

Institute of Chartered Accountants of Jamaica



STUDENTS' HANDBOOK

Regulations and Disciplinary Code

Please ensure that you read this document carefully and make note of the important dates.

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Institute of Chartered Accountants of Jamaica

Introduction

Objectives

The Institute of Chartered Accountants of Jamaica (ICAJ) was established in Jamaica on January 18, 1965 and formally incorporated under the Public Accountancy Act (PAA), 1968 as an entity to regulate the Accountancy profession in Jamaica as well as the use of Accountancy designations, Chartered Accountants (CA) and Fellow Chartered Accountants (FCA).

The Institute has two (2) main categories of members designated Chartered Accountants:

- Those in Public Practice
- Those Not in Public Practice

The objectives of the Institute are to:

- Promote and increase the knowledge, skill and proficiency of its members and students;
- Regulate the discipline and professional conduct of its members and students;
- Promote and protect the welfare and interest of the Institute and the accountancy profession, both in Jamaica and abroad
- Make provision for the training, education and examination of persons engaging or intending to engage in the profession
- Perform all such things as are incidental to realizing the objectives of the profession

Vision Statement

“ICAJ is committed to being a cohesive national body of trusted and influential professionals that seeks to regulate and advance the Accountancy profession, consistent with world standards, for the benefit of its members, its students and its publics and, through creative thought leadership, encourages national development and the advancement of positive global change.”

ICAJ Structure

Council: The Council is responsible for all administrative and technical decisions that affect the Secretariat, its stakeholders and its complete development.

Student Affairs Committee: Make recommendations to Council on behalf of its students.

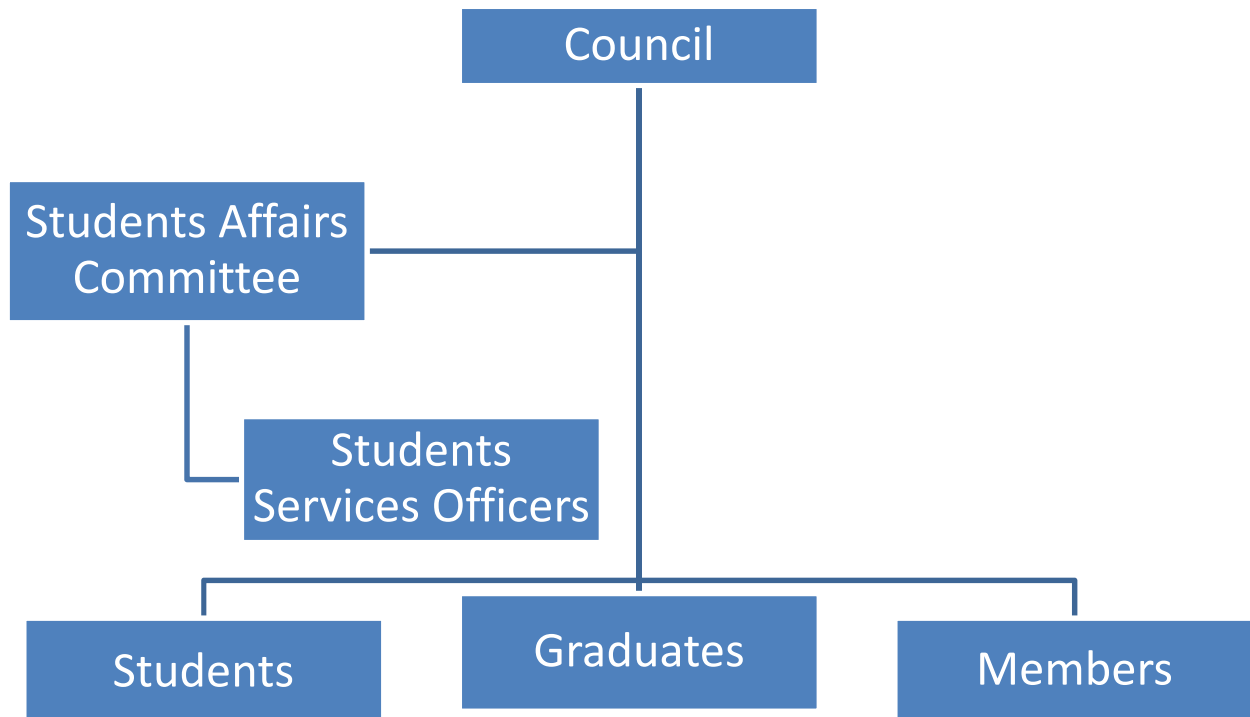
Student Services Officer: Responsible for maintaining students' database, preparing administrative documents related to student affairs, resolving student queries in a timely and effective manner.

