

## SECTION I

### *THE PUBLIC ACCOUNTANCY ACT, 1970 - 1.1*

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## PUBLIC ACCOUNTANCY ACT

Acts  
34 of 1968,  
5 of 1975.

[6th July, 1970]

### PART I - Preliminary

Short  
title

**1** - This Act **may be** cited as the Public Accountancy Act.

Interpre-  
tation

**2** - In this Act, unless the context otherwise requires -

**"Board"** means the **Public Accountancy Board** established as provided in section 3;

**"Council"** means the Council of the Institute;

**"existing organization"** has the meaning assigned to it by section 17;

**"Institute"** means the Institute of Chartered Accountants of Jamaica;

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**"Practising Certificate"** means a certificate issued by the Board pursuant to Section 14A;

**"prescribed"** means prescribed by the regulations;

**"public officer"** means any person holding, or appointed to act in, an office of emolument in the service of the Crown in a civil capacity in respect of the Government of Jamaica;

**"register"** means the register of public accountants mentioned in section 9;

**"registered public accountant"** means a person whose name is on the register, not being a person whose registration is for the time being suspended;

**"the regulations"** means the regulations made by the Minister under this Act.

**“Relevant firm”** means the relevant firm which has undertaken to be bound by all or some of these Bye-Laws; and

**“Specified person”** means, in relation to a relevant firm, which is a partnership, any partner in that firm.

## **PART II - Public Accountancy**

Establish-  
ment of  
Public  
Accountancy  
Board  
First  
Schedule

**3 -** (1) There shall be established for the purposes of this Act a body to be called the **Public Accountancy Board**.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

Functions of  
the Board

**4 -** (1) The functions of the Board shall be, generally, to promote, in the public interest, acceptable standards of professional conduct among registered public accountants in Jamaica, and, in particular (but without prejudice to the generality of the foregoing) to perform the functions assigned to the Board by the other provisions of this Act.

(2) The Board shall –

- (a) register applicants who qualify as public accountants;
- (b) establish systems for the review of the products, methods and records of work of registered public accountants to ensure adherence to -
  - (i) any prescribed standard of professional conduct; and
  - (ii) established accounting and auditing standards;
- (c) make, with the approval of the Minister, rules in relation to the promotion by the Board, in the public interest, of acceptable standards of professional conduct

among registered public accountants;  
(d) take disciplinary action against registered public accountants for breach of any provision of this Act or any regulation hereunder; and  
(e) remove from the Register persons who no longer qualify to be registered public accountants.

(3) The Board may -  
(a) establish, evaluate and monitor -  
(i) the experience requirements of registered public accountants;  
(ii) accounting and auditing standards to be complied with by registered public accountants;  
(b) establish, implement and regulate a system of continuing professional education for registered public accountants, prescribe requirements therefor and monitor compliance with the requirements; and  
(c) implement, regulate and monitor a system of quality control reviews or perform such other monitor functions as it considers necessary or expedient.

Appointment  
of Registrar  
and other  
officers,  
agents and  
servants

**5 -** (1) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Registrar and such other officers, agents and servants as it thinks necessary for the proper carrying out of its functions under the Act.

Provided that –

(a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and  
(b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(2) For the purposes of subsection (1), the “prescribed rate” means such rate as the Minister may, by order, prescribe.

Funds of the

Board **6 -** (1) The Board shall maintain a fund into which shall be paid all such moneys as may from time to time be placed at the disposition of the Board for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Board; and out of the fund shall be paid all expenses incurred by the Board in carrying out its functions under this Act and all other liabilities properly incurred by the Board.

(2) The Board shall manage, administer and keep proper accounts of the fund.

(3) The Board may invest any moneys standing to the credit of the fund in any investment in which trustees are for the time being by law authorized to invest trust funds.

Audit of  
Accounts **7 -** (1) The accounts of the Board shall be audited annually by a person appointed annually by the Board with the approval of the Minister.

(2) A copy of the said audited accounts shall be kept at the offices of the Board and shall at all reasonable times be open to inspection by any registered public accountant.

Annual Reports  
and Estimates **8 -** (1) The Board shall in each year prepare and forward to the Minister and to the Institute on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in that year, including a statement of its accounts audited in accordance with section 7, and the Minister shall cause copies of the report to be laid on the table of the House of Representatives and of the Senate.

(2) The Board shall on or before the prescribed date in each year submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

Register of  
public  
accountants. **9 -** (1) The Board shall cause to be kept in such form as

it may determine a register to be known as the register of public accountants, in which shall be entered the name and such other particulars as may be prescribed of every person registered under this Act as a public accountant.

(2) The register shall be kept at such place as the Board may from time to time determine and shall be open to inspection by the public at all reasonable times.

Application  
for registra-  
tion as a  
public  
accountant.

**10** - Every application for registration as a public accountant shall be made to the Board in the prescribed manner and shall be accompanied by the prescribed fee and by such documents as may be prescribed.

Registration.

**11** - (1) If the Board is satisfied in relation to any applicant for registration that -

- (a) the provisions of section 10 have been complied with; and
- (b) the applicant is of good character; and
- (c) the applicant is qualified for registration under the provisions of section 12, the Board shall register the applicant as a public accountant and shall notify the applicant in writing accordingly and shall furnish him with a certificate of registration in the prescribed form.

(2) If a person is qualified for registration only under paragraph (a) of subsection (1) of section 12, being a person who is a member of the Institute by virtue of paragraph (b) of subsection (2) of section 22, his registration shall (without prejudice to the provisions of section 13) have effect only for such period as the Board may specify at the time of his registration and such period shall be endorsed on his certificate of registration, so, however, that such period may from time to time be extended by the Board.

