



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference:

Ms Becky Agates

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Middle Temple, 2007.

Disciplinary Tribunal

Ms Becky Agates

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 23 May 2025, I sat as Chair of a Disciplinary Tribunal on 12 June 2025 to hear and determine 4 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Ms Becky Agates, barrister of the Honourable Society of Middle Temple.

Panel Members

2. The other members of the Tribunal were:

Geoffrey Brighton (Lay Member)

Vince Cullen (Lay Member)

Aaminah Khan (Barrister Member)

Jade Bucklow (Barrister Member)

Charges

3. The following charges were found proven.

The Bar Tribunals & Adjudication Service

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Case Reference: 2023/0743/D5

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and rC8 (integrity) of the Bar Standards Board Handbook (versions 4.6 to 4.8).

Particulars of Offence

Becky Agates, a barrister, behaved in a way likely to diminish the trust and confidence which the public places in her or in the profession and/or behaved in a way which could reasonably be seen by the public to undermine her integrity, in that, she failed to comply with a court order made by District Judge Earl in the County Court at Norwich in claim number HOPP5263 on 9 November 2021, which ordered that she pay to HJH Homes Ltd the sum of £31,000 for rent arrears and £451.75 in costs by 23 November 2021.

Charge 2

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and rC8 (integrity) of the Bar Standards Board Handbook (versions 4.6 to 4.8).

Particulars of Offence

Becky Agates, a barrister, behaved in a way likely to diminish the trust and confidence which the public places in her or in the profession and/or behaved in a way which could reasonably be seen by the public to undermine her integrity, in that, she failed to comply with a court order made by His Honour Judge Duddridge in the County Court at Norwich in claim number HOPP5263 on 10 June 2022, which ordered that she pay to HJH Homes Ltd the total sum of £1,897.50 for costs by 24 June 2022.

Charge 3

Statement of Offence

Professional misconduct, contrary to Core Duty 9 and rC65.6(a) and (c) of the Bar Standards Board Handbook (version 4.6).

Particulars of Offence

Becky Agates, a barrister, failed to be open and co-operative with her regulator, in that, she failed to report to the Bar Standards Board that:

- a. bankruptcy proceedings had been initiated against her on a date between 26 August 2021 and 12 January 2022;
- b. and/or on 20 February 2023, a bankruptcy order was made against her in the County Court at Central London.

Case Reference: 2023/0746/D5

Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and rC8 (integrity) of the Bar Standards Board Handbook (versions 4.0 to 4.8).

Particulars of Offence

Ms Becky Agates, a barrister, behaved in a way likely to diminish the trust and confidence which the public places in her or in the profession and/or behaved in a way which could reasonably be seen by the public to undermine her integrity, in that, she failed to comply with a court order made in the County Court at Chelmsford in claim number D2QZ90T6 on 21 March 2019, which ordered that she pay to Jane Gable the total sum of £12,317.90 for rent arrears, interest and costs on or before 4 April 2019.

Parties Present and Representation

4. The Respondent was not present and was not represented. The Bar Standards Board (“BSB”) was represented by Mr Winston Jacob.

Preliminary Matters

5. Given that the Respondent was not present or represented, the first question for the Panel to consider was whether or not the hearing could and should proceed in her absence. There was no indication by or on behalf of the Respondent as to whether she would be attending the hearing. There was no application by or on behalf of the Respondent to adjourn the hearing.

6. In the expectation that the Respondent might not attend the hearing, Mr Jacob had prepared written submissions on the issue of proceeding in the absence of the Respondent. The written submissions were amplified in oral submissions. The BSB invited the Panel to proceed with the hearing.

