ARDL

Association of Regulatory and Disciplinary Lawyers

Quarterly Bulletin Summer 2025

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Chair's Introduction

It is with great sadness that I must begin this introduction by marking the passing of former ARDL Chair Tim Dutton KC CBE.

The first time I met Tim I had been invited to a Middle Temple Scholarship Dinner. The dinner was my first qualifying session as a potential barrister and I had, through pure serendipity, been sat next to the then Chair of ARDL. Tim had attended with his wife, Sappho, and daughter, Pia; and as a Bencher, Head of Chambers and former Chairman of the Bar was approached by many others in the Great Hall. Regardless, he was generous with his time, and kind with his words, and he encouraged me, a person he had never met before, to pursue this career.

A few years later, after pupillage and being accepted as a tenant, I was instructed in my first ever regulatory hearing, defending a registrant in an allegation of dishonesty. I had not yet attended the Keble advocacy course, but I remembered the encouragement received at that scholars' dinner. The real coincidence, however, was that my opponent on that day was Pia Dutton.

Tim's memorial at Temple Church was resplendent with beautiful words, and choral songs, to mark his achievements, but it was Pia's eulogy which generated such emotion within the congregation. Tim's support to the Bar, and the wider regulatory community through ARDL, may never be matched, and to illustrate that contribution, in a small way, ARDL has posted on the website his full interview with Richard Coleman KC; uploaded his Key Note Speech at the ARDL Conference; and will publish within this bulletin an obituary by Richard Coleman

and, another former Chair, Catriona Watt. Further, the ARDL Dutton Bursary will continue to provide encouragement and support to the regulatory lawyers of tomorrow, with those receiving the 2025 Bursary being notified this month.

Away from the sad news, on 11th September 2025, ARDL is hosting simultaneous in-person events in Manchester and London: The Manchester Late Summer BBQ; and The ARDL London Summer Social and Drinks with Lioness Eni Aluko. Tickets are selling fast, however, a few still remain, and both promise to be excellent events.

Tickets for the ARDL Conference 2025 are also going on sale. The ARDL Conference will take place on 14th November 2025 at a new venue, One Birdcage Walk, Westminster. ARDL is delighted to announce Jason Beer KC as this year's Keynote Speaker, with a list of other speakers, topics and sessions also being announced on the website. These include: Artificial Intelligence – Regulatory Implications and Opportunities panel session; Protests and Activism by Regulated Professionals; and Cultural Intelligence and Competence – Inter-cultural Communication in Legal Proceedings.

Leading-up to the ARDL conference will be several other educational webinars beginning with a bite sized webinar, on 30th September 2025, with Daniel Brown and Louise Hartley, both at 3PB: Should regulators be "concerned" about the High Court's judgment in *NMC v Richmond* [2025] EWHC 1828 (Admin)?

ARDL is committed to promoting educational events online and in-person, and we look forward to seeing you in the autumn and winter this year.

Sam Thomas
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Obituary to Timothy Dutton CBE, KC

All involved, past and present, with the Association of Regulatory & Disciplinary Lawyers were deeply saddened to hear of the passing of Timothy (Tim) Dutton CBE, KC, former Chair of ARDL between 2009 and 2015, on 4th June 2025. That ARDL today was hugely influenced by Tim is no surprise, as he was one of the most talented and influential lawyers of his generation and an inspiring, purposeful, generous and kind leader, taking everyone with him when a new idea was being forged, at the front when there were battles to be won. Tim's contribution to the law extends well beyond his cases and is found in the fields of legal education, policy, governance both in the UK and internationally. Tim's own resilience and determination in the face of a diagnosis of motor neurone disease in 2014, continuing to practise as the illness slowly took its toll and retiring from Fountain Court Chambers, of which he was head from 2008 – 2013, in only January of this year, was the measure of the man whom ARDL has been lucky enough to call a friend as well as a Chair. The acknowledgement of his contribution to the law was never more obvious than when he was invested as a Commander of the British Empire in 2015 for services to the law.

Tim's early life was spent in Yorkshire. He was gifted both academically and musically, as well as being talented in sport. As a boy he gained a choral scholarship to Durham Cathedral. That early experience shaped his lifelong passion for music, which, in more recent times, saw him found the Bar Choral Society in 2014, of which his was one of the rich baritone voices. The extent of his personal musical network meant that he was able to invite renowned composer Sir John Rutter to be its president.

Tim read law at Keble College, Oxford, and was called to the Bar (Middle Temple) in 1979. He knew he would be heading for the Bar after university as he'd visited the Old Bailey with a friend before going to Oxford and, seeing the barristers on their feet, thought this was what he wanted to do. The early training as a chorister and in music set him up well for the leading lawyer he was to become, as he found the absolute requirements for accuracy, precision and discipline, were common to both.

