

**THE SOLICITORS (SCOTLAND) ACT 1980  
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL**

**FINDINGS**

**in Complaint**

**by**

**THE COUNCIL OF THE LAW  
SOCIETY of SCOTLAND, 26  
Drumsheugh Gardens, Edinburgh**

**against**

**SHAHID SATTAR PERVEZ,  
Solicitor, of the former firm of  
Belton Pervez, 430 Victoria Road,  
Glasgow**

1. A Complaint dated 30 May 2007 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") requesting that Shahid Sattar Pervez, Solicitor, of the former firm of Belton Pervez, 430 Victoria Road, Glasgow (hereinafter referred to as "the Respondent") be required to answer the allegations contained in the statement of facts which accompanied the Complaint and that the Tribunal should issue such order in the matter as it thinks right.
2. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No Answers were lodged for the Respondent.
3. In terms of its Rules the Tribunal appointed the Complaint to be heard on 4 September 2007 and notice thereof was duly served on the Respondent.

4. The hearing took place on 4 September 2007. The Complainers were represented by their Fiscal Elaine Motion, Solicitor-Advocate, Edinburgh. The Respondent was not present or represented.
5. The Tribunal noted that the Respondent had written to the Tribunal with reference to the Complaint and in response to the Notice of Hearing advising that he would not be in attendance at the hearing on 4 September 2007. The Tribunal therefore resolved to proceed in the Respondent's absence.
6. The Complainers led the evidence of one witness and referred the Tribunal to the productions which had been lodged.
7. The Tribunal found the following facts established;-
  - 7.1 The Respondent is a Solicitor enrolled in the Register of Solicitors in Scotland.
  - 7.2 Company A instructed the Respondent in the firm of Belton Pervez to act on their behalf in connection with the grant of a Standard Security by a Mr A in relation to Property 1 ("the flat"). The transaction settled, the loan funds were released to the Respondent and the purchase price was paid to the purchasers' solicitors. Subsequently Company A instructed Messrs Golds, Solicitors (now Irwin Mitchell) ("Golds"), in relation to the commencement of proceedings against Mr A for the repossession of the flat. Company A then wrote to the Respondent on a number of occasions requesting return of the titles for this purpose but received no response. Golds, on behalf of Company A, also wrote to the Respondent on 31 January 2006 and 24 February 2006 but again received no response. Messrs Golds then instructed Title Searches and ascertained that the Application for Registration of Mr A as proprietor of the flat, with Company A as Chargeholders, had never been submitted to the Land Register. The Respondent

did not reply to correspondence sent to him querying this. As a result, Golds on behalf of Company A lodged a Complaint with the Complainers. The Complainers made a determination that the Respondent had failed to provide an adequate professional service to his client, Company A.

7.3 On 11 January 2007, the Complainers determined in terms of Section 42(1) of the Solicitors (Scotland) Act 1980 to uphold the Complaint at the instance of Company A that an inadequate professional service had been provided to them in respect of:

- (a) Failure to follow instructions to present the Land and Charge Certificates to the Registers of Scotland for registration.
- (b) Failure to produce to Company A, a registered Land Certificate showing Mr A as registered proprietor, a Charge Certificate in favour of Company A and a Disposition by Mr B in favour of Mr A.
- (c) Failure to account to Company A as to the whereabouts of the funds remitted. and
- (d) Failure to respond to correspondence from Company A or their representatives, Golds, requesting the Title Deeds.

The Complainers determined in terms of Section 42A (2)(d) of the Act that compensation of £1,301 be paid by the Respondent to Company A. The Determination by the Complainers was intimated to the Respondent by letter dated 1 February 2007. Payment of the award of compensation was not forthcoming. A formal Statutory Notice in terms of Section 42B of the Solicitors (Scotland) Act 1980 was intimated to the Respondent by recorded delivery on 27 February 2007. Payment of the award of compensation has not been forthcoming. The Determination remains outstanding.