Student: An individual who has been duly registered in accordance with the ICAJ Bye-Laws and is in good standing.

Graduate: A registered student who has passed the qualifying examinations but has not satisfied the other appropriate conditions for application for, or admission to, membership.

Member: "Member" or "Members" of the institute in good standing.

Diagram of Organisational Structure:



BECOMING A STUDENT

Individuals can become a student of ICAJ by submitting an application form to the ICAJ Secretariat, pay the required subscription fee and comply with the Bye-Laws. It is important that all students read the Bye-Laws. Please click here <http://www.icaaj.org/resources/members/code-of-ethics.html> for the Bye-Laws and Code of Ethics

On becoming a student, there are certain operating procedures with which you should be familiar with. These deal broadly with the following:

Payment of Annual Subscription:

All students are required to pay annual subscription fees to both ICAJ and ACCA for as long as he/she is part of the programme. Failure to make such payment by the specified time given will lead to suspension. After suspension, if a student desires to continue studies, he/she is required to pay the fees for the year of suspension as well as for the year he/she is re-registering.

Bye-Laws 1.3 # 47 & 48

47) A fee as determined by Council shall be payable on application for registration as a student which is not refundable. Every student shall pay an annual fee on the first day of January. The Council may from time to time increase the annual fee by a percentage that does not exceed the previous year's official inflation rate, which is deemed to be the latest annualized rate. Any increase in the annual fee above this inflation rate must be approved by the Institute in General Meeting. If the annual fee is not paid by the thirty-first day of March, an additional amount of 50% of such fee becomes payable and such additional amount may be waived at the discretion of Council upon application.

48) Any student whose fees or other amounts owing to the Institutes are in arrears for six months may be deemed to have thereby terminated his registration as a student and the Council may direct that his name be removed from the register, or initiate such other disciplinary actions as the Council may decide. If removed from the register, such a person may be re-registered on such terms as Council may approve.

ANNUAL SUBSCRIPTIONS UNDER THE JOINT SCHEME

Due date for Annual Subscriptions is:

ICAJ and ACCA - January 1st

Deadline date for Annual Subscriptions is:

ICAJ – January 31 (Without Surcharge)

After March 31st (with Surcharge – 50%)

The following should be carefully noted:

- 1) Should ICAJ Annual Subscriptions be not paid by 31st March the amount will attract a surcharge of 50%.
- 2) Where payments are not received by the deadline date, students are moved to a delinquent list for strike off by both ACCA and ICAJ.
- 3) Persons who wish to continue sitting the examinations will have to re-register, paying the relevant fees including penalty.

Examinations

ACCA offers a Paper-based examination and a Computer-based Examination

Students may submit their exam entries online for any of the examination options, through their “myacca” account. Starting 2016, ACCA will offer 4 exams sessions (March, June, September, and December). Students are given the opportunity to submit their exam entries during the early, standard or late period (visit the website www.accaglobal.com for information on the cost and dates).

Queries on all student matters should be directed to the Services Department, as under:

Institute of Chartered Accountants of Jamaica
8 Ruthven Road

Kingston 10

Telephone: 929-5869/6082, EXT. 236/221

Facsimile: 929-9416

Email: students@icaj.org

Website: www.icaj.org

Computer-based Exams

Computer-based exams (CBEs) are available for the Introductory and Intermediate levels of the FIA qualification and for the Knowledge level of the ACCA Qualification.

Benefits of CBEs:

- **Flexibility** – You are not restricted to paper-based exam sessions; CBEs are administered throughout the year.
- **Instant Feedback** – Your result is displayed on the computer screen at the end of the exam.
- **Results update** – Your results are uploaded by the licensed centre and will be transferred to your ACCA account within 72 hours.

Students, who are interested in sitting the examinations, may register at any time throughout the year. **First - Submit your ACCA/FIA Registration documents to ICAJ. Then – Upon receipt of confirmation, contact the Overseas Examination Commission to register for the Computer-based Examinations.**

The Overseas Examination Commission may be contacted as follows:

Tel: (876) 920 3284; 926 6573; 929 1424/1571. Fax: (876) 926 8110, E-mail: oece exams@cwjamaica.com; or oece exams@yahoo.co.uk. 2a Piccadilly Road, Kingston 5 (Entrance on Manhattan Road). For more information on CBEs, please visit the link <http://www.accaglobal.com/students/exams/cbes/>

Resignation and Removal Procedures

If for any reason you wish to resign from the Joint Scheme, this should be done in writing before December 31 of the year for which you have paid your Annual Subscriptions.

If your student account in the ICAJ/ACCA register is in arrears, you will not be entitled to remain on the ICAJ/ACCA register and your name will be removed.

Notification of change of address:

With the newly designed Database, students will be able to log on their personal profile and make the necessary changes.

