

Birketts LLP
Providence House, 141-145 Princes Street, Ipswich ,
IP1 QJ
Recognised body
441849

[Agreement Date: 28 February 2025](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 28 February 2025

Published date: 13 March 2025

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Birketts LLP

Address(es): Providence House, 141-145 Princes Street, Ipswich, IP1 QJ

Firm ID: 441849

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Birketts LLP ("the Firm"), a recognised body agrees to the following outcome to the investigation of its conduct by the Solicitors Regulation Authority ("SRA"):

- a. it is rebuked
- b. to the publication of this agreement
- c. it will pay the costs of the investigation of £675.

2. Summary of Facts

2.1 The Firm was instructed to act for a client in the sale of plots on a large housing development. Two lenders, Lender A and Lender B, secured

and registered legal interests / charges against the development's legal title.

2.2 On each plot sale, the Firm gave an undertaking to the buyer's solicitor to obtain the release of the mortgages or charges secured on each plot's title so far as it affected the individual plot and to send the discharge Form DS3 / Consent to Dealing (as appropriate) as soon as it was received.

2.3 In April 2022, Lender A was repaid in full, and its interests were removed from the development and plots' legal titles. The Firm's client subsequently instructed the Firm to send all future net sale proceeds directly to them. The Firm agreed to do so and sent the net sale proceeds on 10 plot sales direct to the client, as instructed.

2.4 The Firm's client subsequently became involved in a dispute with Lender B. As a result of this, Lender B has not issued any DS3s for the 10 plots and Lender B's charges remain in force on them.

2.5 In failing to secure the release of the charges on the 10 plots, the Firm has failed to perform undertakings given between 13 July 2022 and 9 September 2022.

3. Admissions

3.1 The Firm makes the following admissions which the SRA accepts:

- a. The Firm has breached a total of 10 undertakings given on plot sales to buyers' solicitors in breach of paragraph 1.3 of the SRA Code of Conduct for Firms. Paragraph 1.3 says, "you perform all undertakings given by you, and do so within an agreed timescale or if no timescale has been agreed then within a reasonable amount of time."

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 the Firm and the following mitigation which it has put forward:

- a. The Firm has self-reported this matter to us at an early stage.
- b. The Firm did not obtain any financial benefit from the conduct.
- c. The Firm has attempted to engage with its former client and Lender B to resolve the issues and obtain the DS3's.
- d. The firm has demonstrated insight and has taken remedial action to prevent a future reoccurrence.

e. The Firm has cooperated fully with our investigation.

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

- a. Failure to comply with an undertaking is a serious matter given the reliance placed on them by legal professionals, clients and other parties. The breach of an undertaking given by a solicitor damages public confidence in the profession.
- b. There are 10 property owners who are unable to properly register their ownership, mortgages and otherwise deal with the properties until the Firm has performed the undertakings.
- c. The conduct was reckless as to the risk of harm/the Firm's regulatory obligations.
- d. The breach has persisted longer than is reasonable.
- e. Some 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. The Firm agrees to the publication of this agreement.

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

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

6.2 If the Firm 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 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 3.2 of the Code of Conduct for Firms.

7. Costs

7.1 The Firm agrees to pay the costs of the SRA's investigation in the sum of £675. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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