

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No: 12876-2025

BETWEEN:

KEVIN EDWIN FRANCIS GREGORY (Unadmitted Person) Applicant

and

SOLICITORS REGULATION AUTHORITY LTD Respondent

Before:

Mr U Sheikh (in the Chair)

Ms V Kaye

Dr A Richards

Date of Hearing: 30 September 2026

Appearances

The Applicant appeared in person and was not represented. The Applicant subsequently withdrew from participation during the course of the hearing.

Tom Broomfield, barrister, QEB Hollis Whiteman, 1-2 Laurence Pountney Hill, London EC4R 0EU (instructed by the Respondent).

JUDGMENT ON AN APPLICATION TO REVIEW AND REVOKE A SECTION 43 ORDER

Background to the Application

1. On 12 June 2006, the Tribunal imposed a section 43 Order pursuant to section 43 of the Solicitors Act 1974 in respect of the Applicant (“the Order”). The Order restricted the Applicant's future involvement in legal practice and remained in force at the date of the present proceedings.
2. The Order followed findings made by the Tribunal in relation to two allegations arising from the Applicant's conduct in connection with Mahoney Mea Solicitors. The first allegation concerned the Applicant's representation of himself as a solicitor, trainee solicitor or an “acting solicitor” when he was not. The second concerned the pursuit of a claim for costs which the Tribunal found he knew, or ought to have known, was incapable of justification. Whilst the Tribunal found the allegations proved, it made no finding of dishonesty against the Applicant.
3. The Tribunal concluded that the cumulative effect of the conduct established by Allegations 1 and 2 justified the imposition of the Order for the protection of the public and the reputation of the solicitors' profession.
4. The Applicant appealed the Tribunal's decision to the Divisional Court. In *Gregory v The Law Society* [2007] EWHC 1724 (Admin), the appeal was dismissed and the Court upheld the Tribunal's decision to impose the Order. The Applicant subsequently sought permission to appeal to the Court of Appeal, but that application was also unsuccessful.

The Application

5. By an application to the Tribunal dated 28 November 2025, the Applicant sought both a review of the Order pursuant to section 43(3)(a) and section 43(3A) of the Solicitors Act 1974 and, alternatively, its revocation pursuant to section 43(3)(b).
6. In support of the review application, the Applicant advanced a number of grounds challenging the validity of the Order, including allegations that the Tribunal lacked jurisdiction and that the decision reached was wrong or unjust by reason of material error. In the alternative, the Applicant contended that the Order was no longer necessary and submitted that the level of regulatory control imposed by it should therefore be revoked.

Documents

7. The Tribunal reviewed all of the documents submitted by the parties, including but not limited to:
 - (a) Applicant’s Form of Application dated 28 November 2025.
 - (b) Application for Review and Revocation of Section 43 Order dated 28 November 2025.
 - (c) The Solicitors Disciplinary Tribunal’s judgment dated 17 July 2006.

- (d) Transcript of the proceedings before the Solicitors Disciplinary Tribunal dated 9 May 2006 and 12 June 2006.
- (e) Reasons and Evidence in Support of Revocation of the Section 43 Order, dated 5 November 2025, originally provided to the Respondent prior to the commencement of the proceedings.
- (f) Covering letter to Suzanne Jackson, Legal Adviser, SRA dated 5 November 2025.
- (g) The Respondent's Answer dated 14 January 2026.
- (h) The Respondent's Answer on Revocation dated 21 May 2026.
- (g) The Respondent's Skeleton Argument dated 23 September 2026.
- (i) Applications and correspondence relating to the preliminary application; and
- (j) The Respondent's Schedule of Costs dated 25 September 2026.