ID Cards

Students are required to take their National ID, Drivers Licence or Passport to all Examinations, whether CBE or a paper-based sitting, as ACCA no longer issues ID Cards.

BECOMING AN ICAJ/ACCA MEMBER

ICAJ / ACCA

The Institute of Chartered Accountants of Jamaica and the Association of Chartered Certified Accountants have a Joint Examination Scheme for students studying in Jamaica to become a Chartered Accountant (CA), the designation for Chartered Accountants in Jamaica.

Initial Registration

There are two methods of registration:

- Online registration
- Manual registration

Students can register at anytime of the year, using any one of the two methods available for registration. Online registration takes twenty five (25) working days for processing, after all the relevant supporting documents and payments have been submitted. Manual registration takes thirty (30) working days to be processed after all the relevant supporting documents and payments have been submitted to ICAJ.

Under the Joint Examination Scheme, students applying to the programme are required to make two payments. One of which is payable to ICAJ and the other to ACCA. A customized bank voucher is provided by the Institute for their payment, while the fees to ACCA can be paid with or a bank draft payable to Association of Chartered Certified Accountants (ACCA).

Re-Registration

Failure to pay your Annual Subscriptions will result in your removal from the from the ICAJ/ACCA register. Should you wish to re-register, a separate application to ACCA, using the Re-Registration Form must be made. This form can be collected at the ICAJ offices at 8 Ruthven Road, Kingston 10.

STUDENT AFFAIRS COMMITTEE

How can we help you?

The Institute of Chartered Accountants of Jamaica, through the Student Affairs Committee, is here to serve you as students in many different ways, including:

Meeting you One-on-One:

- The Student Affairs Committee is here to assist students who are faced with challenges with regards to examination. Our members are willing to meet student on a one-on-one basis at a schedule time convenient to both parties.

Orientation, Rap, Motivational, Tuition Sessions:

- The Committee has decided to journey along with our students, providing aid for them as they prepare themselves to be a part of one of the most organized profession in the Caribbean and beyond.
 - Orientations and Rap sessions will be held quarterly.
 - Motivational and Tutorials or Revision Classes for selection papers will be done bi-annually.

Dates for these events will be published in our monthly Newsletter and an email will be sent advising of same.

Students' Graduation and Awards Ceremonies

Every year, the ICAJ celebrates with our achievers, who have successfully completed their examination papers and acknowledges the student or students who excels in each stage of the programme with the highest marks.

Our suites of Awards are listed below:

Discounted Prices at Continuing Professional Development (CPD) Seminars.

All registered students attending any ICAJ host seminars, are charged at a discounted rate. CPD seminars helps participants to develop their cooperate skills and to access a broader knowledge of their profession.

On-Line Protected Website for Personal Details, Registration and Payments.

<https://aeorion.icaaj.org/Default.aspx?ReturnUrl=%2f>

Links to related Website

<http://www.accaglobal.com/gb/en.html>

Book exchange Programme

<http://www.ica-j.org/exchange/>

Communications: Students society, Facebook, Twitter and Texting

Like us on Facebook at www.facebook.com/ICAJ.CA

Follow us on Twitter: [@Icajchartered](https://twitter.com/Icajchartered)

Access ICAJ Live Helper at:

http://ica-j.org/components/com_activehelper_livehelp/server/index.php

Institute of Chartered Accountants of Jamaica

AWARDS FOR EXCELLENCE

KNOWLEDGE LEVEL EXAMINATION AWARD

An award may be made to any student passing all three (3) subjects at the first attempt in one sitting with the highest average mark of not less than sixty-five (65) percent.

SKILLS LEVEL EXAMINATION AWARD

An award may be made to any student passing all six (6) subjects at the first attempt over a period of twelve (12) months with the highest average mark of not less than sixty-five (65) percent.

**Exemptions do NOT qualify in the six subjects.

PROFESSIONAL LEVEL EXAMINATION AWARD

An award may be made to any student passing all five (5) subjects at the first attempt over a period of twelve (12) months with the highest average mark of not less than sixty-five (65) percent.

OVERALL EXAMINATION AWARD

An overall award may be made to any student who completes the entire examination programme (all 14 subjects) passing each subject at the first attempt over a period of three (3) years at maximum with the highest average mark of not less than sixty-five (65) percent.

**Exemptions do not qualify for this award.

SPECIAL AWARD

A special award may be made to any graduate, who has been granted no more than three (3) exemptions, passing each of the remaining subjects at the first attempt over a period of two and a half (2.5) years at maximum with the highest average mark of not less than sixty-five (65) percent.

A precondition to the above is that examinations are sat in Jamaica.

