediate effect: Because of the seriousness of the misconduct, the order was to take immediate effect from notification.
16. Under the SRA Regulatory and Disciplinary Procedure Rules r.9.2, publication was the default. The Adjudicator found no countervailing circumstances to outweigh the public interest in transparency. The decision and s.43 order were, therefore, to be published.

The Appellant's Case

17. The Appellant appealed the Adjudicator's decision asserting that the imposition of the control order had been disproportionate, unfair, and made without a proper appreciation of the circumstances in which the relevant events had occurred.
18. The matters underpinning the findings arose while the Appellant had been working as a paralegal, assisting with an urgent immigration case concerning a detainee ('the client'), who faced imminent removal. The situation had been highly time sensitive. -sensitive.
19. On the day in question, the Appellant's supervising solicitor, Mr Rasheed Sarpong, had not been present in the office. The Appellant stated that she had attempted initially to pursue a bail application at Hatton Cross but was informed by court staff that the bail process would not provide a sufficiently immediate remedy. Court staff advised her that an urgent Judicial Review application would be more appropriate in the circumstances. The Appellant stated that she then contacted her supervisor, who instructed her to follow the guidance given by the court. Acting on those instructions, she completed a UTIAC4 form and attached it to the bail papers. She did not prepare or file the UTIAC1 form, which was a necessary component for the actual commencement of a Judicial Review. She relied on this omission to demonstrate that she had not intended to initiate such proceedings independently, nor had she understood the procedural steps involved in doing so.
20. Later that afternoon, after about 4pm, the Appellant attempted to contact her supervisor again but was unable to reach him. At approximately 5:30pm she received a call from the court asking whether she wished to pursue the matter as an Out-of-Hours application. Without supervision and conscious of the implications of pursuing proceedings of that nature, she declined, explaining that she did not wish to proceed without further discussion with her supervisor. The following day she informed Mr Sarpong of all actions she had taken and explained that she had followed both his earlier instructions and the advice of the court.
21. Subsequent correspondence from His Majesty's Court and Tribunal Service confirmed that no Judicial Review application had ever been lodged for the client. This confirmation came following enquiries on 30 August 2023, in which the Upper Tribunal Immigration and Asylum Chamber stated that its database showed no record of any such application. The Appellant also relied on evidence concerning the relevant payment, which had been made not at the time of the events, but only on 30 August 2023, and by "Rosewood Management". She argued that this helped demonstrate that she had neither initiated nor pursued a Judicial Review independently and had been acting under instruction at every stage.
22. The Appellant stated that, during this period, she had also been experiencing significant medical difficulties and had been dealing with associated physical discomfort, stress and fatigue. Some correspondence with the NHS was included in the documents. This medical context, combined with the urgency of the situation, the absence of her supervising solicitor, and the lack of access to relevant documentation (which she had attempted unsuccessfully to obtain from the Immigration Removal Centre), contributed to her actions. She had relied on the information available to her, including what the

client had told her. She stated she lacked the seniority, authority, and experience to carry out a full merits assessment of a Judicial Review on her own.