Tim led many policy battles, always working to ensure the public had access to justice and that the

Bar attracted the best quality graduates who then would receive the best quality advocacy training. As Chair of the Bar Council, he took the fight to reverse cuts to the legal aid budget under which junior barristers were working a 70 hour week for around £12,000. Angered by press coverage that portrayed 'fat cat lawyers' getting rich on legal aid, he told The Times that if the legal profession was weakened so was the democracy that was based on the rule of law. Asking who cared if the legal profession was weakened, he said: "The voiceless, the prosecution of rape, the victim of serious crime, the family fighting to keep their children."

His concern for ensuring the highest standards of advocacy and finding from his own experience in the 1970s that advocacy education was almost non-existent, led him in the 1990s to set up the now internationally renowned Keble Advocacy Course. Thousands of barristers and many future judges have benefitted from Tim's vision and the Keble Course. Tim led every aspect of the course and headed it personally from 1994 to 2004, and that it continues today with an outstanding reputation is one of Tim's finest legacies.

Following his marriage to fellow barrister Sappho Dias, who, with her family, had fled from persecution from the Burmese junta, they went on to have their daughter Pia, also now a barrister. The experience of Sappho and her family in Burma led her and Tim to set up the Burma Justice Committee, which sought to re-establish the rule of law in Myanmar. Tim had long been aware of the discrimination faced by some at the Bar, in part he became more aware of it through his marriage to Sappho. Discrimination, he found, could come in many forms. He noted that there had been judges in the past who might affect not to 'hear' certain barristers who were on their feet advocating for their client. As Chair of the Bar Council, as Head of Chambers at Fountain Court and in his work with ARDL, Tim had equality and discrimination as key issues on his agenda, seeking to ensure that discrimination in all its forms, whether through lack of opportunity, gender or race, was not swept under the carpet but dealt with. While Chair of ARDL he led the fight to persuade the then Queen's Counsel Appointments Board to accept applications for silk from barristers whose principal advocacy work had been in professional regulation, appearing before committees, tribunals and panels in lengthy and complex cases. Such applications had been given less weight in the past as the work was not seen as being equivalent to court appearance.

As a committee member and Chair of ARDL, Tim inspired many of us. As well as the silks campaign, Tim ensured ARDL contributed to consultations on key legal changes and his passion for legal education saw the setting up of the ARDL Seminar Sub-Committee, which put a real focus on ARDL's education purpose. He oversaw a very significant expansion of the number, range and location of ARDL's seminars, which have covered many, many topics of interest to practitioners. It is a testament to Tim's passion and reputation in this area that so many of the highest profile silks, barristers and judges have participated in our seminars. Tim's legacy was to raise the level and the profile of ARDL and achieving a reputation which has led to the Annual Conference, now about to enter its fifth year, and something that Tim had been aiming for as far back as 2010.

Tim continued to contribute to ARDL after retiring from the position as Chair and later during his illness. He gave an inspiring interview with Richard Coleman KC for ARDL members in 2021 about his life in the law and his life with motor neurone disease. This is on the ARDL website and is not only heartening but heart-warming. Tim also gave the Keynote Address as the introduction to the Annual Conference in 2022, recording this in advance and then appearing live on screen to answer questions from the audience. The Dutton Bursary was founded with the generous financial contribution of Tim and his family and every year is awarded to an individual or several individuals who would not be able to enter, continue or advance their legal education without access to additional funds. The Dutton Bursary is another real legacy.

Despite his illness, Tim was never one to be despondent. He said in 2021: "Even if you are in a state of total paralysis there will still be bird song. There will still be wine to be drunk, there's still music. There will still be books. There will still be room for enjoyment." Tim died aged 68 from motor neurone disease. He is survived by his wife Sappho and daughter Pia, who both devoted themselves to caring for Tim throughout recent years. A wonderful Service of Remembrance was held at Temple Church on 27th June, full of fitting tributes, personal thoughts and magnificent organ and choral music. It was an opportunity for all of those whose lives Tim had touched to join in paying tribute to his memory. Obituaries for Tim appeared in The Times and Counsel magazine.

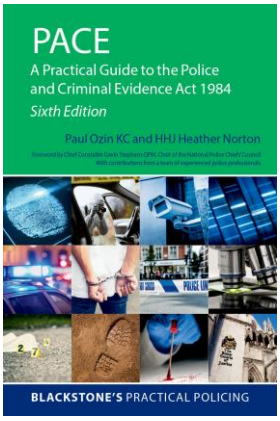
Catriona Watt, Partner, Anderson Strathern, former Chair of ARDL from 2015 – 2018 in collaboration with Richard Coleman KC.

Personal note from Catriona: I was fortunate enough to be the beneficiary of Tim's mentorship and guidance. At a time when ARDL Chairs had only ever been male, English and from the Bar, he encouraged me, a female Scottish solicitor, to stand for election as Chair of ARDL. I am ever grateful that he did, as I was elected and had privilege of following him in the role. Tim, Sappho and Pia welcomed me, a lover of music, into their musical life and I was lucky enough to enjoy many wonderful experiences which they were involved in. Tim was witty, clever and passionate and will be much missed by us all.

