

HEARING

**DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF
CHARTERED CERTIFIED ACCOUNTANTS****REASONS FOR DECISION**

In the matter of: Mr Mark William Nokes

Heard on: Tuesday, 21 April 2026

Location: Held remotely by MS Teams

Committee: Mr Tom Hayhoe (Chair)
Ms Dorothee Berg (Accountant)
Ms Caroline Robertson (Lay)

Legal Adviser: Mr Andrew Granville Stafford

Persons present


and capacity: Mr Mark William Nokes (Member)
Mr Stephen Chinnery (Solicitor for Mr Nokes)
Mr Mazharul Mustafa (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Outcome: Allegations 1, 2, 4(c), 5, 6, 7, 8 and 10(a) proved
Allegations 4(a), 4(b) and 9 not proved

Sanction: Severe reprimand

Costs: £9,011.50 awarded to ACCA

ACCA

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INTRODUCTION AND PRELIMINARY MATTERS

1. The Disciplinary Committee of ACCA ('the Committee') convened to consider a report concerning Mr Mark William Nokes.
2. The Committee had before it a bundle of documents (699 pages), a schedule of pseudonymisation (2 pages) and a service bundle (17 pages).

ALLEGATIONS

3. The allegations faced by Mr Nokes were as follows.

Mr Mark Nokes an ACCA member:

1. On or about 12 October 2022 submitted, or caused to be submitted, a research and development (R&D) claim on behalf of 'Company A', for the period ended 31 March 2022.
2. On or about 11 April 2023 submitted, or caused to be submitted, a research and development (R&D) claim on behalf of 'Company A', for the period ended 31 March 2023.
3. Between about 31 July 2019 and about 29 March 2023 submitted or caused to be submitted inconsistent and/or duplicated research and development (R&D) reports to HMRC for any or all of the companies B-I set out in the schedule below.
4. In relation to any or all of the allegations set out at paragraphs 1-3 above:
 - a) Mr Nokes was dishonest in that the aforesaid submissions to HMRC, or any of them, were, as he knew, untrue or otherwise inaccurate; or in the alternative;
 - b) Mr Nokes failed to act with integrity; or in the further alternative:
 - c) Mr Nokes was reckless in that he failed to ensure that the aforesaid submissions to HMRC, or any of them, were accurate.
5. On or around 29 March 2023 entered a voluntary arrangement for

liquidation of 'Firm A' under the Insolvency Act 1986.

6. In relation to allegation 5 above Mr Nokes is liable to disciplinary action pursuant to Bye-law 8(a)(vii).
7. On or around 29 March 2023 failed to notify ACCA that 'Firm A' had entered voluntarily liquidation.
8. In relation to allegation 7 above his actions were contrary to Bye-law 10(b).
9. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014, failed to co-operate fully with the investigation of a complaint in that he failed to answer all questions put to him.
10. By reason of any or all of the above, Mr Nokes is:
 - a) Guilty of misconduct pursuant to Bye-law 8(a)(i); or in the alternative:
 - b) Liable to disciplinary action pursuant to Bye-law 8(a)(iii).

ACCA'S CASE

4. Mr Nokes was admitted as a member of ACCA in 2001 and as a fellow in 2006. At all material times until its liquidation in 2023, he was sole director of Firm A, an accountancy practice. He is also director of Firm B, which took over the business of Firm A following its liquidation.

Allegations 1 to 4

5. Allegations 1 to 4 relate to the submission of claims for Research and Development ('R&D') tax relief. The claims were submitted to HMRC by Firm A or Firm B. The claims were made on behalf of Company A, a business that Mr Nokes was director of at the material time, and Companies B to I, which were clients of Firm A or Firm B.
6. In June 2024, HMRC made a complaint to ACCA that R&D claims submitted by Mr Nokes or his firms were non-qualifying, inconsistent and in several

cases supported by identical or near identical R&D reports, despite being made by different companies and for different accounting periods.

