

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	7 December 2023
Committee name:	REGULATION AND CONDUCT COMMITTEE ('the Committee')
Details of IP:	Mark Tailby formerly of Voscap Limited, an Insolvency Practitioners Association ('IPA') member, and Licensed Insolvency Practitioner ('IP').
Summary of complaint:	<p>This Order is made in relation to an allegation that Mark Tailby:</p> <ol style="list-style-type: none"> <li>breached the 'Money Laundering and Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations' ('MLR') 2017, when in his role as Liquidator of a limited company he failed to: <ul style="list-style-type: none"> <li>• apply adequate measures for Customer Due Diligence ('CDD') and failed to verify the identity of the customer in accordance with Regulations 27 (1) (a) and 28 (2), and</li> <li>• failed to verify the identity of the customer prior to the establishment of a business relationship in accordance with Regulation 30 (2), and</li> <li>• maintain adequate records of CDD conducted in accordance with Regulation 40.</li> </ul> </li> <li>breached the fundamental principle of professional competence and due care of the Insolvency Code of Ethics when, in his role as officeholder of no less than 30 companies he failed to satisfy the Insolvency Practitioners Association that adequate Professional Indemnity Insurance ('PII') run-off cover was in place for a period of six years after ceasing to act.</li> </ol> <p>Accordingly, Mr Tailby is liable to disciplinary action under Article 66 of the IPA's Articles of Association. 3</p>
Summary of sanctions:	
Allegation 1:	<p>The Committee agreed that Mr Tailby's conduct with reference to the AML Penalty Guidelines ('The Guidance') was reckless and therefore 'serious' because he had failed to keep himself up to date with the requirements of MLR 2017 a fundamental part of an IP's role. The Guidance provides for a severe reprimand and a fine of between £8,000 and £10,000 for a breach of Regulations 27, 28, 30 and 40 of the MLR.</p> <p>The Committee did not identify any aggravating or mitigating factors to consider.</p> <p>The Committee imposed a disciplinary order that Mr Tailby be severely reprimanded and fined £9,000 for the MLR breaches.</p>
Allegation 2:	The Committee agreed that Mr Tailby's conduct, with reference to the Common Sanctions Guidance ('CSG'), was reckless and

therefore serious. Whilst it accepted that Mr Tailby believed he was covered under his former firm's policy, the requirement to have adequate PII cover is a fundamental part of an IP's role. The CSG provides for a severe reprimand and a fine of £5,000 as a starting point, for a serious failure to comply with the fundamental principle of professional competence and due care.

The Committee did not identify any aggravating or mitigating factors to take into consideration.

The Committee imposed a disciplinary order that Mr Tailby be severely reprimanded and fined £5,000.