

Kash Tutter & Co
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Recognised sole practitioner
072725

[Agreement Date: 28 March 2025](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 28 March 2025

Published date: 1 April 2025

Firm details

No detail provided:

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Kash Tutter & Co (the Firm), a recognised sole practice, authorised and regulated by the Solicitors Regulation Authority (SRA), agrees to the following outcome to the investigation:

- a. Kash Tutter & Co will pay a financial penalty in the sum of £3,303, under Rule 3.1(b) of the SRA Regulatory and Disciplinary Procedure Rules,
- b. to the publication of this agreement, under Rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules: and
- c. Kash Tutter & Co will pay the costs of the investigation of £600, under Rule 10.1 and Schedule 1 of the SRA Regulatory and Disciplinary Rules.

2. Summary of Facts

2.1 We carried out an investigation into the firm following a desk-based review by our AML Proactive Supervision Team.

2.2 Our desk-based review identified areas of concern in relation to the firm's compliance with the Money Laundering, Terrorist Financing and

Transfer of Funds (Information on the Payer) Regulations 2017 (the MLRs 2017), the SRA Principles 2011, the SRA Code of Conduct 2011, the SRA Principles 2019 and the SRA Code of Conduct for Firms 2019.

Firm-wide risk assessment

2.3 Between 26 June 2017 and 31 October 2024, the firm failed to have in place an appropriate firm-wide risk assessment (FWRA) that identified and assessed the risks of money laundering to which it was subject, taking into account all risk factors, pursuant to Regulation 18(2) of the MLRs 2017. Policies, controls and procedures

2.4 Between 26 June 2017 and 2 December 2024, the firm failed to establish and maintain fully compliant policies, controls, and procedures (PCPs) to mitigate and effectively manage the risks of money laundering and terrorist financing, identified in any risk assessment (FWRA), pursuant to Regulation 19(1)(a) of the MLRs 2017, and regularly review and update them pursuant to Regulation 19(1)(b) of the MLRs 2017.

3. Admissions

3.1 The firm admits, and the SRA accepts, that by failing to comply with the MLRs 2017: From 26 June 2017 to 24 November 2019 (when the SRA Handbook 2011 was in force), the firm has breached:

- a. Principle 6 of the SRA Principles 2011-which states you must behave in a way that maintains the trust the public places in you and in the provision of legal services.
- b. Principle 8 of the SRA Principles 2011-which states that you must run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial risk management principles. And the firm has failed to achieve:
- c. Outcome 7.5 of the SRA Code of Conduct 2011-which states you comply with legislation applicable to your business, including anti-money laundering and data protection legislation. And from 25 November 2019 (when the SRA Standards and Regulations came into force) to 2 December 2024, the firm has breached:
- d. Principle 2 of the SRA Principles 2019-which states that you act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.
- e. Paragraph 2.1(a) of the SRA Code of Conduct for Firms-which states you have effective governance structures, arrangements, systems and controls in place that ensure you comply with all the SRA's regulatory requirements, as well as with other regulatory and legislative requirements, which apply to you.

4. Why a fine 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 The conduct showed a disregard for statutory and regulatory obligations and had the potential to cause harm by facilitating dubious transactions that could have led to money laundering (and/or terrorist financing). This could have been avoided had the firm established adequate AML documentation and controls.

4.3 It was incumbent on the firm to meet the requirements set out in the MLRs 2017. The firm failed to do so. The public would expect a firm of solicitors to comply with its legal and regulatory obligations, to protect against these risks as a bare minimum.

4.4 The SRA considers that a fine is the appropriate outcome because:

- a. (The agreed outcome is a proportionate outcome in the public interest because it creates a credible deterrent to others and the issuing of such a sanction signifies the risk to the public, and the legal sector, that arises when solicitors do not comply with anti-money laundering legislation and their professional regulatory rules.
 - b. There has been no evidence of harm to consumers or third parties and there is a low risk of repetition.
 - c. The firm has assisted the SRA throughout the investigation.
 - d. The firm did not financially benefit from the misconduct.
- 4.5 Rule 4.1 of the Regulatory and Disciplinary Procedure Rules states that a financial penalty may be appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. There is nothing within this Agreement which conflicts with Rule 4.1 of the Regulatory and Disciplinary Procedure Rules and on that basis, a financial penalty is appropriate.

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, we and the firm agree that the nature of the misconduct was less serious, because despite the longstanding breaches of the regulations, no harm appears to have been caused. Although the firm had some documentation to comply with the regulations, these were not fully compliant until after feedback was given at the time of our desk-based review.

5.3 We consider that the impact of the misconduct was medium, because the prolonged failings to ensure reasonable protective measures were in place presented an underlying risk to the public interest, and related to

core obligations which should have been understood by the firm. The firm's conduct left it vulnerable to the risks of money laundering, particularly when acting in conveyancing transactions. However, no serious issues were identified with any of the sampled files, and therefore no harm appears to have been caused. Although the risk of harm is arguably high, this is no evidence of actual harm occurring.

5.4 This places the penalty in Band "B", as directed by the Guidance. We and the firm agree the financial penalty to be at the top of that Band.

5.5 The calculated basic penalty is £4,129. 5.6 We have also considered mitigating factors and consider the basic penalty should be discounted by 20%. This is to take account of the following factors, as indicated by the Guidance:

- a. Remedy harm-the firm took steps to establish and rectify the non-compliant documents and is now fully compliant with the MLRs 2017.
- b. The firm made early admissions. The adjusted penalty is therefore £3,303. 5.7 The firm does not appear to have made any financial gain or received any other benefit as a result of its conduct. Therefore, no adjustment is necessary, and the financial penalty is £3,303.

6. Publication

6.1 Rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules states that any decision under Rule 3.1 or 3.2, including a financial penalty, shall be published unless the particular circumstances outweigh the public interest in publication.

6.2 The SRA considers it appropriate that this agreement is published, as there are no circumstances that outweigh the public interest in publication, and it is in the interests of transparency in the regulatory and disciplinary process. The firm agrees to the publication of this agreement.

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

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

7.2 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.

7.3 Acting in a way which is inconsistent with this agreement may also constitute a separate breach of Principles 1, 2 and 5 of the Principles and

paragraph 3.2 of the Code of Conduct for Firms.

8. Costs

8.1 The firm agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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