

Determination by Consent Decision

Name of regulated person and call date

Nadarajah Jeganathan, Unregistered
Called to the Bar 26 November 1998

Case Reference

2025/0539/DC

Charges

Charge 1

Statement of Offence

Professional Misconduct contrary to Core Duty 5 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

Nadarajah Jeganathan, a barrister and BSB regulated individual, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the profession, in that, on 5 October 2024, he was in charge of a motor vehicle in a public place after consuming so much alcohol that the proportion of it in his breath, namely 94 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit, for which he was convicted of an offence under section 5(1)(b) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 at Thames Magistrates' Court on 21 October 2024.

Charge 2

Statement of Offence

Professional Misconduct contrary to rC8 (integrity only) (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

Nadarajah Jeganathan, a barrister and BSB regulated individual, behaved in a way which is likely to diminish the trust and confidence which the public places in him or in the profession, in that, on 5 October 2024, he was in charge of a motor vehicle in a public place after consuming so much alcohol that the proportion of it in his breath, namely 94 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit, for which he was convicted of an offence under section 5(1)(b) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 at Thames Magistrates' Court on 21 October 2024.

Charge 3

Statement of Offence

Professional Misconduct contrary to Core Duty 9 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

Nadarajah Jeganathan, a barrister and BSB regulated individual, failed to be open and co-operative with his regulator, in that, between 21 October 2024 and 17 July 2025, he failed to report to the Bar Standards Board that he was the subject of a criminal conviction, as described in the Certificate of Conviction of Thames Magistrates' Court dated 21 October 2024.

Charge 4

Statement of Offence

Professional Misconduct contrary to rC65.2 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

Nadarajah Jeganathan, a barrister and BSB regulated individual, failed to be open and co-operative with his regulator, in that, between 21 October 2024 and 17 July 2025, he failed to report to the Bar Standards Board that he was the subject of a criminal conviction, as described in the Certificate of Conviction of Thames Magistrates' Court dated 21 October 2024.

Charge 5

Statement of Offence

Professional Misconduct contrary to Core Duty 9 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

Nadarajah Jeganathan, a barrister and BSB regulated individual, failed to be open and co-operative with his regulator, in that, between 13 February 2025 and 17 July 2025, he failed to report to the Bar Standards Board that he was the subject of regulatory or enforcement action another Approved Regulator, namely the Solicitors Regulation Authority, as described in the Solicitors Regulation Authority's Decision Letter dated 13 February 2025.

Charge 6

Statement of Offence

Professional Misconduct contrary to rC65.3 of the Code of Conduct (Part 2 of the Bar Standards Board Handbook Version 4.8)

Particulars of Offence

Nadarajah Jeganathan, a barrister and BSB regulated individual, failed to be open and co-operative with his regulator, in that, between 13 February 2025 and 17 July 2025, he failed to report to the Bar Standards Board that he was the subject of regulatory or enforcement action another Approved Regulator, namely the Solicitors Regulation Authority, as described in the Solicitors Regulation Authority's Decision Letter dated 13 February 2025.

Statement of Facts

1. Mr Nadarajah Jeganathan was called to the Bar on 26 November 1998. He has not completed pupillage and is an unregistered barrister.
2. On 5 October 2024, Mr Jeganathan was arrested and charged with being in charge of a motor vehicle, namely a Toyota Avensis KT09 JWU, on Beverley Road, East Ham, London, while over the prescribed legal limit for alcohol.
3. The legal alcohol limit is 35 micrograms of alcohol in 100 millimetres of breath. Mr Jeganathan had 94 micrograms of alcohol in 100 millimetres of breath.
4. On 21 October 2024, Mr Jeganathan appeared before the Thames Magistrates' Court. He pleaded guilty and was convicted of being in charge of a motor vehicle while under the influence of alcohol contrary to section 5(1)(b) of the Road Traffic Act 1998 and Schedule 2 to the Road Traffic Offenders Act 1988.
5. Mr Jeganathan was fined £276 and received 10 penalty points on his driving licence.
6. On 21 October 2024, Mr Jeganathan, a qualified solicitor, self-reported his conduct to the Solicitors Regulation Authority ("SRA"). The SRA undertook an investigation into the conduct of Mr Jeganathan, and on 13 February 2025, the SRA closed their case against him and issued him with a warning, a non-disciplinary sanction. Mr Jeganathan did not report the conduct to the Bar Standards Board, despite his obligation to do so.

