Think Ahead ACCA

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Mr Nishan Silva**
Heard on:	**Wednesday, 07 October 2026**
Location:	**The hearing was conducted remotely via Microsoft Teams**
Committee:	**Ms Avril O'Meara (Chair)** **Dr David Horne (Accountant)** **Mr Andrew Skelton (Lay)**
Legal Adviser:	**Miss Juliet Gibbon**
Persons present and capacity:	**Mr James Halliday (ACCA Case Presenter)** **Mr Nishan Silva (Student of ACCA)** **Ms Anna Packowska (Hearings Officer)** **A member of ACCA's Appointments Board**
Summary:	**Allegations 1 and 2 – proved by way of admission** **Removal from ACCA's student register with immediate effect combined with an order that no application for readmission may be considered until the expiry of a period of two years after the effective date.**
Costs:	**No order for costs.**

PRELIMINARY

1. The Disciplinary Committee ("the Committee") convened to hear allegations made against Mr Nishan Silva that he is liable to disciplinary action pursuant to bye-law 8(a)(ix). The hearing was conducted remotely via Microsoft Teams. The Committee had a bundle of papers numbered pages 1-52, a tabled additionals bundle, numbered pages 1-16. It also had a service bundle, numbered pages 1-21. Mr Silva provided a written statement during the hearing. At the sanctions and costs stage, the Committee was provided with detailed and simple costs schedules by ACCA and a completed statement of financial position by Mr Silva.

2. Mr James Halliday represented ACCA. Mr Silva attended the hearing but was not represented.

ALLEGATIONS

1. Mr Nishan Silva, a student member of ACCA, on 18th July 2025 at Inner London Crown Court was convicted of the following offences which are discreditable to the Association or the accountancy profession.

Count 1: Distribute article infringing copyright:

Contrary to Section 107(1)(d)(iv) and (4) of the Copyright Designs and Patents Act 1988.

Between 21st day of July 2022 and the 6th day of February 2024 distributed, in the course of a businesses, namely "Andy UTV" and "Ultimate TV Service" articles, namely live TV and videos on demand from Premium Streaming Services including SKY, which were and which he knew or had reason to believe were infringing copies of copyright work.

Count 2: Acquire / use / possess criminal property:

Contrary to sections 329(1) and 334(1) of the Proceeds of Crime Act 2002. Between the 21st day of July 2022 and the 6th day of February 2024 acquired criminal property namely, £20,100 into his PayPal account knowing or suspecting it to represent in whole or part and whether directly or indirectly, the proceeds of criminal conduct.

Count 3: Acquire / use / possess criminal property:

Contrary to sections 329(1) and 334(1) of the Proceeds of Crime Act 2002. Between the 21st day of July 2022 and the 6th day of February 2024 acquired criminal property namely, the contents of the Revolut account in the name of Person A, knowing or suspecting it to represent in whole or part and whether directly or indirectly, the proceeds of criminal conduct.

2. By reason of any the matters referred to in Allegation 1 above, Mr Silva is liable to disciplinary conduct pursuant to bye-law 8(a)(ix).

3. The allegations were read out by Ms Verley, the solicitor with conduct of the case, and Mr Silva made admissions to Allegations 1 and 2. The Chair, therefore, announced the facts of Allegations 1 and 2 proved, in accordance with Regulation 12(3)(c) of The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014, as amended.

BACKGROUND

4. Mr Silva registered as a student of ACCA on 09 January 2025. As a registered student Mr Silva is bound by ACCA's Charter, the bye-laws and the regulations made pursuant to the bye-laws.

5. On 18 July 2025 Mr Silva pleaded guilty to three criminal offences, as set out in Allegation 1, at the Inner London Crown Court. He was remanded on unconditional bail until the sentencing hearing, listed on 02 October 2025, for a pre-sentence report to be prepared.

