Easter Term
[2026] UKPC 16
Privy Council Appeal No 0075 of 2024

JUDGMENT

Carleen McFarlane (Appellant) *v* General Legal Council (Respondent) (Jamaica)

From the Court of Appeal of Jamaica

before

Lord Lloyd-Jones
Lord Richards
Lady Simler

JUDGMENT GIVEN ON
23 April 2026

Heard on 17 February 2026

Appellant
Hugh Wildman
(Instructed by Sheridans Solicitors LLP (London))

Respondent
Caroline P Hay KC
Zurie O Johnson
(Instructed by General Legal Council)

LORD LLOYD-JONES:

1. By its decision dated 17 July 2020 the Disciplinary Committee of the General Legal Council ("the Committee") upheld a complaint by Mr Carl Benjamin against Ms Carleen McFarlane ("the appellant") that she had been guilty of inexcusable or deplorable negligence in the performance of her duties as counsel for Mr Benjamin, in breach of Canon IV(s) of The Legal Profession (Canons of Professional Ethics) Rules. On 18 September 2020 the Committee ordered the appellant to pay to Mr Benjamin restitution of JMD$350,000 and costs of JMD$300,000. An appeal to the Court of Appeal (P Williams JA, Dunbar Green JA and G Fraser JA (AG)) was dismissed on 9 December 2022. The appellant now appeals to the Judicial Committee of the Privy Council by leave of the Court of Appeal.

2. By his complaint dated 18 February 2014, Mr Benjamin alleged that on the cancellation of an agreement to purchase real property to which he was a party as a prospective co-purchaser, the appellant paid over the full deposit refund to the other prospective co-purchaser without the authority or instructions of Mr Benjamin, despite it having been made known to her that the deposit was his money.

3. The following summary of the factual background is gratefully adopted from the judgment of Dunbar Green JA in the Court of Appeal. Mr Benjamin, who was resident in Canada, and Ms Kayon Thompson, who was resident in Jamaica, agreed to purchase as co-purchasers a property at Sevens Road, May Pen, Clarendon. In July 2012 they both attended at the appellant's office where Miss Marva Morrison, the appellant's employee and paralegal, completed a standard form questionnaire based on answers they provided. Mr Benjamin and Ms Thompson subsequently met the appellant and confirmed the terms of the agreement for sale and the answers in the questionnaire. The complainant supposedly indicated to Miss Morrison that he would be returning to Canada and that Ms Thompson should receive all documents and all information from the appellant during his absence from Jamaica. A manager's cheque in the sum of JMD$384,950 in favour of the vendor's attorneys (in respect of the deposit on the transaction and one half of the costs of the preparation of the sale agreement) was then handed to Miss Morrison by Mr Benjamin. A receipt was drawn up by the vendor's attorney in the joint names of the prospective purchasers. In early August 2012 the retainer of JMD$20,000 was paid to the appellant's office by Ms Thompson and a receipt drawn up in her name. She also made payments for the valuation and surveyor's reports. The intended sale was cancelled and the appellant paid Ms Thompson by cheque JMD$379,100 which included the refund of the deposit.

4. Mr Benjamin stated that Ms Thompson made him aware that the sale agreement was cancelled but that he only became aware of the refund of the deposit when he visited the appellant's office in September 2013, following several failed attempts to speak to the appellant or Miss Morrison by telephone. Aggrieved that the deposit had been repaid to

Ms Thompson, he filed a complaint with the General Legal Council alleging that the appellant had performed her duties with inexcusable or deplorable negligence. In response, the appellant informed the General Legal Council that payment of the deposit refund to Ms Thompson was authorised by the prospective purchasers' answer to question 19 in the questionnaire. In answer to the question "Who would be responsible for making arrangements for … [g]eneral conduct of the matter?", the answer given was "Kayon [Ms Thompson] and/or Carl [Benjamin]".

5. The findings of fact made by the Committee, applying the standard of proof beyond a reasonable doubt, included the following:

> "(c) A cheque in the sum of $384,950.00 drawn on JNBS [Jamaica National Building Society] (which included a deposit of $350,000.00) made payable to Naylor & Turnquest [the vendor's attorney] was paid by [Mr Benjamin] to Ms Morrison, Para-legal employed to [the appellant].
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> (d) The deposit came from [Mr Benjamin's] account at JNBS.
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> (e) [Mr Benjamin] made it known to the [appellant] and Ms Morrison that the cheque inclusive of the deposit was his money. …
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> (l) The sale transaction was cancelled and a cheque for $370,110.00 which included the deposit was given by Ms Morrison to Kayon Thompson on the instructions of the [appellant]."