ICAJ STUDENT BURSARY AWARD

Since March 1997, the ICAJ/ACCA student who is not currently entitled to financial support from his/her employer, and has passed the Knowledge Level in one (1) sitting at the first attempt, is entitled to consideration for this award. Covering tuition and books for the part 2 examinations, this award will span a maximum of two (2) years with the highest average mark of not less than sixty-five (65) percent.

ICAJ UNIVERSITY BURSARIES

Four bursaries are awarded between the University of the West Indies BSc. Accounting and the University of Technology BBA students for two (2) years. These awards are given to Jamaican Nationals interested in becoming Chartered Accountants. Successful candidates must maintain a B+ average during the period of the programme.

ICAJ MEMBER AWARDS

SUSHIL JAIN AWARD

This award is presented to the youngest graduate completing the Professional level of the examinations.

THE RAPHAEL E. GORDON AWARD

This award is presented to the Jamaican graduate who has obtained the highest mark of not less than seventy (70) percent in paper F9 – Financial Management (FM) on the first attempt.

THE JASPER BURNETT AWARD

This award may be made to the Jamaican graduate who has obtained the highest mark of not less than seventy (70) percent in paper P3 – Business Analysis (BA) on the first attempt.

CAT AWARDS

SUSHIL JAIN AWARD

This award is presented to the youngest graduate completing the Certified Accounting Technician Programme.

CAT Overall Award Criteria – Highest Average Score per Exam Diet

An overall award may be considered for any student who completed the entire CAT programme over a period of two (2) years at the maximum. A precondition to all the above is that examinations are sat in Jamaica.

Examination Structure

ICAJ/ACCA JOINT SCHEME

Examinations are held in Jamaica (March, June, September and December). These examinations are managed through the Overseas Examinations Office.

Once registered under the ICAJ/ACCA Programme, there are fourteen (14) papers, in three Parts, which must be completed either by exemption or examination. You may attempt a maximum of four (4) papers at any one sitting. These must be attempted in the order in which they appear. On completion of all fourteen (14) papers and with three years relevant accounting experience, you may apply for admission for membership of ICAJ. The three years experience may be obtained before, during or after the completion of your examination or a combination of those periods.

You will need to complete 14 papers in total.

FUNDAMENTALS (nine papers in total)

Knowledge

F1	Accountant in Business	(AB)
F2	Management Accounting	(MA)
F3	Financial Accounting	(FA)

Skills

F4	Corporate and Business Law	(CL)
F5	Performance Management	(PM)
F6	Taxation	(TX)
F7	Financial Reporting	(FR)
F8	Audit and Assurance	(AA)
F9	Financial Management	(FM)

PROFESSIONAL (five papers in total)

Essentials

P1	Professional Accountant	(PA)
P2	Corporate Reporting	(CR)
P3	Business Analysis	(BA)

Options (two to be completed)

P4	Advanced Financial Management	(AFM)
P5	Advanced Performance Management	(APM)
P6	Advanced Taxation	(ATX)
P7	Advanced Audit and Assurance	(AAA)

Exemptions

ACCA offers exemptions from the ACCA Qualification and Foundation Level qualification to students who have studied other relevant qualifications (See www.accaglobal.com) for more information and how to apply.

The FIA Programme

The **FIA (Foundation in Accountancy) Programme** consists of nine (9) papers and requires that each person have at least one year's working experience in the accounting field. On completion, you can apply for the designation of Certified Accounting Technician (CAT) and be automatically transferred to the Skills stage of the ACCA Programme.

INTRODUCTORY LEVEL

(FA1) Recording Financial Transactions

(MA1) Management Information

INTERMEDIATE LEVEL

(FA2) Maintaining Financial Records

(MA2) Managing Costs and Finances

DIPLOMA

(FAB) Foundation Accountant in Business

(FFA) Foundation Financial Accounting

(FMA) Foundation Management Accounting

Optional - (two must be completed):

(FTX) Foundation in Taxation

(FFM) Foundation in Financial Management

(FAU) Foundation in Audit

As a transitional arrangement, students completing the entire FIA Programme or the Diploma of the FIA will be automatically exempted from the Knowledge Level of Professional exams i.e. Papers F1, F2 and F3 under the fundamental examinations. Students are also required to complete the Foundation in Professionalism Ethics Module and complete the CAT status form in order to obtain the CAT designation.