Taken at a dinner at the Carlton Club, London, May 2015 to mark the occasion of Tim standing down as ARDL Chair after his exemplary service to the organisation. Left to right: Catriona Watt, Chair of ARDL 2015-2018; Tim Dutton CBE, KC, Chair of ARDL 2011 – 2015; Sappho Dias and Kenneth Hamer, ARDL.

A Practical Guide to the Police and Criminal Evidence Act 1984, Sixth Edition. Book Review by Gerry Boyle KC

The Police and Criminal Evidence Act 1984 (PACE) has now been in existence for over 40 years. It was introduced against a backdrop of a lack of public confidence in the police service and its methods in high profile cases, a number of which went on to become some of the most significant miscarriages of justice in history (the Guildford Four and Maguire Seven). The 1984 Act (which pre-dated the eventual outcomes in those cases) was introduced to 'standardise and professionalise police work', providing a core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing of suspects. Despite continuing amendment and updating to this day it remains one of the most significant pieces of legislation in the justice system.



This Sixth Edition of 'A Practical Guide to the Police and Criminal Evidence Act 1984' by Paul Ozin KC and HHJ Heather Norton remains true to the original aim, namely, to provide a practical guide to the Act and the nine Codes of Practice which now sit alongside it. There are nine detailed chapters : (1) Powers to stop and search; (2) Powers of entry, search and seizure; (3) Arrest; (4) Detention; (5) Treatment; (6) Identification; (7) Interviews; (8) The detention and treatment of vulnerable suspects; and (9) Evidence.

Each chapter is helpfully broken down into two sections. The first section sets out the law with detailed but easily digestible cross-referencing to the relevant provisions of the Act, the Codes, other relevant legislation and the most authoritative case law on point. This is accompanied throughout by the authors' concise and astute commentary and analysis. The second section contains practical guidance based on detailed case studies. The authors make good use of tables and flow charts to assist with the effects of changes in legislation and the procedural steps required in more complex scenarios.

Since the last edition there has been some significant new legislation such as the National Security Act 2023, the Public Order Act 2023 and the Police, Crime and Sentencing Courts Act 2022. There have also been multiple amendments to the Codes of Practice, including the introduction of the new Code I dealing with the detention, treatment and questioning of persons in detention under s27 of the National Security Act 2023. All of this new material is effortlessly reflected within this new edition. The comparative analysis between the new Code I and equivalent provisions under Code C set out in Appendix 10 is particularly helpful. As ever, the Guide contains the full text of PACE as amended and Codes A-G in their entirety.

Given some of the high profile cases in recent times around the use of stop and search (the athletes Bianca Williams and Ricardo Dos Santos) and strip searching (Child Q) and the associated police misconduct proceedings and appeals which have followed, this Practical Guide to PACE should remain the 'go to' text for all legal practitioners involved in criminal, civil or regulatory proceedings where issues arising out of the use of police powers may have a role to play.

Gerry Boyle KC
Serjeants' Inn

Marion Simmons QC Essay Prize Winner 'Ethical Dilemmas in Client Onboarding' by Manvir Grewal

Ethical Dilemmas in Client Onboarding

In contemporary legal practice, the ethical dimensions of client onboarding have become increasingly fraught, exposing solicitors to a complex web of professional, regulatory, and societal expectations. Unlike barristers who are bound by the cab-rank rule, solicitors retain discretion over whom they represent. This discretion, however, is shaped by competing considerations: commercial viability, reputational risks, and ethical obligations. While the SRA Principles stress commitments to the rule of law, their guidance remains abstract when solicitors encounter ethically ambiguous or reputationally fraught decisions. This regulatory ambiguity fosters inconsistencies, leaving firms to navigate the tension between professional neutrality and the moral implications of their work.

This essay critically examines the ethical tensions inherent in client onboarding, arguing for a more reflective, principle-based framework that moves beyond procedural compliance. It interrogates key considerations such as the ethical scrutiny of client wealth, societal consequences of legal representation, and the degree to which solicitors should evaluate the nature of client activities. Additionally, it evaluates the role of courts and tribunals, highlighting the limitations of current regulatory approaches. Ultimately, it advocates for a model of legal ethics that balances professional neutrality with an awareness of the wider social impact of legal practice.

Ethics of Client Wealth

A significant ethical dilemma in client onboarding concerns the origins of client wealth. The Money Laundering Regulations 2017 impose a compliance-based framework designed to prevent legal professionals from facilitating illicit financial activity. However, these regulations focus narrowly on legality, omitting broader ethical concerns about

wealth accumulation.[1] Solicitors must ensure that client funds are not tainted by direct illegality, but they are not obligated to scrutinise whether those funds derive from industries or practices that, while lawful, may be ethically troubling.