6. On 02 October 2025 Mr Silva was sentenced to a total term of three years' imprisonment in respect of the three offences that he pleaded guilty to. The sentencing remarks of the sentencing judge include the following:

"*… I make it clear that I sentence you on the basis of your basis of plea, namely that you were acting here, essentially, as a salesman. You were not involved in decoding or breaking the tv signal, devising the scheme or setting up or maintaining the server. In essence you were in contact with customers and serviced the Instagram page promoting that service. And in the Proceeds of Crime proceedings that will now follow, you have accepted that you benefited to the tune of, perhaps £60,000 or £70,000, I will*

take a midpoint figure of £65,000 … the officer in the case has done some calculations. He has accepted the purposes of these calculations that that was the gain you made, which results in an assumption at £80 a time, there were only 814 subscribers. That is likely to be an underestimate given that there were in fact more than 2,600 it would seem. But, in any event, taking that lower figure in your favour, still results in a potential loss to Sky of £447,618 …

It is apparent that you got involved for financial gain here. Indeed at one point, you ceased professional activity as an accountant to focus on this illegal income stream, as your priority … Those who wrote the pre-sentence report offered the view that you are at low risk of reoffending in the future. I note that you hold a BA Honours degree in [PRIVATE]. You are currently working as a [PRIVATE] and indeed, training to try and secure chartered status. It is, bluntly, deeply alarming that someone of your intelligence and working in a profession heavily reliant on honesty and trust, should have acted in this way. I am quite satisfied that you knew the risks that you have taken here. You must have thought them financially worthwhile …

Several referees speak of your selfless and caring behaviour and indeed, a determination to learn from your mistakes …".

7. On 06 October 2025, The City of London Police issued a press release entitled: "*Ex accountant jailed for running illegal IPTV streaming service*".

8. As a result of the press release ACCA raised a complaint internally on 07 October 2025. A case was subsequently opened and referred to ACCA's Assessment and investigations Department.

9. ACCA wrote to Mr Silva on 15 January 2026 asking him to respond to a number of questions.

10. Mr Silva responded to ACCA on 10 February 2026. He stated: "*I had been acting as a salesman responding to queries and assisting the sale of IPTV subscriptions. This was initially started as a way to generate income during a time [PRIVATE]. This does not give reasons for my actions and I am regretful. The stress of my situation I believe impaired my decision making*". Mr Silva also stated that he had cooperated fully on arrest and was "*very forthcoming in my pre-sentence interview*". He further stated he was "*regretful of my actions and sorry to any victims of this crime. In my opinion I have not abused my role as an accountant with this crime. However I most certainly have*

broken the law and am paying the price for my actions. While in custody I have participated in course and jobs to better myself upon release. I have a diversity and inclusion rep role as well as classroom assistant role … I am not proud of what I have done and my main objective now is to rebuild and reform myself participating in work that improves the community and wider economy".

11. Prior to being convicted Mr Silva had not been working as an accountant. He had joined ACCA to better himself and with the view of becoming chartered in the next two years. He stated: "*I truly believe I did not abuse my power as an accountant and would like the opportunity to still become chartered with ACCA … I have recently interviewed with a company from the big four audit firms. They have expressed their interest in hiring me post prison in line with government initiatives to employ ex-prisoners. I hope the ACCA also shares this common interest*".

12. Mr Silva informed ACCA that the press release by the City of London Police had exaggerated his involvement in the crime and was not a true picture of his actual involvement.

CASE OPENING

13. Mr Halliday took the Committee through the background of the case.

14. Mr Halliday informed the Committee that the factual basis for the case was taken from the Crown Court Judge's sentencing remarks and not from the Inner London Police press release.

15. Mr Halliday submitted that this was a wide-ranging criminal enterprise that had got behind paywalls and settings to allow access to SKY coverage at a reduced price. Mr Silva's role was contact with customers and servicing the Instagram page. He was in effect a salesman providing customer service.