7. In light of this, ACCA alleged that between July 2019 and March 2023 Mr Nokes submitted, or caused to be submitted, a number of inaccurate R&D claims; and that in doing so he acted dishonestly, or without integrity, or recklessly.
8. Allegations 1 and 2 related to two R&D claims made by Company A. Company A was incorporated on 05 March 2020. Mr Nokes was appointed a director on incorporation and remains in office. He initially held 50% of the shares of the company, increasing to 100% from February 2022. Person A held office as a co-director between 08 July 2020 and 21 February 2022, and again from 23 April 2022 until 16 April 2024.
9. On 12 October 2022, Firm A submitted an R&D claim on behalf of Company A for £263,227 for the year ended 31 March 2022 ('the 2022 claim').
10. On 11 April 2023, Firm A submitted a further R&D claim to HMRC on behalf of Company A for £597,921 for the period ended 31 March 2023 ('the 2023 claim'). The R&D report submitted in support of the 2023 claim was nearly identical to one submitted in support of the 2022 claim.
11. On 15 June 2023, HMRC opened a compliance check in relation to Company A's tax returns for the two years in question. Mr Nokes was informed by HMRC that this was primarily to check the R&D claims.
12. On 26 June 2023, Mr Nokes emailed HMRC stating:

'My practice prepare the accounts but I was aware [sic] on annual leave when these were prepared and signed off I saw a final copy whilst I was away. I wasn't aware that we carried out any R&D work in that year we had in previous years . . .

I will discuss with my co director and come back to you . . .'
13. On 06 July 2023, Mr Nokes emailed HMRC again saying that, having discussed the matter, he could confirm no R&D had been carried out during the period, and that he withdrew the claim.

14. On 14 July 2023, Mr Nokes emailed HMRC, stating that although the 2023 claim was withdrawn, the 2022 claim was not. He was asked by HMRC to provide further information in support of that claim.
15. A remote meeting between Mr Nokes and HMRC officers took place on 09 November 2023. Mr Nokes confirmed that he did not wish to withdraw the 2022 claim. He said that the R&D report had been prepared by his co-director, and he was unable to explain why it was identical to the prior year.
16. However, on 04 December 2023, Mr Nokes emailed HMRC advising that he now also wished to withdraw the 2022 claim, attributing the error to a failure on the part of his tax manager.
17. HMRC ultimately disallowed both claims and issued deliberate penalties totalling £47,879.74.
18. ACCA's case was that Mr Nokes, as director of Company A and its accountant, was ultimately responsible for the submission of the R&D claims made by it.
19. Allegation 3 related to R&D claims submitted between July 2019 and March 2023 by Firm A or Firm B on behalf of their clients. These clients are referred to as Companies B to I. HMRC identified that identical reports were submitted for the same company over multiple years without substantive changes. Reports contained references to wrong company names within the body of the report, and one report was re-used for six different companies.
20. ACCA submitted that the widespread duplication and obvious errors are inconsistent with accidental or isolated mistakes. It contended that, as sole director of Firms A and B, Mr Nokes bore ultimate responsibility for the submission of these claims to HMRC.

Allegations 5, 6, 7 and 8

21. On or around 29 March 2023, Firm A entered a voluntary arrangement for liquidation under the Insolvency Act.
22. Under Bye-law 8(a)(vii), an ACCA member is liable to disciplinary action if he:

'has made an assignment for the benefit of creditors, or has made an arrangement for the payment of a composition to creditors, or has had an interim order made by the court in respect of him, or is a specified person in relation to a relevant firm which has made such an assignment or composition or been wound up as an unregistered company, or entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him . . . under applicable legislation'.

23. Further, pursuant to Bye-law 10(b), a member must notify ACCA promptly of any fact or matter indicating that they may have become liable to disciplinary action.
24. ACCA did not become aware of the liquidation of Firm A until it received the complaint from HMRC relating to the R&D claims.
25. ACCA therefore submitted that Mr Nokes, as sole director of Firm A from October 2009 until its liquidation in March 2023, was liable to disciplinary action both by virtue not only of the fact the firm had been liquidated but also for failing to notify ACCA of the liquidation.