EXAMINATIONS CENTRES

The Examination Centres that are currently located in Jamaica are noted below:

I919 – Jamaica Conference Centre – Kingston

I982 – UWI Western Campus – Montego Bay

I812 – Moneague College – St. Ann

I819 – Knox Community College – Spauldings, Manchester

RULES OF PROFESSIONAL CONDUCT

Definitions of Terms

1. "Bye-Laws" mean these Bye-Laws as amended and in force from time to time.
2. "Profession" means the profession of Chartered Accountant and "Professional" refers to that profession.
3. "Rules and regulations" means the rules and regulations of the Institute from time to time in force.
4. "Rules of Professional Conduct" means the rules of professional conduct of the Institute from time to time in force.
5. "Student" means a student in good standing registered under these bye-laws.
6. "Graduate" shall mean a registered student who has passed the qualifying examinations but has not satisfied the other appropriate conditions for application for, or admission to, membership.

Bye-Law 5 contains the following provision:

5. The Council may by resolution admit to membership of the Institute any person not under twenty-one years of age of good moral character and habits who:

(1) has acquired approved accountancy training by at least three years continuous service, or 4,725 equivalent hours in full- or part-time service, either in the office of a practising accountant or in a responsible position in commerce, industry or government service or any combination thereof provided that he has passed the final examination of the Institute and has satisfied the Council as to his professional attainments and experience, or

(2) is a graduate of any university approved by the Council of the Institute for the purpose and has acquired approved accountancy training for at least three years continuous service, or 4,725 equivalent hours in full- or part-time service, in the office of a practicing accountant or in a responsible position in commerce, industry or government service or any combination thereof, Provided that he has passed the final examination of the Institute and has satisfied the Council as to his professional attainments and experience.

(3) Provided that:

(a) where an applicant has achieved the academic qualifications specified above earlier than thirty-six (36) months, or such other period as the Council may approve not exceeding sixty (60)

months, prior to the submission of his/her application, the Council may require such applicant to sit and pass an examination prescribed by the Council to demonstrate that he/she has maintained the currency of his/her knowledge at a level considered by the Council to be appropriate for Membership.

(b) The applicant activates his membership by paying, within three months of notification that Council has approved his application for membership, the following subscriptions in respect of applications approved in the periods:

- (i) April to September - 100% of the current annual subscription
- (ii) October to December - 50% of the current annual subscription
- (iii) January to March - an amount equivalent of 100% of the current annual subscription, being advance payment on account of the annual subscription of the following year beginning April 1.

For purposes of this Bye-Law, notification shall be deemed to have taken place ten days from the date of the notice. Where the applicant fails to activate his membership within the time specified, he must re-apply.

(c) Until such time as the applicant successfully meets all requirements as stated in Bye-Law 5 (3) the applicant will, at the discretion of Council, be transferred to the Graduate register at fees to be set by Council and reviewed from time to time.

Bye- Laws 1.3

Bye-Laws14 (2) contains the following:

(b) As of January 1, 2002, in addition to the requirements of Bye-Law 14(2)(a), members applying for a practicing certificate must have passed Paper P7 Advanced Audit and Assurance, of Part 3 of the ICAJ/ACCA joint examination scheme, or an equivalent paper.

Bye-Laws 63 states:

63. Finalists are automatically transferred to the category of Graduate until they become eligible for full membership.

Rules of Professional Conduct

73. The Council may from time to time pass Rules of Professional Conduct prescribing the standards of fitness, moral character and conduct of members and students, but no such rule or any amendment thereto shall take effect until it has been approved at an annual meeting of the Members of the Institute or at a general meeting of the members of the Institute to consider such rule or amendment.

74. Members and students shall comply with such standards as prescribed, and with the bye-laws, rules and regulations of the Institute.

Liability to Disciplinary Action

75. (1) A member, relevant firm or student shall, subject to Bye-Law 95, be liable to disciplinary action if:-

- (a) he or it, in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;
- (b) Without prejudice to the generality of sub-paragraph (1)(a) of this Bye-Law) he or it has performed his or its professional work or conducted his or its practice or (in the case of a member or student) performed the duties of his employment, inefficiently or incompetently to such an extent or on such number of occasions as to bring discredit to himself or itself, to the Institute, or to the accountancy profession;
- (c) He or it has committed any breach of these Bye-Laws (or of any regulations made under them) in respect of which he or it is or has undertaken to be bound;
- (d) In the case of a relevant firm a partner of it has committed any breach of Bye-Laws (or regulations made under them) by which it is, or has undertaken to be bound;
- (e) he is a partner of a relevant firm against which a complaint concerning any of the matters referred to in any of paragraphs (a), (b) and (c) above has been found proven;
- (f) He is a partner of a firm which has been disciplined by another professional body or under the joint disciplinary scheme of the United Kingdom or some other disciplinary procedure;
- (g) he (being a member or student) has failed to satisfy a judgment debt or individually or as a partner has made an assignment for the benefit of creditors or under any resolution of creditors or order of the court has had his estate placed in liquidation for the benefit of creditors or has made any arrangement for the payment of a composition to creditors;
- (h) Any member or student against whom a criminal charge has been preferred alleging acts of dishonesty and has been convicted in a Court of Competent Jurisdiction in Jamaica or in a

Superior Court of any Country whose judgments are registrable in Jamaica, shall automatically be suspended from the Institute;

(i) A member or a student who has been suspended as in (1)(h) above and whose conviction, upon appeal, has been upheld shall be struck off the Register of Members and Students.

