

CHARTERED ACCOUNTANTS ACT, 1963 (ACT 170)

ARRANGEMENT OF SECTIONS

Section

PART I—THE INSTITUTE

Establishment and Membership

1. Establishment of Institute.
2. Incorporation of Institute.
3. Meetings of Institute.
4. Membership of Institute.
5. Fees for membership.
6. Style of members.

Council of the Institute

7. Constitution of Council.
8. Term of office of members of the Council.
9. Functions of Council.
10. Officers of the Council.
11. Financial provisions.
12. Meetings of the Council.

PART II—PRACTISING ACCOUNTANTS

13. Practising Accountants.

PART III—QUALIFICATIONS AND RESTRICTIONS

Enrolment and Registration

14. General disqualifications.
15. Striking off and cancellation of registration.
16. Inquiries by disciplinary committees.
17. Suspension.
18. Appeals to the High Court.
19. Meaning of "professional misconduct".

Restrictions

20. Restriction on practising as accountant.
21. Restrictions as to use of titles conferred under this Act.

PART IV—MISCELLANEOUS PROVISIONS

22. Offences and penalties.
23. Meaning of "practice".
24. Regulations.
25. Amendment of Schedules.
26. Transitional Provisions.
27. Interpretation.

SCHEDULES

First Schedule—Meetings of the Institute

Second Schedule

Third Schedule

Fourth Schedule

THE HUNDRED AND SEVENTIETH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE CHARTERED ACCOUNTANTS ACT, 1963

AN ACT to establish an Institute of Chartered Accountants and to make provision for the conduct of examinations by the Institute and other matters connected with the accountancy profession.

DATE OF ASSENT: 19th April, 1963

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—THE INSTITUTE

Establishment and Membership

Section 1—Establishment of Institute.

There shall be established an Institute to be known as the Institute of Chartered Accountants (Ghana).

Section 2—Incorporation of Institute.

(1) The Institute shall be a body corporate having perpetual succession and may sue and be sued in its corporate name.

(2) The Institute shall have a common seal and may hold, acquire and dispose of any property, movable or immovable.

(3) The common seal of the Institute shall be kept in such custody as the Council may from time to time determine, and shall not be affixed to any document or instrument except by order of the Council, and in the presence of two members of the Council who shall sign any such document or instrument independently of the signature of any person who may have signed the document or instrument as a witness.

Section 3—Meetings of Institute.

First Sch.

Meetings of members of the Institute shall be held in accordance with the provisions of the First Schedule to this Act.

Section 4—Membership of Institute.

(1) Subject to the provisions of section 14 of this Act,

(a) a person who passes the qualifying examinations for membership of the Institute to be conducted by the Council under this Act, and completes practical training of such description and for such period as may be prescribed by the Council;

(b) a person who is a member of any society or institute of accountants by whatever name called and approved by Regulations made by the Council as being in the opinion of the Council an association of equivalent status to the Institute, shall be eligible for membership of the Institute:

Provided that a person admitted to membership of the Institute under paragraph (b) of this subsection shall not be entitled to use the title referred to in section 6 of this Act unless he has passed the qualifying examinations for membership of the Institute; but any such person may use any title to which he is entitled by virtue of any qualification he possesses.

(2) Notwithstanding the approval of any society or institute mentioned in paragraph (b) of the preceding subsection, the Council may declare that any specified class or description of members of any such society or institute shall not be eligible for membership of the Institute.

(3) Regulations made by the Council prescribing practical training for the purposes of paragraph (a) of subsection (1) of this section, may contain such special provision as the Council may deem expedient declaring that a person,

(a) who had commenced, prior to the commencement of this Act, and completed or completes, whether prior to or after that date, training of such description and duration as may be specified in the Regulations; or

(b) who has service in a post and who completes training of such description and duration as may be specified in the Regulations,

shall be deemed to have completed the training prescribed for the purposes of the said paragraph (a).

(4) Regulations made by the Council by which any society or institute is approved for the purposes of paragraph (b) of subsection (1) of this section may provide, as a condition of such approval, that a member of any such society or institute shall not be eligible for membership of the Institute unless he has undergone such training or has acquired such practical experience in the subject of accountancy, as may be specified or described in the Regulations.

Section 5—Fees for Membership.