Allegation 9

26. Pursuant to regulation 3 of the Complaints and Disciplinary Regulations ('CDR') an ACCA member is under a duty to co-operate with an investigating officer in relation to the consideration and investigation of any complaint. The duty to co-operate includes providing promptly such information, books, papers or records as the investigating officer may require.
27. On 28 August 2024, a Senior Investigations Officer ('SIO') wrote to Mr Nokes in relation to the HMRC complaint. The SIO set out a number of questions in relation to the complaint, and asked Mr Nokes to reply by a deadline of 12 September 2024.
28. On 02 September 2024, the SIO wrote again to Mr Nokes with questions relating to Firm A's insolvency.
29. Mr Nokes replied on 02 September 2024, stating:

'I can confirm that [Firm A] ceased to January 2022 [sic] and went into formal liquidation 29.3.2023 I can confirm that I am a directors [sic] for the period 27.10.09 until liquidation. . .

'I did not know that I had to advise ACA that I had gone into liquidation I'm not aware that is a bye law please accept my apologies that did not . . .'

30. Mr Nokes referred to personal matters [PRIVATE] and said that he was due to retire at the end of that month.
31. He sent a further email to the SIO on 09 September 2024. He said he was unable to comment on some of the questions because the names of the client companies who had made R&D claims had not been provided by HMRC. In respect of the claims on behalf of Company A, he said his co-director had written the claim report. He accepted that errors had been made but pointed out that, for personal reasons, he had spent a lot of time out of the office and had relied on staff in his absence.
32. The SIO wrote again to Mr Nokes by email on 19 December 2024. They said that he had not answered the majority of questions they had asked, and they gave him until 02 January 2024 to do so.
33. Mr Nokes responded the same day, saying:

' . . . I'm not sure what further information I can provide you . . .

...

Whist I accept I should have been fully aware of my responsibilities I wasn't in the practice a great deal I relied on my co director for the building company and staff at [Firm A] once I had become aware I pulled the R & D claims.'

34. Following this, the SIO contacted HMRC and asked for the unredacted names of Companies B to I. HMRC replied that, due to customer confidentiality, it was unable to comply with this request, but said that 'at very least' Mr Nokes should be able to identify Companies B and C, given the reports used in support of their claims were identical to that used by his own company.
35. On 24 January 2025, the SIO wrote to Mr Nokes, again requesting that he answer all the questions put to him in their letter of 28 August 2024. They said

that information provided by HMRC, though redacted, should be sufficient to identify the clients in question. They warned Mr Nokes that an allegation under CDR 3 would be raised if they did not receive a satisfactory response by 31 January 2025.

36. Mr Nokes did not reply, and on 19 February 2025, he was informed that the matter would be referred to the independent assessor for consideration of disciplinary action.

MEMBER'S CASE

37. At the outset of the hearing, Mr Nokes admitted Allegations 5, 6, 7 and 8 and disputed Allegations 1, 2, 3, 4 and 9.
38. Mr Nokes's position was set out in correspondence from his Solicitor, his witness statement and in his oral evidence to the Committee.

Allegations 1 to 4

39. While Mr Nokes accepted that errors were made in the preparation and submission of R&D claims, he maintained that those errors arose from failures of process, delegation and oversight during a period of significant personal and professional strain. He denied any intent to mislead HMRC or obtain inappropriate tax relief.
40. Mr Nokes told the Committee that Company A is a construction business, though he himself does not have any construction experience. His case was that it was operated on a day-to-day basis by his fellow director, Person A, though he accepted in evidence he dealt with the legal and financial matters.
41. Mr Nokes did not dispute that R&D claims were submitted on behalf of Company A for the years in question, namely 2022 and 2023, and were subsequently withdrawn and disallowed. It was argued on his behalf that the mere submission and later withdrawal of an R&D claim does not, of itself, constitute misconduct. His case was that he relied on Person A and his Office Manager ('OM') at Firm A for the accuracy of project description and the claim submission.

42. Mr Nokes was cross-examined about the meeting he had with HMRC officers in November 2023 concerning Company A's R&D claims. He was referred in particular to the following paragraphs in the notes of the meeting:

'MN stated that he takes advice on tax matters from [redacted] which is included as part of his Professional Indemnity Insurance for [Firm B], and he confirmed he was in contact with them before he submitted his 2022 R&D claim, and that [redacted] advised the work undertaken qualified for the R&D relief.'

