

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	Mr Rizwan Ahmad
Heard on:	Thursday 27 February 2025
Location:	Remotely by MS Teams
Committee:	Ms Valerie Paterson (Chair) Mr George Wood (Accountant) Mr Colin Childs (Lay)
Legal Adviser:	Mr Alastair McFarlane
Persons present and capacity:	Ms Michelle Terry (ACCA Case Presenter) Miss Nicole Boateng (Hearings Officer)
Outcome:	Exclusion from membership of ACCA
Costs:	£2,500.00

INTRODUCTION

1. ACCA was represented by Ms Terry. Mr Ahmad did not attend and was not represented. The Committee had before it a Bundle of papers, numbered pages 1–130, and an Additional bundle numbered pages 1–4, a Tabled Additional Bundle numbered pages 1-9 and a Service Bundle numbered pages 1-17.

SERVICE

2. Having considered the Service Bundle, the Committee was satisfied that notice of the hearing was served on Mr Ahmad in accordance with the Complaints and Disciplinary Regulations 2014 (“CDR”).

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Ms Terry and accepted the advice of the Legal Adviser.
4. The Committee reminded itself that the discretion to proceed in absence must be exercised with the utmost care and caution. The Committee noted that in his case management form dated 15 April 2024 Mr Ahmad indicated that he did not intend to attend this hearing and would not be represented. He further indicated that he did not wish to challenge any of the allegations against him. He referred to the experience as traumatic and challenging and that he is “*going through repeated reminder of my mistake which is taking a toll on my mental and physical health. I am therefore, not in a position to attend the hearing*”. (sic) He added that he did not have any further information to present and would stand by the decision of the Committee. Following the service of the Notice of Hearing on 27 January 2025, in which Mr Ahmad was invited to attend by video link, Mr Ahmad responded by email dated 5 February 2025 in which he stated:

“I appreciate the opportunity to attend the hearing and fully understand its importance. However, due to immense shame, the emotional and physical toll of this investigation, and uncertainty about my future career, I am unable to attend in person or remotely. I will accept the panel’s decision. I kindly request that this long-awaited case be concluded, considering my response and the evidence provided to date. I fully accept all allegations and remain deeply remorseful.”

5. The Committee was mindful of the observations of Sir Brian Levenson in *Adeogba v. General Medical Council* [2016] EWCA Civ 162 as to the burden on all professionals subject to a regulatory regime to engage with the regulator both in relation to the investigation and the ultimate resolution of allegations made

against them. The Committee was satisfied that Mr Ahmad has clearly and repeatedly waived his right to attend. It was not persuaded that any adjournment would secure his attendance and noted that he had not requested one. There was no medical evidence before the Committee to suggest that Mr Ahmad could not participate, and it was satisfied for the reasons he has given that he did not want to attend. The Committee specifically considered the issue of fairness to Mr Ahmad of proceeding in his absence, but also fairness to ACCA and the wider public interest in the expeditious discharge of the Committee's function. The Committee was satisfied that Mr Ahmad had voluntarily absented himself from the hearing. The Committee was satisfied that Mr Ahmad has been given every opportunity to engage and participate in the proceedings and has decided not to do so. Accordingly, in all the circumstances the Committee was satisfied that it was in the public interest to proceed in the absence of Mr Ahmad.

APPLICATION FOR CASE TO BE HEARD IN PRIVATE

6. In his Case Management Form, Mr Ahmad requested that the whole of the case be heard in private. He gave his reasons as follows:

"1. I have a young family, and my family has high regards for my character as a father and husband and most importantly a community member.

2. As a young individual I have my career ahead, having this public will have serious impact on [Private]

3. I am the only earning member of the family

4. I immediately took all corrective steps to rectify my mistake

5. I have no past or present convictions of any kind; my Disclosure Scotland record serve as evidence.

6. This incident doesn't relate in any form to my audit practice, I have always diligently with utmost regards for my work delivered all my task and have never been subject to disciplinary action in any form in my life.

