Swift Lawyers Limited
Tymark House, 46 Breightmet Street, Bolton , BL2 1BR
Recognised body
563659

Agreement Date: 13 May 2025

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 13 May 2025

Published date: 20 May 2025

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Swift Lawyers Limited

Address(es): Tymark House, 46 Breightmet Street, Bolton, BL2 1BR

Firm ID: 563659

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Swift Lawyers Limited (the Firm), a recognised body, authorised and regulated by the Solicitors Regulation Authority (SRA), agrees to the following outcome to the investigation:

a. Swift Lawyers Limited will pay a financial penalty in the sum of £12,759, under Rule 3.1 (b) of the SRA Regulatory and Disciplinary Procedures Rules,
b. to the publication of this agreement, under Rule 9.2 of the SRA Regulatory and Disciplinary Procedures rules; and
c. Swift Lawyers Limited will pay the costs of the investigation of £600, under Rule 10.1 and Schedule 1 of the SRA Regulatory and Disciplinary Rules.

Reasons/basis

2. Summary of Facts

2.1 Our Anti-Money Laundering (AML) Proactive Supervision team carried out an AML inspection at Swift Lawyers Limited, to assess its compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulation 2017 (MLRs 2017).

2.2 The Proactive Supervision team identified AML control failings in relation to the firm's firm-wide risk assessment (FWRA), policies, controls and procedures (PCPs), findings from client file reviews including client and matter risk assessments (CMRAs) and source of funds checks.

2.3 This resulted in a referral to our AML Investigations Team, where breaches of the Money Laundering Regulations 2007 (MLRs 2007) were also identified.

FWRA

2.4 Between 26 June 2017 to 10 June 2024, the firm failed to have in place a documented assessment of the risks of money laundering and terrorist financing to which its business was subject (a FWRA), pursuant to Regulation 18(1) and 18(4) of the MLRs 2017.

2.5 Between 11 June 2024 to 17 October 2024, failed to have in place an appropriate FWRA that identified and assessed the risks of money laundering to which it was subject, taking into account all risk factors pursuant to Regulation 18(2) of the MLRs 2017.

P&Ps (and subsequently PCPs)

2.6 Between 6 October 2011 and 25 June 2017, the firm failed to establish and maintain appropriate and risk-sensitive policies and procedures (P&Ps), pursuant to Regulation 20(1) of the MLRs 2007.

2.7 Between 26 June 2017 and 17 October 2024, failed to maintain fully compliant PCPs, pursuant to Regulation 19(1)(a) of the MLRs 2017.
CMRAs and Source of Funds

2.8 Between 26 June 2017 and 30 July 2024, on six (out of six) files reviewed, the firm failed to carry out adequate CMRAs, pursuant to Regulations 28(12) and 28(13) of the MLRs 2017. Furthermore, the firm's CMRA template was assessed as non-compliant.

2.9 Between 26 June 2017 and 30 July 2024, failed to carry out adequate source of funds checks on two of six files reviewed, in accordance with Regulation 28(11)(a) of the MLRs 2017.

3. Admissions

3.1 The firm admits, and the SRA accepts, that by failing to comply with the MLRs 2007 and the MLRs 2017, it has breached: To the extent the conduct took place before 25 November 2019 (when the SRA Handbook 2011 was in force):

a. Principle 6 of the SRA Principles 2011 – which states you must behave in a way that maintains the trust the public places in you and in the provision of legal services.
b. Principle 8 of the SRA Principles 2011 – which states you must run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial risk management principles. And the firm failed to achieve:
c. Outcome 7.2 of the SRA Code of Conduct 2011 – you have effective systems and controls in place to achieve and comply with all the Principles, rules and outcomes and other requirements of the Handbook, where applicable.
d. Outcome 7.5 of the SRA Code of Conduct 2011 – which states you comply with legislation applicable to your business, including anti-money laundering and data protection legislation. And from 25 November 2019 (when the SRA Standards and Regulations came into force), the firm breached:
    i. Principle 2 of the SRA Principles 2019 – which states you act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.
    ii. Paragraph 2.1(a) of the SRA Code of Conduct for Firms 2019 – which states you have effective governance structures, arrangements, systems and controls in place that ensure you comply with all the SRA's regulatory arrangements, as well as with other regulatory and legislative requirements, which apply to you.
    iii. Paragraph 3.1 of the SRA Code of Conduct for Firms 2019 – which states that you keep up to date with and follow the law and regulation governing the way you work.