Legal Framework

Review of the Section 43 Order

8. Upon an application to review a section 43 Order pursuant to sections 43(3)(a) and 43(3A) of the Solicitors Act 1974, the Tribunal may quash, vary, or confirm the Order.
9. The principles applicable to a review of a section 43 Order are those identified in *Solicitors Regulation Authority v SDT (Arslan)* [2016] EWHC 2862 (Admin). From that authority, the following principles are derived:
 - (a) The Tribunal should not disturb findings of primary fact unless they were unjustified. It should likewise be slow to interfere with evaluative assessments of the underlying facts unless the conclusion reached lay outside the bounds within which reasonable disagreement is possible.
 - (b) A review does not provide an opportunity to re-argue the case afresh or obtain a second hearing on the merits. Rather, the focus is upon the propriety of the original decision-making process and the conclusions reached on the evidence before the original Tribunal.
 - (c) A review may succeed where it is established that the original decision was wrong or was unjust because of a serious procedural or other irregularity.

Revocation of the Section 43 Order

10. The applicable question on a revocation application is whether, in all the circumstances, it remains necessary for the level of regulatory control imposed by the Order to continue. In considering that question, the Tribunal derived assistance from

SRA v Ali [2013] EWHC 2584 (Admin), which confirms that this is the correct approach to a revocation application.

11. The Tribunal had regard to the observations of the Divisional Court in Gregory v The Law Society [2007] EWHC 1724 (Admin) at [18], where the Court stated that a section 43 Order is not punitive in nature but is directed towards the protection of the public and the maintenance of confidence in the solicitors' profession.
12. Accordingly, the question for the Tribunal was whether the continuation of the Order remained necessary for those regulatory purposes.

Burden and Standard of Proof

13. The burden of establishing that the Order should be quashed, varied, or revoked rests upon the Applicant. The applicable standard is the civil standard, namely the balance of probabilities.

Preliminary Application

14. At the commencement of the hearing, the Tribunal heard submissions upon a preliminary application by the Applicant seeking the adjournment of the hearing and the making of replacement directions.

The Applicant's Submissions

15. The Applicant submitted that the Standard Directions dated 13 May 2026 did not provide a mechanism by which he could properly respond to the Respondent's Answer served on 21 May 2026 and that there remained no workable evidential timetable governing the service of evidence.
16. The Applicant submitted that the earlier applications which he had made were not confined to requests for adjournments. He contended that, whilst previous decisions had addressed whether the hearing should be vacated, they had not substantively determined his requests for replacement directions which, he maintained, remained outstanding. He argued that the absence of such directions prevented him from properly advancing evidence in response to matters raised by the Respondent.
17. The Applicant further submitted that issues relating to funding and representation remained unresolved. He informed the Tribunal that his application for Exceptional Case Funding remained under consideration and contended that he required legal representation and adequate time for preparation before the substantive application could be fairly determined. He relied upon the fact that Geoffrey Williams KC had indicated that additional preparation time would be required even if representation were available.
18. The Applicant submitted that, if the hearing proceeded, he would be required to meet the Respondent's case without having been afforded a proper opportunity to adduce evidence in support of his application. He contended that this would give rise to unfairness and would place him at a significant disadvantage in presenting his case.

19. The Applicant referred to an N461 claim which had been submitted through CE-File but had not been served. He accepted that the CE-File submission did not establish that the claim had been issued and that it did not operate as a stay. However, he submitted that if the hearing were vacated and replacement directions made, there remained an opportunity to avoid further litigation and associated costs.
20. In all the circumstances, the Applicant invited the Tribunal to vacate the hearing and make replacement directions providing what he described as a fair evidential timetable.

