

Andrew Hutchinson

Solicitor

194149

Agreement Date: 16 May 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 16 May 2023

Published date: 12 June 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Gamlins Law Limited

Address(es): Morfa Hall, Bath Street, Rhyl, LL18 3EB

Firm ID: 612278

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Andrew Craig Hutchinson ("Mr Hutchinson"), a solicitor at Gamlins Law Limited ("the Firm"), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £600.

2. Summary of Facts

2.1 Mr Hutchinson is an assistant solicitor working in the criminal law department at the Firm.

2.2 On 19 October 2022 the SRA received a report from The Officer Receiver at The Insolvency Service that a bankruptcy order was made against Mr Hutchinson on 2 August 2022. The bankruptcy order was made in the High Court of Justice upon the petition of HM Revenue & Customs.

2.3 The SRA carried out an investigation into the matter and the following issues were identified:

- a. That upon the bankruptcy order being made Mr Hutchinson's practising certificate was automatically suspended by virtue of section 15(1) of the Solicitors Act 1974. However, he continued to work as a solicitor between 2 August 2022 and 8 November 2022 when he did not have a valid practising certificate.
- b. That he failed to notify the SRA promptly of a relevant insolvency event.

3. Admissions

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

- a. That he continued to work as a solicitor between 2 August 2022 and 8 November 2022 when he did not have a valid current practising certificate. As a result he has:
 - a. breached Principle 2 of the SRA Principles 2019.
- b. That he failed to notify the SRA promptly of a relevant insolvency event. As a result he has:
 - a. breached Paragraph 7.6(b) of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019.

4. Why a written rebuke 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 Hutchinson and the following mitigation which he has put forward:

- a. That he was experiencing significant personal difficulties during the time period prior to the making of the bankruptcy order which resulted in him failing to deal with matters effectively.
- b. That he has co-operated with the SRA's investigation and took prompt steps to lift the suspension on his practising certificate. He was issued with a new practising certificate subject to conditions on 30 December 2022.
- c. That he has shown insight into and expressed remorse for his failings in the matter.

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

- a. Mr Hutchinson continued practising whilst his practising certificate was suspended and failed to notify the SRA that a bankruptcy order had been made against him. This resulted in a breach of the SRA Standards and Regulations and Sections 1 and 1(A) of the Solicitors Act 1974.
- b. Mr Hutchinson has shown insight and taken steps to regularise the position following the suspension of his practising certificate.
- c. The breaches which occurred were of a short duration and there was no loss or lasting significant harm to any clients or third parties.
- d. There is a low risk of repetition.
- e. Some public sanction is required to uphold public confidence in the delivery of legal services.

5. Publication

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

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

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

6.2 If Mr Hutchinson 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.

6.3 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.

7. Costs

7.1 Mr Hutchinson 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.

Control of practice Date: 30 December 2022

Decision - Control of practice

Outcome: Condition

Outcome date: 30 December 2022

Published date: 9 January 2023

Firm details

Firm or organisation at date of publication

Name: Gamlins Law Limited

Address(es): Morfa Hall, Stryd Y Baddon, Y Rhyl, LL18 3EB Wales

Firm ID: 612278

Outcome details

This outcome was reached by SRA decision.

Decision details

Andrew Hutchinson's practising certificate for 2022/2023 is subject to the following conditions:

1. Mr Hutchinson is not a manager or owner of any authorised body.
2. Mr Hutchinson may not provide legal services as a freelance solicitor offering reserved or unreserved services on his own account under Regulation 10.2(a) and (b) of the SRA Authorisation of Individuals Regulations.

In these conditions the definitions 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.

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