This regulatory approach has been problematised in recent scholarship, arguing that it allows law firms to act as intermediaries for ethically contentious financial actors. Vaughan contends that solicitors' ethical obligations should extend beyond legal compliance to encompass a duty of economic responsibility.[2] This perspective suggests that solicitors should critically assess whether their services inadvertently legitimise wealth accumulation strategies that contribute to systemic social harm. These concerns are particularly salient in high-profile cases involving PEPs and clients with significant financial interests in authoritarian regimes. This raises significant normative questions: should solicitors decline clients whose wealth stems from exploitative practices, environmental degradation, or aggressive tax avoidance strategies? Does representing such clients undermine the SRA's mandate to uphold public trust?

Legal scholars argue that solicitors, by providing legitimacy to such clients, risk being complicit in broader structures of economic and political injustice.[3] Yet, the practical implications of expanding ethical scrutiny are contentious. If solicitors were to assume the role of economic gatekeepers, who would define the parameters of 'acceptable' wealth? Would this introduce a dangerous degree of subjectivity into legal practice, potentially leading to inconsistencies in client selection or deselection? The risk of clients simply seeking out firms with more permissive ethical standards further complicates this debate. Expanding ethical scrutiny beyond legality is a compelling proposition, but its implementation requires careful consideration to avoid unintended consequences.

The Purpose of Legal Representation

Another key ethical tension arises from the broader purpose of legal representation. Solicitors frequently facilitate strategies that, while legal, may have significant societal consequences, such as advising on aggressive tax avoidance schemes, shielding corporations from regulatory scrutiny, or defending entities implicated in human rights abuses. This raises a fundamental question: should solicitors be required to consider the downstream effects of their work?

Traditional legal ethics, grounded in adversarial neutrality, maintain that solicitors must act in their client's best interests, provided they operate within the law.[4] This principle underpins the rule of law by ensuring that all individuals and entities can access legal representation, irrespective of public sentiment. However, contemporary scholars challenge this view. Mayson, for instance, argues for a relational approach, which acknowledges the cascading societal effects of legal practice.[5] This perspective aligns with a broader discourse advocating for an ethical model that balances client advocacy with wider social responsibilities.

Despite its theoretical appeal, embedding public interest considerations into legal practice presents both practical and philosophical challenges. Would requiring solicitors to weigh the social consequences of their work compromise the profession's foundational commitment to the rule of law? Would requiring solicitors to assess the social consequences of their work compromise the profession's commitment to neutrality? Could it expose legal practitioners to external pressures

[1] The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
[2] Steven Vaughan, 'Existential Ethics: Thinking Hard About Lawyer Responsibility for Clients' Environmental Harms' (2023) 76 Current Legal Problems 1
[3] Jonathan Goldsmith, 'The New Slur: We Are Professional Enablers' (The Law Society Gazette, 2 March 2021).
[4] Section 50 of the Solicitors Act 1974 and Bradley Wendel, Community, Goodness, and Solidarity in Legal Ethics (Routledge 2023).

that erode the integrity of the legal system? These questions underscore the need for a nuanced ethical framework that supports conscientious decision-making without undermining the foundational principles of legal professionalism. The Law Society has recently acknowledged these concerns, introducing an ethics programme to guide solicitors through these dilemmas.[6] However, its impact remains uncertain. Whether such initiatives will meaningfully influence ethical decision-making or remain aspirational exercises in professional rhetoric is yet to be seen.

Nature of Client Activities

The most contentious aspect of client onboarding concerns whether solicitors should represent clients whose activities they find ethically objectionable. While the principle of universal legal representation is a cornerstone of the rule of law, its application becomes challenging when solicitors are asked to advocate for corporations or individuals engaged in activities that conflict with their ethical convictions. This issue has gained renewed urgency in light of high-profile cases involving law firms representing fossil fuel corporations, arms manufacturers, and companies accused of human rights violations.

However, introducing explicit ethical restrictions on client onboarding raises significant concerns. If legal professionals begin rejecting clients based on perceived social harm, does this risk restricting access to justice for politically unpopular entities? Would it lead to ethical populism, where representation is determined not by legal principle but by shifting social and political attitudes? These tensions underscore the need for an ethical framework that balances professional neutrality with conscientious client onboarding.

Role of Courts and Tribunals

Courts and tribunals shape ethical decision-making in legal practice primarily through reactive rather than proactive intervention. This cautious approach is exemplified by the Bar Standards Board's response to the Declaration of Conscience, where barristers pledged not to act for fossil fuel companies or prosecute climate activists. The BSB clarified that no disciplinary action would be taken against signatories, provided refusals did not become widespread.[7] While some view this as a legitimate expression of professional conscience, critics argue that such refusals threaten legal neutrality by making representation contingent on ideological alignment rather than legal principles. The BSB also clarified that barristers refusing instructions due to the declaration must self-report. However, the declaration may discourage clients from seeking these barristers' services, even if they do not explicitly refuse. This raises concerns about whether such declarations are effectively self-fulfilling.