The Respondent's Submissions

21. On behalf of the Respondent, Tom Broomfield submitted that the Preliminary Application should be refused. He reminded the Tribunal that the substantive hearing had previously been vacated on two occasions and that the Applicant had been expressly notified that any further application to vacate the hearing would be unlikely to succeed absent cogent and compelling reasons. He submitted that the avoidance of unnecessary delay remained relevant to the exercise of the Tribunal's discretion.
22. The Respondent relied upon the Tribunal's Guidance Note on Adjournments and submitted that the relevant question was whether refusal of the application would result in injustice to the Applicant. It was submitted that lack of readiness and the absence of representation did not ordinarily justify an adjournment and that, in the circumstances of the present case, the Applicant was an experienced litigant capable of presenting his own case. The Respondent further submitted that any application to vary the directions or adduce additional evidence could and should have been made at a much earlier stage.
23. The Respondent submitted that the issues raised by the Applicant concerning directions and evidence had been raised at a very late stage. The Applicant had been in possession of the Respondent's substantive response since May 2026, and the present application represented a renewed attempt to revisit matters that had already been addressed in previous applications.
24. The Respondent further submitted that the existence of judicial review proceedings did not provide a separate basis for adjourning the hearing. It was noted that the proceedings had not resulted in any order preventing the hearing from proceeding and that the Applicant himself did not rely upon them as a freestanding ground for adjournment.
25. In all the circumstances, the Respondent invited the Tribunal to refuse the Preliminary Application and proceed with the substantive hearing.

Decision of the Tribunal

26. In determining the Preliminary Application, the Tribunal had regard to the Tribunal's Guidance Note on Adjournments (February 2025) and, in particular, the guidance that the Tribunal will ordinarily be reluctant to grant an adjournment unless refusal of the application would result in injustice to the party seeking it. The Tribunal also had regard to the overriding objective contained within the Solicitors (Disciplinary

Proceedings) Rules 2019, including the need to deal with cases fairly and justly whilst avoiding unnecessary delay.

27. Applying those principles, the Tribunal was not satisfied that refusal of the application would result in injustice to the Applicant. The Tribunal considered that the Applicant's concerns regarding the adequacy of the directions and the absence of an evidential timetable had previously been raised and addressed. It did not accept the Applicant's submission that those matters had never been considered and noted that previous decisions had expressly referred to the adequacy of the existing directions and had identified the procedural mechanisms available to the Applicant if he considered further directions were required.
28. The Tribunal was further concerned by the absence of any clear explanation as to what additional evidence the Applicant wished to adduce, why such evidence could not have been identified and prepared at an earlier stage, or what timetable would be required for its service. Whilst the Applicant asserted that further evidential directions were necessary, the Tribunal considered those assertions to be expressed at a high level of generality and lacking particularity. It was not persuaded that the Applicant had demonstrated a concrete evidential deficiency which justified vacating the hearing.
29. In relation to funding and representation, the Tribunal accepted that the Applicant had sought Exceptional Case Funding and wished to be legally represented. However, it did not accept that the circumstances disclosed a statutory or procedural entitlement to an adjournment pending the outcome of those funding enquiries. The Tribunal further considered that the Applicant was an experienced litigant who had demonstrated the ability to articulate his position, make applications, and engage with the proceedings over an extended period.
30. The Tribunal also noted that the Applicant's concerns regarding evidence largely related to matters which were already known to him and which formed part of the basis of his own substantive application. In those circumstances, the Tribunal was not persuaded that the absence of specific directions would prevent him from formulating or advancing his case.
31. Finally, the Tribunal took into account the history of the proceedings and the previous adjournments granted at the Applicant's request. The Tribunal concluded that the matters relied upon in support of the Preliminary Application were, in substance, an attempt to revisit issues that had already been addressed in previous Tribunal decisions on applications to adjourn the hearing and vary directions and did not amount to cogent or compelling reasons for a further adjournment.
32. Accordingly, the Preliminary Application to adjourn the hearing and vary the directions was refused.

The Applicant's Withdrawal from Participation

33. Following the Tribunal's refusal of the Preliminary Application, the Applicant informed the Tribunal that he was unable fairly to continue participating in the hearing. When the Tribunal sought clarification, the Applicant confirmed that he did

not seek to withdraw the substantive application for review and revocation of the Order, but that he intended to withdraw from participation in the hearing. The Applicant thereafter departed, he took no further part in the proceedings, and he did not remain present to observe the hearing.