'MN sated [sic] that he received advice over the phone verbally and there is no written correspondence such as emails with [redacted]. He could not recall who he spoke to, but did suggest each time he calls the helpline, he speaks to a different person [redacted] asked for more details on [redacted] and MN explained that [redacted] provides a tax helpline which they can contact if they have any questions or require advice on specific situations.'

43. Mr Nokes disputed that this accurately represented his position. He accepted that the firm utilised external advice services but said that he did not get his *'hands dirty'* by phoning the advice lines himself. He left that to others.
44. In his oral evidence, Mr Nokes told the Committee that clients of the firm who wished to make an R&D claim might come to him first to have an initial discussion, or they might *'shortcut'* him and go direct to the *'office'*. He was aware in general terms of what an R&D claim was but had never himself written an R&D report. If he felt they had a legitimate claim, he would refer them to his OM who would deal with them. He would have no further involvement in the claim after that.
45. Although he would have daily discussions with his OM, R&D claims were a relatively small part of the firm's work, and he would not necessarily discuss them with his OM. He said that he had trusted the OM, who had full autonomy to deal with these clients. The OM would be paid a bonus of £1,000 for each R&D claim submitted.
46. He terminated his OM's employment in March 2024. He felt he had become *'disinterested'* and was more focussed on building up a separate business. It was only when clearing his desk that he discovered that the HMRC had made enquiries about a number of R&D claims.

47. Mr Nokes' case was that the presence of duplicated language or failure to fully tailor documents demonstrate poor quality control, not deliberate fabrication. As R&D claims were handled by his staff, it was submitted on his behalf that there was no evidence that he himself intentionally re-used reports or submitted false claims.
48. Mr Nokes said in his witness statement that Firm A handled approximately 114 R&D claims over a 7-year period. Out of that number, HMRC have raised issues with just 8 of them.
49. He exhibited a copy of a report produced by the firm's IT support company. This states that, out of the 114 claims submitted, 76 were sent from the OM's terminal and 38 were submitted by his previous office manager, who continued to work for him as a tax manager.
50. In light of the above, he denied that his conduct in relation to Allegations 1, 2 and 3 was dishonest, lacking in integrity, or reckless. He told the Committee about a number of personal matters which he was dealing with during the relevant time and which took his attention away from work. [PRIVATE] He also referred in his statement to the absence of any prior disciplinary findings across a lengthy professional career, and he produced a number of character references.

Allegations 5, 6, 7 and 8

51. In relation to the insolvency of Firm A, Mr Nokes said that it had experienced cash flow problems as a result of clients not paying their bills following Covid-19. He found the business was in a position where it could not meet its liabilities. He had engaged a well-known insolvency firm to deal with the liquidation. That firm undertook a valuation of Firm A's assets, which had been bought by Firm B. He accepted that, in effect, the business had undergone a name change and that he continued to operate his accountancy practice as Firm B, though he told the Committee he was now taking steps to sell the business in order to retire.

Allegation 9

52. In relation to the allegation of failing to co-operate with the SIO's investigation, he said it had been difficult to answer questions in relation to Companies C to I because the HMRC had not disclosed the names of those companies. He

knew the identify of Company B, although he himself did not deal with that particular client, but it was difficult to respond to allegations without knowing the identity of all the clients they related to. He said he had co-operated with the SIO in so far as he was able with the knowledge that he had.

DECISIONS ON ALLEGATIONS AND REASONS

53. The Committee considered the documents before it, the oral evidence of Mr Nokes, and the submissions of Mr Mustafa and Mr Chinnery. The Committee heard and accepted the advice of the Legal Adviser. The Committee bore in mind that the burden of proving an allegation rests on ACCA and the standard to be applied is proof on the balance of probabilities.