(j) Pursuant to paragraph (h) above, where a suspension of a member or student has been imposed the suspension shall be removed if the member or student has, upon appeal, been acquitted of the charge;

(k) A member or student shall not be struck off the register, pursuant to paragraph (i) until any or all appeals from the said conviction shall be heard and determined.

(l) He or it 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 against him or it, 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 analogous event has occurred in relation to him or it under applicable legislation.

(2) A member, relevant firm or student shall be liable for disciplinary action in accordance with paragraph (1) above whether or not (in the case of a member or student) he was a member or student or (in the case of a relevant firm) it was a relevant firm at the time of the occurrence giving rise to such liability.

(3) For the purpose of paragraph (1) above **misconduct** includes (but is not confined to) any act or default likely to bring discredit to the member, relevant firm or student in question. The fact that a member, relevant firm or student has before a court of competent jurisdiction in Jamaica or in a superior court of any country whose judgments are registrable in Jamaica pleaded guilty to or been found guilty of any offence discreditable to him, or derogatory to the Institute or the accountancy profession or has in any civil proceedings been found to have acted fraudulently or dishonestly, shall be conclusive proof of misconduct. The findings of a court, in any civil proceedings whatsoever may be treated as proof of misconduct. In deciding whether a member, relevant firm or student has been guilty of misconduct, regard may be given to the code of professional conduct, ethical or technical, adopted by the Council, and to any regulations affecting, members, relevant firms or students as laid down or approved by the Council.

(4) Every member and student shall, and every member undertakes that every firm in which he is a partner shall, at all times, cooperate with the Investigations, Disciplinary and Appeal Committees appointed pursuant to these Bye-Laws.

Charges

76. Any member or non-member may address to the Council or the Investigations Committee a charge or charges of unfitness, lack of moral character or professional or other misconduct on the part of any member, firm or student.

77. (1) Where a charge is addressed directly to the Investigations Committee, Council shall be notified forthwith of such charge in writing by the Chairman, and no action shall be taken by the Committee prior to such notification.

Obligation to cooperate and inform

(2) It shall be for every member and for any person to bring to the attention of the Secretary any facts or matters indicating that a member or relevant firm or registered student may have become liable to disciplinary action and in such case the Secretary shall lay the fact and matters before the relevant committee or Council if he is of the opinion that the complaint ought to be investigated by that committee.

78. Any charge or charges under the preceding Bye-Laws shall be laid before the Council.

79. The Council shall refer any such charge or charges laid before it to the Investigations Committee.

80. (1) The Investigations Committee shall consist of not less than 5 persons with power to co-opt a non accountant. The quorum for any meeting of the Committee shall be 3. Any meeting of the Committee at which a quorum is present shall be competent to discharge all the functions and to exercise all the powers conferred upon the Committee pursuant to these Bye-Laws.

(2) The Committee shall have power to make such regulations (not being inconsistent with the express provisions of these Bye- Laws) as may be considered by it necessary for the performance of its functions hereunder.

(3) (a) The Investigations Committee shall have the power to call for, and it shall be the duty of every member or relevant firm or student to provide such further information (if any) as is in his power to give as the Committee may consider necessary to enable it to decide whether or not a *prima facie* case has been made out against the member or relevant firm or student concerned, and such further information as it considers necessary to carry out its duties. Before reaching such decision the Investigations Committee shall be satisfied that the member or relevant firm or student has been given an opportunity of making written representations to it or shall give the member or relevant firm or student such opportunity. The Committee may in its absolute discretion give the member or relevant firm or student an opportunity of being heard before it.

(b) Subject to Bye-law 37I(4), if the Investigations Committee is of the opinion that a *prima facie* case amounting to professional misconduct has been made out against the

member or relevant firm or student and that in all the circumstances the case ought to be referred to the Disciplinary Committee it shall provide such Committee with a summary of the facts and matters which were before the Investigations Committee.

(c) In deciding whether a case ought to be referred to the Disciplinary Committee, the Investigations Committee shall be entitled to take into account any facts or matters which have been considered by the Investigations Committee on previous occasions in relation to the member or relevant firm or student concerned (in respect of which, although a *prima facie* case had been made out, no complaint was referred to the Disciplinary Committee) and if it is decided to refer a complaint to the Disciplinary Committee then the complaint may include all or any of the facts and matters which were on each occasion so considered by the Investigations Committee.