8. Having considered the foregoing circumstances and heard the submission from the fiscal, the Tribunal found that the Respondent had

failed to comply with the Determination and Direction given by the Council of the Law Society of Scotland made under Section 42A of the Solicitors (Scotland) Act 1980 in respect of Messrs Golds on behalf of Company A, within the period specified; and the Tribunal resolved to make an Order in terms of Section 53C(2) of the Solicitors (Scotland) Act 1980.

9. The Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 4 September 2007. The Tribunal having considered the Complaint dated 30 May 2007 at the instance of the Council of the Law Society of Scotland against Shahid Sattar Pervez, Solicitor, of the former firm of Belton Pervez, 430 Victoria Road, Glasgow; Find that the Respondent has failed to comply with the Determination and Direction given by the Council of the Law Society of Scotland made under Section 42A of the Solicitors (Scotland) Act 1980 within the period specified; Direct that an Order be issued under Section 53C of the said Act; Find the Respondent liable in the expenses of the Complainers and in the expenses of the Tribunal as the same may be taxed by the auditor of the Court of Session on an agent and client indemnity basis in terms of Chapter Three of the Law Society's Table of Fees for general business with a unit rate of £11.85; and Direct that publicity will be given to this decision and that this publicity should include the name of the Respondent.

**(signed)**

**Kenneth R Robb**

**Vice Chairman**

10. A copy of the foregoing together with a copy of the Findings certified by the Clerk to the Tribunal as correct were duly sent to the Respondent by recorded delivery service on

**IN THE NAME OF THE TRIBUNAL**

**Vice Chairman**

**NOTE**

The Respondent was not present or represented at the hearing. The Tribunal noted that the Respondent had written to the Tribunal with reference to the Complaint and in response to the Notice of Hearing, advising that he would not be in attendance on 4 September 2007. The Tribunal therefore resolved to proceed in the Respondent's absence.

**EVIDENCE FOR THE COMPLAINERS**

The Tribunal heard evidence from Lorna Johnston, a case manager with the Law Society of Scotland. Miss Johnston advised that she was the case manager allocated in relation to a Complaint against the Respondent by Messrs Golds, Solicitors on behalf of Company A and a Mr A. The witness was referred to the Complainer's List of Documents and confirmed that a Complaint was received from Messrs Golds on behalf of Company A. The witness advised that this Complaint was investigated and it was decided by the Law Society's Client Relations Committee that there had been an inadequate professional service in this matter. The witness confirmed that a copy of the Determination by the Client Relations Committee was contained in the Complainer's List of Documents, numbered document 1. The witness confirmed that this was an accurate copy apart from the passages which had been intentionally blanked out as relating to another matter. The witness advised that the Law Society have a new IT system and that they do not retain hard copies of the paperwork. The new system is a paperless system involving virtual files of paperwork which have been scanned in. The witness was referred to the fifth page of the Client Relations Committee's Determination and confirmed that the sum of £1031 of compensation was awarded in favour of Messrs Golds on behalf of Company A.

The witness was referred to document 2 in the said List of Documents and confirmed this was a copy of a letter dated 1 February 2007, written by her to the Respondent confirming the Committee's decision. The witness was asked if she had received a reply to this letter and replied in the negative. The witness was then referred to the third document in the said List of Documents. She confirmed that this was a letter dated 27 February 2007 from her to the Respondent enclosing a statutory notice under

Section 42B of the Solicitors (Scotland) Act 1980. The witness confirmed that this letter was sent to the Respondent by recorded delivery post and that there was no response to that letter and the letter was not returned to her by Royal Mail.

The witness was asked if the compensation had been paid and confirmed that as of today's date it had not.

## **DECISION**

The Tribunal found Miss Johnston to be a credible and reliable witness and accepted her evidence. On the basis of this evidence and the productions lodged, the Tribunal was satisfied beyond reasonable doubt that the Respondent had failed to comply with the Determination and Direction of the Law Society in connection with Messrs Golds on behalf of Company A and the Tribunal made an Order under Section 53C(2) of the Solicitors (Scotland) Act 1980. The Tribunal ordered that the Respondent be liable for the expenses of both the Complainers and the Tribunal and made the usual order in relation to publicity.

**Vice Chairman**