

**Bevan-Evans & Capehorn Solicitors LLP**  
**24 Moor Street, Chepstow , NP16 5DB**  
**Recognised body**  
**420847**

[Fined Date: 5 May 2023](#)

## **Decision - Fined**

Outcome: Fine

Outcome date: 5 May 2023

Published date: 10 July 2023

## **Firm details**

No detail provided:

## **Outcome details**

This outcome was reached by SRA decision.

### **Decision details**

#### **Summary of Decision**

Bevan-Evans & Capehorn Solicitors LLP (the firm) have been fined £4,000 for failing to have in place a documented and compliant firm-wide risk assessment, failing to have in place compliant policies, controls and procedures (PCPs) and failing to nominate a money laundering compliance officer. This was contrary to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs 2017).

The firm also failed to obtain an accountants report for the year 2020/2021 in accordance with rule 12.1 of the SRA Accounts Rules.

### **Facts of the misconduct**

It was found that:

1. Between 26 June 2017 and 1 October 2021, the firm failed to have in place a documented and compliant firm-wide risk assessment contrary to Regulation 18(4) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs 2017) and failed to have sufficient regard for the SRA's warning notice on

firm-wide risk assessments dated 7 May 2019 (updated on 25 November 2019).

In doing so the firm:

- i. breached Principles 6, 7 and 8 of the SRA Principles 2011, and
- ii. failed to achieve Outcome 7.3 and 7.5 of the SRA Code of Conduct 2011

and where the conduct took place after 25 November 2019

- iii. breached Principle 2 of the SRA Principles, and
- iv. breached paragraph 2.1 of the SRA Code of Conduct for Firms.

2. From 26 June 2017 until 14 July 2022, the firm failed to have in place up to date anti-money laundering (AML) policies, controls and procedures (PCP's) to mitigate and effectively manage the risks of money laundering and terrorist financing, pursuant to Regulation 19(1)(a) of the MLRs 2017.

In doing so the firm:

- i. breached Principles 6, 7 and 8 of the SRA Principles 2011, and
- ii. failed to achieve Outcome 7.3 and 7.5 of the SRA Code of Conduct 2011

and where the conduct took place after 25 November 2019

- iii. breached Principle 2 of the SRA Principles, and
- iv. breached paragraph 2.1 of the SRA Code of Conduct for Firms

Between 15 March 2019 and 20 April 2022, the firm failed to nominate a money laundering compliance officer (MLCO), as required by Regulation 21 of the Money Laundering Regulations 2017.

In doing so the firm:

- i. failed to achieve Outcome 7.5 of the Code of Conduct 2011

and where the conduct took place after 25 November 2019

- ii. breached paragraph 2.1 of the Code of Conduct for Firms.

4. The firm failed to obtain an accountant's report during the year 2020/2021. In doing so the firm breached rule 12.1 of the SRA Accounts Rules and paragraph 2.1 of the SRA Code of Conduct for Firms.

#### **Reasons/basis**

#### **Decision on sanction**



Bevan-Evans & Capehorn Solicitors LLP was directed to pay a financial penalty of £4,000 and ordered to pay costs of £1,350. This was because the firm's conduct was serious by reference to the following factors in the SRA Enforcement Strategy:

1. Its conduct was a breach of its regulatory obligations which had persisted for more than four years.
2. It was responsible for its own conduct which was serious and had the potential to cause harm to the public interest and to public confidence in the legal profession.

### **SRA Principles 2011**

Principle 6 You must behave in a way that maintains the trust the public places in you and in the provision of legal services

Principle 7 You must comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner

Principle 8 You must run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles

### **SRA Code of Conduct 2011**

Outcome 7.3 You identify, monitor and manage risks to compliance with all the Principles, rules and outcomes and other requirements of the Handbook, if applicable to you, and take steps to address issues identified;

Outcome 7.5 You comply with legislation applicable to your business, including anti-money laundering and data protection legislation

### **SRA Principles 2019**

Principle 2 You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

### **Code of Conduct for Firms (2019)**

Paragraph 2.1 You have effective governance structures, arrangements, systems and controls in place that ensure:

- a. you comply with all the SRA's regulatory arrangements, as well as with other regulatory and legislative requirements, which apply to you.



- b. your managers and employees comply with the SRA's regulatory arrangements which apply to them;
- c. your managers and interest holders and those you employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements by you or your managers or employees;
- d. your compliance officers are able to discharge their duties under paragraphs 9.1 and 9.2 below.

**SRA Accounts Rules 2019**

Rule 12.1 If you have, at any time during an accounting period, held or received client money, or operated a joint account or a client's own account as signatory, you must:

- a. obtain an accountant's report for that [Search again \[https://www.sra.org.uk/consumers/solicitor-check/\]](https://www.sra.org.uk/consumers/solicitor-check/)