- (1) Subject to the provisions of section 14 of this Act, a person who is eligible for membership of the Institute shall be enrolled as a member upon the payment to the Council of an entrance fee and an annual subscription the amounts of which shall be prescribed by the Council from time to time.
- (2) Fees shall be paid to the secretary of the Council.
- (3) All annual subscriptions payable under this section shall be due and payable on the first day of January in each year or, in the case of members admitted after that date, on the date of admission.

Section 6—Style of Members.

Save as otherwise provided in subsection (1) of section 4 of this Act, every member of the Institute not being a practising accountant shall be entitled to take and use the title "Chartered Accountant" and shall have the right to use the expression "C.A." after his name to indicate that he is such a member.

Council of the Institute

Section 7—Constitution of Council

- (1) The governing body of the Institute shall be the Council which shall consist of eleven members all of whom shall be members of the Institute.
- (2) Four members of the Council shall be appointed by the Minister and seven members, of whom not more than four shall be accountants in active practice, shall be elected by members of the Institute at a general meeting.
- (3) The Council shall from among its members elect a President and a Vice-President.

Section Sch.

- (4) The Council shall not perform any function imposed or conferred upon it by this Act unless the President of the Republic has, by Instrument in the form set out in the Second Schedule to this Act, appointed the day on which the Council shall commence to perform its functions.

Section 8—Term of Office of Members of the Council.

- (1) Every member of the Council shall, unless he earlier vacates his office, hold office for a period of two years from the date of his appointment or election.
- (2) A member of the Council shall vacate office by writing under his hand addressed to the Minister or, as the case may be, to the President of the Institute or if he ceases to be a member of the Institute.
- (3) In the event of the death of, or vacation of office by, a member of the Council,
 - (a) where such member was appointed by the Minister, the Minister shall appoint another person; and
 - (b) where such member was elected, the Council shall co-opt another person till the holding of the next annual general meeting.
- (4) Any member of the Council who vacates office by effluxion of time shall be eligible for re-appointment or re-election as a member.

Section 9—Functions of Council.

- (1) The Council shall be charged with the administration and management of the Institute and shall be responsible for carrying out the provisions of this Act and the functions conferred upon the Council by this Act.
- (2) It shall be the duty of the Council,
 - (a) to conduct or provide for the conduct of the qualifying examinations for membership of the Institute or for registration as a registered accountant under this Act and to prescribe or approve courses of study for such examinations;
 - (b) to supervise and regulate the engagement, training and transfer of articled clerks;
 - (c) to specify the class of persons who shall have the right to train articled clerks and to specify the circumstances in which any person of that class may be deprived of that right;
 - (d) to maintain and publish a register of chartered accountants and of practising accountants;
 - (e) to secure the maintenance of professional standards among persons who are members of the Institute and to take such steps as may be necessary to acquaint such persons with the methods and practices necessary to maintain such standards;

(f) to maintain a library of books and periodicals relating to accountancy and to encourage the publication of such books; and

(g) to encourage research in the subject of accountancy and generally to secure the well being and advancement of the profession of accountants.

Section 10—Officers of the Council.

The Council may appoint a secretary and such other officers and employees as it may deem necessary.

Section 11—Financial Provisions.

(1) The Council shall establish and maintain a fund under its management and control into which shall be paid all moneys received by the Council by way of grants-in-aid from the Government or otherwise and out of which shall be met all expenses and liabilities incurred by the Council in carrying out its functions under this Act.

(2) The Council may invest moneys in the fund in any securities of the Government or in any other securities approved by the Council.

(3) The Council may from time to time borrow money for the purposes of the Institute and may pay interest thereon out of the funds of the Institute.

(4) The annual accounts of the Council shall be subject to audit by a member of the Institute, not being a member of the Council, in practice as a chartered accountant who shall be appointed for the purpose each year by the members at the annual general meeting.

(5) The accounts for the preceding year as audited shall be approved by the members at the annual general meeting.

Section 12—Meetings of the Council.

(1) The Council shall meet at least once in each month, at such time and place as it may determine.

(2) A meeting of the Council may at any time be called by the President or Vice-President, or at the request in writing, addressed to the secretary, of five members of the Council.

(3) Notice in writing of a meeting of the Council shall be delivered or sent to each member of the Council at least seven clear days before such meeting, excluding the day on which the notice is delivered or sent and the day on which the meeting is to be held.