23. The Appellant said that she had never represented herself as a solicitor. Any confusing or inaccurate entry she made on a form, such as her name appearing in the “Respondent” section, had occurred purely as a result of urgency, inexperience and misunderstanding, rather than any intention to mislead the court or hold herself out as legally qualified.
24. Despite these explanations, the SRA decided that her conduct justified the imposition of a control order.
25. The Appellant stated that the control order was unduly harsh, disproportionate and procedurally unfair, and that her personal culpability had been materially mitigated by the fact she had acted under instruction, in good faith, and without any intent to deceive. She argued that she had acted within the emergency context, under direction, and without her holding herself out as a solicitor; she relied on the broader context, including the absence of any issued Judicial Review and her immediate candour with the court, to contend that any inference of dishonesty had not been properly founded on the evidence. She invited the Tribunal to approach the review of the control order by asking whether, in all the circumstances, the order had been necessary when imposed, and she referred to comparative disciplinary outcomes and the principle that such orders are typically reserved for ongoing risks to the public or the profession.
26. Consistent with the grounds already set out in her Notice of Appeal and Statement of Grounds, the Appellant therefore asked the Tribunal to revoke the control order in full, to remove any implication of dishonesty, and to recognise that her actions had been taken in good faith under supervision amidst urgent and challenging circumstances, including her health, incomplete information, and the absence of her supervisor at critical moments. She further pointed out that she had sought to improve her competence after the incident by completing OISC Level 2 training, evidencing her commitment to learning and responsible practice.
27. In oral submissions, Mr Power submitted that, although the Appellant had signed forms representing herself as a solicitor, she had acted in good faith without intent to mislead or deceive. He emphasised that she had acted under the instructions of a supervising senior, describing her as a “hostage to fortune” tasked with “getting on with things” while her principal disregarded ethical duties. The incident was characterised as a “human error” and an isolated lapse in a 15-year paralegal career, not part of a “sophisticated, pre-planned enterprise,” but rather “haphazard,” “sloppy,” and “naive.”
28. Mr. Power contended that the s.43 control order was excessive and disproportionate. It was unnecessary to protect the public, particularly as the Appellant had no intention of practising law and planned to pursue a master’s degree online. While acknowledging the high threshold for overturning findings on review, he argued the Tribunal should intervene if the sanction was plainly wrong or otherwise inappropriate.

The Respondent’s Case

29. Mr Weston for the SRA opposed the appeal in its entirety and invited the Tribunal to dismiss it on a review basis rather than by way of re-hearing. It maintained that every

ground advanced lacked legal or factual merit and disclosed no basis to interfere with the Adjudicator's decision.

30. Procedurally, the proper appellate task was to consider whether the decision had been “wrong” or “unjust because of a serious procedural or other irregularity,” confined to the material before the Adjudicator. Mr Weston relied on authorities emphasising that appeals proceeded by review, not re-hearing, and that factual findings were not lightly overturned.
31. The entries made by the Appellant had been unambiguous false representations because the Appellant accepted she had not been a solicitor and was not authorised to conduct High Court litigation. The Adjudicator had correctly and appropriately applied the relevant test for dishonesty to the facts and reached the correct conclusion. Once dishonesty was established, a s.43 order was plainly proportionate. The Adjudicator had clearly explained this in the written reasons. Although the Appellant raised mitigation (medical difficulties, time pressure, lack of documents), the Adjudicator had considered these factors and reasonably concluded that they did not alter the dishonesty finding nor the statutory assessment of undesirability.
32. Mr. Weston objected to Mr Power's attempt to challenge the finding of dishonesty, noting that it was not raised in the written grounds of appeal. He submitted that the Tribunal's powers were limited to matters within the filed grounds and that it was “far too late” to introduce the issue on the day of the hearing, as the SRA had not addressed it in their response or skeleton argument.
33. Mr Weston said that by her own admissions the Appellant had falsely described herself as a qualified solicitor. She was fully aware of the firm's manual requiring supervision of all casework and court applications, yet submitted forms on a day her supervisor was absent. He further noted that the case had been referred to the SRA by the High Court under the *Hamid* jurisdiction, which addresses accountability for meritless or improperly submitted applications.
34. He submitted that the s.43 control order was reasonable and necessary. The s.43 order was firmly within the range of reasonable regulatory outcomes because dishonesty in court applications is inherently serious and indicates that it is undesirable for the person to work in legal practice without SRA permission. Control orders were tempered: they restricted employment and participation unless and until the SRA granted permission, permitting risk-sensitive supervisory arrangements. The Adjudicator had, in addition, properly decided that the order should be published and that £600 should be paid towards investigative costs; there had been no countervailing circumstances against publication under its rules.
35. Mr Weston rejected the argument that her intention to leave the legal profession rendered the sanction disproportionate.
36. In conclusion, the Respondent said the appeal identified no error in the Adjudicator's factual findings, the application of *Ivey* or *Wingate*, or the s.43 evaluation. The appeal did not show the decision was wrong or procedurally unfair and Mr Weston therefore invited the Tribunal to dismiss the appeal and uphold the section 43 order, publication, and costs.

