

## **Solicitors Disciplinary Tribunal**

### **Practice Direction No. 5**

#### **Inference To Be Drawn Where Respondent Does Not Give Evidence**

The Tribunal has taken careful note of the obiter dicta of the President of the Queen's Bench Division (Sir John Thomas) at paragraphs 25 and 26 of the Judgment in Muhammed Iqbal v Solicitors Regulation Authority [2012] EWHC 3251 (Admin.). In the words of the President, "ordinarily the public would expect a professional man to give an account of his actions". The Tribunal directs for the avoidance of doubt that, in appropriate cases where a Respondent denies some or all of the allegations against him (regardless of whether it is alleged that he has been dishonest), and/or disputes material facts, and does not give evidence or submit himself to cross-examination, the Tribunal shall be entitled to take into account the position that the Respondent has chosen to adopt as regards the giving of evidence when reaching its decision in respect of its findings. This direction applies regardless of the fact that the Respondent may have provided a written signed statement to the Tribunal.

Dated this 4th day of February 2013

Signed on behalf of the Tribunal



Andrew Spooner

President