6. The Committee concluded that the deposit had been repaid to the wrong person. It also rejected submissions on behalf of the appellant that the appellant had actual implied authority or ostensible authority to make the repayment to Ms Thompson alone. It found that the appellant had acted with inexcusable and deplorable negligence and made an order that the appellant pay Mr Benjamin JMD$350,000 and costs of JMD$300,000.

7. The appeal to the Court of Appeal was by way of rehearing (section 16, Legal Profession Act 1972; *General Legal Council v Lorne* [2024] UKPC 12 at para 11). The Court of Appeal upheld the findings of fact set out above. In particular it held that the evidence adduced was sufficient for the Committee to find, beyond reasonable doubt, that the complainant had made it known that the deposit was his money. It rejected submissions on behalf of the appellant that she had actual implied authority or ostensible authority to repay the deposit to Ms Thompson alone. The Court of Appeal concluded

that the payment to Ms Thompson was a breach of trust and represented a repayment of the deposit to the wrong person. The Court of Appeal upheld the decision of the Committee that the appellant had acted with inexcusable and deplorable negligence.

8. On this second appeal, the appellant seeks to rely on four grounds of appeal.

Ground 1: Misapplication of the criminal standard of proof in finding the complaint against the appellant proved.

Ground 2: Failure to comply with the statutory framework and its impact on the fairness of the proceedings.

Ground 3: Whether the appellant's actions constituted inexcusable or deplorable negligence or neglect in breach of Canon IV(s) of the Legal Profession (Canons of Professional Ethics) Rules) 1978.

Ground 4: Restitution of the entire deposit to the complainant was excessive and inappropriate.

9. In response the respondent says that there are concurrent findings of fact in its favour by the courts below and relies on the principle in *Devi v Roy* [1946] AC 508.

10. It is the settled practice of the Board, save in exceptional cases, not to undertake a review by way of second appeal against concurrent findings of fact by the courts below. In *Devi v Roy* the Board expressed the practice as follows (at pp 521–522):

> "(1) That the practice applies in the case of all the various judicatures whose final tribunal is the Board.
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> (2) That it applies to the concurrent findings of fact of two courts, and not to concurrent findings of the judges who compose such courts. Therefore a dissent by a member of the appellate court does not obviate the practice.
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> (3) That a difference in the reasons which bring the judges to the same finding of fact will not obviate the practice.

> (4) That, in order to obviate the practice, there must be some miscarriage of justice or violation of some principle of law or procedure. That miscarriage of justice means such a departure from the rules which permeate all judicial procedure as to make that which happened not in the proper sense of the word judicial procedure at all. That the violation of some principle of law or procedure must be such an erroneous proposition of law that if that proposition be corrected the finding cannot stand; or it may be the neglect of some principle of law or procedure, whose application will have the same effect. The question whether there is evidence on which the courts could arrive at their finding is such a question of law.
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> (5) That the question of admissibility of evidence is a proposition of law, but it must be such as to affect materially the finding. The question of the value of evidence is not a sufficient reason for departure from the practice.
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> (6) That the practice is not a cast-iron one, and the foregoing statement as to reasons which will justify departure is illustrative only, and there may occur cases of such an unusual nature as will constrain the Board to depart from the practice.
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> (7) That the Board will always be reluctant to depart from the practice in cases which involve questions of manners, customs or sentiments peculiar to the country or locality from which the case comes, whose significance is specially within the knowledge of the courts of that country.
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> (8) That the practice relates to the findings of the courts below, which are generally stated in the order of the court, but may be stated as findings on the issues before the court in the judgments, provided that they are directly related to the final decision of the court."

