

Daniel Smith
Employee
7269277

Sanction Date: 15 May 2025

Decision - Sanction

Outcome: Rebuke

Outcome date: 15 May 2025

Published date: 20 May 2025

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Cartridges Law

Address(es): 46/47 Cowick Street, St Thomas, Exeter EX4 1AP

Firm ID: 44775

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Daniel Smith (Mr Smith), an employee of Gilbert Stephens LLP (the Employer), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.00.

2. Summary of Facts

2.1 Mr Smith was employed by Cartridges Law (the Firm) between 8 February 2016 and 28 April 2023.

2.2 Between 14 October 2021 and 28 February 2022, Mr Smith acted on behalf of the trustees of the Susan Ford Trust (the Trust) without instructions from the trustees of the Trust.



2.3 Mr Smith registered a restriction on the property known as 14 Charbury Walk, Bristol (the Property) at HM Land Registry (HMLR), corresponded with the Ocean Property Lawyers who were instructed in respect of the sale of the Property, agreed to be appointed as second trustee for the purpose of overreaching the Property and signed the Transfer Deed to sell the Property. He also arranged for the sale proceeds of the Property due to the Trust to be paid into the Firm's client account without an underlying legal transaction and paid to the trustees' bank account without informing both trustees of the transaction.

3. Admissions

3.1 Mr Smith makes the following admissions which the SRA accepts:

- a. He acted without instructions from the trustees of the Trust, contrary to paragraph 3.1 of the Code of Conduct for Solicitors, RELs and RFLs.
- b. He permitted funds to be received into the Firm's client account without any underlying legal transaction, contrary to rule 3.3 of the SRA Accounts Rules 2019.
- c. He failed to act in a way that upholds public trust and confidence in the solicitors' profession and in the legal services provided by authorised persons, breaching Principle 2 of the SRA Principles 2019.

4. Why a written rebuke 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.

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

- a. He has stated that the action was taken on the direction of a senior member of staff.
- b. Mr Smith did not benefit from the action taken.
- c. Mr Smith was unqualified and still undergoing training.

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

- a. Mr Smith's conduct was reckless as to risk of harm and his regulatory obligations.
- b. Mr Smith was a junior member of staff.
- c. Mr Smith did not benefit from the conduct.
- d. Mr Smith has cooperated with the investigation.
- e. Mr Smith has demonstrated insight and remorse.



- f. There is a low risk of repetition.
- g. A public sanction is required to uphold public confidence in the delivery of legal services.

5. Publication

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

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

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

6.2 If Mr Smith 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.

6.3 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.

7. Costs

7.1 Mr Smith agrees to pay the costs of the SRA's investigation in the sum of £300.00. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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