7. For past two plus years I have gone through traumatic reminders of this

mistake, having this information public [Private] I hope with your decision today I can close I can close this matter and move forward with life where I never have to think about this incident but always keep lessons learnt as my guiding principles.

7. Ms Terry for ACCA opposed the application on the basis that it was not information sufficient to override the general rule that hearings should be in public.
8. The Committee accepted the advice of the Legal Adviser. It was satisfied that there was no basis under Regulation 11 to depart from the ordinary rule that hearings were in public. The Committee was not persuaded that Mr Ahmad's submissions meant that the particular circumstances of his case outweighed the public interest in holding the hearing in public. While Mr Ahmad might have a desire to keep the matters private, there was no basis to depart from the position that justice must not only be done but be seen to be done. Any references to Mr Ahmad's health or family life on the transcript or in the decision could be private.

APPLICATION TO WITHDRAW ALLEGATION 2

9. Ms Terry made an application to withdraw Allegation 2 because it had been left in error and related to when there had been a further allegation against Mr Ahmad in relation to failing to notify ACCA of the convictions. This allegation had not been proceeded with and the route to disciplinary action for the convictions was through liability to disciplinary action and not through a finding of misconduct.
10. The Committee accepted the advice of the Legal Adviser and determined that it was appropriate to allow the deletion of Allegation 2 under Regulation 10(5) as there was no prejudice to Mr Ahmad whatsoever in the conduct of his defence as it reduced what he faces and corrects a typographical error.

ALLEGATIONS

Allegation 1

1. On 13 April 2022, Mr Rizwan Ahmad, an ACCA Member, was convicted of the following offences at Magistrate's Court of Jersey, Greffe, which is discreditable to the Association or the accountancy profession:
 - i. On the 19th January 2022, Rizwan Ahmad knowing that the address specified in his driving licence had ceased to be correct, failed to notify the Parochil Authority with the correct particulars of his new address –contrary to Article 41(3) Motor Vehicle (Driving Licences) (Jersey) Order 2003;
 - ii. On the 18th January 2022 on Le Boulevard in the Parish of St Brelade, Rizwan Ahmad used a motor vehicle registration J103598 on the said road whilst there was not in force in relation to the user of the vehicle, such a policy of insurance in respect of Third Party Risks – contrary to Article 2(1) Motor Traffic (Third Party Insurance) (Jersey) Law 1948;
 - iii. On the 15th January 2022 at the premises known as Glencoe Auction Room, La Grande Route de St. Laurent, in the Parish of St Lawrence, Rizwan Ahmad did, for the purpose of obtaining the issue of a certificate of insurance, make a false statement – contrary to Article 18(2) Motor Traffic (Third Party Insurance) (Jersey) Law 1948;
 - iv. On the 15th January 2022, Rizwan Ahmad when applying to register J103598 with DVS, he notified the department knowing that this information was false, or in any way material respect, misleading – contrary to Article 11(1)(a) Motor Vehicle Registration (Jersey) Law 1993;
 - v. On the 18th January 2022 on Le Boulevard in the Parish of St Brelade, Rizwan Ahmad used a motor vehicle, registration J103598 on the said road whilst failing to display a valid windscreen insurance disc – contrary to Article 16(1) Motor Traffic (Third Party Insurance) (Jersey) Law 1948;

- vi. On the 6th November 2021, Rizwan Ahmad when applying to register J43229 with DVS, he notified the department, knowing that this information was false, or in any material respect, misleading – contrary to Article 11(1)(a) Motor Vehicle Registration (Jersey) Law 1948;
- vii. On the 6th November 2021, Rizwan AHMAD when applying to register J42157 with DVS, he notified the department, knowing that this information was false, or in any material respect, misleading – contrary to Article 11(1)(a) Motor Vehicle Registration (Jersey) Law 1993;
- viii. On the 6th November 2021, Rizwan AHMAD when applying to register J44065 with DVS, he notified the department, knowing that this information was false, or in any material respect, misleading – contrary to Article 11(1)(a) Motor Vehicle Registration (Jersey) Law 1993; and
- ix. On the 18th November 2021, Rizwan AHMAD when applying to register J54039 with DVS, he notified the department of a wrong name, knowing that this information was false, or in any material respect, misleading – contrary to Article 11(1)(a) Motor Vehicle Registration (Jersey) Law 1993

- 1a. By reason of his conduct at 1 above, Mr Rizwan Ahmad is liable to disciplinary action pursuant to bye-law 8(a)(ix).

