

**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 20 September 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 6 December 2007 and notice thereof was duly served on the Respondent.
4. The hearing took place on 6 December 2007. The Complainers were represented by their Fiscal, Elaine Motion, Solicitor-Advocate, Edinburgh. The Respondent was not present or represented.

5. The Tribunal heard evidence from the Clerk with regard to service of the Complaint and the Notice of Hearing. The Tribunal proceeded in the Respondent's absence.
6. The Fiscal led the evidence of one witness and referred to various Productions lodged.
7. The Tribunal found the following facts established
  - 7.1 The Respondent was born on 3 June 1968. He was admitted as a solicitor on 12 December 1997. He was enrolled as a solicitor in the Register of Solicitors of Scotland on 15 December 1997. After his admission he was employed by Thomas Caplan solicitors, Glasgow until 16 March 2001 and on 9 April 2001 became a partner in the firm of Belton Pervez, 430 Victoria Road, Glasgow. He ceased to be a partner in Belton Pervez on 31 October 2005. He is presently residing care of HM Prison Shotts.
  - 7.2 Ms A instructed the Respondent to act on her behalf in relation to an action against Glasgow City Council regarding a lien over Property 1. Ms A complained about the Respondent's failure to progress the said case; the failure to return any phone calls; the failure to return the original documentation relating to her case; the failure to make adequate arrangements to have Ms A's client file, her original documentation and the file mandated from her previous solicitor stored safely when the firm of Belton Pervez ceased trading on 30 October 2005 and his failure to advise Ms A that the firm ceased trading on 30 October 2005.

- 7.3 On 7 June 2007 the Complainers determined that the Respondent had failed to provide an adequate professional service to Ms A in relation to all of the issues set out above and in terms of Section 42A(1) and made a determination in terms of Section 42A(2)(d) that Messrs Belton Pervez, including the Respondent, pay compensation to Ms A in the sum of £1,750.
- 7.4 By letter dated 21 June 2007 the determination by the Complainers was intimated to the Respondent. Payment of the award of compensation was not forthcoming.
- 7.5 On 17 July 2007 a formal statutory notice in terms of Section 42B was intimated to the Respondent by recorded delivery. Payment of the award of compensation has not been made by the Respondent.
8. Having considered the foregoing circumstances and the submissions from the Fiscal, the Tribunal found that the Respondent has failed to comply with the Determination and Direction given by the Law Society of Scotland under Section 42A of the Solicitors (Scotland) Act 1980 in respect of Ms A within the period specified. The Tribunal resolved to make an Order in terms of Section 53C(2) of the Solicitors (Scotland) Act 1980 and issued an Interlocutor in the following terms:-

Edinburgh 6 December 2007. The Tribunal having considered the Complaint dated 20 September 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 Law Society of Scotland under Section 42A of the Solicitors (Scotland) Act 1980 within the period specified. Direct that an Order be issued under Section 53C(2) 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 last published 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)**

**Chairman**

9. 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**

**Chairman**

**NOTE**

The Council of the Law Society of Scotland had made a Determination and Direction under Section 42A of the Solicitors (Scotland) Act 1980 which was not appealed by the Respondent. A Complaint was then made to the Tribunal under the provisions of Section 53C(2) of the said Act. The Respondent did not lodge answers or attend the Tribunal. The Tribunal heard evidence from the Clerk to the effect that the Complaint had been served on the Respondent by Recorded Delivery on 28<sup>th</sup> September 2007 and had not been returned. The Notice of Hearing was served on the Respondent by recorded delivery on 29<sup>th</sup> October 2007 and had not been returned. The Complainers led the evidence of one witness.

**SUBMISSIONS FOR THE COMPLAINERS**

The Law Society led the evidence of Gillian Martin of the Law Society's Client Relation Office. Ms Martin advised that she had been allocated the inadequate professional service Complaint relating to the Respondent. She referred the Tribunal to Production 1 being the Client Relations Report in respect of the inadequate professional service decision. She also referred the Tribunal to Production 2 being a letter dated 21<sup>st</sup> June 2007 which she wrote to the Respondent advising him of the inadequate professional service decision. Ms Martin also referred the Tribunal to Production 3 being a letter dated 17<sup>th</sup> July 2007 written by her to the Respondent being a Notice under Section 42B of the Solicitors (Scotland) Act 1980. Ms Martin stated that the Respondent had not responded to communications and that she had spoken to Ms A today and she had still not received any money.

Ms Motion asked the Tribunal to grant the Order under Section 53C of the said Act.

**DECISION**

The Tribunal was satisfied on the balance of probabilities on the basis of the evidence provided by Ms Martin and the Productions lodged that the Respondent had failed to comply with the Determination and Direction of the Law Society in respect of Ms A.

The Tribunal accordingly determined that an Order under Section 53C should be issued. The Tribunal made the usual order with regard to expenses and publicity.

**Chairman**