

Surinder Manak

Solicitor

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[Agreement Date: 31 October 2022](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 31 October 2022

Published date: 3 November 2022

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Manak Lawyers Ltd

Address(es): 265 & 271a High Street, ORPINGTON, BR6 0NW, England

Firm ID: 627738

Outcome details

This outcome was reached by agreement.

Decision details

Agreed outcome 1.1

Surinder Manak ("Mr Manak"), a solicitor at Manak Lawyers Limited, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £750.
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 30 January 2020, Mr Manak was driving home when the police requested that he stop his car. He did not stop straightaway and was subsequently arrested and breathalysed. He was released the following day without charge pending further investigation.

2.2 On 29 July 2020, Mr Manak was subsequently charged with two offences:

- a. driving whilst under the influence of excess alcohol; and
- b. failing to stop his vehicle when required to do so.

2.3 On 15 December 2020, Mr Manak pleaded guilty at Sevenoaks Magistrates Court to the two offences and was convicted as follows:

- a. disqualification from driving for 17 months (reduced by 25% provided he attend a rehabilitation course);
- b. a fine for driving under the influence of excess alcohol of £1,839; and
- c. a fine for failing to stop when required to do so of £1,226.

2.4 Mr Manak was also ordered to pay:

- a. costs of £85; and
- b. victim surcharge of £181.

2.5 Mr Manak notified the SRA promptly of the charge on 17 August 2020 and of his subsequent conviction.

2.6 Mr Manak has confirmed the fines, costs and charges have been paid in full and he completed the rehabilitation course on 17 June 2021.

3. Admissions

3.1 Mr Manak makes the following admissions which the SRA accepts. 3.2 By virtue of his conduct in:

- a. driving whilst under the influence of excess alcohol and
- b. failing to stop his vehicle when required to do so for which he was convicted, he failed to:
 - act in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice in breach of Principle 1 of the SRA Principles 2019 (the Principles); and
 - behave in a way which upholds the public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the Principles . 4.

4. Why a fine is an appropriate outcome

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements. Its topic guide for driving with excess alcohol conviction also provides insight on the approach to enforcement and indicative sanctions guidelines.



4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Manak and the following mitigation which he has put forward:

- a. this is an isolated incident.
- b. he promptly reported his conviction to us and he has cooperated fully with our investigation.
- c. he has expressed regret for his actions and has shown insight and remorse in respect of his conduct.

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

- a. Mr Manak had direct control / responsibility for his conduct.
- b. Mr Manak drove a vehicle when his level of alcohol was above the prescribed legal limit.

He did not immediately stop and follow the instructions of the police. Therefore, he disregarded the risk of harm to the public trust and confidence in the solicitors' profession and the proper administration of justice. c) a public sanction is required to uphold public confidence in solicitors and the responsibility they have for the delivery of legal services.

4.4 A fine is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons because it will deter Mr Manak and others from similar behaviour in the future. A financial penalty therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

5. Amount of the fine

5.1 The amount of the fine has been calculated in line with the SRA's published guidance on its approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, the SRA and Mr Manak agree that the nature of the misconduct was low because Mr Manak has fully cooperated with the investigation and his conduct does not form a pattern of misconduct. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was low because the conduct caused no loss or direct material impact. The Guidance gives this level of impact a score of two.

5.4 The nature and impact scores add up to three. The Guidance indicates a broad penalty bracket of £500 to £1,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Mr Manak has put forward.

5.6 Taking into account the above factors and balancing with the seriousness of the offences, particularly the failing to stop and cooperate with the police, the SRA considers a basic penalty of £1,000, which is at the top of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £750. This reduction reflects Mr Manak's prompt self-report of his conduct to the SRA and that he expressly admitted his conduct and wrongdoing at the time of reporting.

6. Publication

6.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Manak agrees to the publication of this agreement.

7. Acting in a way which is inconsistent with this agreement

7.1 Mr Manak agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 If Mr Manak 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.

7.3 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.

8. Costs

8.1 Mr Manak agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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