(3) Where by virtue of sub-section (2) the registration of a person has ceased to be effective his name shall forthwith be removed from the register.

(4) If the Board is not satisfied as to one or more of the conditions set out in subsection (1), the Board shall refuse to register the applicant and shall notify the applicant in writing accordingly and shall inform him of the right of appeal conferred by section 14.

Qualifications  
for registra-  
tion.

**12 -** (1) A person (other than a body corporate) shall be qualified for registration for the purposes of paragraph (c) of sub-section (1) of section II if, and only if, -

- (a) he is a member of the Institute, being a person qualified for membership thereof under subsection (1) or subsection (2) of section 22 and pursuant to 3(a) would qualify for a practising certificate from the Institute and providing he satisfies such other requirements established by the Board; or
- (b) he is -
  - (i) ordinarily resident in Jamaica; and
  - (ii) he is entitled to practise accountancy in any country other than Jamaica by virtue of a qualification (whether a degree or diploma or membership of any body or otherwise) that is, after consultation with the Board, approved by the Minister for the purposes of this paragraph;

Striking off  
and suspen-  
sion, etc.

**13 -** (1) If any person registered under this Act as a public accountant -

- (a) is convicted of any criminal offence involving dishonesty; or
- (b) has, as the result of disciplinary proceedings taken against him, been deprived of, or suspended from, membership of the Institute or any professional accountancy body constituted outside Jamaica; or
- (c) is found, upon enquiry by the Board made in accordance with the regulations -

- (i) to have procured his registration under this Act as a result of any misleading false or fraudulent representation; or
- (ii) to have breached any provision of this Act or any regulation hereunder; or
- (iii) to have been guilty, in a professional respect, of grave impropriety or infamous conduct, or to have been guilty, in the performance of his professional duties, of gross negligence or gross incapacity, or to have been guilty of any act, default or conduct discreditable to the profession, the Board may, if it thinks fit, exercise in respect of that person all or any of the disciplinary powers conferred on the Board by subsection (2).

(2) The disciplinary powers which the Board may exercise as aforesaid in respect of any such person are as follows -

- (a) the Board may cause the name of such person to be removed from the register;
- (b) the Board may suspend the registration of such person for any period not exceeding one year;
- (c) the Board may censure such person;
- (d) the Board may order such person to pay to the Board such sum as the Board thinks fit in respect of the costs and expenses of and incidental to the enquiry.

(3) In every case where the Board has exercised any of its disciplinary powers in respect of any person, the Board shall notify that person in writing accordingly and shall inform him of the right of appeal conferred by section 14.

(4) Upon application to the Board made in the prescribed manner and within the prescribed period the Board may direct that any decision of the Board exercising any of the disciplinary powers conferred on it by this section shall be suspended while the person to whom the decision

relates remains entitled to appeal against the decision in accordance with section 14 or while any such appeal by him awaits determination by the Court of Appeal.

(5) In any case where the Board causes the name of any person to be removed from the register, the Board may, as part of its decision, fix a time before which the person whose name is so removed shall not be eligible to apply to the Board for re-registration under this Act.

(6) Subject to the provisions of subsection (5), a person whose name has been removed from the register may apply for re-registration at any time and all the provisions of the Act relating to registration shall, so far as applicable, apply to re-registration under this section.

(7) All costs and expenses payable to the Board under this section shall be recoverable as a debt due to the Board.

Appeals to  
Court of  
Appeal

**14 -** (1) In any case where the Board has refused to register under section 11 any person as a public accountant or has, in respect of any person registered as a public accountant, exercised any of the disciplinary powers conferred on the Board by section 13, that person may, in accordance with rules of court made under the Judicature (Rules of Court) Act, appeal against such refusal or such exercise, as the case may be, to the Court of Appeal.

(2) Upon such appeal the Court of Appeal may dismiss the appeal and confirm the decision appealed from, or may allow the appeal and set aside the decision, or may vary the decision, or may allow the appeal and direct that the matter the subject of the appeal be determined afresh by the Board, and may also make such order as to costs before the Board and as to the costs of the appeal as the Court shall think proper.

Practising  
certificates  
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**14A -** (1) A person registered under this Act shall not practise as a public accountant except by virtue of and in accordance with a practising certificate which shall be

issued by the Board in the prescribed form on payment to the Board of the prescribed annual fee.

(2) A person who practises in contravention of subsection (1) shall be incapable of maintaining any action for recovery of any fee or reward on account of, or in relation to, any act done by him in the course of such practice.

(3) A practising certificate shall cease to be in force if -

(a) the person to whom it is issued is -

- (i) adjudged a bankrupt; or
- (ii) of unsound mind;

(b) the name of the person to whom it is issued is removed from the register.

(c) a registered public accountant, who is informed on or before the first day of December of any year that the annual fee is due on the first day of January of the ensuing year, fails to pay the annual fee -

(i) by the 30<sup>th</sup> day of June of the same year, after being reminded of such failure in the prescribed manner.

(4) During the period of suspension of a person registered as a public accountant under this Act no practising certificate shall be issued to him and any practising certificate issued to him prior to such suspension shall cease to be in force during the period of the suspension.

(5) In this section the expression "**practise as a public accountant**" has *mutatis mutandis*, the meaning assigned to it in section 15.