11. In *Sancus Financial Holdings Ltd v Holm* [2022] UKPC 41; [2022] 1 WLR 5181 Lord Briggs and Lord Kitchin, delivering the judgment of the Board, explained the rationale of the rule (at para 5):

> "There are several reasons for this practice. First, where the practice is applied, the reliability of the trial judge's findings will already have been subjected to careful review by a properly

> constituted and experienced court of appeal. In that way the aspect of access to justice constituted by the availability of an appeal will generally already have been satisfied. Secondly, as Lord Burrows JSC explained in [*Dass v Marchand (Practice Note)* [2021] 1 WLR 1788], where two courts (one of them appellate) have agreed upon a finding of fact, it is inherently unlikely that a second appellate court will be well-placed to disagree with both of them with any degree of confidence. Thirdly, the parties are entitled to expect a reasonable degree of finality in litigation, at least where no contentious point of law of wider public importance is engaged. Fourthly, the minute examination of the detailed evidence underlying findings of fact is an expensive and time-consuming process likely to strain the Board's limited resources, if it has to be undertaken with any frequency. Finally (although of no particular relevance to the present case), fact finding will often benefit from the deeper understanding which the local courts are likely to have of custom and culture, by comparison with the Board: see *Dass v Marchand* at para 16."

12. This reasoning applies in its full vigour to the present case.

13. The appellant seeks to circumvent *Devi v Roy* by relying on two matters which occurred before the Committee and which, she submits, gave rise to such procedural unfairness as to justify departure from the practice. The first concerns the admissibility of a letter from the Jamaica National Building Society ("JNBS") to the respondent dated 26 November 2014 in relation to the source of the funds which formed the deposit. The second concerns the admissibility of the evidence of Mrs Annette Benjamin, the complainant's wife. The respondent submits that there has been no miscarriage of justice or violation of any principle of law or procedure at either first instance or appeal, so as to justify a third review of the evidence in this case by the Board. These two matters will be considered in turn.

<u>The letter of 26 November 2014</u>

14. The letter of 26 November 2014 from JNBS to the respondent refers to the account of Mr Benjamin with the JNBS which had been opened in May 2010 and states that on 26 July 2012 a cheque was made payable to Naylor & Turnquest in the amount of CDN$4,436.44 which is the equivalent of JMD$384,950.

15. The appellant now complains that this letter was first disclosed to the appellant on the first day of the disciplinary hearing, 6 December 2014 when it was produced as

Exhibit 8 in the bundle of documents admitted into evidence. It is said that the letter should not have been admitted in evidence and that the appellant was prejudiced as a result. Mr Hugh Wildman, on behalf of the appellant, says that this document was "sprung upon the appellant" and that the failure to disclose it earlier was a breach of procedural rules in section 14 and the Fourth Schedule to the Legal Profession Act 1972 and the appellant's common law right of due process. He submits that disclosure was of paramount importance because the appellant, subject to a complaint of professional misconduct, was entitled to know the case against her. He also submits that the letter was inadmissible hearsay. In addition, he complains that this document was sent directly to the respondent by the JNBS. He submits that this failure to comply with statutory rules and the resulting unfairness constitute jurisdictional errors rendering the decision of the Committee a nullity.

16. The Board does not consider that there was a breach of the rules governing disclosure.

(1) Proceedings before the Disciplinary Committee of the respondent are governed by the Legal Professional (Disciplinary Proceedings) Rules, the original version of which is contained in the Fourth Schedule to the Legal Profession Act 1972 (the "Fourth Schedule"). With effect from 4 August 2014 these Rules were amended by the Legal Professional (Disciplinary Proceedings) (Amendment) Rules 2014, made under section 14 of the Legal Profession Act 1972.

(2) The appellant contends that failure to disclose the letter was a breach of rule 4. However, rule 4 governs the preliminary procedure by which the Committee decides whether there is a prima facie case to answer or whether to dismiss the application without a hearing. Prior to amendment by the 2014 Rules, rule 4 of the Fourth Schedule did not require any representations from the attorney or oblige the disclosure of relevant documents to the attorney before the Committee determines a *prima facie* case and fixes a day for the hearing. Rule 4(1)(b) of the Fourth Schedule (as amended with effect from 4 August 2014) obliges the Committee to "serve on the attorney against whom the application is made a copy of the application and the affidavit in support thereof, together with all other relevant documents and information".

(3) The pre-hearing correspondence is dated between 15 October 2013 and 14 June 2014. The Committee determined on 28 June 2014 that a prima facie case had been shown and the parties were notified on 11 July 2014. At those dates rule 4 did not require disclosure to the attorney.

(4) In any event, the letter which is the subject of the complaint did not come into existence until 26 November 2014 ie after the decision that a prima facie case had been shown.