The rules governing procedure in the absence a respondent

7. The Disciplinary Tribunal Regulations 2017 rE183 - rE184 deal with procedure in the absence of a respondent.

rE183 provides:

“Where the respondent has not attended at the time and place appointed for the hearing, the Disciplinary Tribunal may nevertheless, subject to compliance with rE234.1 in respect of that respondent, proceed to hear and determine the charge(s) or application(s) relating to that respondent, if it considers it just to do so and it is satisfied that the relevant procedure has been complied with (that is, the respondent has been duly served (in accordance with rE249 of these Regulations) with the documents required by rE102, rE103, and rE132.3.c (as appropriate)).”

rE184 provides:

“If the relevant procedure has not been complied with, but a Disciplinary Tribunal is satisfied that it has not been practicable to comply with the relevant procedure, the Tribunal may hear and determine the charge(s) or application(s) in the absence of that respondent, if it considers it just to do so, subject to compliance with rE234.2 in respect of that respondent if the Disciplinary Tribunal finds any charge or application proved.”

8. For the purposes of complying with the relevant procedure, the documents that the Regulations require to be served on the Respondent are:
- a. Not later than 10 weeks after the decision to refer the matter to the Tribunal, a copy of the charges and a copy of the Regulations.
 - b. As soon as possible after issue of the charges:
 - i. A copy of the evidence of any witness intended to be called in support of any charges;
 - ii. A copy of any other documents intended to be relied on by the BSB;

- iii. The standard directions and/or non-standard directions, which, subject to rE111, the BSB proposes to apply to the case and which must include such timetable as may be considered reasonable by the BSB;
- c. Not less than 14 days before the date of the substantive hearing, the Convening Order.

The evidence relevant to notice of and service of the proceedings

9. In addition to 2 digital bundles of documents relating to the charges, the Panel was provided with a supplemental bundle containing letters and emails exchanged between the BSB and the Respondent between 9 July 2024, the date on which the cases were referred to BTAS by the IDB, and 20 May 2025. The last date on which the Respondent herself responded to the BSB was 5 September 2024. The postal address used by the BSB at all times was the Respondent's registered practising address i.e. Guardian Chambers, Suite 22724, PO Box 6945, London, WA1 6US, United Kingdom.
10. The Panel considered in detail all the communications the chronology of which was as follows:
 - On 9 July 2024, the BSB notified the Respondent by letter that the 2 cases had been referred that day the Independent Decision-making Body ("the IDB") to a five-person Disciplinary Tribunal.
 - On 2 September 2024, the BSB sent a letter to the Respondent enclosing the charge sheet. The letter was sent by guaranteed delivery to the Respondent's registered practising address. The charge sheet was also sent to her email address becky.agates@guardianchambers.co.uk.
 - On 5 September 2024 the Respondent sent an email from becky.agates@guardianchambers.co.uk in response to the charge sheet. On the same date, the BSB sent hard copies of documents in both cases to the Respondent's registered address. The Respondent confirmed that the registered address was correct but said that ill-health prevented her from travelling to collect the papers. (This was the last date on which the Respondent herself communicated with the BSB.)
 - On 6 September 2024, the BSB invited the Respondent to provide an alternative address for delivery of the hard copies, or alternatively for posting a USB stick. The Respondent did not respond and never provided an alternative postal address.
 - From 6 September 2024 onwards, the BSB received out of office replies from the Respondent's email address directing the sender to send urgent correspondence to

the following email address: clerks@guardianchambers.co.uk. The BSB continued to use the email address becky.agates@guardianchambers.co.uk and received sporadic responses from that address from people saying they were Ms Agates' assistants.