For solicitors, regulatory oversight is even less prescriptive. While the Solicitors Disciplinary Tribunal has engaged with broader ethical misconduct cases, it has not directly addressed the ethical dilemmas of client onboarding. For example, the SRA's recently provided guidance on Strategic Lawsuits Against Public Participation (SLAPPs)[8] and non-disclosure agreements demonstrates an awareness of the ethical dimensions of legal practice.[9] Despite these interventions, the SRA has not issued explicit guidance on solicitors refusing ethically controversial clients, instead relying on broad principles such as integrity and independence.

This lack of specificity leaves firms to navigate ethical dilemmas independently, leading to

[5] Stephen Mayson, 'Legal Services Regulation: The Meaning of "The Public Interest" - Second Supplementary Report of the Independent Review of Legal Services Regulation' (September 2024)

[6] The Law Society, 'Our Approach to Ethics – and What It Means for Solicitors' (The Law Society, 05 September 2023)

[7] Legal Futures, 'No Cab Rank Rule Breach Yet for Barrister Signatories of Eco-Resolution' (18 May 2023). Bar Standards Board, 'Ethics and Access: Striking the Right Balance' (28 April 2023).

[8] Solicitors Regulation Authority, 'SLAPPs Warning Notice' (updated 30 May 2024)

[9] Solicitors Regulation Authority, 'Non-Disclosure Agreements (NDAs)' (updated 6 August 2024)

inconsistencies across the profession. Some firms actively embrace ethical branding, while others prioritise commercial imperatives. Without proactive regulatory engagement, these inconsistencies will persist.

The growing recognition of this issue is reflected in the Institute of Business Ethics' Taskforce which examines the ethical risks of client representation and its alignment with rights, professional values, and international obligations like the UN Guiding Principles on Business and Human Rights.[10]

Conclusion

The ethical dilemmas of client onboarding require critical engagement. A legal profession focused solely on procedural compliance risks complicity in societal harm, while an expansive ethical approach threatens professional neutrality. Without clear regulatory guidance, solicitors must navigate competing pressures. This essay calls for a more reflective ethical framework which acknowledges the real-world consequences of legal practice while safeguarding the fundamental principles of the legal system.

Manvir Grewal

ARDL Dinner 2025

ARDL was delighted to welcome nearly 600 guests to its Annual Dinner at the Guildhall on Friday 16 May 2025. With this being the 21st Annual Dinner, it was an opportunity to hear speeches from three of ARDL's Committee members - Rosemary Rollason, past Chair Paul Ozin KC and current Chair Sam Thomas - about the past, the present and the future of ARDL. Once again, the splendour of the Guildhall Great Hall set the tone for the evening. Our catering by Searcys saw guests served Yuzu Cured Salmon Fillet or Grilled English Asparagus, Treacle Glazed Sirloin of Hereford Beef or Wild Mushroom Risotto, finishing off with Vanilla Panna Cotta, all accompanied by a selection of wines from England, France and South Africa. This year, guests were entertained in the Old Library with music from the JT Band. Plans are already afoot for the 2026 Dinner, when we look forward to welcoming our members and guests again.

Fiona Muirs

on behalf of the Dinner Sub-Committee

ARDL 2025 Conference

Friday 14 November 2025
One Birdcage Walk, Westminster
Registration 09.15 – 09.45
Conference 09.45 – 17.30; Drinks reception 17.30 – 18.30

ARDL is pleased to announce details of its 5th Annual Professional Discipline and Regulation Conference, which will take place on Friday 14 November 2025 at One Birdcage Walk, Westminster, London, SW1H 9JJ. The Conference will be of interest to members of ARDL practising in all aspects of professional discipline and regulation.

Key Note Speech

We're delighted to announce Jason Beer KC as this year's Keynote Speaker. Jason is the Head of Chambers of 5 Essex Chambers and sits as a Deputy

[10] Institute of Business Ethics, 'Legal Profession Taskforce' (2023)

High Court Judge (KBD and ChD) and as a Recorder of the Crown Court. He is recognised as a leading silk and is recommended as the Star Individual for both Police Law and Inquests & Public Inquiries by Chambers UK. He won Barrister of the Year in The Lawyer Awards 2024 and Silk of the Year in the Inquests and Public Inquiries category at the Chambers UK Bar Awards 2023. He specialises in public inquiries, inquests, public law and police law – representing a range of clients, including central government, public authorities, police forces, coroners, and corporations. Jason has been involved in many of the UK's highest profile inquiries, most recently being well-known for his work at the Post Office Horizon IT Inquiry. Previous work has included: the Stephen Lawrence Inquiry, the Hutton Inquiry, the Shipman Inquiry, and the Grenfell Tower Inquiry. His current work includes the Thirwell Inquiry, the Dawn Sturgess Inquiry and the Southport Inquiry.

Sessions will include:

Regulatory Case Law Update with speaker Kenneth Hamer Henderson Chambers and Author of *Professional Conduct Casebook*. Chaired by Rosemary Rollason Principal at RJ Rollason Law.

Protests and Activism by Regulated Professionals with Rory Dunlop KC 39 Essex Chambers and Christopher Geering 2 Hare Court. Chaired by Stephen Hooper Clyde & Co.