(d) Without prejudice to any other action it may take, if the Investigations Committee is of the opinion that the facts and matters laid before it indicate that a member or relevant firm may be or may have been managing his practice inefficiently or in whatever occupation of a professional nature has been acting inefficiently or incompetently, it may, at its absolute discretion, advise that member or relevant firm to obtain advice from such source as the Committee may prescribe. If the member or relevant firm fails to seek such assistance when advised to do so, that fact will be recorded.

Disciplinary Procedure

81. Where any matter affecting any person who is a member or a student of the Institute is referred to the Disciplinary Committee, that Committee shall, as soon as practicable, give to that person not less than fourteen days notice of the date, time and place fixed for the consideration of the matter.

82. The Disciplinary Committee shall give the person an opportunity of being heard before it in connection with the matter, and may, if the person so desires, permit the person to be represented before it by counsel or by an Attorney-at-Law or by a member of the Institute.

83. The Investigations Committee may request a member of the Institute (who may be a member of the Investigations Committee) to present the information which the Committee considers necessary for the proper consideration of the case before the Disciplinary Committee, or may instruct an attorney-at-law to do so or to brief counsel to do so.

84. No person shall have the right to be represented by counsel or by an attorney-at-law at any meeting of the Council, of the Investigations Committee, of the Disciplinary Committee or of the Appeal Committee unless the meeting otherwise permits. Such permission may be withdrawn at any time.

85. All evidence given at the hearing of any matter by the Investigations or Disciplinary Committees shall be oral, provided that the Investigations or Disciplinary Committees shall also be entitled to obtain sworn affidavits from any person if either Committee considers them necessary for the better investigation of the matter.

86. (1) If at any time, in the opinion of the Council or of the Investigations Committee, a formal hearing of all or any of such charges is necessary or desirable, a special meeting of the Disciplinary Committee shall be held for that purpose.

(2) Fourteen days' notice of such meeting (excluding the day of notice and the day of the meeting) with a copy of the charge or charges shall be given by mail to the last known address, to the persons charged and to such other persons as the Disciplinary Committee or Appeal Committee, as the case may be, may from time to time direct. If any person so notified fails to appear at any time, the formal hearing may proceed in his absence.

(3) Any person so charged shall attend at the time and place appointed for such meeting and shall have the right to be present during the hearing of all evidence in relation to the charge or charges against him.

(4) Any person so charged shall have the right personally to submit to such meeting such statements, evidence and argument as he wishes and such witnesses as he produces in his defence.

(5) Any member or student shall, if required so to do by the Disciplinary Committee or the Appeal Committee, appear at a formal hearing and give evidence or produce such books, documents and working or other papers or copies thereof in his possession or under his control as the Disciplinary Committee or the Appeal Committee may from time to time require, but the formal hearing may proceed without such evidence or production.

(6) The procedure at all formal hearings shall be by ruling of the chairman whose decision shall be final, binding and conclusive.

(7) A formal hearing may be adjourned at any time from time to time.

(8) No verbatim or other transcript of the proceedings at any formal hearing shall be required to be made or kept but the report thereof signed by the Chairman shall be conclusive evidence of the proceedings thereat.

(9) If more than one member or student is involved in any charge or if there is more than one charge, the formal hearing may proceed as to each charge or member or student separately or together as the Disciplinary Committee or Appeal Committee may from time to time determine.

87. (1) Every member, relevant firm or student shall have the right to appeal to the Appeal Committee against any decision of the Investigations Committee or Disciplinary

Committee. Such appeal shall be in writing and received by the Council within fifteen days, or such extended time as the Council allow, of notice of the decision being given to such member, relevant firm or student.

(2) Every written appeal to the Appeal Committee shall state the grounds of the appeal; and the grounds so stated shall not be amended after the date of delivery of the notice in which they are stated save by the leave of the Appeal Committee.

88. (1) The Appeal Committee shall give the appellant an opportunity of being heard before it; and may, if he so desires permit him to be represented before it by counsel or by an Attorney-at-law or a member of the Institute.

(2) The Disciplinary Committee may request a member of the Institute (who may be a member of the Disciplinary Committee) to support the decision of the Disciplinary Committee, or may instruct an Attorney-at-law to support or to brief counsel to support the decision.

89. (1) Notice of every finding and decision of the Appeal Committee shall forthwith be given to the member or student concerned and the decision shall thereupon take effect.

(2) All findings and decisions of the Appeal Committee shall be reported to the Council, and the Council shall cause the same to be duly recorded.