Prohibitions  
affecting non-  
registered per-  
sons

**15 -** (1) With effect from the expiration of the period of six months, or such longer period as the Minister may by order specify, from the 6th July 1970, no person, unless he is a registered public accountant, shall in Jamaica-

- (a) practise as a public accountant;
- (b) use, in relation to himself, the designation "**Public Accountant**", either alone or in conjunction with any other words or initials; or
- (c) use, in relation to himself, any designation, title, name, initials or description indicating or implying that he is entitled to so use the designation mentioned in paragraph (b), or that he is a register-ed public accountant.

(2) A person practises as a public accountant within the meaning of paragraph (a) of subsection (1) if -

- (a) he practises accountancy within the meaning of subsection (3); and
- (b) in practising accountancy as aforesaid, he holds himself out (whether expressly or by implication) as being a professionally qualified accountant or an expert in accounting or auditing matters.

(3) A person practises accountancy within the meaning of paragraph (a) of subsection (2) if for reward, he prepares or examines financial, accounting or related statements, or issues any written opinion, report or certificate concerning any such statement, but a person does not practise accountancy as aforesaid by reason only that -

- (a) he does so in the course of his duties as an employee of any person; or
- (b) he engages in book-keeping or cost accounting or the installation of book-keeping, business or cost systems, not including the preparation of financial statements purporting to reflect a true and fair view or to be in conformity with generally accepted accounting standards or in such work as may be prescribed for the purposes of this sub-section.

(4) Any person who contravenes the provision of this section shall be guilty of an offence and liable on summary conviction before a Resident Magistrate -

- (a) in the case of a first offence, to a fine not exceeding

two million dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months; and

- (b) in the case of a second or subsequent offence, to a fine not exceeding four million dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding twelve months.

### **PART III - Chartered Accountants**

Institute to  
be a corpora-  
tion

**16 -** (1) As from the 6th July 1970, the persons who are for the time being members of the organization constituted on the eighteenth day of January, 1965, under the name of the Institute of Chartered Accountants of Jamaica shall be a body corporate under the name of the Institute of Chartered Accountants of Jamaica.

(2) The Institute may sue and be sued in the said name, and shall have perpetual succession and a common seal, and may from time to time make, change, alter and renew the said seal as the Institute may deem fit.

Transfer of  
assets and  
liabilities

**17 -** All assets and liabilities of the unincorporated organization constituted on the eighteenth day of January, 1965, under the name of the Institute of Chartered Accountants of Jamaica (hereinafter in this Act referred to as "the existing organization"), being assets and liabilities existing immediately before the 6th July 1970, are hereby without any further assurance transferred to and vested in the Institute.

Objects of  
Institute **18 -**

It is hereby declared that the objects of the Institute are -

- (a) to promote and increase the knowledge, skill and proficiency of its members and students;
- (b) to regulate the discipline and professional conduct of its members and students;

- (c) to promote and protect the welfare and interest of the Institute and the accounting profession both in Jamaica and abroad;
- (d) to make provision for the training, education and examination of persons engaging in or intending to engage in the said profession (whether in Jamaica or elsewhere, and whether in private practice or as employees of the Government of Jamaica or any statutory body or any industrial or commercial enterprise or any other person who is not an accountant in private practice);
- (e) to do all such things as are incidental to the aforesaid objects or as the Institute may think conducive to the attainment of those objects or any of them.

Council of  
Institute **19 -**

(1) The affairs of the Institute shall, subject to the provisions of this Act, be managed and conducted by a Council which, subject to the provisions of this Act, shall control the income, capital, funds and property of the Institute and govern, direct and decide all matters connected with the appointment of the officers and servants of the Institute and with the administration of the affairs, and the accomplishment of the objects and general purposes, of the Institute, and the Council shall have and may exercise all the powers conferred on the Institute by this Act, other than the power to make bye-laws.

Second  
Schedule

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Council and otherwise in relation to the Council and the Institute.

Bye-laws

**20 -** (1) The Institute may from time to time make such bye-laws as may be necessary or expedient to carry out the objects of the Institute and (without prejudice to the generality of the foregoing) bye-laws may be made under this section in relation to all or any of the following matters -

- (a) the constitution of the Council and the election or appointment of members of the Council and their tenure of office;

- (b) the election, appointment, resignation and removal of officers of the Institute;
- (c) the holding of meetings of the Council and of the members of the Institute;
- (d) the manner of voting at meetings or elections;
- (e) the use and custody of the seal of the Institute;
- (f) the powers, duties and functions of the Council, officers and servants of the Institute;
- (g) the receipt, management, investment and expenditure of the moneys and property of the Institute;
- (h) the admission of students of the Institute;
- (i) the fees, subscriptions or other sums payable to the Institute by members or students;
- (j) the examination of candidates for admission as members of the Institute and the fees payable for any such examination;
- (k) the classification of members of the Institute;
- (l) the prescribing of requirements for membership of the Institute;
- (m) the exemption of persons from courses of study, practical experience requirements or examinations;
- (n) the exercise (after due enquiry) of disciplinary authority over members and students of the Institute, including expulsion, suspension or the imposition of other penalties;
- (o) the manner in which persons cease to be members or students of the Institute otherwise than as the result of disciplinary authority;
- (p) rules of professional conduct for members and students of the Institute, but nothing in this subsection shall be taken as authorizing the making of any bye-law that is inconsistent with any provision

contained in this Act.

(2) No bye-law (howsoever expressed) shall operate so as to exclude any person from becoming a student of the Institute or from taking any examination set or designated by the Institute for the purpose of any provision of this Act, by reason only that such person is in the employment of the Government of Jamaica or any statutory body or any industrial or commercial enterprise or any other person who is not an accountant in private practice, so, however, that nothing in this sub-section shall render invalid any bye-law that requires that a person shall have been engaged in work of an accountancy nature prior to his being accepted as a student of the Institute.