BACKGROUND

- 11. Mr Ahmad became an ACCA Member on 26 January 2018 and a Fellow on 28 February 2023.
- 12. On 21 March 2022, Mr Ahmad disclosed to ACCA that he was subject to ongoing criminal proceedings relating to motoring offences. On 4 January 2023, ACCA received further email correspondence from Mr Rizwan Ahmad confirming that he was reminded of the motoring offences relating to himself

whilst completing his 2022 CPD declaration. He confirmed that the matter concluded in April 2022.

13. On 30 January 2023, Mr Rizwan Ahmad emailed ACCA in response to their request for further information. Mr Rizwan Ahmad stated that he had fully complied with the outcome of the case, which was served on 13 April 2022 and provided documentation in support of the conclusion of the matter. The documentation included a four-month driving disqualification notice, copies of his endorsed driving licence, notice and confirmation of payment concerning a £200 fine, and clearance from his employer.
14. The background to the convictions is that on 18 January 2022, the Police were unable to locate the driver of a car on a public highway and it was towed away to the local Parish Hall. The Police noted that the car had an expired insurance disc on display. They were not able to contact the registered keeper (Person A) but discovered that the car had been purchased by Mr Ahmad. Mr Ahmad then attended the Parish Hall and produced some of the required documentation for the release of the car.
15. Mr Ahmad produced a certificate of motor insurance for the car. This was in the name of Person A. The Police again attempted to contact Person A, without success. The Centenier addressed her concerns with Mr Ahmad, who responded with words to the effect of "*He does not exist*". Mr Ahmad was subsequently cautioned by the police and invited to a voluntary interview on 23 January 2022.
16. In interview, Mr Ahmad stated that he had bought the car from the auctioneers with a possible view to selling it on. It was later established that Mr Ahmad had bought four cars from the auctioneers and provided the Driver and Vehicle Standards ('DVS') and insurance companies with false details, including the name of the registered owner and addresses. For example, [Private] He listed a fake date of birth and signed the form as 'Dan'. Another car was listed under the name of [Private] and was signed 'Navin'. Mr Ahmad was charged with failing to change his address on a driving licence, driving without insurance, making a false statement to obtain insurance, and a number of other offences concerning providing false details to the DVS.

17. The matter was subsequently heard in the Magistrate's Court of Jersey. Mr Ahmad pleaded guilty to the charges brought against him. On 13 April 2022, Mr Ahmad was sentenced and received a fine of £200, 140 hours of Community Service, and a disqualification of four months.
18. The Certificate of Conviction is dated 14 February 2023, and records that Mr Ahmad was convicted of 9 offences concerning a failure to notify a change of address on his driving licence, driving without insurance, making false statements, making false declarations to DVS on 5 occasions, and failing to display a valid windscreen insurance disc.
19. On 4 December 2023, Mr Ahmad submitted his formal response to ACCA's enquiries via email. He also provided supporting documentation including an occupational health report, a certificate of completion in relation to his community service, and character references.

ACCA SUBMISSIONS

Allegation 1 - Convicted of Offences i – ix as set out above

20. ACCA submitted that in accordance with Bye-law 8(e), the certificate of conviction is conclusive proof of the conviction and the facts thereof.

Discreditable to the Association or the Accountancy Profession

21. ACCA submitted that the offences set out above are discreditable to the Association or the accountancy profession under Bye-law 8(a)(ix). The offences reflect a serious departure from the standards that one would expect of ACCA members due to their dishonest and deceitful nature and the public's trust in the profession might reasonably be undermined in light of this conduct, and as such Mr Ahmad is liable to disciplinary action under bye-law 8(a)(ix).