16. The Committee was informed by Mr Halliday that Mr Silva had pleaded guilty to the three offences. He referred the panel to the sentencing judge's remarks:

"*I make it clear that I sentence you on the basis of your basis of plea, namely that you were acting here, essentially, as a salesman. You were not involved in decoding or breaking the tv signal, devising the scheme or setting up or maintaining the server. In essence, you were in contact with customers and serviced the Instagram page*

promoting that service, you can fairly be characterised as providing sales and post-sales customer service. And in the Proceeds of Crime proceedings that will now follow, you have accepted that you benefited to the tune of, perhaps, £60,000 or £70,000, I will take a midpoint figure of £65,000 … taking that lower figure in your favour, still results in a potential loss to Sky of £447,618. In other words that is assuming that instead taking advantage of the service that you were acting as a salesman for, they signed up to a subscription for Sky at about a sum of £550 per subscriber. So that is the basis on which I sentence you today".

17. Mr Halliday informed the Committee that Mr Silva had been sentenced to three years' imprisonment on 02 October 2025. He said that he understood that Mr Silva had been released on home detention curfew in March 2026 which will continue until December 2026, from which time Mr Silva will remain on licence until his sentence expires in October 2028.

18. Mr Halliday submitted that the three convictions are for offences of dishonesty which are discreditable to ACCA and the accountancy profession. He further submitted that Mr Silva was a man who had used his intelligence and knowledge from the accountancy profession, a profession of honesty and trust, to make money illegally.

ORAL EVIDENCE OF MR SILVA

19. Mr Silva read out a pre-prepared statement in evidence:

"*I would like to start by saying that I accept the seriousness of the convictions and I take full responsibility for my actions. I pleaded guilty and I am not here to challenge or revisit the criminal court's findings.*

The offences occurred in 2023, at a time when I was not an ACCA student and was not working as an accountant. The conduct was completely separate from ACCA and from the accountancy profession. It did not involve ACCA, any client, client money or my professional responsibilities.

I understand, however, that I became an ACCA student before I was prosecuted and convicted, and I fully respect ACCA's responsibility to consider the conviction.

I recognise that my involvement in the platform, the financial benefit I received, and the criminal-property offences were serious. I deeply regret the decisions I made and I understand why they raise concerns about my judgment and integrity.

I pleaded guilty and received a three-year sentence, of which I served approximately eight months in custody. I have complied with the requirements of my sentence and have had significant time to reflect on what I did and the consequences of my actions.

I now understand that integrity and good judgment are fundamental to being a professional accountant, and that my conduct fell below the standards I should have expected of myself.

Since the offences, I have made a genuine effort to move forward responsibly and to ensure that nothing like this happens again.

I respectfully ask the Committee to consider the full circumstances: that the conduct occurred before I became an ACCA student, that it was unrelated to accountancy or ACCA, my guilty plea and acceptance of responsibility, the sentence I have already served, and my conduct and rehabilitation since the offence.

I understand the responsibility ACCA has to protect the reputation of the profession, and I hope I can be given the opportunity to continue my ACCA journey and demonstrate through my future conduct that I have learned from my mistakes".

20. Mr Silva was asked questions by Mr Halliday. Mr Silva agreed that the emphasis was that his criminal acts had not been undertaken when he was a student of ACCA or an accountant. He agreed that, as an accountant, people must be able to trust him to do the right thing. He also accepted that circumstances conducted outside the profession may be relevant to an accountant's professional status. Mr Halliday asked Mr Silva if he went to an accountant with these convictions, would he trust them. Mr Silva responded, '*it would be dependent on the relationship, and I think that people should be given the right to change'*. It was put to Mr Silva that his judgment, integrity and honesty had been compromised, but he did not accept this.

21. The Committee asked questions of Mr Silva. He told the Committee that since being released from prison he had only had one job which he obtained in June 2026. He said that he did the bookkeeping for the company that employed him, ran invoices and dealt with the day-to-day liquidity. Mr Silva said that he didn't need to be a student of ACCA

to do the job. He told the Committee that his employer was aware of his convictions. Mr Silva said that he hadn't asked his employer for a reference because he hadn't realised that one was necessary. He also stated that he had dedicated more time to the Proceeds of Crime Act proceedings which was taking place later this month.