The Tribunal's Decision

37. The Tribunal reminded itself at the outset that its role on an appeal of this nature was limited. The appeal proceeded by way of a review of the decision of the Adjudicator dated 9 May 2025 (“the Decision”) and not as a rehearing. The Tribunal would not interfere with the Decision unless satisfied that it was wrong, or that it resulted in an unjust outcome because of a serious procedural or other irregularity in the proceedings.
38. The Tribunal did not embark upon its own fact-finding exercise. However, it had to consider whether, on the evidence that had been before the Adjudicator, the Adjudicator had been entitled to reach the factual findings made. No oral evidence had been taken by the Adjudicator, and likewise none was taken by the Tribunal. All written evidence and submissions that had been before the Adjudicator were also before the Tribunal.
39. The Appellant submitted that the decision to impose a control order pursuant to s.43 had been unduly harsh, procedurally unfair, and a disproportionate and, what she had termed an excessive ‘sanction’.
40. In support of the appeal, the Appellant advanced, in substance, three points: first, that a control order was disproportionate given that she no longer worked in the legal sector and had no intention of returning to it; secondly, that she had been acting under the authority or oversight of her supervisor; and thirdly, that the Adjudicator had not made a sufficiently clear finding of dishonesty to justify the sanction imposed.
41. The Tribunal was fully conscious of the limits of its jurisdiction. The appeal concerned the Adjudicator’s finding in relation to Allegation 1, namely that the Appellant had misrepresented herself as a solicitor when completing both the UTIAC1 form and the OOH form.
42. The Tribunal reviewed the Decision in detail, together with the scanned copies of the forms, the Appellant’s statements and representations, and all other relevant material that had been before the Adjudicator. Having done so, the Tribunal was satisfied that the Adjudicator had been justified in the factual findings made.
43. The Adjudicator had found, on the balance of probabilities, that the Appellant had misrepresented her professional status. The Adjudicator had then considered whether this conduct amounted to a breach of Principle 4, which required individuals to act with honesty. In doing so, the Adjudicator applied the two-stage test for dishonesty set out in *Ivey*. The Tribunal was satisfied that this had been the correct test.
44. As to the first limb of the test, concerning the Appellant’s knowledge of the facts, the Adjudicator had concluded that the Appellant knew, at the time of completing each form, that she was inaccurately describing herself as a solicitor. The Tribunal found that the Appellant’s own explanations and admissions made clear that she had been aware of her true status and of the inaccuracy she was creating. On the evidence available, the Adjudicator had been plainly entitled to find that the Appellant possessed the requisite knowledge. The Tribunal upheld that finding.
45. The second limb of the *Ivey* test required an objective assessment of whether the conduct would be regarded as dishonest by the standards of an ordinary decent person.

The Tribunal recognised that the Appellant had described feeling under pressure and dealing with difficult and fast-moving circumstances on the day in question. The Tribunal had some sympathy for the position in which she had found herself. However, the Appellant had represented to the High Court, on official forms of some significance, that she was a solicitor when she was not. An objectively informed member of the public would regard such a representation as dishonest. The Adjudicator had, in the Tribunal's view, been entitled to reach that conclusion, and the Tribunal upheld that finding.

