

# Kamaljit Singh Bains

## Solicitor

### 025687

*Agreement Date: 12 November 2021*

#### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 12 November 2021

Published date: 17 November 2021

#### *Firm details*

##### **Firm or organisation at date of publication and at time of matters giving rise to outcome**

Name: Make UK

Address(es): Broadway House, Tothill Street, London, SW1H 9NQ

Firm ID: N/A

#### *Outcome details*

This outcome was reached by agreement.

##### *Reasons/basis*

###### *1. Agreed outcome*

1.1 Kamaljit Singh Bains, a solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

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

###### *2. Summary of facts*

2.1 On 2 October 2020, Mr Bains was on holiday in Bangor, Wales.

2.2 He became involved in an argument with a member of the public and struck them around the head with a frying pan.

2.3 He was arrested at the scene, but the member of the public did not wish to support a criminal prosecution for assault.

2.4 Mr Bains was subsequently charged with Section 4A (1) and (5) of the Public Order Act 1986.

2.5 On 10 November 2020, Mr Bains pleaded guilty and was convicted at Caernarfon Magistrates Court.

2.6 The sentence was:

- a. a fine of £1760
- b. a victim surcharge of £176
- c. and costs of £85.

2.7 On 10 November 2020 Mr Bains notified SRA of his conviction.

### 3. *Admissions*

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

- a. That by virtue of his conduct and his conviction he failed to behave in way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles.

### 4. *Why the agreed outcome is appropriate*

4.1 The SRA's Enforcement Strategy and guidance on criminal convictions outside of practice 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 Bains and the following mitigation, which is accepted:

- a. the member of the public did not sustain an injury
- b. this was an isolated incident
- c. he pleaded guilty and has paid the fine
- d. he notified the SRA promptly and has co-operated with our investigation.

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

- a. the conduct was reckless as to the potential risk of harm
- b. Mr Bains had direct responsibility for his conduct
- c. it creates a credible deterrent to Mr Bains and others.

4.4 A rebuke is appropriate to uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. Any lesser sanction would not sufficiently address the conduct and therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

#### *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 Bains agrees to the publication of this agreement.

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

6.1 Mr Bains 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 Bains 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 Bains 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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