

Number 44 of 2003

COMPANIES (AUDITING AND ACCOUNTING) ACT 2003

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY MATTERS

Section

- 1. Short title, collective citation and construction.
- 2. Commencement.
- 3. Interpretation.

PART 2

IRISH AUDITING AND ACCOUNTING SUPERVISORY AUTHORITY

- 4. Interpretation of this Part.
- 5. Establishment of Supervisory Authority.
- 6. Membership.
- 7. Alterations in memorandum and articles of association.
- 8. Objects.
- 9. Functions.
- 10. General powers.
- 11. Board of directors.
- 12. Chief executive officer.
- 13. Work programme.
- 14. Funding.
- 15. Reserve fund and levy.

Section

- 16. Excess revenue.
- 17. Staff.
- 18. Disclosure of interests by directors.
- 19. Disclosure of interests by staff.
- 20. Superannuation.
- 21. Accounts and audit.
- 22. Accountability mechanisms.
- 23. Intervention in disciplinary process of prescribed accountancy bodies.
- 24. Investigation of possible breaches of standards of prescribed accountancy bodies.
- 25. Review of members of recognised accountancy bodies.
- 26. Review of whether accounts comply with Companies Acts.
- 27. Delegation of Supervisory Authority's functions and powers.
- 28. Hearings, privileges and procedural rules.
- 29. Appeals to and orders of High Court, including orders confirming decisions of Supervisory Authority.
- 30. Supervisory Authority's seal and instruments.
- 31. Confidentiality of information.
- 32. Transfer of certain functions to Supervisory Authority and related transitional provisions.
- 33. Liability of Supervisory Authority for acts, omissions, etc.

PART 3

Other Measures to Strengthen the Regulation of Auditors

- Amendment of section 182 of Act of 1990 (interpretation of Part X).
- 35. Amendment of section 187 of Act of 1990 (qualifications for appointment as auditor).
- 36. Amendment of Act of 1990 new section 192A.
- 37. Amendment of section 194 of Act of 1990 (duty of auditors).
- 38. Amendment of section 198 of Act of 1990 (register of auditors).
- 39. Amendment of section 199 of Act of 1990 (provisions concerning register of auditors).
- 40. Amendment of section 200 of Act of 1990 (duty to keep registrar informed).
- 41. Amendment of Act of 1990 new section 205A.

Section

- 42. Amendment of Act of 1990 new section 205B.
- 43. Amendment of Act of 1990 new section 205C.
- 44. Amendment of Act of 1990 new section 205D.
- 45. Amendment of Act of 1990 new sections 205E and 205F.
- 46. Amendment of section 127 of Act of 1963 (annual return date).
- 47. Amendment of section 128 of Act of 1963 (documents to be annexed to annual return).

PART 4

REGULATIONS AND MISCELLANEOUS MATTERS

- 48. Minister's power to make regulations.
- 49. Prior approval by Oireachtas required for certain regulations.
- 50. Laying of other regulations before Oireachtas.
- 51. Amendment of Company Law Enforcement Act 2001.
- 52. Amendment of Company Law Enforcement Act 2001 (certificate evidence).
- 53. Amendment of Companies (Amendment) (No. 2) Act 1999 (exemption from requirement to have accounts audited).
- 54. Amendment of section 43 of Companies (Amendment) (No. 2) Act 1999 (Company to have director resident in State).
- 55. Amendment of section 13 of Companies (Amendment) Act 1982.
- 56. Amendment of section 200 of Act of 1963 (avoidance of provisions exempting officers and auditors from liability).
- 57. Amendment of Companies Acts (default provisions).
- 58. Amendment of Defamation Act 1961.
- 59. Revocation of regulations.

SCHEDULE 1

TRANSFER OF FUNCTIONS TO SUPERVISORY AUTHORITY

PART 1

PART 2

SCHEDULE 2

Acts Referred to	
Capital Acquisitions Tax Act 1976	1976, No. 8
Capital Gains Tax Acts	
Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
Companies Acts 1963 to 2001	
Companies (Amendment) Act 1982	1982, No. 10
Companies (Amendment) Act 1986	1986, No. 25
Companies (Amendment) Act 1990	1990, No. 27
Companies (Amendment) (No. 2) Act 1999	1999, No. 30
Company Law Enforcement Act 2001	2001, No. 28
Comptroller and Auditor General (Amendment) Act 1993	1993, No. 8
Defamation Act 1961	1961, No. 40
Ethics in Public Office Act 1995	1995, No. 25
Finance Act 2003	2003, No. 3
Institute of Chartered Accountants in Ireland (Charter Amendment) Act 1966	1966, No. 2 (Private)
Taxes Consolidation Act 1997	1997, No. 39
Value-Added Tax Act 1972	1972, No. 22

[2003.]

[2003.]

Companies (Auditing and Accounting) Act 2003

[No. 44.]



Number 44 of 2003

COMPANIES (AUDITING AND ACCOUNTING) ACT 2003

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS THE IRISH AUDITING AND ACCOUNTING SUPERVISORY AUTHORITY OR, IN THE IRISH LANGUAGE, ÚDARÁS MAOIRSEACHTA INIÚCHTA AGUS CUNTASAÍOCHTA NA hÉIREANN, TO GIVE POWER TO IT TO SUPERVISE THE REGULAT-ORY FUNCTIONS OF THE RECOGNISED ACCOUNT-ANCY BODIES AND OTHER PRESCRIBED ACCOUNT-ANCY BODIES, TO AMEND COMPANY LAW TO TRANSFER TO THE SUPERVISORY AUTHORITY EXISTING FUNCTIONS RELATING TO THE RECOGNIT-ION OF ACCOUNTANCY BODIES AND TO OTHERWISE AMEND COMPANY LAW IN RELATION TO AUDITING, ACCOUNTING AND OTHER MATTERS.

[23rd December, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY MATTERS

1.-(1) This Act may be cited as the Companies (Auditing and Short title, Accounting) Act 2003.

collective citation and construction.

(2) This Act and the Companies Acts 1963 to 2001 may be cited together as the Companies Acts 1963 to 2003 and are to be construed together as one.

2.—(1) This Act comes into operation on the day that the Minister Commencement. may, by order, appoint.

(2) Different days may be appointed under this section, by one or more orders, for different purposes or different provisions of this Act.

3.—(1) In this Act—

"Act of 1963" means the Companies Act 1963;

"Act of 1986" means the Companies (Amendment) Act 1986;

Interpretation.