22. Mr Silva told the Committee that he would love to be given the opportunity to finish his ACCA exams. He said he had joined ACCA to move away from a lifestyle of criminality. He said he wanted to better himself in the accountancy profession.

23. Mr Silva was asked about the Crown Court Judge's sentencing remarks when he stated that Mr Silva had '*at one point ceased professional activity as an accountant to focus on this illegal income stream, as your priority'*. He responded that it was reference to a company where he had previously been employed but he said that his work there was more administration focused, doing reconciliations for multiple business entities, rather than being classified as an accountant. He agreed that doing reconciliation work was an accountancy process of reconciling transactions.

24. Mr Silva was asked to clarify the steps he had taken to ensure that he wouldn't commit criminal offences in the future. He stated that this included joining ACCA, seeking a job in the accountancy profession and not going back to criminality. He was asked what reassurance he could give the Committee that he wouldn't offend again if put in the same position. He responded, "*I've been on the end of my actions, sent to prison and undergoing proceeds of crime proceedings*". He stated that [PRIVATE] I'm on the straight and narrow now.

DECISION ON HEARING PART OF THE HEARING IN PRIVATE

25. During the course of his evidence Mr Silva made reference to matters that would usually be heard in private session. Mr Halliday was asked to make representations on hearing those parts of the hearing retrospectively in private and he accepted that such matters should be heard in private.

26. Mr Silva made no representations on whether the matters should be heard in private.

27. The Committee accepted the advice of the Legal Adviser.

28. The Committee determined that any matters relating to Mr Silva's family life should be heard in private and that this decision should apply retrospectively to Mr Silva's evidence.

SUBMISSIONS ON SANCTION AND COSTS

29. Mr Halliday informed the Committee that Mr Silva had no previous findings recorded against him. Mr Halliday referred the Committee to ACCA's Guidance for Disciplinary Sanctions, in particular Section E1 that related to cases involving convictions and E2 that related to cases involving dishonesty. Mr Halliday invited the Committee to consider the factors set out at Section C5.1 when considering the sanction of removal from the student register. He reminded the Committee that Mr Silva's conduct had involved dishonesty over a prolonged period of time and that there had been a substantial financial loss to SKY. He reminded the Committee that Mr Silva had pleaded guilty to the criminal offences at the first opportunity in the Crown Court, had not attempted to cover up his offending behaviour and was not acting as an accountant at the time, but he submitted that this was a case where Section C5.1 was engaged and removal from the student register was the appropriate and proportionate sanction.

30. Mr Halliday referred the Committee to Section C5.3. He informed it that the minimum period before which a student can re-apply to be a student of ACCA after removal was 12 months but that this period can be extended to a maximum of five years. He invited the Committee to extend the period to five years. Mr Halliday also invited the Committee to direct that it was in the public interest for the sanction of removal from the student register to have immediate effect if it considered that to be the appropriate and proportionate sanction.

31. Mr Halliday referred the Committee to ACCA's 'Guidance for Disciplinary Sanctions'. He invited the Committee to direct that it was in the interests of the public for the order to have immediate effect, if it considered that removal from the student register was the appropriate sanction.

32. In respect of ACCA's costs, Mr Halliday referred the Committee to the detailed and simple costs schedules. He submitted that the costs claimed by ACCA of £5,845 had been reasonably incurred but he accepted that there should be some adjustment as the hearing had taken less than the time allowed for in the schedules and he had taken less time than anticipated to prepare as this was a conviction case. Mr Halliday also accepted that the criminal Proceeds of Crime Act proceedings would be relevant to

how much Mr Silva would have available to pay ACCA's costs. He explained that the purpose of confiscation proceedings in the Crown Court was to deprive a defendant of the benefit of his offending. He explained that whilst the Committee had a statement of financial position in which Mr Silva has listed his assets, the Crown Prosecution Service would apply for all, or part of, his assets to be liquidated to satisfy the benefit figure. Mr Halliday stated that Mr Silva's monthly salary, however, would not be taken into account in the confiscation proceedings.