MR AHMAD'S SUBMISSIONS

22. Mr Ahmad admitted Allegation 1 and did not dispute that he was convicted of these offences and accepted that such offences were discreditable to the profession.
23. When ACCA asked Mr Ahmad to explain the background to the offences, he provided a detailed response on 4 December 2023. This included the following:

'I am extremely remorseful and take responsibility for this incident. This has been the most challenging and [Private]

[Private]

It is important to note at this stage that the income I received from the sale and purchase of the vehicles was properly accounted for in my annual tax return.

In January 2022, I was using the 5th vehicle and had parked it on the road. It had been parked improperly and was impounded by the Parish honorary police. When I attended the Parish Hall to enable the return of the vehicle, I declared that the vehicle was not in my name and that I had purchased the vehicle with a view to selling the same. The case was referred to Parish Hall hearing for investigation. During the investigation by Parish Hall hearing and the honorary Police, I was fully open and honest with what I had done, voluntarily disclosing that I had purchased other vehicles and registered them in generic names as a result of the advice I had been given. Following above attendance my case was referred to attend the magistrate court in Jersey.

All of the offenses during this incident were charged under Jersey's Motor Traffic Offenses. The offenses related to ownership of car registration and insurance were treated as a unified incident and therefore a single concurrent charge made (please refer to the magistrate court order). I know now that the way I had bought and sold cars was wrong but I had been given inaccurate advice. There was no benefit to me in not registering the vehicles in my name and the right way would have been to register them in my name. The advice I received suggested that it was somehow improper to register and insure the vehicles in

my name as I was not a car dealer. There was no benefit to me in registering the vehicles in generic name and in doing so, I have caused myself a significant amount of trouble.

[Private]

When I appeared before the Court, I pleaded guilty at the earliest opportunity. The matter was adjourned for the preparation of pre-sentence reports and when I returned, I was sentenced by the Court in the way described with the Court order contained within your bundle. It was the first offence that I had ever been convicted of in my life and I was devastated.'

24. Mr Ahmad also stated that he:

'...fully respected and complied with every single instruction from the authorities. I paid the £200 Fine and completed the 4 months period of temporary driving license ban'. He provided evidence of the same, including evidence that he has successfully completed 140 hours of community service.'

25. With regard to his communication with ACCA, Mr Ahmad stated:

'On 21 March 2022, I voluntarily made a self-declaration via email to the ACCA to inform that I was undergoing motoring offences investigation and was making the disclosure in good faith.

When I was convicted in April 2022, I completely forgot to notify ACCA of my conviction. [Private]

Whilst I did not notify ACCA, I did inform my employer of my convictions. As a result, they asked me to undertake a DBS check in May 2022 to which I fully complied with internal process. When checks came back as clear and I was given clearance, I assumed that this meant the convictions were spent.

On 04 January 2023, while completing my annual declaration, I realised that I had not notified ACCA of the conviction. I notified ACCA by email that the matter

was concluded and I attached a copy of my latest DBS certificate dated 30 December 2022, which showed that I had no unspent conviction (Ref 7).

On 30 January 2023 – responding to ACCA email, I informed that I had fully complied with all outcomes of the motoring offense.

06 Feb 2023, ACCA notified me that the additional documentation has been received and that it has been passed to assessment and Investigation team.

Since my last communication in February 2023, I did not receive any further communication regarding this matter until now and assumed that ACCA requirements have been met.

On 17 October 2023, ACCA issued me with a Letter of Good standing, confirming that I am not currently subject to any disciplinary sanctions or investigations and has not been subject to any disciplinary sanctions in the last 5 years). This letter provided me with further reassurance that I have complied with all responsibilities regarding my self-declared offense.'

'I admit ... allegations 1 ... on the basis that I accept that I have been convicted of the offences described and that means I am liable for disciplinary action under the bye-laws.'