(3) Every bye-law which immediately before the 6th July 1970 was in force as a bye-law of the existing organization shall, unless it is inconsistent with any provision contained in this Act, as from that date and until revoked or amended by a bye-law made under this section be deemed to be a bye-law made by the Institute under this section.

**21 -** It shall be lawful for the Institute -

- (a) to purchase or otherwise acquire land;
- (b) to erect on land held by it, or acquire, buildings (whether or not necessary for the use and occupation of the Institute or for carrying on its objects) and lease any part of such buildings;
- (c) to hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property, whether real or personal;
- (d) to borrow money upon the credit of the Institute, issue bonds, debentures, debenture stock or other securities and pledge or sell such bonds, debentures, stock or other securities;
- (e) to take any gift of property, whether subject to any special trust or not, for any one or more of the objects of the Institute;
- (f) to invest any surplus funds in such securities as may

be prescribed; and

(g) to do all things reasonably necessary to carry out the objects of the Institute.

Qualifications for membership of Institute

**22 -** (1) Subject to the provisions of subsections (2) and (3), with effect from the 6th July 1970, the following persons, and no others, shall, on payment of any fee required by the bye-laws of the Institute, be entitled to become members of the Institute -

(a) any person who -

(i) is a citizen of Jamaica or was, immediately before the 6th July 1970, ordinarily resident in Jamaica; and

(ii) at any time before the 6th July 1970, was a member of, or had (apart from the payment of any fee) satisfied the conditions for membership of, any body mentioned in the Third Schedule or any other Schedule or any other professional accountancy body that is, on the recommendation of the Board, approved by the Minister for the purposes of this paragraph;

Third Schedule

(b) any person who -

(i) is a citizen of Jamaica or was, immediately before the 6th July 1970, ordinarily resident in Jamaica; and

(ii) was, immediately before the 6th July 1970, a registered student of any such body as falls within sub-paragraph (ii) of paragraph (a) of this subsection; and

(iii) has passed the qualifying examinations of the body of which he was a registered student;

(c) any person who passes such qualifying examinations as may be set or designated by the Council for the purposes of this paragraph, and who satisfies such

other requirements for membership as may be prescribed in the bye-laws of the Institute.

(2) Subject to the provisions of subsection (3), the Council of the Institute may in its discretion admit to membership of the Institute -

- (a) any person who has been registered as a public accountant in pursuance of paragraph (b), (c) or (d) of subsection (1) of section 12;
- (b) any other person who is a member of a professional accountancy body approved by the Council for the purposes of this paragraph, being a person who is not eligible for membership of the Institute under the preceding provisions of this section.

(3) No person shall be accepted as a member of the Institute unless the Council is satisfied that -

- (a) he has attained the age of twenty-one years; and
- (b) he is of good character.

Register of members and register of students **23** -

The Secretary of the Institute shall keep -

- (a) a register of members of the Institute; and
- (b) a register of students of the Institute.

Use of designations and initials by members of Institute **24** -

(1) Every member of the Institute shall, by virtue of such membership, have the right to use the designation "**Chartered Accountant**".

(2) Every member of the Institute who is a Fellow of the Institute shall also have the right to use after his name

the initials "F.C.A."

(3) Every member of the Institute who is an Associate of the Institute shall also have the right to use after his name the initials "C.A."

(4) Nothing in this section shall preclude the use by any member of the Institute of any other designation or initials in accordance with the provisions of section 25.

Prohibitions  
regarding use  
of designations  
and initials,  
etc. by unau-  
thorised  
persons

**25 -** No person shall, in relation to the practice of accountancy in Jamaica, use, in relation to himself, any of the following designations, that is to say, "**Chartered Accountant**", "**Certified Accountant**", "**Certified Public Accountant**" or

"**Incorporated Accountant**", either alone or in conjunction with any other words or initials, or use, in relation to himself, any other designation, title, name, initials or description indicating or implying that he is entitled to so use any such designation as aforesaid, unless he is entitled to so use such designation by virtue of his being a member of the Institute or of any such body as falls within subparagraph (ii) of paragraph (a) of subsection (1) of section 22.

(2) Every person who uses, in relation to himself, any of the following initials, that is to say, "C.A.", "F.C.A.", "A.C.A.", "F.A.C.C.A.", "A.A.C.C.A.", "C.P.A.", "A.C.P.A.", "A.C.P.A.J.", "F.S.A.A.", or "A.S.A.A.", or any combination thereof, shall be deemed, for the purposes of subsection (1) to have used in relation to himself one of the designations mentioned in that subsection, unless it is proved that the manner and circumstances in which he used any such initials were such as to raise no reasonable inference that he was referring to the practice or profession of accountancy.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction before a Resident Magistrate -

- (a) in the case of first offence, to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months; and
- (b) in the case of a second or sub-sequent offence, to a fine not exceeding four hundred dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding twelve months.

**PART IV - Miscellaneous**

Publication  
in Gazette of  
particulars  
relating to  
public account-  
tants

**26 -** The Board shall -

- (a) at such times as may be prescribed, cause to be published in the *Gazette* a current list of registered public accountants; and
- (b) as soon as practicable after a person's name has been removed from the register in accordance with subsection (3) of section 11 or in pursuance of the powers conferred by paragraph (a) of subsection (2) of section 13, or after a person's registration has been suspended in pursuance of the powers conferred by paragraph (b) of sub-section (2) of section 13, cause notice of such removal or suspension, as the case may be, to be published in the *Gazette*.