33. Mr Silva made no representations in respect of sanction. He referred the Committee to the assets set out in his statement of financial position but submitted that it was likely that the calculated benefit in the confiscation proceedings would exceed the value of the assets listed. [PRIVATE].

SANCTION AND REASONS

34. In reaching its decision on sanction, the Committee considered the submissions made by Mr Halliday and Mr Silva. The Committee referred to the Guidance for Disciplinary Sanctions issued by ACCA and bore in mind the fact that the purpose of a sanction was not to punish Mr Silva, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct and that any sanction it imposed must be proportionate. The Committee accepted the advice of the Legal Adviser.

35. When deciding on the appropriate sanction, the Committee carefully considered the aggravating and mitigating features of the case.

36. The Committee considered that the mitigating features of the case were that Mr Silva had no previous disciplinary findings recorded against him he had shown some insight into his offending behaviour and early admissions had been made by Mr Silva in the criminal proceedings.

37. The Committee considered that Mr Silva's misconduct involved the following aggravating features:

a. Mr Silva's offending behaviour was dishonest and for financial gain.
b. Mr Silva's offending behaviour had continued for a period of over 18 months.
c. Mr Silva's offending behaviour caused harm, in the form of financial loss to SKY.

38. The Committee noted that when addressing factors relevant to seriousness in specific case types, ACCA's guidance indicated that '*failing to act with integrity*' is in the very serious category. The Committee, therefore, determined that Mr Silva's dishonest criminal offending fell into the '*very serious*' category.

39. The Committee went on to consider what, if any, was the appropriate and proportionate sanction to impose in this case. It did not consider that it would be appropriate, or in the public interest, to take no further action or to impose a sanction of admonishment in a case where a student of ACCA had been convicted of three very serious criminal offences that involved dishonesty.

40. The Committee then considered whether to reprimand Mr Silva. The guidance indicates that a reprimand would be appropriate in cases where the misconduct is of a minor nature; there appears to be no continuing risk to the public and there has been sufficient evidence of an individual's understanding and genuine insight. The Committee did not consider that Mr Silva's conduct was of a minor nature, and it did not consider that his insight into the impact of his criminal offending on the accountancy profession and ACCA, as regulator, was fully developed. Accordingly, the Committee concluded that a reprimand would not adequately reflect the seriousness of Mr Silva's criminal convictions.

41. The Committee next considered whether a severe reprimand would adequately reflect the seriousness of the case. The guidance indicates that such a sanction would usually be applied in situations where the conduct is of a serious nature, but where there are particular circumstances of the case, or mitigation advanced, which satisfies the Committee that there is no continuing risk to the public and there is evidence of the individual's understanding and appreciation of the conduct found proved. The guidance suggests that this sanction may be appropriate where most of the following factors are present:

a. the conduct was not intentional and no longer continuing.
b. evidence that the conduct would not have caused direct or indirect harm.
c. insight into failings.
a. genuine expression of regret/apologies.
b. previous good record.
c. no repetition of failure/conduct since the matters alleged.
d. rehabilitative/corrective steps taken to cure the conduct and ensure future errors do not occur.

e. relevant and appropriate references.
f. co-operation during the investigation stage.

42. The Committee considered that apart from Mr Silva's cooperation during the investigation, his previous good record and evidence of some insight on his part, none of the other factors were present. Accordingly, the Committee considered that a severe reprimand would not adequately reflect the seriousness of Mr Silva's criminal convictions.