26. Mr Ahmad concluded his response by stating the following:

'I sincerely reassure and promise ACCA such a relapse will never occur again; I have put in measures to consult more within my family and trusted friends. I have now realised the importance of maintaining a good company and not to mingle with people with non-professional advice and avoid any activity that has no relation to my profession. I have revisited and gone through my ACCA ethics module study guide. I would greatly appreciate if ACCA can kindly suggest additional tools and resources that can help me improve as well as eliminate any chances of such instance repeating in future.

My affiliation with ACCA as a member is a source of immense pride and honour for me and I will make sure never in future I go against my values.

I unreservedly sincerely apologise for all my shortcomings and would humbly request the investigation team to please be considerate [Private] I have learnt my lesson from my mistake.

[Private]

DECISION ON ALLEGATIONS AND REASONS

27. The Committee accepted the advice of the Legal Adviser.
28. The Committee considered the documentary evidence together with Mr Ahmad's submissions, and the submissions of Ms Terry on behalf of ACCA.

Allegation 1 - Convicted of Offences i – ix as set out above

29. The Committee noted Mr Ahmad's admissions contained in his Case Management Form to Allegation 1 and found those facts proved by virtue of his admissions under Complaints and Disciplinary Regulations 12(3). Further and in any event, the Committee was satisfied, by virtue of the certificate of conviction, that Mr Ahmad was convicted of the offences listed at Allegation 1 i -ix. Accordingly, it was satisfied that the convictions set out under Allegation 1 were proved.

Discreditable to the Association and Profession

30. The Committee then considered whether the proved convictions were discreditable to the Association and the accountancy profession. It noted the submissions of Ms Terry for ACCA and of Mr Ahmad's acceptance that they were discreditable.
31. The Committee was satisfied that the proved convictions were discreditable to the Association and the accountancy profession. This was because of the serious nature of the convictions which involved dishonesty. The Committee was satisfied that such serious offending would undermine the standing of the

profession in the eyes of the public and was therefore discreditable to the accountancy profession.

32. The Committee paid specific regard to the sentencing remarks of the Learned Magistrate who passed sentence on Mr Ahmad in 2022. Their remarks included the following:

“Mr Ahmad, this is a string of offences involving dishonesty at every turn”.

[Private]

“So in my view it is serious what you have done because it is a scheme set up to deceive and set up to save you a bit of money, but the cost to the public of false information being given to DVS and the insurance companies can be very significant.”

“In these circumstances, although I think the totality of the offending is serious enough for custody, I am going to deal with this matter by way of Community Service as a direct alternative to custody.”

33. The Committee reminded itself of Sir Thomas Bingham MR (as he then was) observations in *Bolton v Law Society* [1994] 1 WLR 512, as to the reputation of the profession this was “part of the price” of being a member of a profession. The Committee was satisfied that Mr Ahmad’s conduct amounted to a serious falling short of that expected of members of the profession. The Committee was satisfied that the proved convictions were serious including involving providing false statements to the DVS and to insurers. This is dishonest conduct and in the Committee’s judgment was discreditable to the Association and the accountancy profession.

Allegation 1a - liable to disciplinary action pursuant to bye-law 8(a)(ix).

34. Under Bye-law 8(a) a member shall be liable to disciplinary action if he has pleaded guilty to any offence discreditable to the Association or to the accountancy profession.

SANCTIONS AND REASONS

35. The Committee noted its powers on sanction were those set out in Regulation 13(1). It had regard to ACCA's Guidance for Disciplinary Sanctions (the "Guidance") and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It accepted the advice of the Legal Adviser.
36. The Committee reminded itself that it was not its function to punish a member for the second time in relation to the conviction and that whilst noting the Guidance, its function was to determine the appropriate and proportionate sanction on the merits of the individual case.
37. The Committee reminded itself that each case was to be judged on its own facts, and that the appropriate and proportionate sanction was a matter of this Committee's sole judgment.
38. The Committee considered Mr Ahmad's conduct that led to the convictions to be very serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour and maintain the reputation of the profession. The Committee paid due regard to the sentence imposed and the observations of the sentencing judge.
39. It considered the following to be aggravating factors:
 - Serious convictions involving dishonesty by making false representations to a state authority and to insurers.
 - Pre-meditated conduct for financial gain.
 - The serious impact on the reputation of the profession.
 - He fails to recognise the risk of harm to the public from having no valid insurance.
40. The Committee considered the following to be mitigating factors:
 - Mr Ahmad pleaded guilty to the charges for which he was convicted.
 - He has fully engaged and co-operated openly with ACCA and the Committee.