Previous disciplinary findings

7. Mr Jeganathan has not had any previous findings of professional misconduct.

Plea and Mitigation.

8. Mr Jeganathan admits charges 1, 3, 4, 5 and 6.
9. Mr Jeganathan denies charge 2.
10. Mr Jeganathan states that his omission in reporting his conduct to the BSB arose from misunderstanding, rather than concealment, dishonesty or deception. He states that he self-reported the conviction to the Solicitors Regulation Authority on the same day that he received the criminal conviction. He states that his failure to report to the conduct to the Bar Standards Board arose from a genuine but mistaken belief that in reporting his conduct to the SRA, he had satisfied his reporting obligations.
11. Mr Jeganathan states that charge 2 conflates misconduct with integrity, and that the criminal conviction does not amount to a breach of integrity. He states that integrity requires conduct involving moral culpability, ethical failing, or abuse of trust, and states that these factors were not present in the course of the conduct.
12. By way of mitigation, Mr Jeganathan states that his conduct reflect poor personal judgement. Mr Jeganathan states that this was an isolated criminal offence, and that he admitted his behaviour at the Magistrates Court at the first opportunity. The conduct occurred outside of his professional practice and was unrelated to his practice.

13. Mr Jeganathan states that his omission in reporting his conduct to the BSB arose from misunderstanding, rather than concealment, dishonesty or deception. He states that he self-reported the conviction to the Solicitors Regulation Authority on the same day that he received the criminal conviction. He states that his failure to report to the conduct to the Bar Standards Board arose from a genuine but mistaken belief that in reporting his conduct to the SRA, he had satisfied his reporting obligations.

Decision of the IDP

Charges found proved: Charges 1, 3, 4, 5 and 6.

Charges found not proved: Charge 2.

Reasons for the decision on why charges are proved or not proved

Charges 1,3,4,5 and 6

In reaching its decision, the Panel considered Regulation rE169 of the Disciplinary Tribunal Regulations, which states:

rE169

“In proceedings before a Disciplinary Tribunal which involve the decision of a court or tribunal in previous proceedings to which the respondent was party, or where a wasted cost order was made against the respondent, the following Regulations shall apply:

- 1. a copy of the certificate or memorandum of conviction relating to the offence shall be conclusive proof that the respondent committed the offence;*
- 2. any court record of the findings of fact upon which the conviction was based (which may include any document prepared by the sentencing judge or a transcript of the relevant proceedings) shall be proof of those facts, unless proved to be inaccurate.*
- 3. the finding and sanction of any tribunal in or outside England and Wales exercising a professional disciplinary jurisdiction may be proved by producing an official copy of the finding and sanction and the findings of fact upon which that finding or sanction was based shall be proof of those facts, unless proved to be inaccurate...”*

The Panel noted that Mr Jeganathan had pleaded guilty to the criminal offence, and it was in the possession of the memorandum of conviction confirming the conviction and sentence imposed. Mr Jeganathan had been fined the sum of £279 and his driving record was endorsed with 10 penalty points.

The Panel acknowledged Mr Jeganathan’s email response of 6 January 2026 and his agreement to this matter being dealt with under the DBC process.

Charge 1

In relation to Charge 1, the Panel observed that Mr Jeganathan had admitted the facts set out in the charge as well as the memorandum of conviction. It considered that criminal convictions for offences of this nature could diminish the trust and confidence the public has in the profession. The Panel took into account that Mr Jeganathan has demonstrated remorse and insight and confirmed that he had paid the fine promptly. In relation to this charge, the Panel was satisfied that there was sufficient evidence, on the balance of probabilities, of a breach of CD5.

Charge 2

The Panel concluded that this charge was not made out as not every breach of criminal law confers an automatic breach of integrity pursuant to rC8. Pursuant to *Wingate v SRA* [2018] EWCA Civ 366, *'Integrity is a more nebulous concept than honesty. Hence it is less easy to define, as a number of judges have noted', 'In professional codes of conduct, the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members.'*

In *Beckwith v SRA* [2020] EWHC 3231 the court observed that the alleged wrongdoing must touch realistically upon the individual's practice of the profession and in a way that is demonstrably relevant, *'Obviously, neither courts nor professional tribunals must set unrealistically high standards, as was observed during argument. The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public.'*

The Panel noted that Mr Jeganathan was convicted of being in charge of a vehicle whilst intoxicated, which is a lesser charge than someone who has driven over the prescribed limit. The Panel also noted that Mr Jeganathan did promptly report the matter to the SRA on 21 October 2024, the same day as he pled guilty and was convicted. Mr Jeganathan's conviction did not allege any dishonesty, deception or concealment.

