

APPLICATION ON PAPERS

CONSENT ORDERS CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Ms Lucy Clover

Considered on: Monday, 17 April 2023

Chair: Ms Ilana Tessler

Legal Adviser: Mr David Marshall

Outcome Consent Order for Severe Reprimand, a fine of
£2,495.00 and costs of £1,300.00 approved.

1. The Chair considered a draft Consent Order signed by Ms Clover and ACCA on 17 April 2023. The matter was considered on the basis of documents only. Neither Ms Clover nor ACCA was present or represented.
2. The Chair had a main bundle of papers containing 63 pages, a detailed costs schedule of one page and a simple costs schedule of one page.

BACKGROUND AND ADMISSIONS

3. Ms Clover has been a member of ACCA since 2017. She does not hold a practising certificate. She came to ACCA's attention in 2022 when she registered a company whose name and details indicated that it would be providing accountancy services to the public. When ACCA notified her that this appeared to be a breach of its rules concerning public practice, she regularised the position by making it clear that she had only ever provided book-keeping services and changed the name of her business and her public profile to make

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it clear that she did not provide accountancy services.

4. In the course of this enquiry ACCA formed the view that Ms Clover was in breach of the Anti-Money Laundering ('AML') legislation in relation to her book-keeping work. Ms Clover admitted the following formal charges:

Allegation 1

On dates between 26 June 2017 and 13 April 2022, Ms Lucy Clover, an ACCA member, provided accountancy services within the terms of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 without having registered with a supervisory authority for monitoring purposes, contrary to Regulation 3(2) of Annex 1 of the Global Practising Regulations 2003 (as applicable from 2017 to 2022).

Allegation 2

In light of the facts set out at Allegation 1 above, Ms Clover is guilty of misconduct pursuant to byelaw 8(a)(i).

DECISION AND REASONS

5. The Chair was satisfied that there was a signed draft order setting out all the required matters: the relevant facts, the relevant failings and breaches, the proposed sanction and costs and that Ms Clover understood that the proposed order would be considered by a Chair of the Disciplinary Committee.
6. The Chair was satisfied that the Investigating Officer had carried out an appropriate and thorough investigation and that there was a case to answer. The Chair was satisfied that it was appropriate to deal with the matter by way of a Consent Order rather than in a public hearing.
7. The Chair agreed that there was a case to answer and that there was a real prospect that a reasonable tribunal would find the Allegations proved.
8. Although the misconduct persisted for a long time, the Chair agreed that it was unlikely that this conduct would result in exclusion. The Allegation of misconduct concerned not being properly supervised under the AML legislation. Ms Clover had a previously unblemished record with ACCA over six

years of membership. Her failure to register for supervision under the AML rules seems to have been due to ignorance or mistake rather than deliberate disregard for the law. She rectified the problem as soon as it was brought to her attention and has been registered for AML supervision since April 2022. She is currently supervised by AAT therefore there is no risk to the public. Exclusion from membership would be disproportionate.

9. The Chair was satisfied that the sanction of severe reprimand plus a fine met the public interest and was proportionate.

COSTS

10. The Chair considered that ACCA was entitled to its costs in principle and that the amount claimed, which was agreed, was reasonable.

ORDER

11. The Chair studied the terms of the draft Consent Order but did not consider it necessary to recommend any amendments.
12. Accordingly, the Chair approved the attached Consent Order in full. In summary, Ms Clover shall:
 - (a) be severely reprimanded;
 - (b) pay a fine of £2,495; and
 - (c) pay costs to ACCA in the sum of £1,300.

Ms Ilana Tessler
Chair
17 April 2023