

**In the matter of  
Case No. X0056653  
Propertymark v Mr P McBride**

**Appeal Hearing held on  
Wednesday 12 June 2019**

To consider the appeal following the Disciplinary Tribunal Hearing held on 25 September 2018

**Case of**

**Mr Paul McBride, (formerly of Newton Property Management), a Director of Maclay Property Limited t/a Maclay Property, 126 West Regent Street, Glasgow, G2 2RQ**

A former associate member of ARLA  
at

Propertymark, Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Mr McBride was found to have acted in breach of the following Propertymark Membership and Conduct Rules at the hearing held on 25 September 2018 and the sanctions imposed were:

| <b>Alleged Breach</b> | <b>Findings</b> | <b>Sanction</b> |
|-----------------------|-----------------|-----------------|
| <b>Rule 1.12.1.1</b>  | Proven          | £1000           |
| <b>Rule 12.1.2</b>    | Proven          | £1000           |

The sum of £325 was imposed on the member towards the costs the hearing.

**Appeal Tribunal's Decision**

After considering the evidence and after deliberation, the Appeal Tribunal made the following findings: -

| <b>Alleged Breach</b> | <b>Findings</b> | <b>Sanction</b> |
|-----------------------|-----------------|-----------------|
| <b>Rule 12.1.1</b>    | Not appealed    | £1000           |

|                    |              |       |
|--------------------|--------------|-------|
| <b>Rule 12.1.2</b> | Not appealed | £1000 |
|--------------------|--------------|-------|

The case falls within the Propertymark Publications Policy.

The Appeal Tribunal issued the following statement:

“The appeal is against the financial penalty for breach of Rule 12.1.1 and against the finding and financial penalty of Rule 12.1.2. Mr. McBride did not attend either the original hearing or today’s hearing. No additional evidence has been submitted though the Tribunal did have sight of the other determinations that Mr. McBride referred to in his appeal.

In respect of Rule 12.1.1 the Tribunal considers the nature of the breach is such that the Tribunal upholds the fines imposed and rejects the appeal.

In respect of Rule 12.1.2 the Tribunal notes that Mr. McBride has focused on the second element of that rule “or practice that is unfair to members of the public” and not the first element of “other unprofessional practice”. In this regard the Tribunal considers the Association’s rules and is not bound by the rules and the jurisdiction of another body.

Mr. McBride referred to three cases with lower penalties, but the Tribunal did not feel that they were comparable to this case and they involved breaches of other rules in all cases. The Tribunal therefore rejects the appeal and upholds the original penalty imposed.

In respect of the appeal against the costs, these are the costs of Mr. McBride’s particular case on the day and this will vary from case to case.

In summary the Tribunal rejects the appeal in full and upholds the original penalties and costs imposed together with the costs of today’s hearing of £235.”