(5) Rule 4 concerns a threshold merits assessment of the case against the attorney. It is an initial screening process and does not limit the powers of the Committee to admit further documents at a later stage in the proceedings.

(6) Rules 6 and 7 respectively oblige each party to provide to the other party a list of all documents for the hearing and entitle each party to inspect the documents included in that list. These are obligations imposed on the parties, not the Committee. These Rules do not preclude the Committee from deciding to admit additional documents at a later stage.

(7) Nothing in the 2014 Rules or the Fourth Schedule limits the power of the Committee to admit additional documents in the course of the hearing itself. In *Mark Leachman v Portmore Municipal Council* [2012] JMCA Civ 57 Brooks JA explained (at paras 11 to 12):

> "[11] …an inferior tribunal is master of its own proceedings. It is not bound by strict rules of evidence. It may admit any material that tends to establish or disprove any fact in issue before it. That material may include hearsay. The important factor to be borne in mind is that, in conducting its proceedings, the tribunal must observe the rules of natural justice. It must allow the party which is adversely affected by the material, the opportunity to comment on and question that material. The tribunal must also apply its process uniformly for all parties before it.
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> [12] A number of decided cases establish those principles. Those authorities were comprehensively reviewed by Smith CJ in *R v The Industrial Disputes Tribunal, ex parte Knox Educational Services Ltd* (1982) 19 JLR 223. In that case, the learned Chief Justice was assessing the role of the Industrial Disputes Tribunal (IDT). He not only stated that the IDT may admit hearsay evidence, but also said at page 232B:
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> > 'In my opinion, it was for the Tribunal to decide whether any of the documents produced before it had any value as evidence and was entitled to use such of them as it considered to be of value in arriving at its decision.'

I respectfully agree with that view."

17. In any event there was no procedural unfairness and the appellant suffered no prejudice or disadvantage as a result.

(1) The source of the deposit was already in issue in the proceedings to the knowledge of the appellant and her legal advisers.

(a) In his letter of 15 October 2013 to the respondent, initiating the complaint, Mr Benjamin stated that "[m]onies were submitted to the appellant's firm for fees and deposits: particularly a sum of $384,950.00 from myself in a form of Money Order, from my Jamaica National account, as a deposit for the purchase of the above property."

(b) In her response to the complaint dated 28 October 2013 the appellant took issue with the allegation that she knew that the money for the deposit had been provided by Mr Benjamin. She stated that a manager's cheque had been paid over to her in the name of "Turnquest and Naylor" in the sum of JMD$384,950 and the receipt made in the name of Kayon Thompson and Carl Benjamin. "At no time was it disclosed to us that the funds belonged to Mr Carl Benjamin as it was Ms Thompson who was giving the instructions and dealing with the matter." She further stated, "we had no means of knowing that he had provided the deposit as the stub was either retained by himself or Ms Thompson, the prospective mortgagor, and the source of funds received from Ms Thompson was never discussed."

(c) In his affidavit Mr Benjamin stated that at the initial meeting on 26 July 2012 he "[i]nformed Ms Marva Morrison that I would be providing the monetary fund because Kayon does not have the access to such a large amount of money". He "[i]nformed Ms Morrison that I would return in a couple of days with the cheque for the sum of $384,950.00."

(2) The letter from JNBS, which had only come into existence on 26 November 2014 was promptly disclosed at the hearing on 6 December 2014. There is nothing to suggest that it had been concealed or held back for some procedural advantage.

(3) At the hearing on 6 December 2014, the documents listed as Exhibits 1-8 (including the letter of 26 November 2014) were shown to Mr Benjamin who was giving evidence. The Committee recorded in its decision of 17 July 2020 that Mr Honeywell, counsel then representing the appellant, "had no objection to them being admitted into evidence."

(4) At the conclusion of the first day of the hearing on 6 December 2014 the proceedings were adjourned and did not resume until 18 June 2015. This allowed the appellant and her legal advisers ample time within which to investigate the authenticity and provenance of the letter. There is no evidence to suggest that any such steps were taken.

(5) When the hearing resumed on the 18 June 2015 the appellant did not challenge the authenticity or provenance of the letter.

(6) On appeal to the Court of Appeal, the appellant did not seek to challenge the authenticity or provenance of the letter. Furthermore, she did not seek to rely on any unfairness resulting from the admission of the letter. That point has been raised for the first time on this further appeal.