Evidential  
provisions

**27 -** (1) The following documents -

- (a) a certificate of registration issued by the Board; and
- (b) a certificate under the hand of the Secretary of the Institute that a person is or is not a member of the Institute, shall be *prima facie* evidence in all courts

and before all persons of the facts therein certified.

Rules made  
by the Board

**28 -** The Board may with the approval of the Minister, make rules in relation to the promotion of the Board, in the public interest, or acceptable standards of professional conduct among registered public accountants and (without prejudice to the generality of the foregoing) such rules may prescribe a code of professional conduct to be observed by all registered public accountants and may make provision with respect to any other matter or thing prescribed by the regulations for the purposes of this section.

Regulations  
made by the  
Minister **29 -**

The Minister may, after consulting with the Board, make regulations generally for giving effect to the purposes and provisions of this Act and in particular (but without prejudice to the generality of the foregoing) may make regulations in relation to all or any of the following matters -

- (a) the making of corrections to the register and the removal therefrom of the names of persons who have died or who, for such period as may be prescribed, have ceased to practise accountancy in Jamaica or have been absent from Jamaica;
- (b) the making of complaints against registered public accountants;
- (c) the procedure to be followed in respect of disciplinary inquiries held by the Board;
- (d) the making of recommendations by the Board for the purpose of any of the provisions of section 22 and the procedure to be followed by persons seeking to obtain the Minister's approval of any body, experience, qualification or other matter or thing under any such provision;
- (e) the fees to be paid in respect of anything done under or for the purposes of any provision of this Act;
- (f) the service of documents under or for the purposes of any provision of this Act;

- (g) the surrender of certificates of registration;
- (h) prescribing any other matter or thing required or authorized by this Act to be prescribed.

**FIRST SCHEDULE (section 3(2))**

Constitution  
of Board**1.**

The Board shall consist of ten members appointed by the Minister, and of such ten members such number as the Minister may determine, being not less than six, shall be persons nominated by the Institute, and of the persons nominated by the Institute one shall be a public officer and one shall be a person who is neither an accountant in private practice nor a public officer, so, however, that, if the Institute on the occasion of an appointment as aforesaid, fails to make a nomination in accordance with the preceding provisions of this paragraph within one month from the receipt by the Institute of a written request in that behalf by the Minister, the requirement of nomination by the Institute shall be disregarded in relation to such appointment on that occasion.

Tenure of  
Office

**2. -** The appointment of a member of the Board shall, subject to the provisions of this Schedule, be for a period not exceeding three years, and every member shall be eligible for re-appointment.

President  
and Vice  
President

**3. -** (1) The Minister shall, after consultation with the members of the Board, appoint one of the members to be the President of the Board and one other to be the Vice-President.

(2) The appointment of a member of the Board as the President or Vice-President of the Board shall, subject to the provisions of this Schedule, be for such period as the Minister may determine at the time of appointment and the President or Vice-President shall be eligible for re-appointment.

Acting  
appointments

**4. -** (1) If the President or the Vice-President is absent or unable to act as such the members of the Board may elect a member to act in the place of the President or Vice-President, as the case may be.

(2) If any member of the Board is absent or unable

to act as such the Minister may appoint any person to act in the place of such member, and, in making any such appointment, the Minister shall have regard to the provisions of paragraph 1.

**Resignations**      **5.** - (1) The President may at any time resign his office of President or his office as member by instrument in writing addressed to the Minister.

(2) The Vice-President may at any time resign his office of Vice President by instrument in writing addressed to the Minister and transmitted through the President.

(3) A member other than the President may at any time resign his office as member by instrument in writing addressed to the Minister and transmitted through the President.

(4) Every such resignation as aforesaid shall take effect from the date of receipt by the Minister of the instrument of resignation.

**Revocation or appointments**      **6.** The Minister may at any time revoke any appointment made by him under the preceding paragraphs if he thinks it expedient so to do.

**Filling of vacancies**      **7.** If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member by the Minister, and, in making any such appointment, the Minister shall have regard to the provisions of paragraph 1.

**Gazetting of appointments**      **8.** The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.

**Incorporation**      **9.** (1) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Board shall be kept in the custody of the President or the Registrar and shall be affixed to

instruments pursuant to a resolution of the Board in the presence of the President or any other member of the Board and the Registrar.

(3) The seal of the Board shall be authenticated by the signatures of the President or any other member authorized to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hands of the President or any other member authorized to act in that behalf, and the Registrar.

(5) The Board may sue and be sued in its corporate name and may for all purposes be described by such name.

Procedure  
and meetings

**10.** - (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The President may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Board.

(3) The President or, in his absence, the Vice President, shall preside at all meetings of the Board at which he is present, and in case of the absence of both the President and the Vice President from any meeting the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) A quorum of the Board shall be five.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

Provided that no decision of the Board relating to the exercise of any of the disciplinary powers mentioned in

section 13 shall be valid unless approved by the votes of at least two-thirds of such number of the members of the Board as are present.

(6) Minutes in proper form of each meeting of the Board shall be kept.

(7) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

Committees

**11.** - (1) The Board may appoint such committees as it may think fit and may delegate to any such committee the

power and authority to carry out on its behalf such duties as the Board may determine, so, however, that no such committee shall have the power to make rules or to exercise any of the disciplinary powers conferred by section 13.

(2) The constitution of each committee shall be determined by the Board.

Protection of members

**12.** - (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Remuneration of members

**13.** There shall be paid from the funds of the Board to the President and Vice-President and other members of the Board such remuneration, whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.