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 The issues identified around not having a FWRA at all, and then a non-compliant FWRA, a lack of P&Ps, followed by non-compliant PCPs, no CMRAs on six files reviewed and a non-compliant template CMRA form, as well as not carrying out source of funds checks on two of the six files reviewed, are serious AML failings, and the conduct had the potential to cause significant harm. The firm undertakes the majority of its work in scope of the MLRs 2017, by way of conveyancing. This had the potential to open up the firm to a significant amount of risk of being exploited by criminals.

4.3 It is a regulatory obligation for the firm to meet the requirements set out in the MLRs 2017, which the firm failed to do.

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

a. The agreed outcome is a proportionate outcome in the public interest because it creates a credible deterrent to others and the issuing of such a sanction signifies the risk to the public, and the legal sector, that arises when solicitors do not comply with anti-money laundering legislation and their professional regulatory rules.
b. There is no evidence of harm to consumers or third parties.
c. The firm recognises that it failed in its basic duties regarding statutory money laundering regulations and regulatory compliance, as identified during our inspection and subsequent investigation.

4.5 The firm has cooperated fully, has admitted the breaches, shown remorse and remedied the breaches, and there is now low risk or repetition.

4.6 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 the firm agree that the nature of the misconduct was more serious (score of three). This is because it failed to have a FWRA between 26 June 2017 and 10 June 2024, a non-compliant FWRA until 17 October 2024, no P&Ps between 6 October 2011 and 25 June 2017 and no PCPs between 26 June 2017 and 17 October 2024. Furthermore, between 26 June 2017 and 30 July 2024, it failed to carry out a CMRA on all six files reviewed and two of those six files also had inadequate source of funds checks.

5.3 The SRA considers the impact or risk of harm was medium (score of four). The nature of conveyancing is considered high-risk, owing to the risk of abuse of the system by criminals. The firm carries out the majority of its work in conveyancing, which puts it at a greater risk of being used to launder money. There is no evidence of there being any direct loss to clients or actual harm caused as a result of the firm's failure to ensure it had proper documentation in place.

5.4 The nature and impact scores add up to seven, placing the conduct in penalty bracket Band ‘C'. The Guidance indicates a broad penalty bracket of between 1.6% and 3.2% of the firm's annual domestic turnover is appropriate.

5.5 The SRA agree a fine in this bracket because the firm should have been aware of its statutory obligations under the MLRs 2017, with the aggravating factor that it performs the majority of its work in-scope of the regulations, but there is no evidence of any harm being caused or an unwillingness to improve. Based on the firm's annual domestic turnover, the fine results in a basic penalty of £15,948.

5.6 The SRA considers that the basic penalty should be reduced by 20%, in terms of mitigation discount, to £12,759. This reduction follows the following factors in the Guidance that apply to this case:

a. The firm has taken steps to rectify its failures, by taking into account our guidance and producing a compliant FWRA, PCPs and CMRA form (including documenting CMRAs on all in-scope files and providing source of funds and source of wealth training to fee earners).
b. The firm has cooperated with the SRA's AML Proactive Supervision and Investigations teams.

5.7 The firm does not appear to have made any financial gain or received any other benefit as a result of its conduct. Therefore, no adjustment is necessary to remove this and the amount of the fine is £12,759.

6. Publication

6.1 Rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules states that any decision under Rule 3.1 or 3.2, including a Financial Penalty, shall be published unless the particular circumstances outweigh the public interest in publication.

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

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

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

7.2 If the firm denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

7.3 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 3.2 of the Code of Conduct for Firms.

8. Costs

8.1 The firm agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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