- On 28 October 2024, the BSB sent papers and directions by email to becky.agates@guardianchambers.co.uk.
- On 29 October 2024 a "temporary assistant" named Jane wrote from the Respondent's email address to confirm receipt of 4 emails from the BSB, but explained that she was unable to provide a substantive response but that she would ensure that the emails were placed before the Respondent upon her return to work, although she was unable to confirm when that was likely to be. The email ended *"Regards. Jane on behalf of counsel Becky Agates."*
- On 22 November 2024 the BSB emailed the draft non-standard directions made that day to the Respondent on becky.agates@guardianchambers.co.uk. No response was received.
- On 6 December, the BSB emailed the Respondent to remind her that she was required to respond to the above directions by 13 December.
- On 9 December 2024 Jane sent an email from becky.agates@guardianchambers.co.uk. Jane said the Respondent had been in hospital the previous week and she did not know when she would be discharged or when she would return to work. She was critical of the BSB for continuing to contact the Respondent while the Respondent was ill. *"Although I am relatively new to this role, I have read the log of contact with your organisation and I can see you have been repeatedly advised that Ms Agates is seriously unwell and not at work, but you continue to ignore this information. I have sought advice as to what to do in the absence of Ms Agates about the emails, however I am advised that all we can do is to advise you of the circumstances and if you continue to ignore it then I am sure appropriate action will be taken if and when Ms Agates is well enough to return to work"*.
- On 10 December 2024, the BSB responded saying that they would be happy to liaise with Jane over a way forward, but that they would need the Respondent's consent.
- On 11 December 2024 Jane sent an email from becky.agates@guardianchambers.co.uk, saying that she had been instructed by the Respondent's sister that, for the sake of the Respondent's health, the Respondent was not to be disturbed.

- On 17 December 2024, the BSB wrote to BTAS to request that a Directions Judge consider the matter. The BSB provided a supporting correspondence bundle. Jane was copied into the email which was sent to her at becky.agates@guardianchambers.co.uk. There was no response by or on behalf of the Respondent.
- On 22 January 2025 directions were made including the following specific direction re service and possible application for a stay:
- *Unless and until the respondent has notified the Bar Standards Board (“BSB”) in writing of an address (whether electronic or otherwise) at which to effect service of documents, the BSB and the Bar Tribunals and Adjudication Service (“BTAS”) may serve all documents on the respondent by e-mail at becky.agates@guardianchambers.co.uk and such service shall be effective service of any document so served.*
- *Without prejudice to the respondent’s right to make applications, in the event that, by 4.p.m. on Wednesday 19 February 2025 the respondent has served on the BSB and sent by e-mail to BTAS*
 - a. *an application to stay the proceedings and*
 - b. *evidence in support of it, specifically including*
 - c. *a medical report, then:*
 - i. *An oral hearing of that application shall be fixed and*
 - ii. *Time for complying with the directions below shall be suspended.*
- On 22 January 2025, the directions were emailed to the Respondent on becky.agates@guardianchambers.co.uk. BTAS also emailed both parties on the same date that the Directions Judge had directed BTAS to draw the attention of the parties to Direction 5 the purpose of which “... is to flag the question whether the respondent is, or is not, in a fit condition to deal with the proceedings. I express no view as to whether she is, but if she is not then it seems to me that a properly evidenced application for a stay should be made, if on the other hand, she is, then an effective timetable should be set.”
- On 3 March 2025, in default of any response from the Respondent, the BSB emailed her on becky.agates@guardianchambers.co.uk to say that the BSB had continued and would continue to adhere to the directions of 22 January 2025. The BSB offered to

assist with any request for reasonable adjustments to help the Respondent to participate in the proceedings. There was no response.

- On 20 May 2025, the BSB sent a short test email to the Respondent on a private email address they held for her in order to check that the email was being sent to the correct recipient. On the same date the BSB received an automated reply confirming that the email had been delivered and read.
- On 23 May 2025 BTAS emailed the convening order to the Respondent on becky.agates@guardianchambers.co.uk
- On 30 May 2025, the BSB emailed the Respondent on clerks@guardianchambers.co.uk about the forthcoming hearing.
- On 12 June, the day before the hearing, Sophie Reston who described herself as an “executive assistant to Ms Agates” emailed BTAS from clerks@guardianchambers.co.uk. The email included the following passages:

“It appears that Ms Dawson from the Bar Standards Board has been emailing an account which is not in use because Becky is no longer working. It really is not clear to me why she has been emailing that account, because senders receive an automatic response directing them to me. I have checked that it is working and the account clearly states “ Thank you for your email, however, I am not in the office and therefore unable to reply. If your email requires a personal response, please forward it to clerks@guardianchambers.co.uk who will advise accordingly.”