Offices not public offices

**14.** The office of President, Vice-President, or member of the Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

**SECOND SCHEDULE (section 19(2))**

Constitution  
of the Council

**1.** (1) The Council shall consist of not fewer than eight nor more than twelve of the members of the Institute, and of the members of the Council at least one shall be a public officer, and of the remaining members at least one-third shall be persons who are neither accountants in private practice nor public officers.

(2) The members of the Council shall have such qualifications, shall be elected or appointed in such manner, and shall hold office for such term, as the bye-laws of the Institute may from time to time provide.

Officers

**2.** The Council shall -

(a) from among its members elect a President of the Institute and one or more Vice-Presidents; and

(b) appoint a Secretary and a Treasurer or a Secretary/Treasurer and such other Officers as the bye-laws of the Institute may from time to time provide.

Meetings

**3.** (1) An annual general meeting of the members of the Institute shall be held in every year for the transaction of such business as may be brought before the meeting, at such time and place and in such manner as the bye-laws of the Institute shall provide.

(2) Other meetings of the members of the Institute may be convened and held as the bye-laws of the Institute may from time to time provide.

Savings **4.**

The persons who, immediately before the 6th July 1970, are members of the Council of the existing organization shall, if the constitution of such Council immediately before such date accords with sub-paragraph (1) of paragraph 1, with effect from such date, be deemed to have been elected or, as the case may be, appointed, as members of the Council under and in accordance with paragraph 1, and every person who, immediately before such date held, in such organization, any office mentioned in paragraph 2 shall, with effect from such date, be deemed to have been elected or, as the case may be, appointed to such an office under and in accordance with paragraph 2.

**THIRD SCHEDULE (section 22(1))**

1. The Institute of Chartered Accountants in England and Wales.
2. The Institute of Chartered Accountants of Scotland.
3. The Institute of Chartered Accountants in Ireland.
4. The Institute of Chartered Accountants of any Province of Canada.
5. The Chartered Association of Certified Accountants (ACCA).

*PUBLIC ACCOUNTANCY REGULATIONS 1970 - 1.2*

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**SCHEDULES**

**PART I - General**

1. These Regulations may be cited as the Public Accountancy Regulations, 1970, and shall come into operation on the 6th day of July, 1970.
2. The Board shall, on or before the 1st day of January in each year, submit to the Minister for approval its annual estimates of revenue and expenditure.
3. (1) The Register of Public Accountants shall state, *inter alia*, in respect of each registered public accountant the following particulars -
  - (a) registration number;
  - (b) full name;
  - (c) nationality;
  - (d) date of registration;
  - (e) qualifications; under this heading shall appear the section of the Act under which the applicant qualifies for registration;
  - (f) residential address;
  - (g) professional address;and the professional address so notified shall be deemed to be the registered address of such registered public accountant.
  - (2) The Board shall keep an index to the register.
4. (1) Every person who wishes to have his name entered in the register shall submit to the Board -
  - (a) an application Form;
  - (b) documentary evidence of his qualifications for registration;
  - (c) an application fee of fifty dollars; and

(d) a registration fee of two hundred dollars;

Provided that where the Board refuses to register the applicant such registration fee shall be refunded to the applicant.

- (2) An applicant for registration shall furnish such other particulars as the Board may request in order that his name may be entered in the register.
- 5.** (1) Where an application for registration is accepted by the Board, the applicant's name shall be entered in the register and a certificate of registration in Form B of the Schedule hereto shall be issued to the applicant.
- (2) If a certificate of registration is lost or destroyed, the person to whom it was issued may apply to the Board for a fresh certificate which shall be issued on payment by the applicant of a fee of four dollars. A certificate issued under this paragraph shall be marked "Duplicate".
- 6.** (1) Every registered student to whom the provisions of subsection (2) of section 12 of the Act apply shall notify the Board that he is such student within two years -
- (a) of the commencement of the Act; or
  - (b) of the date on which the professional accountancy body of which he is such student is approved by the Minister pursuant to subsection (1) of section 12 of the Act,
- whichever is the later.
- (2) Every notification of a student's registration shall be accompanied by a fee of one dollar.
- 7.** Every registered public accountant shall notify the Registrar of every change of his residential or of his professional address.
- 8.** The Board shall, on or before the 31st day of January, 1971 and thereafter on or before the 31st day of July in each year, publish in the *Gazette* the list of registered public accountants.
- 8A.** (1) Every practising certificate issued under subsection (1) of section 14A of the Act, shall be in the form set out in the Schedule hereto.

- (2) Every practising certificate shall cease to be in force on the 31st December, next after its issue, unless it ceases to be in force sooner, by virtue of the provisions of the Act.
- (3) There shall be payable, in accordance with subsection (1) of section 14A of the Act, a fee of twenty-one dollars in respect of the issue of each practising certificate.

**9.** The Registrar shall -

- (a) remove from the register any name which the Board, acting under provisions of section 13 of the Act, directs him to remove;
- (b) re-register any name which the Board, acting under the provision of section 13 of the Act, directs him to re-register;
- (c) correct in accordance with the Board's directions any entry in the register which the Board directs him in writing to correct, being in the opinion of the Board an entry which was incorrectly made;
- (d) remove from the register, in accordance with the Board's directions the name of a person who has died, or who, for a period of not less than two years, has ceased to practise accountancy in Jamaica, or who, for a like period, has been absent from Jamaica;
- (e) make from time to time any necessary alterations in any of the particulars contained in the register;
- (f) make the appropriate note in the register when the Board, acting under the provisions of section 13 of the Act, suspends the registration of a public accountant.