34. On behalf of the Respondent, Tom Broomfield submitted that whilst the Applicant had withdrawn from participation in the hearing, he had expressly confirmed that he did not seek to withdraw the application for review and revocation of the Order. The Respondent's position was that there remained a live application requiring determination by the Tribunal.
35. Referring to Rule 36 of the Solicitors (Disciplinary Proceedings) Rules 2019, the Respondent submitted that the Tribunal was entitled to proceed in the Applicant's absence. The Applicant had attended the hearing, participated in the proceedings, and thereafter voluntarily withdrawn from participation. The Tribunal was invited to determine the application on the basis of the written materials already before it.

The Tribunal's Decision to Proceed in Absence

36. The Tribunal considered Rule 36 of the Solicitors (Disciplinary Proceedings) Rules 2019. It noted that the Applicant had attended the hearing, participated in the proceedings, and advanced submissions in support of the Preliminary Application before withdrawing from further participation. The Tribunal further noted that the Applicant confirmed that he did not seek to withdraw the substantive application for review and revocation of the Order.
37. The Tribunal also had regard to the fact that the Applicant had made no application for a stay of the proceedings and had not contended that the Tribunal lacked jurisdiction to continue in his absence. The Tribunal further noted that the Applicant's case was fully set out in the Form of Application, the Grounds for Review and Revocation, the Reasons and Evidence document and the other material before the Tribunal. In those circumstances, the Tribunal was satisfied that the Applicant's position was capable of being fully understood and considered notwithstanding his withdrawal from participation and his decision not to make further oral submissions in support of the substantive application.
38. The Tribunal was satisfied that the Applicant had voluntarily withdrawn from participation in the hearing whilst leaving his substantive application extant. Having regard to Rule 36 of the Solicitors (Disciplinary Proceedings) Rules 2019, the overriding objective and the interests of justice, the Tribunal concluded that it was appropriate to proceed with the determination of the application in the Applicant's absence.

The Applicant's Position

39. The Applicant's position is set out in the Form of Application dated 28 November 2025, the Grounds for Review and Revocation of the Order dated 28 November 2025, and the document entitled Reasons and Evidence in Support of Revocation of the Order.

40. The principal matters relied upon by the Applicant in support of the review application may be summarised as follows:
- (a) The Tribunal lacked jurisdiction to impose the Order because he was neither employed nor remunerated by a solicitor and therefore fell outside section 43(1) of the Solicitors Act 1974.
 - (b) The Tribunal misdirected itself in law when approaching the question of whether a section 43 Order should be imposed.
 - (c) The Tribunal effectively reversed an earlier conclusion without the benefit of new evidence.
 - (d) The Applicant was not afforded a proper opportunity to present mitigation prior to the imposition of the Order.
 - (e) The Tribunal proceeded upon a mistaken understanding of his regulatory status and Law Society registration.
41. More broadly, the Applicant maintained that he had operated within a legitimate trainee framework under the supervision of David Ellis Charity, that material evidence had not been properly considered and that the proceedings resulting in the Order were affected by procedural irregularity. He therefore invited the Tribunal to quash the Order on review.
42. In the alternative, the Applicant sought revocation of the Order. He emphasised that no finding of dishonesty had been made against him, that approximately twenty years had elapsed since the Order was imposed and that he had not been the subject of further disciplinary proceedings during that period. He submitted that the continuation of the Order was no longer necessary and that the level of regulatory control imposed by it had ceased to serve any proper protective purpose.