Ms Dawson did not contact me until 30th May, and didn't provide any details about the purpose of her communications until 5th June. Upon receipt of her email of 5th June I immediately asked for further information so I could make appropriate arrangements for a response. Unfortunately, I received an out of office reply and therefore did not receive a reply until yesterday.

I spoke with counsel on behalf of Becky who stated that I should obtain the papers but Ms Dawson is refusing to provide them, stating consent is required. I have spoken to counsel again who states there is little he can provide by way of advice because he doesn't have any details.

The difficulty is that Becky is presently in West Suffolk Hospital having suffered an adrenal crisis. I have spoken to her sister twice who confirms that she is still receiving treatment there and does not yet know when she is being discharged. She was

adamant that Becky should not be disturbed with this whilst in hospital there having been issues in the past where the Bar Standards Board required Becky to respond to them and which subsequently caused her health issues. I didn't press her for more details because she was quite distressed about what has happened.

I can say from my discussion with Becky when I took up this position a short while ago that she has been admitted to hospital 23 times since the start of 2024 and was wheelchair bound as a result.

As things stand Becky is still in hospital and the Bar Standards Board will not provide a copy of the papers so that counsel can advise me what I should do. I have to say that I agree with her sister that she should not be distributed whilst still in hospital, however this leaves me unable to do anything further constructive to help."

11. Neither Jane nor Sophie Reston ever contacted the BSB by telephone or provided a telephone number on which they could be contacted. Jane did not provide her surname. There was no communication from the Respondent informing the BSB that she had instructed Jane or Sophie Reston or anyone else to deal with the BSB on her behalf.
12. Having considered all of the evidence, the Panel was satisfied that the Respondent had notice of the proceedings and had been served with all the requisite documents in accordance with rE249 and that therefore there had been compliance with rE234.1. Accordingly the Panel was satisfied that it had a discretion to proceed in the absence of the Respondent.
13. The next question for the Panel was whether, in all the circumstances, it was just and fair to proceed with the case.

Should the Panel exercise its discretion to proceed in the absence of the Respondent?

14. The Panel considered all the circumstances. The Panel had at the forefront of its mind that the Respondent had reported that she suffered from ill-health and had been admitted to hospital on a number of occasions. The Panel took account of the medical evidence submitted in relation to her admission to hospital in February 2023. There was no medical evidence beyond that date and no medical evidence at all to the effect that she was unable to participate in the proceedings or to attend the hearing.
15. On at least two occasions the BSB had drawn the Respondent's attention to the opportunity to request reasonable adjustments to facilitate her attendance at a hearing. The Respondent made no such request. The Respondent had not engaged in the proceedings

since September 2024. Since then the BSB had made repeated efforts to engage the Respondent, but to no avail.

16. The Respondent had not provided a substantive response to the proposed draft directions sent on 22 November 2024 and had not complied with the directions of 22 January 2025. In breach of para 6(b) of those directions, she had failed to specify whether she admitted the Charges and to identify any areas of fact and/or law which were in dispute.
17. The Panel was mindful of the primary importance of fairness to the Respondent, but also need for fairness to the BSB.
18. Having considered all of the circumstances, the Panel applied the guidance in *R v Jones* [2002] UKHL 5 as to the exercise of its discretion to proceed in the absence of the Respondent.
19. The Panel attached importance to the following factors:
 - a. It was unlikely that an adjournment would result in her attending a hearing;
 - b. There was nothing from the Respondent herself to indicate that she would wish to be represented.
 - c. Given the strength of the evidence that the factual basis of the charges was made out there was no disadvantage to the Respondent in not being able to give her account of events.
 - d. There was a general public interest and a particular interest of Mrs Gable and Mr Horsup that the hearing should take place within a reasonable time.

The Panel concluded unanimously that it was just and fair to proceed in the absence of the Respondent.