Workplace culture, wellbeing and counter-inclusive behaviours panel session chaired by Nimi Bruce SRA. With speakers including Richard Sims SRA and Julie Norris Kingsley Napley.

Cultural Intelligence and Competence – Inter-cultural Communication in Legal Proceedings with Jamima Hussain Capsticks LLP. Chaired by Paul Ozin KC 23 Essex Street.

Artificial Intelligence – Regulatory Implications and Opportunities panel session chaired by Tope Adeyemi 33 Bedford Row. With speakers including Sarah Ellson Fieldfisher, Sarah Blackmore Social Work England, Simon Murray DWF, and the General Osteopathic Council.

Refreshments and lunch will be provided and we hope that delegates will join us for a drinks reception at the close of the event.

Purchasing tickets:

Tickets, for what promises to be another great ARDL event, are priced at £160 and can be obtained through the members' log in area on the ARDL website from 9.00am on Tuesday 19 August 2025. Delegates attending this event must be an ARDL member.

Each member can only purchase one ticket. In the event that any member experiences difficulties in making a payment when they log in and book a ticket, they should email ARDL's administrator at ardl@blakemorgan.co.uk and arrangement will be made for an alternative method of payment.

For any firms, chambers or legal teams who would like to book for a number of members at the same time, a single nominated person should contact ARDL's administrator at ardl@blakemorgan.co.uk confirming the names and membership status of those whom tickets are being purchased for, and arrangements can be made for payment.

Tickets are strictly non-refundable. They are, however, transferable to another ARDL member if the person who purchased the ticket is unable to attend.

Legal Update

***Nathadwarawala v. General Medical Council* [2025] EWHC 459 (Admin)**

Late appeal – appeal notice not signed at all – appeal out of time

In this case, the tribunal suspended the appellant's registration for six months, with a review. The letter of notification of the decision stated that 'any appeal must be lodged on or before 3 July 2023'. On 28 June 2023, the appellant sent to the Administrative Court Office (ACO) in London, by email, Form N161 Appellant's Notice which he omitted to sign, together with grounds of appeal and other supporting

documents and on the same day made payment of the requisite fee for an appeal. On 9 July 2023, the appellant received an email from the ACO informing him that the appeal notice required a signature. The appeal notice was not signed at all. On 11 July 2023, the appellant sent to the ACO, by email, a signed version of his Form N161, together with grounds of appeal and other supporting documents, and in section 11 requested an extension of time, stating that due to 'an unfortunate oversight' the earlier form had not been signed.

Dismissing the appeal as being out of time, and refusing an extension, the court (Mr Alan Bates, sitting as a deputy High Court judge) held (1) that the first appeal form submitted on 28 June 2023 was not sufficient to constitute the bringing of an appeal for the purposes of section 40 of the Medical Act 1983; (2) that the court had no power under CPR 3.10 to retrospectively validate the first appeal form; and (3) that there were no exception circumstances to grant an extension of time. Whilst CPR Part 52 Practice Direction 52B, (appeals in the High Court) provides only that an appellant's notice must be filed and does not expressly state that the form must be signed, it was, however, implicit that the form must be duly completed in order to constitute a valid appeal. The omission of a signature was a significant omission vitiating the validity of an otherwise completed Form N161 as constituting a valid appeal. CPR 3.10 was concerned with circumstances where proceedings had already started and there was an error of procedure during the proceedings; see *Jennison v. Jennison* [2022] EWCA Civ 1682, [2023] 2 WLR 1017 at [59]; and *Peterson v. Howard de Walden Estates Ltd* [2023] EWHC 929 (KB). Denying a power to extend time would not impair the very essence of the appellant's right of appeal; see *Stuewe v. Health and Care Professions Council* [2022] EWCA Civ 1605, [2023] 4 WLR 7 at [48]-54]. The requirement that a Form N161 be signed was an important and proportionate legitimate aim of promoting legal certainty. The appellant was, throughout the 28-day appeal period, physically able to submit a valid appeal. The principal cause of the appellant not having submitted a valid appeal in time was his own lack of care when completing the first appeal form. The appellant left it until close to the end of the appeal period before attempting to submit his appeal, and thereby ran the risk of being 'timed out' in the event of a deficiency being identified. Even if the appeal had been brought within time, it would have been dismissed on its merits.

