

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Vijay Amratlal Shah

Heard on: Wednesday, 01 April 2026

Location: Remotely via MS Teams

Committee: Mr Gerard Wareham (Chair)
Mr Abdul Samad (Accountant)
Mr Colin Childs (Lay)

Legal Adviser: Mr Alastair McFarlane

Persons present

and capacity: Mr Samuel Irving (Case Presenter on behalf of ACCA)
Ms Aimee Murphy (Hearings Officer)

Summary: Exclusion from membership with immediate effect

Costs: £11,621.50

1. ACCA was represented by Mr Irving. Mr Shah did not attend and was not represented. The Committee had before it a bundle of papers, numbered pages 1 – 106, and a service bundle numbered pages 1-22, a service and correspondence bundle numbered pages 1-19 (in relation to a listing of this case for hearing on 27 January 2026) and a service bundle additional

numbered pages 1 to 4.

SERVICE

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

PROCEEDING IN ABSENCE

3. The Committee noted the submissions of Mr Irving 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 following the service of the Notice of Hearing on 04 March 2026, the Hearings Officer then sent chasing emails on 09, 16, 23, 30 and 31 March 2026 asking Mr Shah to confirm his attendance or whether he was content for the Committee to proceed in his absence. There was no response from Mr Shah.
5. The Committee noted that the hearing had been listed initially for 27 January 2026 following a Notice of Hearing sent on 18 December 2025. Mr Shah had responded by an email, dated 21 January 2026, when he stated he had *“been unable to open the link”* in the notice but commented as follows:

“1. We are surprised that a Disciplinary Committee Hearing has been scheduled for 27 January.

2. We are not sure what the Hearing is about.

3. Our firm would not respond to any emails from the ACCA under any circumstances.

4. We are assuming the issue is about a complainant who is complaining to the ACCA about their records not being returned by us.

5. We are not aware of receiving any emails from the ACCA except an email on 01 December 2025 which we couldn't open but didn't specify what the email was about.

6. We have not acted for the complainant for over 4 years.

7. The complainant's records were not returned to them as our fees were not fully paid and we are entitled to do so.

We will be glad to respond to any further emails from the ACCA regarding this issue.”

6. In a further email, dated 23 January 2026, Mr Shah requested a postponement of the hearing listing for 27 January 2026 stating:

“We have been able to open the document folder you resent yesterday.

We would be grateful if a postponement is granted in the Disciplinary Committee Hearing scheduled for 27 January 2026. We appreciate it is late to request such a postponement.

We are requesting postponement on the following grounds:

1. We are currently very busy trying to finalise tax returns for filing with HMRC and would be unable to provide a detailed response to the ACCA.

2. As we have previously mentioned, the complainant's records were not returned to them as our fees were not fully paid.

3. *We are unable to view in the ACCA response that the complainant had mentioned that they had fully settled our fees as invoiced.*

4. *We have tried to locate and complete a form requesting a postponement. We were unable to find any form.*

V A SHAH”

7. The Committee noted that the Disciplinary Committee on the 27 January 2026 granted Mr Shah's request for a postponement. The Committee also noted that Mr Shah had sent two emails to the Hearings Officer dated 31 March 2026. In the first he stated:

“I won't be able to attend the Disciplinary Committee Hearing on 01 April 2026.”

After the first response the Hearing Officer emailed Mr Shah again and asked him if he was content for the hearing to proceed in his absence, Mr Shah responded again in a second email dated 31 March 2026 in which he stated:

“I am happy for the Disciplinary Committee to proceed with the meeting on 01 April 2026 in my absence.”

8. The Committee was mindful of the observations of Sir Brian Leveson 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 specifically considered the issue of fairness to Mr Shah of proceeding in his absence, but also fairness to the ACCA and the wider public interest in the expeditious discharge of the Committee's function. In all the circumstances it was satisfied that Mr Shah had voluntarily waived his right to attend the hearing.