- Mr Ahmad has undertaken some rehabilitation.
 - He has expressed genuine remorse and has relevant and appropriate testimonials.
 - He has demonstrated insight – but in the Committee’s judgment this is limited as he sought to blame the system, and his error was being mis-advised rather than taking full personal responsibility.
 - No previous disciplinary record.
41. Given the Committee's view of the seriousness of his conduct and the need to uphold the reputation of the profession, it was satisfied that it was not appropriate or sufficient to conclude this case with No Further Action.
42. The Committee noted that while some of the factors listed in the Guidance for an Admonishment and Reprimand were present, it was sequentially not satisfied that either of these sanctions were sufficient to highlight to the profession and the public, the gravity of the convictions.
43. The Committee next considered the sanction of Severe Reprimand. It noted that some of the factors in favour of this sanction were present including genuine expressions of regret, no repetition, and some rehabilitative and remedial steps having been undertaken. There were appropriate references provided and cooperation with ACCA’s investigation. However, there was in the Committee’s view insufficient insight into the seriousness of the offences and their impact on the reputation of the profession. There was a risk of harm to the public from his conduct. The Committee was concerned that in his 5 February 2025 email Mr Ahmad seeks to deflect blame from himself and cannot conclude in the circumstances that his insight was sufficiently developed. He does not appreciate the reputational damage to the profession. There is in the circumstances a continuing risk to the public. The Committee was not satisfied in these circumstances that a severe reprimand was sufficient and proportionate. It was not sufficient to declare and uphold proper standards of conduct and behaviour and maintain the reputation of the profession.
44. The Committee had regard to the Guidance on removal. The Committee reminded itself that it was dealing with criminal conduct that included dishonest behaviour. It had specific regard to Section E2 of the Guidance in relation to

dishonesty and was mindful of the case law to the effect that dishonesty lies at the top of the spectrum of misconduct. The Committee noted that it was a serious departure from relevant professional standards, there was potential risk to the public and lack of understanding and insight into the seriousness of the conduct and the consequences thereof. It was satisfied that his conduct was fundamentally incompatible with Mr Ahmad remaining on the register of ACCA and considered that the only appropriate and proportionate sanction was that he be excluded from membership.

COSTS AND REASONS

45. ACCA claimed costs of £6,505.50 and provided a detailed schedule of costs. The Committee noted Mr Ahmad has not completed a statement of means but has provided some contextual background of his means. He has provided evidence of his expenses but has not given proof of his savings. He states he is living off his savings but had not said what they are or provided any proof of them. The Guidance enjoins the Committee not to speculate in these circumstances, but the Committee is satisfied that it has sufficient information to make a reduction. It noted that Mr Ahmad stated he could not afford legal representation. He is now in Pakistan is unemployed and having support from his father. The Committee decided that it was appropriate to award costs to ACCA in this case and considered that the sum claimed by them was a reasonable one in relation to the work undertaken but made a reduction because of Mr Ahmad's current circumstances. It balanced the lack of information and the principle that the profession should not have to bear the costs. It made a further reduction for the case taking less time than expected. Accordingly, the Committee concluded that the sum of £2,500 was appropriate and proportionate. It ordered that Mr Ahmad pay ACCA's costs in the amount of £2,500.

EFFECTIVE DATE OF ORDER

46. The Committee was satisfied that, given the seriousness of the conduct and the potential risk to the public and profession, an immediate order was in the interests of the public in the circumstances of this case.

**Ms Valerie Paterson
Chair
27 February 2025**