43. The Committee took into account Section E1 of the Guidance for Disciplinary Sanctions that relates to convictions. In particular it noted the principle enunciated by Mr Justice Newman in *Council for Healthcare Regulatory Excellence v (1) General Dental Council and (2) Fleishmann [2005] EWCH 87 (Admin)*:

"… as a general principle, where a practitioner has been convicted of a serious criminal offence or offences. he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise. Such circumstances could arise in connection with a period of disqualification from driving or time allowed by the court for the payment of a fine. The rationale for this principle is not that it can serve to punish the practitioner whilst serving his sentence, but that good standing in the profession must be earned if the reputation of the profession is to be maintained".

44. The Committee also noted Section E2 of the guidance that gives specific guidance on cases of dishonesty. In particular it noted E2.2 that states:

"*The public is entitled to expect a high degree of probity from a professional who has undertaken to abide by a code of ethics. The reputation of ACCA and the accountancy profession is built upon the public being able to rely on a member to do the right thing in difficult circumstances. It is a cornerstone of the public value which an accountant brings*".

45. The Committee noted the guidance at E2.3 which states:

"*The Committee should bear these factors in mind when considering whether any mitigation presented by the member is so remarkable or exceptional that it warrants anything other than … removal from the student register*".

46. The Committee considered that a failure to remove a registered student who had three convictions for serious offences of dishonesty would seriously undermine public confidence in the accountancy profession and in ACCA as its regulator. The public needs to know that it can rely on the integrity and professionalism of those who are studying to become members of ACCA.

47. In the Committee's determination, the dishonest conduct that led to Mr Silva's convictions for three serious offences is fundamentally incompatible with him being a registered student of ACCA. The Committee was mindful that the sanction of removal from ACCA's student register was the most serious sanction that could be imposed. The Committee was of the view, however, that Mr Silva had not presented any mitigation which was so exceptional or remarkable that it warranted anything other than removal from the student register for his offending behaviour.

48. The Committee further considered the case of *Fleishmann.* It noted that Mr Silva had not yet completed his sentence of three years' imprisonment, despite his early release on home detention curfew, In the circumstances, the Committee deemed it necessary to impose an order that no application for readmission to the ACCA student register may be considered until a further period of two years has expired, by which time Mr Silva will have completed his three-year sentence.

49. The Committee therefore ordered that Mr Silva shall be removed from the ACCA student register, and that this will be combined with an order that no application for readmission to the ACCA student register may be considered until a period of two years has expired from the effective date. The Committee also considered that given the seriousness of the behaviour, it was in the interests of the public for the order for removal to have immediate effect.

DECISION ON COSTS AND REASONS

50. The Committee was provided with two schedules of costs. ACCA applied for costs in the sum of £5,845 in respect of the investigation against Mr Silva and the hearing Mr Halliday, however, had conceded that there should be a reduction because the hearing had concluded earlier than anticipated in the cost schedules and he had spent less time than anticipated preparing for the hearing.

51. The Committee was satisfied that the costs sought by ACCA was an appropriate sum and had been reasonably incurred. It determined, however, that the costs claimed

should be reduced slightly to reflect the fact that the hearing had taken less time than accounted for in the schedules of costs and that Mr Halliday's costs of preparation had also been less than anticipated.

52. The Committee considered Mr Silva's completed statement of financial position, provided during the course of the hearing. Although this sets out that Mr Silva [PRIVATE], the Committee accepted that these assets cannot be taken into account as they are included in the Crown Prosecution's application under the Proceeds of Crime Act 2002 in the Crown Court. It noted that Mr Silva's current salary was less than his outgoings.

53. The Committee determined that, given his current financial circumstances, it would not be fair to order Mr Silva to pay any contribution towards ACCA's costs.

ORDER

i. **Mr Nishan Silva shall be removed from ACCA's student register with immediate effect.**

ii. **No application by Mr Nishan Silva for readmission to the student register may be considered until the expiry of a period of two years after the effective date of the order.**

iii. **There shall be no order for costs.**

Ms Avril O'Meara
Chair
07 October 2026