**10.** (1) Any person seeking to obtain the Minister's approval of any body, experience, qualification or other matter for the purposes of the Act shall address an application in writing to the Board, and the Board shall forward such application, together with the Board's recommendations, to the Minister;

Provided that any accountancy body (other than those specified in the Third Schedule to the Act) seeking such approval shall pay a fee of twenty-one dollars to cover the cost of investigation and such other administrative expenses as may be incurred by the Board in connection with such application.

- (2) Any recommendation to the Minister shall be by Resolution of

the Board passed at a special meeting called for that purpose.

- 11.** Any notice or document required by the Act or by these Regulations to be given to or served on a registered public accountant shall be deemed to be given or served by properly addressing, prepaying and posting a letter containing the notice or document to the registered address of such accountant, and, unless

the contrary is proved, service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

## **PART II - *Disciplinary***

- 12.** Where it is proved to the Board by the certificate of the competent officer of the Court in which the proceedings took place that a registered public accountant has been convicted of a criminal offence involving dishonesty, and that such conviction has not been squashed on appeal, the Board may forthwith and without further enquiry direct the Registrar to remove the name of such registered public accountant from the register.

- 13.** (1) Where the Board receives a notification from the competent officer of any professional accountancy body constituted outside Jamaica that a registered public accountant has been deprived of, or suspended from, membership of such professional accountancy body as a result of disciplinary proceedings taken against him, the Board shall forthwith direct the Registrar to inform such registered public accountant by registered letter that the Board has received such notification and to invite him to show cause within such period as the Board may allow why his name should not be removed from the register or his registration should not be suspended as the case may be.

(2) Where -

(a) no reply is received from the registered public accountant;  
or

(b) the registered public accountant is unable to show cause as aforesaid, the Board shall forthwith direct the Registrar to remove the name of such registered public accountant from the register or to suspend his registration.

(3) The action of the Board shall in due course be notified to the

professional accountancy body from which the notification of the removal of the name from the register or the suspension was received.

- 14.** (1) Where a complaint in writing, or information in writing, is received by the Registrar from any body or person who alleges that a registered public accountant has procured any registration under the Act as a result of a misleading, false or fraudulent representation, the Registrar, after making such further enquiries relative thereto as he thinks necessary, shall report
- (2) The Registrar may, in relation to any registered public accountant, make to the Board a like complaint grounded on an affidavit.
- (3) The Board may require the person or body making the allegation to supply an affidavit stating the matters of fact on which he relies in support of his allegation together with such further information or documents relating to the allegation as the Board considers necessary.
- 15.** Where a complaint in writing, or information in writing, is received by the Registrar from any person or body who alleges that a registered public accountant has committed in the performance of his professional duties -
- (a) an act of professional misconduct, or of grave impropriety, or infamous conduct; or
- (b) an act of gross negligence or of gross incapacity; or
- (c) an act which constitutes conduct discreditable to the profession,
- the Registrar, after making such further enquiries relative thereto as he thinks necessary, shall report the matter to the Board.
- 16.** (1) Where the Registrar makes a complaint or reports to the Board that a complaint or information pursuant to regulation 14 or 15 has been received in respect of a registered public accountant the Board shall direct the Registrar to write to such accountant
- (a) notifying him of the receipt of the complaint or information, and indicating the matters which appear to raise a question whether the registered public accountant has procured his registration as a result of a misleading or fraudulent representation, or has committed professional misconduct;

- (b) forwarding a copy of any affidavit or other document relating to the allegation;
  - (c) inviting the registered public accountant to submit to the Board any explanation which he may have to offer;
  - (d) informing the registered public accountant of the date of the meeting of the Board at which his explanation, if any will be considered.
- (2) The documents (including the explanation, if any, of the registered public accountant) shall be referred to the Board at the meeting held on the specified date.
17. In any case in which the Board, having considered the allegations and the explanation, if any, of the registered public accountant, is of the opinion that no *prima facie* case is shown, or that the allegations appear to be frivolous or vexatious, the Registrar shall so inform the complainant and the registered public accountant in such terms as the Board may direct.
18. In any case in which the Board, having considered the allegations and the explanation, if any, of the registered public accountant, is of the opinion that a *prima facie* case is shown, the Board shall fix a day for the holding of an enquiry.

**PART III - Proceedings at Disciplinary  
Enquiry**

19. In this part of the Regulations "**President**" means the President of the Board.
20. (1) When the Board has fixed a day for the holding of an enquiry, the Registrar shall forthwith serve on the registered public accountant a notice in writing which shall -
- (a) specify the nature and particulars of the charge or charges against him;
  - (b) state the date, time and place at which the enquiry will be held.
- (2) The enquiry shall be fixed for a date not less than twenty-one days from the date of the notice;
- (3) The notice may be delivered personally to the registered public

accountant or may be sent by prepaid registered post to his registered address.

- (4) A copy of such notice shall be sent to the complainant and to such other persons as the Board may direct.

- 21.** Any party to an enquiry may be represented at the hearing by counsel or a solicitor;

Provided that if any party intends to be so represented not less than seven days' notice in writing of such intention shall be given to the Registrar.

- 22.** (1) The complainant and the registered public accountant shall furnish to the Registrar and to each other not less than fourteen days before the day of the hearing a list of all documents on which they respectively propose to rely.

- (2) Either party may inspect the documents included in the list furnished by the other; and a copy of any document mentioned in the list of either party shall, on the application and at the expense of the party requiring it, be furnished to that party by the other within three days after the receipt of the application.

