

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11636-2017

BETWEEN:

DAVID HESELTON

Appellant

and

SOLICITORS REGULATION AUTHORITY

Respondent

Before:

Ms A. E. Banks (in the chair)

Mr B. Forde

Mr S. Hill

Date of Hearing: 30 October 2017

Appearances

The parties did not attend as the matter was decided on the papers.

**MEMORANDUM OF CONSIDERATION OF AN
APPLICATION TO WITHDRAW AN APPEAL**

1. The Appellant was pursuing an appeal to the Tribunal under section 44E of the Solicitors Act 1974 from decisions of the Respondent made pursuant to the SRA Disciplinary Rules 2011. His notice of appeal was dated 7 April 2017 and Standard Directions for Appeals were issued by the Tribunal on 18 April 2017. A Case Management Hearing (“CMH”) took place on 7 June 2017 at which a number of directions were made for the progression of the matter to an appeal hearing. The appeal hearing was fixed for 6 December 2017.
2. By way of letters dated 26 October 2017 from the Appellant and the Respondent, an application was made to withdraw the Appellant’s appeal on terms set out in a Consent Order signed by the parties.
3. The Tribunal considered the Consent Order and Schedule of Agreed Terms of Settlement attached thereto.
4. The Tribunal noted that the Appellant had agreed to pay the sum of £850 for the Respondent’s costs of the internal SRA Adjudicator decision dated 19 December 2016, and of the internal appeal dated 9 March 2017. He had also agreed to pay a contribution of £1,000 towards the Respondent’s costs in relation to this appeal.
5. It had been agreed, amongst other things, that:
 - The rebuke issued by the Adjudicator dated 19 December 2016 would stand in relation to findings of failing to achieve Outcomes 8.1 and 8.4 of the SRA Code of Conduct 2011, and breaches of Principles 6 and 7 of the SRA Principles 2011.
 - The Respondent withdrew the breach of Rule 1.1 of the Practice Framework Rules 2011
 - The rebuke would be published in a form of agreed words
 - The Appellant would, by 1 November 2017, make (and where applicable maintain) agreed changes to his publicity.
6. The Tribunal determined that in the circumstances it was in the interests of justice to grant the application to withdraw the appeal. The Tribunal further determined that the agreed costs were appropriate and proportionate and ordered that costs be paid as agreed.

Dated this 3rd day of November 2017
On behalf of the Tribunal



A. E. Banks
Chair