Allegations 1 and 2

54. It was not in dispute that R&D claims were submitted by Firm A on behalf of Company A for the years 2022 and 2023. The Committee accepted that there was no evidence that Mr Nokes himself was responsible for sending the claims to HMRC. The question for the Committee was whether ACCA had proved he had caused either or both of these claims to be submitted.
55. At the relevant times, Mr Nokes was both a director of Company A and Firm A. Indeed, having heard him give evidence, it was satisfied he was effectively the controlling mind of both companies.
56. In respect of Firm A, he was the sole director when both claims were submitted. In respect of Company A, there were two directors at the relevant time. The Committee accepted that Mr Nokes' expertise was not in construction, and that he left his fellow director take a lead on those issues. However, he was an accountant, and he accepted in evidence that he dealt with financial and legal matters for Company A.
57. Mr Nokes also told the Committee that he was routinely copied in on emails. Though he said he received far too many emails to read them all, the Committee did not accept that he would not have been kept in the loop on such an important matter as an R&D claim for his own company.
58. Mr Nokes also accepted that he would be involved in R&D claims made on behalf of other clients, at least to the extent of having an initial discussion with

some of them and forming a view as to whether the claim was legitimate or not.

59. Further, it must have been in the interests of Firm A, and therefore in Mr Nokes's own interests, for R&D claims to be made because he was paying his OM a significant bonus for each one that was submitted.
60. In all the circumstances, the Committee rejected the suggestion that the R&D claims made on behalf of Company A would have been submitted without his knowledge or agreement.
61. Furthermore, he told the Committee in answer to its questions that he was aware a refund had been made by HMRC in respect of the 2022 claim '*when it hit the bank account*'. The Committee also had regard to an email he sent to HMRC on 06 July 2023. He said in that email:

' . . I can confirm we did not carry out any R&D activities we therefore respectfully withdraw our R&D claim . . .'

62. These matters suggest a degree of involvement in the claims process which goes beyond what Mr Nokes was prepared to accept in his evidence. They are inconsistent with the impression he was keen to give the Committee of having little if any personal involvement in the claims.
63. The Committee did not find it credible that Mr Nokes, being a director of both the company that was claiming the relief and of the accountancy practice that was submitting it to HMRC, was unaware that these claims was being made.
64. The Committee was satisfied that Mr Nokes had caused both the 2022 and 2023 claim to be submitted to HMRC, and therefore it found Allegations 1 and 2 proved.

Allegation 3

65. The Committee accepted that Firm A or Firm B had made R&D submissions on behalf of the companies B to I. It also accepted that the similarities in the reports submitted on behalf of the different companies indicated that they had simply been duplicated.

66. The issue for the Committee on this allegation was whether Mr Nokes had submitted, or caused to be submitted, inconsistent or duplicated applications on behalf of these eight companies.
67. The evidence before the Committee was that R&D claims were submitted to HMRC by the OM or, on some occasions, by the previous officer manager. It appeared to the Committee that Mr Nokes had created an environment where submitting these claims was incentivised by the payment of a bonus. Mr Nokes accepted that he had had initial discussions with at least some of the clients who had gone on to make such claims. However, there was nothing to gainsay his account that they were then passed on to the OM for him to process the claim.
68. ACCA had not provided any evidence from which the Committee could conclude Mr Nokes was complicit in the submission by the OM of claims to HMRC on behalf of these companies which were inconsistent or duplicated.
69. The Committee therefore found Allegation 3 not proved.

Allegation 4

70. Allegation 4 alleged Mr Nokes's conduct was dishonest; alternatively, lacking in integrity; alternatively, reckless. As the Committee had found Allegation 3 not proved, it considered this in relation to solely to Allegations 1 and 2 concerning the claims made in 2022 and 2023 by Company A.
71. Allegation 4(a) alleged that causing these claims to be submitted was dishonest on the basis that Mr Nokes knew they were untrue or otherwise inaccurate. The Committee was not satisfied on the evidence before it that this was Mr Nokes's state of knowledge or belief. Accordingly, it found Allegation 4(a) not proved.
72. For similar reasons, the Committee found Allegation 4(b) not proved. It considered that to find Mr Nokes had failed to act with integrity it must be satisfied there was some lack of probity on his part. In the absence of evidence satisfying the Committee that he knew the R&D claims for Company A were untrue or inaccurate when they were submitted, it could not be satisfied his conduct lacked integrity. The Committee therefore found Allegation 4(b) not proved.