9. The Committee was satisfied that Mr Shah 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 Shah.

ALLEGATIONS

Mr Vijay Amratlal Shah, an ACCA member

1. **Between 21 February 2022 and 13 March 2024, Mr Shah wrongly retained possession of the Complainant's tax folder in breach of Section B5(11) of ACCA's Code of Ethics and Conduct (Preservation of Documents).**
2. **Between 25 September 2023 to 11 January 2024, Mr Shah failed in his duty to cooperate with the consideration and investigation of a complaint, in that he failed to respond fully to ACCA's correspondence dated:**
 - i. **25 September 2023**
 - ii. **11 October 2023**
 - iii. **19 October 2023**
 - iv. **30 October 2023**
 - v. **30 November 2023**
 - vi. **07 December 2023**
 - vii. **14 December 2023**
 - viii. **03 January 2024**
 - a. **Such conduct is a breach of Section 3(1) of ACCA's Complaints and Disciplinary Regulations.**
3. **By reason of any or all of the above, Mr Shah is:**

- a. **Guilty of misconduct pursuant to Bye-law 8(a)(i) or alternatively;**
- b. **Liable to disciplinary action, pursuant to Bye-law 8(a)(iii).**

APPLICATION TO WITHDRAW ALLEGATION 1

10. Mr Irving applied to withdraw Allegation 1 under Regulation 10(5). This was because he conceded that there was a live issue as to whether Mr Shah had wrongly retained possession of the tax folder. He referred to ACCA's "Supplementary Requirements and Guidance" to the Code of Ethics and Conduct, which raised the real possibility that Mr Shah may be entitled to retain possession of the documents by exercising a lien over them if there were fees owing from the client. He contended that this would entail detailed consideration of the law of contract and the relevant ACCA guidance. These had not been highlighted to Mr Shah even though it was clearly Mr Shah's position that he was entitled to retain the documents. ACCA contended that in all the circumstances its withdrawal was appropriate and the more serious allegation of failing to cooperate remained extant.
11. The Committee accepted the advice of the Legal Adviser. It was mindful of its duty to ensure in the public interest that allegations were properly prosecuted and determined when appropriate by the Committee as well as the issues of fairness to Mr Shah. The Committee was satisfied that a real issue arose as to whether Mr Shah was entitled to retain the documents in this case which depended upon matters of contract law that had not been fully set out to Mr Shah in advance. The Committee was not persuaded that it was in the interests of justice to adjourn this case again for this Allegation to be pursued further and it was fair to grant the application to withdraw Allegation 1 and proceed on Allegation 2 alone.

BACKGROUND

12. Mr Shah became an ACCA member on 15 May 1980 and an ACCA Fellow on 15 May 1985.
13. On three separate occasions, between 2019 and 2022, the Complainant engaged the professional services of the member, Mr Shah, to prepare and submit the Complainant's tax returns.
14. During the course of the professional engagement, the Complainant provided Mr Shah with a tax folder containing various documents, including bank statements; pay slips; credit card statements; multiple miscellaneous receipts; tax information including letters from HMRC; mortgage statements; information relating to the Complainant's tenants and other miscellaneous documents.
15. In January 2022, the Complainant and Mr Shah exchanged multiple emails in relation to a fee dispute and, as their disagreement intensified, their professional working relationship deteriorated. This developed into the dispute as to whether Mr Shah was entitled to retain the tax folder while there was a dispute over fees owing. This became the subject matter of the now withdrawn Allegation 1.
16. ACCA's Conciliation Service is a voluntary process and participation is optional. However, if a member fails to engage or co-operate with the conciliation process entirely – and a complaint matter remains unresolved – ACCA has the option to redesignate a complaint as suitable for investigation, which then requires an ACCA member to co-operate fully with any such investigation.
17. On 05 April 2022, ACCA's Professional Conduct Department determined the complaint was suitable for conciliation. This was allocated to a Senior Investigations Officer (the "SIO") on 02 September 2022.