46. Having upheld the Adjudicator's findings of fact and dishonesty, the Tribunal turned to the imposition of the s.43 control order. The purpose of a control order was protective: it was imposed to safeguard the public and the wider profession, rather than to punish. The Adjudicator had expressly approached the question on that basis, and the Tribunal did likewise. The misrepresentation of professional status to a court was a matter of obvious seriousness, going to the core of integrity within the profession. Even if the Appellant did not intend to return to legal work, the protective purpose of a control order was not undermined. The order ensured that, should circumstances change, appropriate regulatory oversight remained in place. The other points raised by the Appellant, acting under a supervisor's authority, and the suggestion that dishonesty had not been clearly established, did not, for the reasons already given, provide a basis for concluding that the sanction had been inappropriate or excessive.
47. In all the circumstances, the Tribunal was satisfied that the Decision had been made properly, that the Adjudicator had not erred in law or principle, and that no procedural unfairness or other irregularity had rendered the outcome unjust. The order imposed had been proportionate and fell within the proper range of responses available to the Adjudicator.
48. For those reasons, the appeal was therefore dismissed.

Costs

49. Mr Weston applied for costs on behalf of the Respondent and referred the Tribunal to the Respondent's Statement of Costs dated 21 January 2025. The Respondent sought costs in the sum of £16,560. Mr Weston submitted that the Respondent had succeeded in the appeal and that the costs claimed were reasonable and proportionate for a case of this type and nature. He argued that the Appellant had chosen to lodge the appeal on her own account, she had been a paralegal for some years and would have been aware lodging an appeal might have costs implications, and that there was no legitimate reason why she should be insulated from the costs that the Respondent had necessarily incurred in responding to it.
50. Mr Power opposed the amount claimed and he invited the Tribunal to adopt a proportionate approach when considering costs. He submitted that the Appellant was not working, had no significant financial means, and had experienced considerable personal and health difficulties. Mr Power described her as effectively living "hand to mouth". He submitted further that, when the Appellant had initiated the appeal, she had not appreciated the extent of the work that would be involved in meeting the Respondent's case. Mr Power also acknowledged the Appellant had not filed a Statement of Means. In those circumstances, he asked the Tribunal to take the

Appellant's situation into account when determining whether it was appropriate to make any order for costs, and if so, in what amount.

The Tribunal's Decision on Costs

51. The Tribunal considered the Respondent's Statement of Costs, which set out the costs incurred by the SRA in responding to this appeal. The SRA was entitled to seek its costs, and the Tribunal carefully reviewed the schedule provided. Having done so, the Tribunal was satisfied that the costs claimed were reasonable in amount and proportionate to the issues raised and the work properly undertaken by the Respondent in defending the appeal. There was nothing in the material before the Tribunal that suggested any basis upon which the claimed figure should be reduced.
52. The Tribunal then turned to the question of whether an order for costs should be made against the Appellant. Although the Appellant had acted initially as a litigant in person, she was not, in the Tribunal's view, an uninformed or inexperienced one. She had worked within the legal profession for approximately 15 years and, as such, could be taken to have at least a working understanding of the likely implications of bringing an appeal, including exposure to an adverse costs order if unsuccessful. This was not a case in which an individual had been brought before a disciplinary body as a respondent; rather, the Appellant had actively chosen to initiate these proceedings and to pursue an appeal under the Tribunal's rules.
53. The Tribunal recognised that an order for costs is not punitive. However, where an appellant brings an appeal of her own volition and the respondent is required to incur costs in answering it, it is ordinarily just that the unsuccessful party should bear those costs, provided they are reasonable and proportionate. In the present case, the Tribunal identified no legitimate basis for displacing that general approach.
54. Accordingly, the Tribunal concluded that an order for costs should be made in favour of the SRA in the amount claimed.

Statement of Full Order

55. The Tribunal Ordered that the appeal of SHANAZ HAIDER ("the Appellant") for review of a S.43 Order (control order) be DISMISSED and it further Ordered that she do pay the costs of and incidental to the response to this appeal fixed in the sum of £16,560.00.

Dated this 3rd day of February 2026
On behalf of the Tribunal

J. Abramson

J. Abramson
Chair