73. The Committee was, however, satisfied that, he should have exercised more control over the process. On his own evidence, he had allowed his OM a significant degree of autonomy in relation to R&D claims. In respect of the claims made on behalf of his own company, he should have taken steps to satisfy himself of the validity of the application before it was submitted.
74. In such circumstances, he had acted with a reckless disregard for his obligations. The Committee was therefore satisfied that ACCA had proved Mr Nokes's conduct in relation to the submissions of the R&D claims on behalf of Company A was reckless and accordingly found Allegation 4(c) proved.

Allegations 5, 6, 7 and 8

75. The Committee found these Allegations proved by admission.

Allegation 9

76. The Committee had regard to the correspondence between the investigating officer and Mr Nokes. This was not a case where it was being alleged that a member had wholly failed to engage with an investigation; nor indeed where any engagement had been no more than cursory. Mr Nokes had corresponded with the SIO and had provided a significant amount of information.
77. The Committee accepted that his ability to co-operate was limited by lack of disclosure by HMRC, which had declined to disclose the identities of Companies B to I.
78. The Committee was not satisfied, in the circumstances, that Mr Nokes had failed to co-operate to the extent that he had was in breach of his obligations under CDR 3.
79. Therefore, the Committee found Allegation 9 not proved.

Allegation 10

80. The Committee bore in mind that, pursuant to Bye-law 8(c), conduct which brings discredit on a member, the Association or the profession constitutes misconduct. The Committee had found that Mr Nokes had been reckless in relation to the submission of two inaccurate R&D relief claims to HMRC. It had

also found that he had failed to notify ACCA of the insolvency of his accountancy firm. Both were serious failings. The Committee was satisfied that this amounts to discreditable conduct on the part of a professional accountant.

81. The Committee therefore found Allegation 10(a) proved. As Allegation 10(b) was in the alternative, there was no need for the Committee to consider it.

SANCTION AND REASONS

82. The Committee considered what sanction, if any, to impose taking into account ACCA's Guidance for Disciplinary Sanctions ('GDS') and the principle of proportionality. The Committee bore in mind that the purpose of sanctions was not punitive but to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It took into account the submissions of the parties and the advice of the Legal Adviser.
83. The Committee considered the following to be mitigating factors. No previous disciplinary findings had been made against Mr Nokes. The Committee accepted that personal circumstances during the relevant time constituted a significant distraction from his professional responsibilities. Despite that, and to his credit, he had actively engaged with the disciplinary process. He has demonstrated remorse and some insight into his misconduct. The Committee also took into account the character references which spoke highly of his professional and personal qualities.
84. The Committee considered the following to be aggravating factors. The conduct demonstrated that he exercised a lack of control over his practice. It led to actual harm and persisted over a period of time. Further, Mr Nokes' failure to notify ACCA of his firm's insolvency was indicative of a lack of respect for his regulator.
85. Having found that Mr Nokes's actions amounted to misconduct, and in light of the seriousness of the conduct in question, the Committee was satisfied that taking no further action, an admonishment or a reprimand would not adequately mark the public interest in this case. It considered that no lesser sanction than a severe reprimand could be justified.

86. The Committee considered whether the risk to the public required a more serious sanction, but was satisfied that it did not. The Committee considered, in light of his insight, regret and previous good record, the risk could be adequately met with a severe reprimand. Further, given that the Committee had found Allegation 4 proved on the basis of recklessness rather than any deliberate or intentional act, the Committee considered that an order excluding Mr Nokes from membership would be disproportionate.
87. Therefore, pursuant to CDR 13.1(b), Mr Nokes is severely reprimanded.

COSTS AND REASONS

88. ACCA applied for costs in the sum of £9,011.50. The application was supported by a schedule providing a breakdown of the costs incurred by ACCA in connection with the hearing and investigation.
89. The Committee was satisfied that, in principle, a costs order should be made in favour of ACCA. It bore in mind that Mr Chinnery, on Mr Nokes behalf, did not take any issue with the costs being claimed against him.
90. The Committee therefore ordered Mr Nokes pay ACCA's costs in the sum of £9,011.50.

EFFECTIVE DATE OF ORDER

91. The order will come into effect from the date of expiry of the appeal period, namely after 21 days from service of this written statement of the Committee's reasons for its decision, unless Mr Nokes gives notice of appeal in accordance with the Appeal Regulations prior to that.

Tom Hayhoe
Chair
27 April 2026