18. Between September 2022 and January 2023, the SIO sought to engage Mr Shah multiple times as part of the conciliation process. Numerous telephone calls to Mr Shah were attempted but unanswered. Several emails were also sent to Mr Shah's registered email address, but no responses were received.
19. On 15 February 2023, as a result of Mr Shah's continued failure to engage with the SIO as part of the conciliation process, the complaint was converted to an investigation.
20. Between September 2023 and January 2024, the Senior Investigations Officer (SIO) and an Assessment and Investigations Manager ("AIM"), sought to engage Mr Shah multiple times as part of the investigation process. Emails were sent to Mr Shah's registered email address on the following dates:
 - a. Email 1 – 25 September 2023
 - i. Letter sent via email by SIO on 25 September 2023
 - ii. Response from Mr Shah received on 10 October 2023
 - iii. In his response, Mr Shah stated "*We are unable to open the links you refer to as they don't seem to be from a trusted source. V. A. SHAH & CO.*"
 - b. Email 2 - 11 October 2023
 - i. Email sent by SIO on 11 October 2023
 - ii. No response was received from Mr Shah
 - c. Email 3 - 19 October 2023
 - i. Email sent by SIO on 19 October 2023
 - ii. No response was received from Mr Shah

- d. Email 4 - 30 October 2023
 - i. Email sent by AIM on 30 October 2023
 - ii. Response from Mr Shah received on 10 November 2023
 - iii. In his response Mr Shah stated "*We haven't received any encrypted emails from the ACCA or your colleague in the past few weeks. V. A. Shah & Co*"

- e. Email 5 - 30 November 2023
 - i. Email sent by AIM on 30 November 2023
 - ii. Response from Mr Shah received on 07 December 2023
 - iii. In his response Mr Shah stated "*I have had technical issues with my computer for the past few days. I have not been able to access client records. I will therefore not be able to respond by the deadline date. V. A. Shah & Co.*"

- f. Email 6 - 07 December 2023
 - i. Email sent by AIM on 7 December 2023
 - ii. No response was received from Mr Shah

- g. Email 7 - 14 December 2023
 - i. Email sent by SIO on 14 December 2023
 - ii. No response was received from Mr Shah

- h. Email 8 - 03 January 2024
 - i. Email sent by SIO on 03 January 2024
 - ii. No response was received from Mr Shah

ACCA'S SUBMISSIONS

Allegation 2 - Failed to cooperate

21. ACCA submitted that Mr Shah was under a duty to co-operate under Complaints and Disciplinary Regulation 3(1) and, therefore, to respond to the SIO's correspondence in which he was asked for an explanation of the allegations raised against him. ACCA submitted that shows that Mr Shah has deliberately refused to engage with the SIO and AIM during the investigation process and was therefore in breach of his duty under Regulation 3 (1).

Allegation 3 – Misconduct/ Liability to disciplinary action

22. ACCA submitted that Mr Shah's failure to cooperate was sufficiently serious to reach the threshold for misconduct. The alternative for failing to co-operate only was liability to disciplinary action.

MR SHAH'S SUBMISSIONS

23. There were no formal submissions from Mr Shah. However, the Committee noted that in his first email dated 31 March 2026 he addressed the issue of Allegation 1 but not the non-cooperation allegation except to say:

"2. I have always responded to any correspondence from the ACCA in a timely manner.

3. Correspondence from the ACCA in the past six months had been responded to.

4. It is not our firm's policy to not respond to any correspondence from the ACCA or the Disciplinary Committee."

DECISION ON ALLEGATIONS AND REASONS

24. The Committee accepted the advice of the Legal Adviser. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the balance of probabilities.

DECISION ON FACTS

25. The Committee noted the submissions of Mr Irving for ACCA. It reminded itself that the burden of proof was on ACCA alone and that Mr Shah's absence added nothing to ACCA's case.