Pleas

20. The Respondent did not enter any pleas.

Evidence

21. The evidence consisted of 2 separate digital bundles of documents prepared by the BSB, one for each of the two cases. The bundles included court documents from the landlord and tenant cases and from the bankruptcy proceedings as well as correspondence between the Respondent and the civil courts and between the Respondent and the parties to the civil cases. There was no statement from the Respondent and no response to the charges, but

the Panel had sight of all the correspondence from and on behalf of the Respondent to the BSB.

22. The Panel heard evidence from Mrs Jane Gable in relation to Case No 2023/0746/D5 and from Mr Matthew Horsup in relation to Case No 2023/0743/D5. They each confirmed the content of their witness statements which had been properly served on the Respondent many months previously. The Panel found both of the witnesses to be honest and reliable.

Summary of the background to Case 2023/0746/D5

23. This case was the first in the chronology of events. In November 2014, the Respondent, who at that stage was known as Becky Owen, entered into a tenancy agreement with Mrs Gable as landlord. (The Respondent's change of surname from Owen to Agates was registered at the Bar Council on 28 August 2020.) The rented property was situated next door to Mrs Gable's home. The Respondent fell into arrears with the rent and Mrs Gable brought proceedings for possession and rent arrears. On 21 March 2019, the Respondent was ordered to pay £12,317.90 by 4 April 2019. To date the Respondent has paid nothing towards the judgment debt.
24. Charge 1 alleges that the failure to comply with the court order amounts to a breach of CD5 and/or rC8.
25. The defining period for the alleged professional misconduct is from the date for payment of the debt i.e. 4 April 2019 to the date of the bankruptcy order i.e. 20 February 2023.

Summary of the background to Case 2023/743/D5

26. In February 2019, the Respondent entered into a tenancy agreement with HJH Homes Ltd ("HJH") as her landlord. The Respondent failed to pay rent from April 2019 onwards. In August 2021 HJH filed a bankruptcy petition based on a debt of £29,000 in rent arrears. The petition was served personally on the Respondent in October 2021. HJH also issued a claim for possession and rent arrears. On 9 November 2021, the claim resulted in judgment for rent arrears and costs in the sum of £31,451.75 to be paid by 23 November 2021. The Respondent appealed and her appeal was dismissed with costs awarded against her in the sum of £1,897.50 to be paid by 24 June 2022. To date the Respondent has paid nothing towards either judgment debt.
27. On 20 February 2023, a bankruptcy order was made against the Respondent.
28. Charges 1 and 2 allege that the failure to comply with the court orders of by 23 November 2021 and by 24 June 2022 respectively amount to breaches of CD5 and/or rC8.

29. The defining period for the alleged professional misconduct is from the dates due for of the judgment debts to the date of the bankruptcy order i.e. 20 February 2023.
30. Charge 3 alleges that the Respondent breached CD9 and rC65.6(a) and (c) by failing to report to the BSB that bankruptcy proceedings had been issued and/or that a bankruptcy order had been made.

CD5 and Rule C8 – the Law

31. CD5 prohibits conduct “*which is likely to diminish the trust and confidence which the public places in you or in the profession*”.
32. Rule C8 prohibits a barrister from doing “*anything which could reasonably be seen by the public to undermine your honesty, integrity and independence*”.
33. CD 5a rC8 are mandatory and apply at all times not only when the barrister is practising or providing legal services. Conduct which is part of a barrister’s personal life may amount to professional misconduct. The BSB Handbook provides guidance on when CD5 may apply. Versions 4.0 and 4.6 (in force between 1 April 2019 and 19 September 2023) stated that conduct in the barrister’s private or personal life was not likely to be treated as a breach of Rules rC8 or CD5 unless it involved: a) abuse of the barrister’s professional position; or b) committing a criminal offence, other than a minor criminal offence. The guidance does not provide an exhaustive list of behaviour which is likely to be misconduct nor of behaviour which is unlikely to be professional misconduct. Every case has to be judged on its own facts and circumstances.
34. Disobeying a court order may be professional misconduct if it in fact infringes CD5 or rC8. In *AB v BSB [2020] EWCH 3285 (Admin)* regulatory action was properly taken against a barrister for failure to comply with orders for the payment of school fees and costs in family proceedings.
35. **CD 9 and Rule 65.6(a) and (c)**
CD9 provides:
You must be open and co-operative with your regulators.
Rule 65 provides:
You must promptly inform the Bar Standards if:
(6) a) bankruptcy proceedings are initiated in respect of or against you
(6) c) a bankruptcy order or director’s disqualification is made against you.