(7) As Dunbar Green JA pointed out, when delivering the judgment of the Court of Appeal, the issue as to the source of the deposit was in any event irrelevant to the appellant's defence which was that as a result of the answer to Question 19 of the questionnaire the appellant was authorised to repay the deposit to Ms Thompson.

The evidence of Mrs Benjamin

18. The appellant also complains that the Committee admitted the evidence of Mrs Annette Benjamin, the complainant's wife. At the resumed hearing on 18 June 2015 Mr Benjamin, who represented himself before the Committee, sought to call his wife to give evidence. He was asked by the Committee whether she had been present for anything that he had done in Jamaica. He replied that she was not there "but everything I did I call her and let her know this is the situation". The Committee then allowed her to give evidence. She gave evidence as to what her husband had told her about the transaction. In response to questions from the Committee she stated that she only knew what her husband told her.

19. On behalf of the appellant, Mr Wildman submits on this appeal that her evidence was a clear breach of the hearsay rule as she had no personal knowledge of the transaction and that because of the resulting prejudice to the appellant, *Devi v Roy* should not apply.

20. In an appropriate case it would have been open to the Committee to admit hearsay evidence (see, generally, *Mark Leachman v Portmore Municipal Council*, above). The Board notes that Mr Honeywell, then representing the appellant, objected to her evidence not on the ground that it was hearsay but on the ground that the Committee could not be confident that the witness was Mr Benjamin's wife. In the present instance, however, the evidence of Mrs Benjamin was of no probative value whatsoever. That this became

obvious to the Committee is apparent from its questions of her which established that she only knew what her husband had told her about the transactions. It was presumably for this reason that Mr Honeywell did not ask any questions in cross examination. Nothing in the Committee's decision indicates that it placed any reliance on the evidence of Mrs Benjamin.

21. The Board agrees with the conclusion of Dunbar Green JA in the Court of Appeal that the evidence of Mrs Benjamin added nothing to what the Committee had otherwise heard and there was no indication that her evidence influenced the Committee's decision in any way. No prejudice to the appellant resulted.

22. For these reasons the Board concludes that there was here no procedural unfairness, let alone such as might satisfy the high test necessary to bring this appeal within an exception to *Devi v Roy*.

Ground 1 – Misapplication of the criminal standard of proof

23. On this first ground, the appellant accepts that the Court of Appeal correctly instructed itself that the criminal standard of proof applies to disciplinary proceedings concerning the legal profession. (*Campbell v Hamlet* [2005] UKPC 19; [2005] 3 All ER 1116 per Lord Brown of Eaton-under-Heywood at paras 16–24.) She seeks, however, to challenge the Committee's findings of fact based on the evidence of Mr Benjamin. In this regard the appellant focusses in particular on whether Mr Benjamin made known to her that the deposit was his money, a matter which is said to be central to the complaint against the appellant. It is said that Mr Benjamin's credibility was undermined and that the Committee and the Court of Appeal erred in concluding that there was evidence which could discharge the burden of proof to the criminal standard. In this regard, she also seeks to raise the issue of the admissibility of the evidence of Mrs Benjamin.

24. For the reasons stated above, *Devi v Roy* precludes this line of argument.

Ground 2 – Failure to comply with statutory framework and its impact on the fairness of the proceedings

25. On this ground the appellant submits that the Committee erred in admitting into evidence and placing reliance on the letter of 26 November 2014. For the reasons set out above, the complaint that the Committee failed to comply with the statutory provisions governing procedure is not made out. In any event, the admission of the letter of 26 November 2014 had no effect on the fairness of the proceedings.

Ground 3 – Inexcusable or deplorable negligence or neglect

26. On this ground, the appellant submits that the Committee was not entitled to conclude that the appellant's actions in paying the refund of the deposit to Ms Thompson constituted inexcusable or deplorable negligence or neglect in breach of Canon IV(s) of the Legal Profession (Canons of Professional Ethics) Rules 1978.

27. Once again, it is submitted on behalf of the appellant that the Court of Appeal's conclusion that the appellant made a deposit refund to the wrong person is undermined by the Committee's reliance on inadmissible evidence, in particular the letter of 26 November 2014. This line of argument is not open to the appellant because of *Devi v Roy*. For the avoidance of doubt, it should be stated that the Board considers that there was ample evidence on which the Committee was entitled to conclude that the deposit had been provided by Mr Benjamin from his account with JNBS and that the appellant was made aware of this.

