



Determination Report for Adjudication Panel

3 May 2017

Mr Martin Robert Coombes, FIA

(the Respondent)

On 3 May 2017 the Adjudication Panel considered a complaint that the Respondent, whilst a Member of the Institute and Faculty of Actuaries (the IFoA):-

The allegation against the Respondent is that:

A1. On 5 October 2016 he was convicted of a criminal offence, in that he drove a motor vehicle without insurance, contrary to Section 143 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

A2. His actions at paragraph A.1 were in breach of the principle of integrity of the Actuaries' Code (version 2.0);

His actions, in all of any of the above, constituted Misconduct in terms of Rule 1.6 of the Disciplinary Scheme of the Institute and Faculty of Actuaries (effective 1 June 2016).

Determination

The Panel agreed that it had sufficient information on which to make a decision and did not need to invoke its power under Rule 4.12 of the Disciplinary Scheme to adjourn or seek further information.

Having considered the Case Report and the written comments provided by the Respondent, the Panel found that the conviction at A.1 was conclusive evidence of the Findings of Fact in terms of Rule 1.13 and disclosed a *prima facie* case of Misconduct under the Disciplinary Scheme in terms of Rule 4.4. It did not consider that A1 amounted to a breach of the Actuaries' Code as set out in A2.

The Panel invited the Respondent to accept that there had been Misconduct and to accept the following sanction:-

- A reprimand.

The Panel's reasons were as follows:-

1. The circumstances of the conviction were that the Respondent, on 21 December 2015 at Heathrow, used a motor vehicle when there was not in force, in relation to that use, such a policy of insurance or such a security in respect of third party risks as complied with the requirements of Part VI of the Road Traffic Act 1988 contrary to Section 143 of the Road Traffic Act 1988 in Schedule 2 to the Road Traffic Offenders Act 1988 and accordingly used a vehicle when there was no insurance in force covering that use of the vehicle.
2. The Respondent pled guilty at Willesden Magistrates Court. As a result he received 6 penalty points on his licence, was fined £770 and required to pay a surcharge to fund Victim Services of £77.
3. He explained that, given a medical condition, his wife had organised his insurance and had done so for the past 30 years. He accepted fully however that he was responsible for ensuring that such insurance was in place. It was due to oversight rather than deliberate.
4. On 18 November 2016 the Respondent informed the IFoA that he had been convicted as detailed above.
5. The Disciplinary Scheme The Disciplinary Scheme states at Rule 1.13(a) that:

"The fact that a member:

(a) has by a court of competent jurisdiction in the United Kingdom or elsewhere been convicted of a criminal offence; and/or
... shall for the purposes of this Scheme be treated as conclusive evidence of the findings of fact upon which the conviction, determination, judgement or disqualified order is based."

6. The Panel also recognised that the Actuaries' Code (version 2.0 of August 2013) which was in force at the time of the alleged Misconduct states that:

"The Code applies at all times to members' conduct in their work as actuaries, but will also be taken into consideration where their conduct in other contexts could reasonably be considered to reflect on the Profession."

7. After due consideration, the Panel determined that the nature of the offence of which the Respondent had been convicted was such that he had failed to comply with the standards of behaviour to be expected of a Member in terms of Rule 1.6 of the Disciplinary Scheme and that this amounted to *prima facie* evidence of Misconduct. However given the nature of the

conviction, a strict liability offence, and the explanation provided the Panel did not consider that the Respondent had breached Principle 1 of the Actuaries' Code.

8. When considering possible sanctions, the Panel took into account the mitigation put forward by the Respondent and the explanation given by him.
9. The Panel determined that the sanctions available to them were sufficient to deal with this case and did not consider it was necessary to refer the matter to a Disciplinary Tribunal. In considering which sanctions were appropriate the Panel had regard to the Disciplinary Board Guidance and as such they took into consideration the sanction imposed by Willesden Magistrates Court in respect of the allegation.
10. In considering whether to impose a sanction, the Panel were mindful that the purpose of the Disciplinary Scheme was the protection of the public and the need for the public to have confidence in the role of the IFoA. They were also mindful of the principle of proportionality together with the impact of any sanction(s) on the Respondent and the seriousness of the *prima facie* Misconduct itself. The imposition of a reprimand represented the Panel's view that it is in the public interest that the seriousness of the *prima facie* Misconduct itself is recognised.
11. The Panel further determined there were no circumstances which gave the Panel cause to order any additional expansion of the publication of its determination.

18 May 2017