90. (1) Notice of any order made by the Council, the Disciplinary Committee or the Appeal Committee under these Bye-Laws may, and notice of any order of expulsion or suspension of a member shall, be given to all members of the Institute after a period of fifteen days from the date of the making thereof.

(2) Such further or other notice of any order made by the Investigation Committee, Disciplinary Committee or the Appeal Committee may be given or published in such manner and at such times as the Investigations Committee, Disciplinary Committee or the Appeal Committee may determine.

(3) All members and students by their applications for membership or registration or by their continuance of membership or registration shall consent and be deemed to have consented to any notice or publication under this Bye-law.

91. Neither the institute nor the Council shall be required to take notice of any published article or private communication or of any statement affecting the conduct of a member or a student.

Discipline

92. If after any formal hearing held in accordance with these bye-laws, the Investigations Committee, Disciplinary Committee or Appeal Committee is satisfied that any member or student or firm has been guilty of any act or default discreditable to a member or student of the

Institute or that any charge or charges have been admitted or proven, or after a conviction for fraud, an adjudgement of bankruptcy or a failure to satisfy a judgment debt (either individually or as a partner), the making of an assignment for the benefit of creditors or under any resolution of creditors or Order of the Court any deed or document placing his estate in liquidation for the benefit of creditors or making of any arrangement for the payment of a composition to creditors, or certification of mental incompetency by a court, the Committee may order one or a combination of the following, namely:

(a) that any such member, student or firm charged and proven guilty of an offence may be reprimanded by the President or disciplined in such other manner as the Investigations Committee or Disciplinary Committee may from time to time determine;

(b) that where any such member, student or firm is required to pay a fine to the Institute, or if such a fine should not be paid within ten days, the member, student or firm be dealt with under this bye-law in such manner as the Investigations Committee or Disciplinary Committee may by resolution from time to time determine;

(c) that any such member or student be suspended from some or all his rights and privileges as such under the Constitution and the Bye-Laws on such terms and conditions as the Disciplinary Committee may from time to time determine either for a time certain or until the Disciplinary Committee shall further order;

(d) that such student be struck off the register of students;

(e) that any such member be expelled from membership in the Institute.

93. (1) any person who is suspended under the Bye-Laws shall not during the period of his suspension be considered as a member or student, as the case may be, for any purpose and his name shall be removed from the register accordingly for the period of his suspension.

(2) Subject to Bye-Law 94, all orders of the Investigations Committee, Disciplinary Committee or the Appeal Committee under Bye-Law 92 shall be final, binding and conclusive.

94. At any time the Council upon resolution of two-thirds of the members of Council present and voting may review and refer to the Appeal Committee any disciplinary order or change relating to any formal hearing by the Investigations Committee or Disciplinary Committee.

95. No member, student, firm or other person shall have any cause of action or lawful complaint against the Institute, the Council or any member thereof or any member of any Committee, any member, student or officer, servant, agent, Counsel or Attorney of the Institute by reason of anything done or omitted to be done or any other matter or thing connected with or in respect of any investigation, enquiry, charge, any formal hearing or report, of any disciplinary order or publication, made or done in good faith under the Bye-Laws.

Application and Interpretation

(1) (a) A member, relevant firm and student shall be liable to disciplinary action whether or not he was a member or student or (as the case may be) it was a relevant firm at the time of the occurrence giving rise to such liability.

(b) A member, relevant firm and student shall continue to be liable to disciplinary action after his or its ceasing to be a member, relevant firm or student and in respect of any matters which occurred whilst he was actually a member, relevant firm or student and in respect of which a complaint is referred to the committee responsible for hearing the complaint, or disciplinary action is otherwise commenced, within six years of his or its so ceasing to be a member, relevant firm or student (as the case may be).

(c) For avoidance of doubt, a person shall be liable to disciplinary action in accordance with the Bye-Laws and regulations in force at the time the matters complained of took place. All disciplinary proceedings, however, shall (for the avoidance of doubt) be conducted in accordance with the Bye-Laws and regulations in force at the time of such proceedings.

(d) The Council may from time to time by regulation prescribe the persons (additional to partners in a firm which is a partnership and directors of a firm which is a corporate body) who are in these Bye-Laws to be specified persons in relation to a firm and such regulations may prescribe different persons as specified persons for different purposes.

Appreciation and Scope

96. (1) In addition to all other powers the Council may by resolution interpret in the intent or meaning of any bye-law, any rule, regulation, resolution or report in connection with the Institute and may determine any dispute with regard to such intent or meaning.

(2) Any such interpretation shall be final, binding and conclusive with regard to any such dispute.

97. All members and students by their applications for membership or registration or by their continuance of membership or registration shall agree and shall be deemed to have agreed with the Institute and each of its members to the Bye-Laws, rules and regulations of the Institute and all acts or things done thereunder.