28. Although there is on this appeal no ground of appeal dealing directly with the issue of the authority given to the appellant, the matter is raised indirectly under this ground. On behalf of the appellant it is submitted that the issue of agency is central to the assessment of the appellant's actions in the light of the joint instructions from Mr Benjamin and Ms Thompson recorded in the questionnaire and Mr Benjamin's statement to Miss Morrison that, as he would be returning to Canada, Ms Thompson should receive "all documents and information" from the appellant during his absence from Jamaica.

29. The Committee did not consider it necessary to decide whether there existed actual implied authority or ostensible authority to repay the deposit to Ms Thompson. It did, however, conclude that in either case the authority was limited to Ms Thompson receiving all information and documents in the absence of Mr Benjamin. The Court of Appeal considered that there was no need for the Committee to decide whether this was a case of actual implied authority or ostensible authority since there was "no evidence that Mr Benjamin had held out to the appellant that Ms Thompson was authorised to collect the refund of the deposit", and the instruction in the questionnaire (Question 19(ix)) could not reasonably be interpreted as extending to the question to whom the deposit might be repaid. The Board agrees. These matters provide no basis for maintaining that there was authority to pay the refund of the deposit to Ms Thompson. Furthermore, the fact that instructions had been given that, had the purchase gone ahead, the property should be held by Mr Benjamin and Ms Thompson in common in equal shares, has no bearing on the question to whom the deposit should have been repaid on cancellation.

30. On behalf of the appellant, it is submitted that the Court of Appeal erred in its conclusion that the appellant's conduct was not simply an honest mistake for which the appropriate remedy was in the tort of negligence. It should be emphasised that the

decision of the Committee, upheld by the Court of Appeal, does not impugn the honesty of the appellant. The conclusion was that the appellant's conduct constituted inexcusable or deplorable negligence or neglect, a higher standard than negligence for the purposes of the law of tort. In the Board's view the Committee was entitled to come to this conclusion and there are no grounds for interfering with its decision. Repaying a deposit to one co-purchaser without instructions from both provides ample basis for a finding of a serious error amounting to inexcusable or deplorable negligence. This, however, is a stronger case when one takes account of the fact that the appellant had been made aware that the deposit had been paid by one co-purchaser and she repaid it to the other. In these circumstances there is no ground for interfering with the Committee's evaluation.

Ground 4 – Restitution

31. Section 12(4)(f) of the Legal Profession Act 1972 provides that the Committee may, as it thinks just, make an order as to the payment by the attorney of such sum by way of restitution as it may consider reasonable. The appellant submits that the Committee's order that she pay Mr Benjamin JMD$350,000 by way of restitution was an excessive and inappropriate sanction.

32. The appeal in this case to the Court of Appeal was by way of rehearing (section 16 of the Legal Profession Act 1972). In *Lorne v General Legal Council* [2024] UKPC 12 the Board reaffirmed (at para 55) the test which an appellate court must apply on an appeal by way of rehearing, absent any error of law or principle in the decision of the disciplinary tribunal.

> "Where the appeal, as in this case, is a rehearing and the appellate court is entitled to substitute its own decision for that of the committee, the test is whether the sanction was appropriate and necessary in the public interest or was excessive and disproportionate."

33. The appellant submits that the order for restitution was excessive in circumstances where the receipt of payment of the deposit was issued in the names of Mr Benjamin and Ms Thompson as co-purchasers. In this regard the appellant complains once again of the reliance of the Committee and the Court of Appeal on the letter of 26 November 2014 as demonstrating the source of the deposit. Once again, this line of argument is precluded by *Devi v Roy*.

34. The Committee was entitled to find that the deposit had been paid by Mr Benjamin from his own funds in his building society account and that the appellant was made aware of this. It was not disputed that the refund of the deposit was paid in full to Ms Thompson. In these circumstances the order for restitution was entirely appropriate. The Board notes

that the sum ordered to be paid by way of restitution would be the minimum recoverable in an action in negligence or breach of retainer. The order for restitution serves the dual purpose of sustaining public confidence in the integrity of the legal profession and of compensating Mr Benjamin. In making this order, the Committee made no error of law or principle and imposed a sanction which was appropriate and necessary in the public interest.

Conclusion

35. For these reasons the Board will humbly advise His Majesty that the appeal should be dismissed.