

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF ANTHONY DAVID BURTON, former clerk

Mr L N Gilford (in the chair)
Mr R Prigg
Mrs L Barnett

Date of Hearing: 23rd September 2010

APPLICATION TO REVOKE SECTION 43

Appearances

The Applicant was not present and was not represented.

Inderjit Singh Johal, barrister, of the Legal Department, Solicitors Regulation Authority ("SRA") appeared on behalf of the Respondent.

Application and Response

1. The application to the Tribunal by the Applicant was made on 6th November 2009 to revoke a s.43 Order made by the Solicitors Disciplinary Tribunal on 28th January 1999. The grounds of the application were set out by the Applicant in a statement dated 10th February 2010.
2. The Respondent opposed the application and submitted outline submissions dated 9th April 2010. By letter dated 10th August 2010 to the Tribunal the Applicant indicated that he wished to withdraw his application and had notified The Law Society of this. His letter stated:

"I have been offered a post in Northern Ireland which is out of the control of the Law Society of England and Wales. Hence there is no useful purpose in applying for such revocation as it serves no useful purpose of being employed in Ireland".

3. By letter of the same date to the Respondent the Applicant indicated his proposal to withdraw the application and referred in similar terms to having been offered

employment with a Northern Ireland firm of solicitors.

The Submissions of the Respondent

4. Mr Johal informed the Tribunal that the Respondent had no objection to the proposed withdrawal of the application to revoke the s.43 Order. By letter dated 17th August 2010 the Respondent had informed the Applicant that the consent of the Tribunal would be needed to withdraw the application and that the Respondent would not object to the withdrawal of the application on the basis that the Applicant should pay the Respondent's costs in responding to the application.
5. The Applicant had objected to paying the Respondent's costs. Mr Johal referred to a letter from the Respondent to the Applicant dated 13th September 2010 and a costs schedule enclosed therewith. No response had been received from the Applicant. Mr Johal informed the Tribunal that a copy of the letter had been returned to his office by the Applicant's sister (who was believed to live at the correspondence address the Respondent had for the Applicant), and who had stated that the Applicant no longer lived at that address.
6. Mr Johal made an application for costs in the sum of £1,062. The Respondent had incurred costs in preparing a detailed response to the application and most of the costs shown on the schedule related to those preparation costs.

Decision of the Tribunal

7. The Tribunal considered the reasons given by the Applicant for seeking permission to withdraw the application and noted that the Respondent had no objection. The Tribunal gave permission to the Applicant to withdraw his application dated 6th November 2009.

Decision as to costs

8. The Tribunal considered the Respondent's schedule of costs and considered that the amounts claimed were reasonable in the light of the work done to respond to the application. The Tribunal considered it appropriate to specify that the costs determined should be paid within 28 days.

Order

9. The Tribunal, having given permission that the application of Anthony David Burton of 62 Mill Lane, Denton, Manchester, M34 7RR for revocation of a S.43 Order might be withdrawn, Ordered that he do pay the costs of the response of the Law Society to this application fixed in the sum of £1,062.00, such costs to be paid within 28 days.

Dated this 23rd day of October 2010
On behalf of the Tribunal

L N Gilford
Chairman