General Medical Council v. Konathala [2025] EWHC 1550 (Admin)

A*ppellant's notice completed with statement of truth but notice of appeal not signed – appeal lodged and issued – valid appeal*

In this case, the GMC brought an appeal under section 40A of the Medical Act 1983 against the decision of the tribunal to impose on the respondent a sanction of 12 months' suspension on the grounds that the sanction was not sufficient for the protection of the public. The appellant's notice using Form N161 was signed and dated with a statement of truth by the GMC, and lodged with the Administrative Court in time. Section 14 of Form N161 stating 'The notice of appeal must be signed here' and provides for a signature was not signed. The appellant's notice was accepted by the court and sealed in time. Dismissing the respondent's argument that the appeal was invalid, Mould J said that the lack of a signature in the box in section 14 of the GMC's appellant's notice was a significant omission. However, there was a material difference between the circumstances in *Nathadwarawala v. General Medical Council* [2025] EWHC 459 (Admin) and the present case. In that case, the appeal proceedings had not begun within the 28-day period for lodging an appeal. Whereas, in the present case, the court sealed and thereby issued the GMC's appellant's notice: CPR 2.6(1) and CPR 7.2(1) and (2); see further *Walton v. Pickerings Solicitors and Brophy.* The appeal proceedings had begun and the court was able to exercise its general power given by CPR 3.10 to remedy the GMC's omission to sign the box in section 14 of Form N161; see *Jennison v. Jennison* [2013] EWCA Civ 1682, [2023] Ch 225 at [59]. It was right to do so in the circumstances of the

present case. Firstly, the appellant's notice was otherwise in order and verified and signed with a statement of truth. Secondly, the respondent raised no objection to the validity of the appeal until shortly before the substantive hearing. The GMC's substantive appeal was also allowed.

***Kumar v. General Medical Council* [2025] EWHC 820 (Admin)**

Hyperlink to appeal bundle – appeal not lodged in time

The parties proceeded on the basis that the deadline for filing notice of appeal was midnight on 12 June 2024. At 23:58 hours on that day, the appellant emailed the Administrative Court general office with notice of appeal. His email gave a hyperlink to the appeal bundle stating 'High_Court_Appeal_Bundle.pdf'. This was a link to Google drive. The appeal bundle itself was not attached as required by CPR 52 PD 5B, paras 2.1 and 3.2. Instead, the court administration office was invited to click to an external website through a hyperlink. In *R (ETM Contractors Ltd) v. Bristol City Council* [2024] EWHC 2263 (Admin) the court held that appeal notice filing by hyperlink was impermissible. This is due to data security and system integrity issues that hyperlinks may produce. Striking out the appeal (and holding that each of the substantive merits should be dismissed), Dexter Dias J said at [69]-[82] that the appeal was not lodged in a valid format in time. Despite the appeal bundle subsequently being lodged there were no exceptional circumstances to extend time.

***Thillianinayagam v. General Medical Council* [2025] EWHC 1253 (Admin)**

Appeal filed in wrong court – extension of time granted

The appellant sought an extension of time for lodging an appeal to the High Court under section 40 of the Medical Act 1983. Any appeal had to be lodged on or before 25 April 2025. The appellant's solicitors filed the appellant's notice in the King's Bench Division of the High Court on 17 April 2025, but it was rejected on the basis that it had been filed in the wrong court. It was subsequently filed by the solicitors in the Administrative Court on 28 April 2025, three days after the deadline. Extending time, Lang J said that she did not accept that the appeal was properly filed in the King's Bench Division. The appeal could only be validly filed in the Administrative Court. Nor could and should it have been accepted by the King's Bench Division staff and then transferred to the Administrative Court. The judge said that she had been advised by the Administrative Court lawyer that the practice of the court, and the instructions given to staff, are to the effect that a claim or appeal that has been wrongly filed in the King's Bench Division should be rejected with advice to re-file in the Administrative Court. However, the court would grant an extension of time to pursue the appeal in the exceptional circumstances. The appellant had personally done all he could to bring the appeal in time. Applying the principles in *Pomiechowski, Adesina* and *Stuewe* to the present case, the application of the 'surrogacy' principle would have the effect of unjustly impairing the appellant's right to access to the court in breach of Article 6 ECHR.

[Note: The 'relevant court' in this case was the 'High Court of Justice in England and Wales': section 40(5) of the Medical Act 1983. As the judge correctly recognised, the King's Bench Division is a division of the High Court, and the Administrative Court is part of the King's Bench Division. The fact that statutory appeals are 'allocated' for determination to the Administrative Court as a specialist court does not mean that the appeal in this case was not properly filed in the High Court of Justice. It plainly was. It is unclear on what basis the staff in the Administrative Court could lawfully reject the appellant's notice; see *Sutcliffe v. Secretary of State for Education* [2024] EWHC 1878 (Admin), at [12] (Pepperall J). The most practicable course would have been for the court to formally issue the appeal in the King's Bench Division and invite the appellant's solicitors to apply for a transfer to the Administrative Court.]

