

SINGLE MEMBER OF THE REGULATORY TRIBUNAL DECISION SHEET

RICS Regulatory Tribunal Rules 2022

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Walter BUCHANAN

Single Member Decision of: Nick HAWKINS

Case Number: REG0000047158

Date of Decision: 23 July 2025

CHARGE

1. On 22 January 2025, Walter Buchanan was convicted of an offence of murder, for which offence he was sentenced to life imprisonment on 2 April 2025.

ALLEGED RULE/S BREACH

Contrary to Rules 1 and 2 of the Rules of Conduct.

Walter Buchanan is therefore liable to disciplinary action under Bye-law 5.2.2(c).

MATERIALS CONSIDERED

Head of Regulation Recommendation

Bundle containing 145 pages

BACKGROUND

1. In accordance with Bye-Law 5.2.2(d), a member may be liable to disciplinary action by reason of having been convicted of a criminal offence which could result in a custodial sentence.
2. Normally a criminal conviction would be evidenced by a Certificate or Memorandum of Conviction. No such document is in the bundle.

3. However, it is not disputed that the person convicted of murder on 22 January 2025 is Walter Buchanan MRICS. Mr Buchanan has been legally represented, and his solicitor has communicated with the RICS Investigator.
4. In lieu of a Memorandum of Conviction, the Investigator has obtained a copy of the Judge's sentencing remarks. This provides a good overview of the case and the basis upon which Mr Buchanan was sentenced.

FINDINGS OF FACT

5. Before considering any evidence, I reminded myself of the burden and standard of proof in these proceedings. The burden of proving the charges rests with RICS throughout. The standard of proof is the civil standard, normally described as the balance of probabilities. Another way of expressing this is to ask whether a fact in issue is more likely than not to have occurred.
6. I find that Mr Buchanan was convicted of murder on 22 January 2025 and further that he was sentenced to life imprisonment on 2 April 2025. The minimum term to be served was set at 15 years by the sentencing judge, Lord Cubie.

LIABILITY FOR DISCIPLINARY ACTION

7. I am satisfied that Mr Buchanan is therefore liable to disciplinary action under Byelaw 5.2.2(c).

REGULATORY SANCTION

8. I have not been informed of any previous disciplinary sanctions against Mr Buchanan. I am therefore proceeding on the basis that he was a man of good character prior to his conviction.
9. I bear in mind that the purpose of sanctions is not to be punitive, although it may have that effect. The purpose of sanctions is to declare and uphold the standards of the profession, to safeguard the reputation of the profession and of RICS as its regulator and to protect the public. Sanctions must be proportionate to the breach and all the circumstances, and a decision should be reached having been taken into account any mitigating and/or aggravating factors.

10. I have not been provided with any mitigation by or on behalf of Mr Buchanan but have noted the mitigating factors that the sentencing judge took into account.
11. Any criminal conviction that could lead to a custodial sentence is serious. Murder is generally considered to be the most serious criminal offence in Scotland, where Mr Buchanan was tried.
12. I first considered whether to impose any sanction at all but concluded that imposing no sanction would be neither proportionate nor appropriate. I went on to consider whether to impose a caution. I concluded that a caution would not adequately reflect the seriousness of this case.
13. I considered whether to impose an undertaking and do not consider it would be appropriate or proportionate to impose an undertaking on a member that has been convicted of murder.
14. I then considered whether to impose a fine. I reached the same conclusions as for an undertaking. I also considered conditions but concluded that conditions are not appropriate or proportionate for a conviction for murder. Further I conclude that imposing such a sanction would undermine public trust and confidence in the regulatory process.
15. Having considered all sanctions short of expulsion and determined that none would meet the wider public interest, I have considered expulsion. I recognise that expulsion is the ultimate sanction and should be reserved for those categories of cases where there is no other means of protecting the public or the wider public interest. I am satisfied that this is such a case and that a conviction for murder is not compatible with continued membership of RICS. I consider that there is no sanction other than dismissal that is both proportionate and appropriate in this case and determine that Mr Buchanan should be expelled from RICS.

ORDER MADE

16. In accordance with Part VI of the Regulatory Tribunal Rules, I make the following order:

That Mr Buchanan is expelled from membership of RICS

TAKING EFFECT OF ORDER

17. In accordance with Part VI of the Regulatory Tribunal Rules, this order will take effect 14 days from service of the Single Member's decision upon the Regulated Member, unless notification in writing is received from the Regulated Member or RICS stating that they consider that the findings and/or the Regulatory Sanction imposed by the Single Member are wrong

COSTS

18. I have been provided with an application for costs in the sum of £1850. I have no statement of means. In applying Rule 119 I do not consider it fair and reasonable to make a costs order against a Member who is serving a life sentence. In reaching this conclusion I am mindful that no criminal court would make an order for costs against someone sentenced to a lengthy custodial sentence, whatever their means. I therefore make no order for cost.

PUBLICATION

19. In accordance with Part VI of the Regulatory Tribunal Rules, the Single Member's record of Decision will be published following the expiry of 14 days from service of the Single Member's Decision upon the Regulated Member.

Nick HAWKINS

Regulatory Tribunal Member

23 July 2025