The Burden and Standard of Proof

36. The burden of proof rests on the BSB throughout. The standard of proof is the civil standard of proof which applies to all conduct from 1 April 2019. The relevant date in both cases is the date of the failure to comply with the court order.

Findings

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37. The Panel is satisfied on the documentary evidence and the written and oral evidence of Mrs Gable that the factual basis of the charge is made out.

Does the conduct amount to breach of CD5 and rC8?

38. The Panel considered all the circumstances. When the Respondent was introduced to Mrs Gable by a letting agent in 2014, Mrs Gable's reaction was *"I thought that as a barrister, Becky Owen had the perfect profession with honesty and integrity."* Initially there were no problems. However, in 2016 the Respondent's payment of rent began to become irregular and by the end of the year it had fallen into arrears. In February 2017, the Respondent gave 3 months notice to quit and said that there was a bankers draft to pay rent up to and including May 2017. The bankers draft never materialised and the Respondent remained in occupation until she was evicted by bailiffs in November 2017.
39. Proceedings for rent arrears were protracted, but eventually judgment was entered on 21 March 2019. At court, immediately after the hearing, the Respondent promised to pay Mrs Gable the full amount within 2 weeks, a promise that was repeated in an email. The promise was not kept. No money at all was paid.
40. On 11 April 2019, the Respondent wrote to Mrs Gable to inform her that she had lodged an appeal. In the same email she said that she had changed her correspondence address to a PO Box Number, but said that it was still possible to correspond by email. In May 2019 Mrs Gable contacted the court to check if an appeal had been lodged and was informed that no appeal had been filed.
41. Mrs Gable gave compelling evidence as to the emotional and financial impact on her of the Respondent's conduct. The protracted court proceedings had taken their toll. She felt that the Respondent, a barrister, had deliberately employed delaying tactics. She did not feel physically or emotionally well enough to try to enforce the judgment immediately because she had a number of family responsibilities including caring for a terminally ill relative. In March 2023, having been informed by the court that the judgment still stood, she decided

to take steps to enforce it. Because she had no address for service for the Respondent, Mrs Gable had to instruct an agent to trace the Respondent. The agent's search was unsuccessful. In November 2023 Mrs Gable instructed another firm to trace the Respondent, but that search too was unsuccessful.

42. In June 2023, Mrs Gable reported the Respondent to the BSB. She said: *"I would expect all members to adhere to court judgments against them and to be responsible for their debts."*
43. In her statement, Mrs Gable wrote *"I have evidence that Becky Owen is the same person as Becky Agates from her chambers profile where she is advertising as Becky Agates, but at the bottom of the page is a contact for Becky Owen."* Mrs Gable exhibited to her statement a copy of an entry for Foregate Chambers where the Respondent's name and profile appeared. (The Panel did not know whether the Respondent's registered practising address remained Guardian Chambers or whether she had registered an additional or alternative address at any stage.)
44. The Panel accepted Mrs Gable's evidence in its entirety.
45. The Panel was unanimous in finding that the Respondent's conduct diminished the trust and confidence that the public would place in the Respondent or her profession and that it amounted to conduct that fell below the higher standards that the public and the profession expect of her and thereby demonstrated lack of integrity. Accordingly the breaches of CD5 and rC8 were made out. The Panel reached this conclusion having taken into account in particular the following factors:
 - The size of the debt and the length of time it had remained unpaid.
 - The failure to pay the debt despite repeated promises to do so.
 - The Respondent remained in occupation for several months after the date she herself had specified for vacating and Mrs Gabe had to instruct bailiffs to evict her.
 - The Respondent told Mrs Gable that she had filed an appeal when this was not correct.
 - There was a significant detrimental impact on Mrs Gable, a private individual, who was put to significant cost and inconvenience in trying to obtain payment of the sum owed to her.
 - The Respondent has offered no explanation of her failure to comply with the court order or any evidence of any attempts to pay anything towards the debt.