Allegation 2

Between 25 September 2023 to 11 January 2024, Mr Shah failed in his duty to cooperate with the consideration and investigation of a complaint, in that he failed to respond fully to ACCA's correspondence dated:

- i. **25 September 2023**
 - ii. **11 October 2023**
 - iii. **19 October 2023**
 - iv. **30 October 2023**
 - v. **30 November 2023**
 - vi. **07 December 2023**
 - vii. **14 December 2023**
 - viii. **03 January 2024**
- a. **Such conduct is a breach of Section 3(1) of ACCA's Complaints and Disciplinary Regulations.**

26. The Committee was satisfied regulation 3(1) imposed a duty upon members to cooperate fully with ACCA in its consideration and investigation of complaints.
27. Having carefully considered the documentary evidence before it, the Committee was satisfied that each of the occasions listed i to viii set out in this allegation, ACCA made proper requests for Mr Shah's cooperation with its investigation into the Complainant's complaint. Further, the Committee was satisfied Mr Shah did not respond to ACCA's requests on 11 October 2023, 19 October 2023, 07 December 2023, 14 December 2023 and 03 January 2024 and these non-responses amounted to a breach of his duty under regulation 3(1). The Committee noted that throughout Mr Shah has had the same email address and, for example, responded using it to ACCA in his emails of 31 March 2026.
28. In addition, the Committee was satisfied that the responses made to requests from ACCA on 25 September 2023, 30 October 2023 and 30 November 2023 did not answer any of ACCA's questions and therefore did not comply with his duty under Regulation 3(1) to cooperate fully and amounted to a failure or partial failure to cooperate fully as required under Regulation 3(1)(c). Accordingly, it was satisfied that Allegation 2 was proved in its entirety.

Allegation 3

By reason of any or all of the above, Mr Shah is:

- a. **Guilty of misconduct pursuant to Bye-law 8(a)(i) or alternatively;**
 - b. **Liable to disciplinary action, pursuant to Bye-law 8(a)(iii).**
29. The Committee next asked itself whether failing to cooperate with ACCA, Mr Shah was guilty of misconduct.

30. The Committee had regard to the definition of misconduct in Bye-law 8(c) and the assistance provided by the case law on misconduct. The Committee was satisfied that Mr Shah's duty to cooperate with his regulator is a very important one, both to enable the regulator to properly and fairly discharge its regulatory function and to uphold public confidence in the regulatory system. It was satisfied that Mr Shah's actions brought discredit on him, the Association and the accountancy profession. For these reasons the Committee was satisfied that Mr Shah's failure to cooperate was sufficiently serious to amount to misconduct.
31. Given the Committee's judgment that the failure amounted to misconduct the Committee did not need to consider the alternative of liability to disciplinary action.

SANCTIONS AND REASONS

32. 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 and bore in mind that sanctions are not designed to be punitive and that any sanction must be proportionate. It took account of Mr Irving's submissions.
33. The Committee accepted the advice of the Legal Adviser.
34. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Cooperating with one's regulator is a central requirement on any professional and vital to enable the regulator to properly discharge its function. A failure to do so is therefore very serious.
35. The aggravating factors the Committee identified were:
 - The serious impact on the reputation of the profession

- The Committee found the non-cooperation to be intentional and noted that it was over a prolonged period
- No evidence of insight shown into the impact on the profession and public of such conduct
- No evidence of any remorse

36. The only mitigating factor the Committee identified was:

- A previous good character with no disciplinary record over a long career

37. Given the Committee's view of the seriousness of the misconduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present. It also considered the factors listed at C5 of the Guidance that may justify exclusion. The Committee was satisfied that this was the case of a Registrant who by his repeated non-cooperation had sought to step outside the control of his regulator, with the consequent potential future risk to the public.

38. The Committee therefore concluded that Mr Shah's conduct was fundamentally incompatible with Mr Shah 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

39. ACCA claimed costs of £ £11,866.50 and provided a detailed schedule of costs. The Committee noted Mr Shah has not provided any statement of means. 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 as the hearing lasted less time than anticipated. Accordingly, the Committee concluded that the sum of £11,621.50 was appropriate and proportionate. It ordered that Mr Shah pay ACCA's costs in the amount of £11,621.50.

EFFECTIVE DATE OF ORDER

40. The Committee was satisfied that, given the seriousness of the conduct and the attitude revealed from Mr Shah that there was a potential risk to the public and profession. Therefore, an immediate order was in the interests of the public in the circumstances of this case.

Gerard Wareham
Chair
01 April 2026