***R (Ayinde) London Borough of Haringey; Al-Haroun v. Qatat National Bank QPSC and anor* [2025]**

EWHC 1383 (Admin)

Legal representation – use of artificial intelligence (AI) – professional duty to check accuracy of research – implications for administration of justice – Hamid jurisdiction

These two cases listed together under the court's *Hamid* jurisdiction arose out of actual or suspected use by lawyers of generative artificial intelligence tools to produce written arguments which were not checked. As a result, false information (typically a fake citation or quotation) was put before the court. In the *Ayinde* case, five cases cited by counsel in judicial review proceedings did not exist. In the *Al-Haroun* case, in the course of correspondence with the court and in witness statements reliance was placed on numerous authorities, many of which were either completely fictitious or which, if they existed at all, did not contain the passages supposedly quoted from them, or did not support the propositions for which they were cited. Referring the relevant lawyers concerned to the Bar Standards Board or the Solicitors Regulation Authority, the Divisional Court (Dame Victorian Sharp P, and Johnson J) after referring to the risks of AI tools, such as ChatGPT, said:

> 7. Those who use artificial intelligence to conduct legal research notwithstanding these risks have a professional duty therefore to check the accuracy of such research by reference to authoritative sources, before using it in the course of their professional work (to advise clients or before a court, for example). Authoritative sources include the Government's database of legislation, the National Archives database of court judgments, the official Law Reports published by the Incorporated Council of Law Reporting for England and Wales and the databases of reputable legal publishers.
>
> 8. This duty rests on lawyers who use artificial intelligence to conduct research themselves or rely on the work of others who have done so. This is no different from the responsibility of a lawyer who relies on the work of a trainee solicitor or a pupil barrister for example, or on information obtained from an internet search.
>
> 9. We would go further however. There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused. In those circumstances, practical and effective measures must now be taken by those within the legal profession with individual leadership responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services. Those measures must ensure that every individual currently providing legal services within this jurisdiction (whenever and wherever they qualified to do so) understands and complies with their professional and ethical obligations and their duties to the court if using artificial intelligence. For the future, in *Hamid* hearings such as these, the profession can expect the court to inquire whether those leadership responsibilities have been fulfilled.

An appendix to the court's judgment contained examples from different jurisdictions of material being put before a court that was generated by an artificial intelligence tool, but which was erroneous. In the United States of America, for example, in *Mata v. Avianca Inc* Case No 22-cv-1461 (PKC), 2o33 WL 4114965 (SDNY 22 June 2023), Judge Castel explained some of the consequences of citing non-existent authorities:

> Many harms flow from the submission of fake opinions. The opposing party wastes time and money in exposing the deception. The Court's time is taken from other important endeavours. The client may be deprived of arguments based on authentic judicial precedents. There is potential harm to the reputation of judges and courts whose names are falsely invoked as authors of the bogus opinions and to the reputation of a party attributed with fictional conduct. It promotes cynicism about the legal profession and the American judicial system. And a future litigant may be tempted to defy a judicial ruling by disingenuously claiming doubt

about its authenticity.

In *Ko v. Li* [2025] ONSC 2766, a case before the Ontario Superior Court of Justice, Myers J said at [14]-[22] that all lawyers have duties to the court, to their clients, and to the administration of justice; it is the lawyer's duty to faithfully represent the law to the court; to use technology, conduct legal research and prepare court documents competently; and to ensure human review of materials prepared by non-human technology such as generative artificial intelligence.

R (Metropolitan Police Commissioner) v. Police Misconduct Panel and Neale (Interested Party) **[2025] EWHC 1462 (Admin)**

No case to answer - allegation of sexual misconduct – panel concentrating too closely on complainant's evidence – failure to consider other evidence in support – case remitted

The claimant challenged in judicial review proceedings the finding of the misconduct panel that there was no case to answer against PC Neale, the interested party (the IP). It was common ground that the panel had such a power. Whilst the Police (Conduct) Regulations 2020 were silent on this point, paragraph 11.120 of the Statutory Guidance on Professional Standards, Performance and Integrity in Policing, published by the Home Secretary in accordance with sections 87 and 87A of the Police Act 1996 states that the chair and panel may decide during the course of a hearing that there is no case to answer in respect of misconduct or gross misconduct. The IP faced two allegations of sexually assaulting a female colleague, and a third allegation of inappropriate sexualised comments sent via WhatsApp chat. The panel had an agreed bundle of 198 pages which included witness statements of the complainant, other witness statements, the WhatsApp messages, the IP's response disputing the allegations, record of interview and his witness statement, and a series of character witness statements from colleagues of the IP. It was common ground that everything in the agreed bundle was "evidence in the case" at the time of the panel's decision of no case to answer. Allowing the claim, Fordham J said at [25] that the test was whether the panel's decision was in terms of public law unreasonable. On the facts, the judge agreed with the claimant that, in addition to the complainant's evidence, there was evidential 'support' for each of the allegations from several sources, which the panel's reasoning overlooked. Those other sources of evidence were capable of being logically probative in relation to each of the allegations. Allegations 1 and 2 were both allegations of physical touching, both said to have taken place in the gym. The WhatsApp messages could 'support' the IP having a sexual interest in the complainant, linked to physical touching and the gym. The case would be remitted to a differently constituted misconduct panel for fresh consideration.

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Request for Comments and Contributions

We would welcome any comments on the Quarterly Bulletin and would also appreciate any contributions for inclusion in future editions. Please contact either of the joint editors with your suggestions. The joint editors are:

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