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46. The Panel was satisfied on the documentary evidence and the written and oral evidence of Mr Horsup that the factual basis to Charges 1 and 2 was made out.
47. **Does the conduct amount to breach of CD5 and rC8?**
48. The Panel considered all the circumstances. The Respondent entered into the tenancy at a time when she was aware that she was in arrears at her previous property. Mr Horsup believed that as she was a barrister she would be a good tenant. She only paid rent for 3 months and remained in the property for over 3 years without paying anything more towards the rent. She made offers to pay but did not do so. For example, in April 2022 she wrote to the solicitors for HJH offering to satisfy the judgment within 14 days, but did not do so. On another occasion she said she had posted a cheque through the door, but the cheque never materialised. She was eventually evicted in June 2022. Mr Horsup described the rented property as having been *“trashed.”*
49. Mr Horsup believed that the Respondent *“played the system”* and that was how she managed to stay in the property for over 3 years without paying any rent. He believed that the bankruptcy proceedings were prolonged unnecessarily by the Respondent. He said that the bankruptcy order of 20 February 2023 was sent to multiple addresses for the Respondent. *“This is because she would keep saying that she does not live at that address.”*
50. In March 2023 Mr Horsup reported the Respondent to the BSB.
51. Mr Horsup suffered significant financial loss. The company was set up by 3 individuals as an investment for pension purposes. Mr Horsup had to fund the legal proceedings personally and the total loss to the company and to him personally has been around £100,000.
52. The Panel’s unanimous conclusion was that the Respondent’s conduct diminished the trust and confidence of the public in her and the profession and demonstrated a lack of integrity in that it fell below the higher standards that the public would expect of barristers. Accordingly, Charges 1 and 2 were proved.

Charge 3

53. Charge 3 - the Respondent failed to report the initiation of bankruptcy proceedings and the making of a bankruptcy order. The documentary evidence included proof of personal service of the petition on 16 October 2021. The Respondent attended four hearings. She offered no reason for the failure to report the issue of proceedings.

54. On 20 February 2023, the bankruptcy order was made in her absence. The Respondent was aware of the hearing date and says that she contacted the court to request to attend remotely from hospital. She says she provided her mobile phone number but was not contacted. The pre-amble to the bankruptcy order records that the court telephoned the mobile number provided by the Respondent, but that it went through to an answering service. The Respondent suggested that a call might have been made while she was having treatment.

55. In correspondence with the BSB, the Respondent says that she was unaware that the bankruptcy order had been made. She says she never received a copy of the order. Mr Jacob submitted that it was not credible that the Respondent was unaware that an order had been made. She was aware of the date of the hearing of the petition and that HJH was seeking a bankruptcy order. The Panel noted that the Respondent had been an active participant in the bankruptcy proceedings in as much as she was contesting the petition and had attended some of the hearings. The Panel found that it was more likely than not that the Respondent was aware that a bankruptcy order had been made.

The Panel noted that the District Judge appointed for the public examination recorded on the face of the Order of 20 September 2023 that it appeared that *“the bankrupt is not co-operating with the Official Receiver”*.

56. The Panel concluded unanimously that Charge 3 was made out.

Sanction and Reasons

57. The Panel applied the Sanctions Guidance Version 6 dated 1 January 2022 which applies to all misconduct regardless of the date it occurred.

