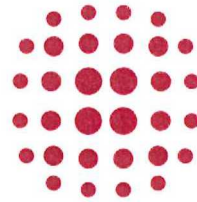


Our ref: CDT/1271425-2019
Your ref:



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11 October 2019

Dear Mr Wilson

Your report to us in July 2019

I refer to my emails to you of 6 September and 1 October 2019. I am sorry for the delay in writing to you again.

We have considered your email of 25 July 2019 to Anna Bradley, Chair of the SRA. You will be aware that you made previous reports to us about Restons Solicitors Limited [in 2012] and also Weightmans Solicitors [in 2006] raising similar issues.

We wanted to review these previous investigations to see whether what you have said to Mrs Bradley is about a new issue or about issues that we have looked at before. This took longer than expected hence why I did not respond within the timeframe as previously indicated.

Your previous complaints to us

1. Weightmans

We considered your complaint to us in 2006 about Weightmans. Your complaint was that this firm had used a fee agreement in their work with banks that was not permitted under our professional rules. I will not set out all the details of what we investigated and the steps that we took as we corresponded with you throughout the investigation.

We also sent you a copy of the Adjudication Panel's decision in 2007 prior to the closure of the investigation. They found that Andrew Cox had breached Practice Rule 8 [of the Solicitors Practice Rules 1990 – in place at the relevant time] and recorded a finding of misconduct but they decided to take no further action.

2. Restons

You contacted us in August 2012 complaining that Restons had also been using a non-permitted fee agreement in their work with similar banks.

At that time, we were not routinely corresponding with complainants about the outcome of our investigations. After you asked about what we had done with your complaint, one of our Complaints Officers wrote to you in September 2013, to explain that we had conducted detailed enquiries with the firm but had decided to take no further action.

In March 2014 we explained in more detail that our investigation had not found evidence that the firm had been making additional charges in addition to debts owed to the bank. Therefore, there were no breaches of our professional rules that required further action to be taken.

In late 2016 you contacted us again about Restons [and Weightmans] stating that inappropriate charges had been added to debts owed and that this amounted to an unlawful fee arrangement. One of our Investigation Officers wrote to you on 22 April 2017 explaining that we would be taking no further action and how we had reached our decision.

Your complaint to us now

In your email of 25 July 2019, you say:

- Since the 2007 Adjudication, Weightmans continued to add sums to the charges being recovered.
- The FCA has announced that HSBC has widened their redress scheme to include a further 18,500 customers.
- An estimated £100million is due for repayment.

So that we can consider your concerns please would you respond to us as soon as you can with:

1. Details of how you consider Restons has breached our professional rules and all information and documents you have available that supports this.
2. Details of how you consider Weightmans has breached our professional rules and all information and documents you have available that supports this.

Other actions

You have mentioned that a considerable number of customers of, in particular, HSBC may be entitled to redress for failures in the service to them. If there are or have been failures by HSBC, its predecessors or other banks to comply with any statutory or regulatory rules, it is for the FCA to decide what to do. I note that you have been writing to the FCA in that regard

We have mentioned previously our Memorandum of Understanding with the FCA. Where appropriate, the FCA will let us have any information they hold about this or other matters where they have concerns about a solicitor or firm we regulate. If we receive any information, we will decide on whether there are breaches of our professional rules that require further investigation.

It would be helpful if you would come back to us by 11 November 2019.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping, horizontal, slightly wavy lines that form a stylized representation of the name Nicholas Leach.

Nicholas Leach
Team Leader
Investigation and Supervision
Solicitors Regulation Authority

**** Please quote our above reference whenever contacting us ****
If corresponding by e-mail please quote our reference in the subject heading