- 23.** Where before the hearing it appears to the President or at any stage of the hearing it appears to the Board that a notice of enquiry or charge requires amendment, the President or the Board, as the case may be, shall give to the Registrar such directions for the amendment of the notice or the charge as they may think necessary unless, having regard to all the circumstances, such amendments cannot be made without injustice.

- 24.** (1) Where it appears to the President or to the Board that it is expedient whether or not as a result of the exercise of the powers conferred by regulation 23, that the hearing should be postponed or adjourned, the President or the Board may give to the Registrar such directions in that behalf as appear necessary.

- (2) Where the hearing is postponed or adjourned -

- (a) the Registrar shall forthwith give notice of the postponement or adjournment to every party;

- (b) where the postponement or adjournment is to a date to be determined, on the determination of the date on which the

hearing is to be held or continued, the Registrar shall forthwith give notice of that date to every party.

25. If either or both parties fail to appear either personally or by a representative, the Board may, if it thinks fit, and on being satisfied as to the service of the notice of enquiry, proceed with the hearing.
26. At the hearing, the complainant or his representative shall first state to the Board the charge alleged against the registered public accountant and shall submit the evidence in support of the charge and may call witnesses; and the registered public accountant or his representative shall be entitled to cross-examine any witnesses appearing against him on matters relevant to the charge.
27. When the statement of the charge and the evidence in support thereof are concluded, the registered public accountant or his representative shall be invited by the President to adduce evidence in answer to the charge and to call witnesses, and the complainant or his representative shall be entitled to cross-examine any witnesses giving evidence for the registered public accountant on matters relevant to the charge.
28. Whether the registered public accountant adduces evidence in answer to the charge or not, he or his representative may address the Board and, where evidence is adduced, such address may be made either before or after such evidence.
29. At the close of the case for the registered public accountant the complainant or his representative may, with the leave of the Board, adduce evidence to rebut any evidence adduced by the registered public accountant; and, if he does so, the registered public accountant or his representative may again address the Board.
30. The complainant or his representative may reply upon the whole case
  - (a) if oral evidence (not being evidence as to character) other than that of the registered public accountant himself has been given on such registered public accountant's behalf; or
  - (b) with the leave of the Board, where no such evidence has been given.
31. (1) Notes of the proceedings shall be taken by the Registrar or other person appointed by the Board for the purpose; and any party who appeared at the hearing shall be entitled to inspect the original or a copy thereof.

- (2) Every person entitled to be heard upon an appeal against the findings of the Board shall be entitled to a copy of such notes on payment of the charges from time to time prescribed by the Minister.
- 32.**
- (1) On the conclusion of the proceedings the Board shall consider and determine as respects each charge which, if any, of the facts alleged in the charge have been proved to its satisfaction.
  - (2) If the Board determines in respect of any charge either that none of the facts alleged in the charge has been proved to its satisfaction, or that such facts as have been proved would be insufficient to support a finding of professional misconduct, the Board shall record a finding that the registered public accountant is not guilty of such misconduct in respect of the matters to which the charge relates.
  - (3) If the Board determines in respect of any charge that the facts or some of the facts alleged in the charge have been proved to its satisfaction and that the facts so proved are sufficient to constitute professional misconduct, the Board shall record a finding that the registered public accountant is guilty of professional misconduct.
- 33.**
- (1) If the Board records a finding that the registered public accountant is guilty of professional misconduct, then before considering and determining which of the disciplinary powers conferred by the Act will be exercised, the Board may invite the registered public accountant or his representative to address the Board on any mitigating circumstances.
  - (2) Thereafter the Board shall consider and determine which of the disciplinary powers conferred by the Act it will exercise and shall pronounce its decision.
  - (3) The Board shall hold all disciplinary enquiries in private, but shall pronounce its findings and decisions in public.
- 34.**
- (1) The Registrar shall forthwith notify the registered public accountant by registered letter of the decision of the Board.
  - (2) Where a registered public accountant is a member of the Institute or of a professional accountancy body constituted outside Jamaica, the Registrar shall forthwith notify the Institute or such professional accountancy body of the removal of his name from the register or of the suspension of his registration.

35. Upon the holding of an enquiry the Board may, without finding any misconduct proved against the registered public accountant, nevertheless order him to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, it seems just to the Board so to do.
36. If two or more registered public accountants are involved in any charge or charges, the Board may hold separate enquiries or may hold one enquiry in respect of all such registered public accountants and may give directions as to the order in which proceedings shall be taken in relation to each such registered public accountant.

#### **PART IV - *Re-Registration***

37. (1) Where the name of a registered public accountant has been removed from the register, any application for re-registration shall be made in writing addressed to the Board and signed by the applicant, stating the grounds on which the application is made, and shall be accompanied by the application fee of four dollars.
- (2) The application shall contain the names and addresses of three or more persons able and willing to identify the applicant and give evidence as to his character, and the nature of his employment since the date of the removal of his name from the register, and such other evidence as the Board may require.
- (3) Not less than two of the persons mentioned in paragraph (2) shall belong to one or more of the following categories namely -
- (a) Justices of the Peace;
  - (b) Ministers of Religion;
  - (c) Registered public accountants;
- so, however, that at least one shall be a registered public accountant.
- (4) The Board may require the applicant to verify by a statutory declaration any statement made in his application, or any further statement which it may think necessary, and may, if it thinks fit, require the applicant to attend in person at a meeting of the Board at which the matter is to be considered.

38. If upon consideration of the application and of the evidence furnished in support of it, the Board is satisfied that the application should be re-registered, it may direct the Registrar accordingly, and, upon payment by the applicant of the registration fee, his name shall be restored to the register and a new certificate of registration shall be issued to him.