The Respondent's Position

43. The Respondent's position is set out in the Respondent's Answer dated 14 January 2026, the Respondent's Answer on Revocation dated 21 May 2026 and the Respondent's Skeleton Argument dated 23 September 2026.
44. In summary, the Respondent submitted that neither the review application nor the revocation application disclosed any proper basis upon which the Order should be disturbed.
45. In relation to the review application, the Respondent submitted that the matters relied upon by the Applicant had either been determined by the Tribunal in 2006 or had subsequently been considered during the Applicant's unsuccessful appellate challenges.
46. The Respondent contended that the Tribunal had jurisdiction to impose the Order, that there had been no material misdirection of law and that the Applicant's various jurisdictional and procedural complaints sought, in substance, to re-argue matters that

had already been adjudicated upon. The Respondent further submitted that the Applicant's challenge to his regulatory status and the circumstances of his engagement with Mahoney Mea Solicitors was inconsistent with the evidence before the original Tribunal and the concessions made on his behalf during the original proceedings.

47. The Respondent further submitted that the Applicant had failed to establish any serious procedural irregularity capable of justifying the quashing of the Order. It was contended that the review jurisdiction did not provide an opportunity for the Applicant to obtain a rehearing of the original allegations and that the Tribunal should be slow to interfere with findings that had been upheld by the Divisional Court.
48. In relation to revocation, the Respondent submitted that the continuation of the Order remained necessary for the protection of the public and the maintenance of confidence in the solicitors' profession. The Respondent relied upon a series of judgments and orders made since 2006, including the imposition of General Civil Restraint Orders, proceedings brought pursuant to section 44BB of the Solicitors Act 1974 and a director disqualification order made against the Applicant. The Respondent contended that those matters demonstrated continuing concerns regarding suitability, supervision, and regulatory control.
49. The Respondent further submitted that the Applicant's assertion that he had not been the subject of adverse findings or sanctions since 2006 could not be sustained in light of those later court orders. It was argued that the existence of those matters, together with the Applicant's failure to refer to them in the application itself, supported the conclusion that the Order remained necessary and that the Applicant had failed to establish any basis for its revocation.
50. In all the circumstances, the Respondent invited the Tribunal to dismiss both the review application and the revocation application and to confirm the continuation of the Order.

Decision of the Tribunal

51. The Tribunal considered separately the Applicant's application for review of the Order and, in the alternative, the application for revocation of the Order. It had regard to the written material relied upon by the Applicant, the Respondent's Answers and Skeleton Argument, and the oral submissions subsequently made on behalf of the Respondent concerning the review and revocation application following the Applicant's withdrawal from participation.
52. In relation to the review application, the Tribunal was not satisfied that the Applicant had established any basis upon which the Order should be quashed, varied, or otherwise disturbed. The Tribunal accepted the Respondent's submission that the principal issues raised by the Applicant concerning jurisdiction, misdirection and the propriety of the original decision had previously been considered by the Divisional Court and had formed part of the Applicant's unsuccessful attempt to appeal further. The Tribunal was not persuaded that the Applicant had identified any serious procedural irregularity or error which justified revisiting the conclusions reached by the original Tribunal and subsequently upheld by the Divisional Court.