In the Panel's view, Mr Jeganathan's conduct was accurately captured as a breach of CD5 in that he had behaved in a way which is likely to diminish the trust and confidence which the public places in the profession and it did not consider that Mr Jeganathan's integrity was engaged.

Charges 3 and 4

In relation to Charges 3 and 4, the Panel relied on the certificate of conviction and noted Mr Jeganathan's guilty plea and his response to the BSB accepting the commission of the offence. The Panel noted that the matter had been referred to the BSB by the SRA. Mr Jeganathan had not reported it at all. The Panel concluded that there was sufficient evidence that Mr Jeganathan failed to notify the BSB of his conviction. The Panel considered that, in failing to report the matter to the BSB, he was not open with his regulator. It was, therefore, satisfied that there was sufficient evidence on the balance of probabilities of a breach of CD9 and rC65.2 of the Handbook.

Charges 5 and 6

In relation to Charges 5 and 6, the Panel noted that the SRA conducted an investigation after Mr Jeganathan had been convicted of the criminal offence outlined in the Allegation, and that they drafted a *'Decision to close investigation and issue a warning'* report dated 13 February 2025. This report confirmed that Mr Jeganathan had self-reported the matter to the SRA, and that he was issued with a Warning.

The Panel noted that Mr Jeganathan had not referred the SRA investigation to the BSB and took into account his explanation that he did not realise that he needed to report the matter to the BSB. The Panel concluded that there was sufficient evidence that Mr Jeganathan had failed to notify the BSB that he was the subject of regulatory action.

The Panel considered that in failing to report the matter to the BSB, Mr Jeganathan was not open with his regulator. Accordingly, the Panel was satisfied that there was sufficient

evidence on the balance of probabilities of a breach of CD9 and rC65.2 of the Handbook.

Sanction

In deciding on the appropriate sanction to impose, the Panel referred to the Bar Tribunal and Adjudication Service's Sanctions Guidance, version 6 (the Guidance).

The Panel decided that the proved conduct breach fell within 'Misconduct Group E - Criminal Convictions' of the Guidance.

Culpability and Harm

The Panel considered the relevant culpability and harm factors applicable in this case. The Panel determined that there was no known harm, there was only a potential for harm. The Panel also determined that whilst Mr Jeganathan was in charge of a vehicle, but was not driving a vehicle while under the influence. Accordingly, the Panel concluded the charges fell into the low range of seriousness, with an indicative sanction of a low to high level fine.

Aggravating and mitigating factors

In deciding on the appropriate level of fine, the Panel took into account relevant aggravating and mitigating factors.

In terms of aggravating factors, the Panel noted that the proportion of alcohol in Mr Jeganathan's breath was 94 micrograms of alcohol in 100 millilitres, over twice the legal limit of 35 micrograms of alcohol in 100 millilitres.

In relation to mitigating factors, the Panel noted that:

- Mr Jeganathan had made early admissions and pled guilty,
- He had reported the matter to the SRA,
- that this was a single incident,
- He had no previous findings of misconduct
- While Mr Jeganathan had not reported the conviction to the BSB, the Panel were satisfied that this was an oversight rather than deliberate.

Considering all of the above, the Panel concluded that a fine was proportionate and in the public interest to reflect the seriousness of Mr Jeganathan's conduct. In addition, whilst not intending to be punitive, this would send a clear message to the profession and the public that this type of conduct by a barrister is not acceptable.

The Panel considered paragraph 6.16 of the BTAS Guidance which stated that a low-level fine can be 'Up to £5,000'.

Having balanced the aggravating factor against the mitigating factors, the Panel determined that a fine of £2,000.00 (two thousand pounds) should be imposed on Mr Jeganathan, which it considered to be sufficient to deal with both aspects of the misconduct involved, the criminal offence and the failure to report this to the BSB.