(4) The notice shall contain, as far as is practicable, a statement of the business to be transacted at the meeting and the same shall be deemed to have been duly delivered or sent unless the contrary is shown; and accordingly, subject to the provisions of this section the non-receipt of any notice by any member shall not affect the validity of the proceedings of any such meeting:

Provided that whenever the President or Vice-President certifies in writing that an emergency exists, the notice calling for the emergency meeting may be delivered or sent only one clear day before such meeting, excluding the day on which the notice is delivered or sent and the day on which the meeting is to be held; and in any such case the non-existence in fact of the supposed emergency shall not affect the validity of the proceedings of the meeting.

(5) The President, or in his absence the Vice-President, shall preside at all meetings of the Council and in the absence of both the President and the Vice-President the members present at the meeting shall elect one of their number to preside.

(6) Subject to the provisions of this Act, the person presiding at any meeting of the Council may, with the consent of the meeting, adjourn the meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(7) No notice need be given of any adjourned meeting unless it be so directed in the resolution for the adjournment.

(8) Five members of the Council shall form a quorum at any meeting of the Council.

(9) Proper minutes shall be recorded of all resolutions and proceedings of meetings of the Council and of any committees thereof; and every minute signed by the person presiding at the meeting to which it relates, or at a subsequent meeting, shall be sufficient evidence of the facts therein stated.

PART II—PRACTISING ACCOUNTANTS

Section 13—Practising Accountants.

(1) Subject to the provisions of section 16 of this Act, any person, not being a chartered accountant, who holds any of the qualifications prescribed by the Council for the purposes of this section shall be eligible to be registered as an accountant.

(2) A person who is eligible to be registered as an accountant under this section shall be so registered upon payment of the prescribed fees.

(3) Every person who is registered under this section as an accountant shall be known as a practising accountant and shall be entitled to use the expression "P.A." after his name to indicate that he is registered as such.

PART III—QUALIFICATIONS AND RESTRICTIONS

Enrolment and Registration

Section 14—General Disqualifications.

No person shall be enrolled as a member of the Institute as a chartered accountant or be registered under section 13 of this Act as a practising accountant,

(a) unless he has,

(i) attained the age of twenty-one years,

(ii) paid the prescribed fees;

(b) if he has been,

(i) adjudged by a court of competent jurisdiction to be of unsound mind;

(ii) convicted by a court of competent jurisdiction whether in Ghana or elsewhere of any offence involving fraud or dishonesty;

(c) if, having been adjudged an insolvent or bankrupt, he has not been granted by a court of competent jurisdiction a certificate to the effect that his insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes;

Section 15—Striking off and Cancellation of Registration.

(1) Subject to the provisions of the next succeeding section, the Council may strike off the register of the Institute the name of a chartered accountant, or cancel the registration of a practising accountant, if satisfied that he is unfit to practise the profession of an accountant by reason that he has been guilty of professional misconduct or has become subject to any disqualification mentioned in paragraphs (b) and (c) of section 14 of this Act.

(2) The Council may strike off the register of the Institute the name of a chartered accountant or cancel the registration of a practising accountant, if the prescribed fees remain unpaid for a period exceeding four months.

(3) A person whose name has been struck off the register of the Institute or whose registration has been cancelled under subsection (1) of this section may have his name or registration restored if the Council is satisfied that he has become subsequently a fit and proper person to practise the profession of an accountant.

Section 16—Inquiries by Disciplinary Committees.

(1) The name of any person shall not be struck off the register of the Institute nor shall a registration be cancelled unless a disciplinary committee has, after due inquiry, made a report to the Council that the person concerned has been guilty of professional misconduct.

(2) Where the Council has reasonable cause to believe, whether upon complaint made to it or otherwise, that any person who is a chartered accountant or a practising accountant has been guilty of professional misconduct, the Council may appoint a disciplinary committee for the purpose of holding an inquiry into the conduct of that person.

Third Sch.

(3) The provisions of the Third Schedule to this Act shall apply in relation to the constitution of, and the procedure to be followed by, disciplinary committees appointed under this section, the proceedings at inquiries held by such committees and the powers exercisable by such committees.

Section 17—Suspension.

The Council may, in lieu of exercising its powers under section 15 of this Act, suspend the person concerned from membership of the Institute or withhold his registration under section 13 of this Act, for such period as the Council may deem fit.