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58. The misconduct fell within Group H - failure to comply with formal orders. The Panel applied the guidance under Group H and in Annex 2 when assessing seriousness. In relation to culpability, the Panel identified the following factors:

- The non-compliance continued for almost 2 years and the debt remains outstanding.
- There were no attempts to comply with the order.
- The misconduct was intentional.

The Panel identified the following factors in relation to harm:

- The non-compliance had had a significant detrimental impact on the judgment creditor.
- The judgment creditor was put to significant inconvenience and expense in trying to enforce compliance.
- The harm to the judgment creditor could easily have been foreseen.
- The impact on public confidence in the profession was significant.

59. The Panel concluded unanimously that the misconduct demonstrated significant culpability and significant harm and accordingly that it fell within the upper range of seriousness. The indicative sanction was suspension for over 12 months.

60. The Panel looked carefully at the evidence of ill-health, but concluded that there was nothing in it that could amount to mitigation.

61. The Panel bore in mind that the purpose of sanctions was not to punish the individual, but the purposes included the maintaining public confidence and trust in the profession. The public trust and confidence in the profession and in the Respondent had been seriously harmed by the misconduct. The Panel applied the principle of proportionality and concluded unanimously that, in all the circumstances of the case, the just and proportionate sanction was a suspension of 16 months.

62. **Case No 2023/0743/D5**

63. All the factors identified in relation to the above case applied equally here to Charges 1 and 2. In addition, the Respondent had embarked on the tenancy in the knowledge that she was in arrears of rent at the previous property and had made no attempt to clear those earlier arrears.

64. The misconduct involved significant culpability and significant harm and was therefore in the upper range of seriousness. The misconduct was aggravated in that it amounted to a prolonged repetition of previous misconduct. There was a likelihood of repetition. There was no mitigation.

65. The Panel again reminded itself of the purpose of sanctions and the principle of proportionality. The Panel was unanimous in concluding that the only just and proportionate sanction was a period of suspension of 20 months in respect of Charge 1. Notwithstanding that the sum involved in Charge 2 was much smaller, the Panel concluded unanimously that a suspension of 20 months was just and proportionate in respect of that

Charge which involved a deliberate repetition of the misconduct in Charge 1. The sanctions of 20 months suspension on Charges 1 and 2 are to run concurrently.

66. The Panel considered carefully whether the sanction of 20 months should run concurrently or consecutively to the 16 months. The Panel bore in mind that all the misconduct was intentional, it was repeated, it had caused significant harm to two separate individuals over a long period of time and no explanation had been provided. The Panel was unanimous in concluding that the suspension should be consecutive. The total suspension is therefore 36 months.

67. **Charge 3 – failure to report to the BSB**

The misconduct fell within Group L – obligations to the Regulator. The Panel assessed seriousness by applying the guidance under Group L and in the Annex. The Panel identified the following factors in relation to culpability:

- The failure to report was deliberate
- As to delay in making a report, the Respondent herself has never reported the initiation of proceedings or the making of an order.
- In relation to harm, the Panel identified that the failure to report had caused delay in the BSB taking action.

68. The Panel concluded that the misconduct involved moderate culpability and limited harm. It did not fall squarely into any range within the Guidance for Group L. It was more serious than the lower range for which the indicative sanction was advice as to future conduct/reprimand to a low level fine, but it was less serious than medium range for which the indicative sanction was a medium to high level fine. The Panel judged it important to mark the seriousness of the misconduct and that imposing no separate sanction or simply reprimanding the Respondent was not appropriate. The Panel bore in mind that the imposition of a fine alongside of suspension risked having a disproportionate impact on the Respondent especially as it seemed that she had not been working for some time. Balancing these factors, the Panel concluded unanimously that the just and proportionate sanction was a modest fine of £500.

69. The Panel awarded costs in the sum of £4,327.26 to the BSB.

70. The findings and sanctions were made in the absence of the Respondent in accordance with rE183.

Dated: 6 August 2025

HH Janet Waddicor

Chair