



Kuldip Lall

Solicitor

276146

[Control of practice Date: 6 April 2023](#)

Decision - Control of practice

Outcome: Condition

Outcome date: 6 April 2023

Published date: 25 August 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Obiter Legal Limited

Address(es): 121B High Street, West Bromwich, B70 6NY

Firm ID: 567450

Outcome details

This outcome was reached by SRA decision.

Decision details

Kuldip Lall's practising certificate for 2022/2023 has been granted subject to the following conditions:

1. Mr Lall is not a manager or owner of any authorised body.
2. Mr Lall may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.
3. Mr Lall does not hold or receive client money, or act as a signatory to any client or office account or have the power to authorise transfers from any client or office account.
4. Mr Lall may not practise on your own account under Regulation 10.2(a) or (b) of the SRA Authorisation of Individuals Regulations.

In these conditions the terms are as defined in the SRA Glossary.

Reasons/basis



The above conditions are necessary in the public interest and reasonable and proportionate having regard to the purposes set out in regulation 7 of the SRA Authorisation of Individuals Regulations, and the regulatory objectives and principles governing regulatory activities as contained in section 28 of the Legal Services Act 2007.

Agreement Date: 16 June 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 16 June 2023

Published date: 28 June 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Obiter Legal Limited

Address(es): 121B High Street, West Bromwich, B70 6NY

Firm ID: 567450

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Kuldip Singh Lall ('Mr Lall'), a solicitor formerly of Obiter Legal Limited ('the Firm'), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. He is fined £1,700.
- b. to the publication of this agreement.
- c. he will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 Mr Lall was the owner and director of the Firm, formerly a recognised body and the Firm's Compliance Officer for Legal Practice (COLP) and Compliance Officer for Finance and Administration (COFA).



2.2 Following receipt of a report, a Forensic Investigation Officer (FIO) from the SRA inspected the Firm.

2.3 The FIO identified:

- a. The Firm's books of account were not compliant with the SRA Accounts Rules. No client account reconciliations were available beyond 30 April 2021.
- b. Throughout the investigation the Firm had not produced client ledgers.
- c. It had not been possible to calculate whether the Firm held sufficient money in client account to meet its liabilities to clients.
- d. Mr Lall failed to answer questions in relation to the Firm's books of account.
- e. A minimum cash shortage of £7,135.91 existed as at 30 April 2021 which had been caused by withdrawals from client account in excess of the amount held by the Firm on behalf of three clients. The shortage was partially replaced by Mr Lall on 27 May 2021 by the payment of £3,500 leaving a remaining shortage of £3,635.91.
- f. Mr Lall had not fully co-operated with the FIO.

2.4 The SRA intervened into the Firm on 11 January 2022.

3. Admissions

3.1 Mr Lall makes the following admissions which the SRA accepts:

- a. By causing or allowing improper withdrawals from the client account he breached rules 5.1(a), 5.1 (b) and 5.3 of the SRA Accounts Rules (2019).
- b. By failing to immediately replace the money withdrawn improperly from client account, he breached rule 6.1 of the SRA Accounts Rules (2019).
- c. By failing to ensure that the Firm's accounting records were being properly maintained to show dealings with client and office money and failing to ensure appropriate record keeping of all client money he breached rule 8.1 of the SRA Accounts Rules (2019).
- d. By failing to ensure that client account reconciliations were being carried out in accordance with the applicable rules, he breached rule 8.3 of the SRA Accounts Rules (2019).

4. Why a fine is an appropriate outcome

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Lall



and the following mitigation which he has put forward:

- a. The Firm employed a bookkeeper to maintain the books of account and therefore Mr Lall trusted that all was in order.
- b. Following the completion of the forensic inspection, Mr Lall has co-operated with the SRA investigation.
- c. Mr Lall was suffering difficult personal circumstances at the time.

4.3 The SRA considers that a fine is the appropriate outcome because:

- a. Mr Lall's behaviour showed a reckless disregard for his regulatory obligation to exercise proper management over the Firm and in particular its books of account.
- b. Mr Lall held the positions of COLP and COFA and he was directly responsible for ensuring compliance by the Firm with its regulatory obligations.
- c. Mr Lall's conduct had potential to cause significant harm.

4.4 A fine is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. A financial penalty therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

5. Amount of the fine

5.1 The amount of the fine has been calculated in line with the SRA's published guidance on its approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, the SRA and Mr Lall agree that the nature of the misconduct was high because:

- i. there was a period of non-co-operation with the FIO.
- ii. the conduct was as a result of recklessness.
- iii. the conduct continued after it was known to be improper.

The Guidance gives this type of misconduct a score of three.

5.3 The SRA considers that the impact of the misconduct was low because the conduct caused minimum loss. The Guidance gives this level of impact a score of two.

5.4 The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,001 to £5,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Mr Lall has put forward.



5.6 The SRA considers a basic penalty of £2,000, which is towards the middle of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced by 15% to £1700. This reduction reflects the admissions made by Mr Lall in this Agreement.

5.8 There is no evidence that Mr Lall made any financial gain or received any other benefit as a result of his conduct. Therefore, no adjustment is necessary to remove this, and the amount of the fine is £1700.

6. Publication

6.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Lall agrees to the publication of this agreement.

7. Acting in a way which is inconsistent with this agreement

7.1 Mr Lall agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

8. Costs

8.1 Mr Lall agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

Control of practice Date: 16 May 2022

Decision - Control of practice

Outcome: Condition

Outcome date: 16 May 2022

Published date: 12 July 2022

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Obiter Legal Limited

Address(es): 121B High Street, West Bromwich B70 6NY

Firm ID: 567450

Outcome details

This outcome was reached by SRA decision.

Decision details

Kuldip Lall's practising certificate for 2021/2022 is subject to the following conditions:

1. Mr Lall is not a manager or owner of any authorised body.
2. Mr Lall may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.
3. Mr Lall does not hold or receive client money, or act as a signatory to any client or office account or have the power to authorise transfers from any client or office account.
4. Mr Lall may not practise on his own account under Regulation 10.2(a) or (b) of the SRA Authorisation of Individuals Regulations.

In these conditions the terms are as defined in the SRA Glossary.

Reasons/basis

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