53. In particular, the Tribunal noted that the Divisional Court had determined that the original Tribunal possessed jurisdiction to impose the Order and had rejected the contention that the Tribunal had materially misdirected itself. The Tribunal also accepted that leading counsel appearing on behalf of the Applicant before the 2006 Tribunal had proceeded on the basis that the Applicant was employed or remunerated by a solicitor in connection with the practice, expressly stating that this was common ground between the parties. Having considered all of the relevant circumstances, the Tribunal concluded that the review application could not succeed.
54. The Tribunal was not persuaded that the remaining grounds, concerning the alleged reversal of an earlier conclusion, the opportunity to present mitigation and the Applicant's regulatory status, disclosed any separate basis for disturbing the Order, particularly in circumstances where the lawfulness of the Order had been upheld by the Divisional Court.
55. The Tribunal next considered the application for revocation. It reminded itself that the relevant question was whether, in all the circumstances, the continuation of the Order remained necessary for the protection of the public and the maintenance of confidence in the solicitors' profession. The burden of establishing that the Order should be revoked rested upon the Applicant.
56. In considering the application for revocation, the Tribunal took into account the Applicant's submission that no finding of dishonesty had been made against him and that a substantial period of time had elapsed since the making of the Order. The Tribunal accepted that both matters were capable of constituting relevant considerations in the Applicant's favour. However, those matters were not determinative of the question before it, namely whether the continuation of the Order remained necessary.
57. The Tribunal considered the material relied upon by the Respondent concerning events occurring after the imposition of the Order. In particular, it noted that the Applicant had been the subject of General Civil Restraint Orders and that a Director Disqualification Order had subsequently been made against him and remained in force. Whilst the Tribunal did not treat those decisions as conclusive proof of the underlying facts upon which they were based, it considered the existence of those orders to be relevant to the assessment of continuing regulatory control and public protection. The Tribunal considered that the nature of those orders was relevant to the Applicant's professional judgment and the continued need for regulatory oversight.
58. Having regard to all the material before it, the Tribunal was not satisfied that the Applicant had established that the protective purpose underlying the Order had fallen away. On the contrary, the Tribunal considered that the later court orders relied upon by the Respondent tended to support the conclusion that the continuation of regulatory safeguards remained necessary. The Applicant had therefore failed to discharge the burden resting upon him to demonstrate that the Order should now be revoked.
59. For all of the reasons set out above, the Tribunal was not persuaded that any basis had been established for reviewing and disturbing the original Order. Nor was it satisfied that the Applicant had demonstrated that the continuation of the Order was no longer

necessary for the protection of the public and the maintenance of confidence in the solicitors' profession.

60. Accordingly, the application for review and revocation of the Order was refused.

Costs

61. Mr Broomfield on behalf of the Respondent applied for costs following the refusal of the application for review and revocation of the Order. He relied on the costs schedule dated 25 September 2026 and submitted that the sum of £11,097.93 had been reasonably and proportionately incurred in responding to the application.
62. The Tribunal considered Rule 43 of the Solicitors (Disciplinary Proceedings) Rules 2019 and the Tribunal's Guidance Note on Other Powers of the Tribunal (February 2025) concerning costs. The Tribunal was satisfied that it possessed jurisdiction to make an order for costs and that, following the refusal of the application, it was appropriate for the Respondent to recover the costs reasonably incurred in responding to the proceedings.
63. In considering quantum, the Tribunal considered the Respondent's Schedule of Costs dated 25 September 2026 seeking costs in the sum of £11,097.93 and was satisfied that the costs claimed had been reasonably incurred and were proportionate to the nature, history, and complexity of the proceedings.
64. In reaching that conclusion, the Tribunal had regard to the fact that the Respondent had been required to respond not only to the substantive application but also to a number of applications seeking the adjournment of the hearing and the variation of directions in the period leading up to the substantive hearing. The Tribunal was satisfied that the time spent in dealing with those matters formed part of the costs reasonably incurred in responding to the proceedings as a whole.
65. The Tribunal considered the Applicant's means and in particular oral information received from the Applicant during the course of the hearing that he was in receipt of state benefits and received financial assistance from his brother in connection with the proceedings. However, no documentary evidence was produced in support of the Applicant's financial position, and the Tribunal had limited information upon which to assess his means. The Tribunal took the limited information concerning means into account but, in the absence of supporting material, did not consider that it justified reducing the otherwise reasonable and proportionate sum claimed.
66. Accordingly, the Tribunal concluded that a costs order should be made against the Applicant in the sum of £11,097.93, which it considered to be reasonable and proportionate in all the circumstances.

Statement of Full Order

67. The Tribunal ORDERS that the Application of KEVIN EDWIN FRANCIS GREGORY for Revocation of a S.43 Order be **REFUSED** and it further Orders that the Applicant do pay the costs of and incidental to the response to this Application fixed in the sum of £11,097.93.

DATED AND FILED WITH THE LAW SOCIETY
Dated this 27th day of October 2026

On behalf of the Tribunal

U Sheikh

U Sheikh
Chair