

William Joseph Rawstron

Solicitor

153675

[Agreement Date: 17 January 2024](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 17 January 2024

Published date: 22 January 2024

Firm details

Firm or organisation at date of publication

Name: KY Legal Limited

Address(es): 22 Manchester Road, Haslingden, Rossendale, Lancashire, BB4 5ST, England

Firm ID: 838629

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Agreed outcome

1.1 Mr William Joseph Rawstron (Mr Rawstron), a solicitor working at KY Legal Limited (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £4,308
- 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 29 July 2022, Mr Rawstron was arrested after a witness reported that he had opened his driver's door and caused damage to their vehicle.

2.2 Mr Rawstron was breathalysed by the police. His breathalyser test presented a reading of 78 micrograms of alcohol in 100 millilitres of

breath.

2.3 Mr Rawstron was subsequently charged with driving a motor vehicle after having consumed a level of alcohol in excess of the prescribed legal limit.

2.4 On 15 September 2022 at Liverpool Magistrates Court, he pleaded guilty to the charge and received the following sentence:

- a. disqualification from driving for 22 months, with a reduction of 25 per cent upon completion of a drink drive rehabilitation course; and
- b. a fine of £120.

2.5 Mr Rawstron notified the SRA of his conviction on 7 October 2022.

3. Admissions

3.1 Mr Rawstron makes the following admission which the SRA accepts:

By driving after having consumed a level of alcohol in excess of the legal limit, for which he was convicted, he breached Principle 2 of the SRA Principles, which says:

‘You act in a way that upholds public trust and confidence in the solicitors’ profession and in legal services provided by authorised persons.’

4. Why a fine is an appropriate outcome

4.1 The SRA’s Enforcement Strategy and its topic guide on driving with excess alcohol convictions, sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

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

- a. he promptly reported the conviction to the SRA and has cooperated fully with our investigation; and
- b. he has shown remorse for his conduct and insight into the ethical standards expected of him as a solicitor.

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

- a. had direct control and responsibility for his conduct
- b. caused damage to another vehicle
- c. received a high sentence because he was disqualified from driving for 22 months; and



- d. was warned about his conduct by the SRA on 5 December 2003 after he was convicted in 2002 for driving a motor vehicle after consuming a level of alcohol that exceeded the prescribed legal limit.

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. Any lesser sanction would not provide a credible deterrent to Mr Rawstron and others. 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 Rawstron agree that the nature of the misconduct was more serious because Mr Rawstron:

- a. had direct control and responsibility for his conduct; and
- b. continued to act in a way that he ought to have known was improper because he was previously warned by the SRA for similar conduct.

The Guidance gives this type of misconduct a score of three.

5.3 The SRA considers that the impact of the misconduct was medium because the damage Mr Rawstron caused to the other vehicle was of moderate impact. The Guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to seven. The Guidance indicates a broad penalty bracket of C, which is 16 per cent to 49 per cent of an individual's gross annual income is appropriate.

5.5 In deciding the level of fine within bracket C, the SRA has considered the mitigation at paragraph 4.2 against the factors described at paragraph 4.3 which Mr Rawstron has put forward.

5.6 The SRA considers a basic penalty of £5,069 which is towards the bottom of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £4,308. This reduction reflects the mitigation put forward by Mr Rawstron at paragraph 4.2.

5.8 Mr Rawstron does not appear to have made any financial gain or received any other benefit above the level of the basic penalty as a

result of his conduct. Therefore, no adjustment is necessary to remove this, and the amount of the fine is £4,308.

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 Rawstron agrees to the publication of this agreement.

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

7.1 Mr Rawstron 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 Rawstron 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 Rawstron 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.

[Search again \[https://www.sra.org.uk/consumers/solicitor-check/\]](https://www.sra.org.uk/consumers/solicitor-check/)