

CHARTERED ACCOUNTANTS ACT, 1963 (ACT 170)

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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.

Section 18—Appeals to the High Court.

- (1) Any person aggrieved by a decision of the Council under section 15 or section 17 of this Act, may appeal against that decision to the High Court.
- (2) Every appeal under subsection (1) of this section against a decision shall be,
 - (a) made by petition in writing bearing a stamp of one guinea;
 - (b) lodged within three months after the date of that decision; and
 - (c) heard and decided by a Judge of the High Court after such summary inquiry as that Judge may deem requisite.

Section 19—Meaning of "Professional Misconduct".

Fourth Sch.

For the purposes of this Act, "professional misconduct" means any act or omission which is for the time being specified in the Fourth Schedule to this Act.

Restrictions

Section 20—Restrictions on Practising as Accountant.

- (1) No person who is not a chartered accountant or is not a practising accountant shall carry on practice as defined in section 23 of this Act.
- (2) No person who is a chartered accountant or is a practising accountant shall practise as an accountant unless he is the holder of a certificate to practise which is for the time being in force.
- (3) Every certificate to practise shall be issued by the Council upon payment of the prescribed annual subscription.
- (4) Every certificate to practise shall be in force until the thirty-first day of December of the year of issue of that certificate, and may from time to time be renewed upon payment of the prescribed annual subscription.
- (5) The preceding provisions of this section shall come into operation six months after the coming into force of this Act.

Section 21—Restrictions as to Use of Titles Conferred under this Act.

- (1) No person, not being a chartered accountant, shall take or use the title "Chartered Accountant".
- (2) Notwithstanding anything contained in the preceding subsection, any firm of accountants, each of the partners of which is a member of the Institute not being a practising accountant, may take and use the title "Chartered Accountants".
- (3) No person, not being a person for the time being registered under section 13 of this Act shall take or use the title "Practising Accountant".
- (4) Notwithstanding anything contained in the immediately preceding subsection, any firm of accountants, each of the partners of which is a practising accountant may take and use the title "Practising Accountants".

PART IV—MISCELLANEOUS PROVISIONS

Section 22—Offences and Penalties.

Any person who contravenes any provision of this Act commits an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Section 23—Meaning of "practice".

- (1) For the purposes of this Act, a person shall be deemed to practise as an accountant if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person, he,
 - (a) engages himself in the practice of accountancy or holds himself out to the public as an accountant;
 - (b) offers to perform or performs service involving the auditing or verification of financial transactions, books, accounts or records or the preparation, verification, or certification of financial accounting and related statements;
 - (c) renders professional service or assistance in or about matters of principle or detail relating to accounting procedure or certification of financial facts or data; or

(d) renders any other service which may be prescribed by the Institute by Regulations to be service constituting practice as an accountant.

(2) A person who is a salaried employee of the Government or of any other employer shall not, by reason only that he does any act referred to in the preceding subsection in his capacity as such employee, be deemed to practise as an accountant.

Section 24—Regulations.

The Council may, by legislative instrument and with the prior approval of the Minister, make Regulations for or in respect of any matter required or authorised by this Act to be prescribed or of any matter relating to, or connected with, its functions under this Act or the proper exercise, discharge or performance thereof.

Section 25—Amendment of Schedules.

The Minister may, upon the recommendation of the Council, by legislative instrument, amend, alter or add to or revoke any or all of the provisions of the Schedules to this Act.

Section 26—Transitional Provisions.

(1) Notwithstanding anything contained in the preceding sections of this Act, the following provisions shall apply in relation to the first enrolment of members of the Institute and the constitution of the first Council to hold office under this Act, that is to say,

(a) all persons who are members of the Association of Accountants in Ghana on the date of the coming into operation of this Act shall be members of the institute as chartered accountants;

(b) the members of the Society of Ghanaian Practising Accountants shall, on the coming into operation of this Act, become members of the Institute as practising accountants;

(c) any other person practising as an accountant may, within three months of the coming into operation of this Act, submit an application for membership of the Institute to a committee of the first Council of the Institute and on approval for membership shall be registered as a practising accountant;

(d) the Council of the Association of Accountants in Ghana on the date of the coming into operation of this Act, enlarged by the addition of three members of the Council of the Society of Ghanaian Practising Accountants, shall be the first Council of the Institute and shall within three months of the coming into operation of this ACT convene a general meeting of members of the Institute for the purpose of electing a new Council.

(2) On the coming into operation of this Act the Association of Accountants in Ghana and the Society of Ghanaian Practising Accountants, being companies registered under the Companies Ordinance (Cap. 193), shall be deemed to have ceased to operate under that Ordinance and accordingly their names shall be struck off the register of companies in accordance with the provisions of the Companies Ordinance (Cap. 193).

(3) All the assets and liabilities of, and any property vested in, the Association of Accountants in Ghana and the Society of Ghanaian Practising Accountants immediately before the coming into operation of this Act shall, without further authority than this subsection, vest in the Council established under section 7 of this Act.

(4) All employees of the Association of Accountants in Ghana and of the Society of Ghanaian Practising Accountants on the coming into operation of this Act shall, so far as may be practicable and subject to any direction by the Council, continue as employees of the Council in posts comparable to those which they held with the Association or the Society.

(5) Every contract in respect of any matter subsisting between the Association of Accountants in Ghana or the Society of Practising Accountants and any other person and in force immediately before the coming into operation of this Act shall, subject to any directions by the Council, be deemed to subsist between the Council and such other person.

Section 27—Interpretation.

In this Act unless the context otherwise requires,—

"Council" means the Council established under section 7 of this Act;

"Institute" means the Institute established under section 1 of this Act;

"Minister" means the Minister responsible for higher education;

"President" means the President of the Institute, and

"Vice-President" shall be construed accordingly.

FIRST SCHEDULE

(Section 3)

MEETINGS OF THE INSTITUTE

1. Annual Meeting.

The annual meeting of the Institute for the transaction of the ordinary annual business of the Institute namely,

(a) the election of members of the Council;

(b) the appointment of auditors; and

(c) the reception and consideration of the annual report of the Council and accounts of the Institute with the auditors' report thereon,

shall be held in Accra or elsewhere in Ghana on the 30th day of April in every year or on such other day as the Council may from time to time appoint:

Provided that a meeting shall be held in every calendar year and that not more than fifteen months shall have elapsed since the date of the previous annual meeting.

2. Special Meeting.

The Council may, whenever it thinks fit, convene a special meeting of the Institute and shall do so within twenty-one days from the receipt by the secretary of a requisition in writing signed by not less than twenty members and stating the object of the proposed meeting.

3. Notice of Motion to be given.

A member wishing to bring before the annual meeting any motion not related to the ordinary annual business of the Institute may do so provided that,

(a) notice in writing of the proposed motion is sent or given to the secretary and received by him not later than five weeks before the date of the annual meeting;

(b) not less than ten members entitled to vote at the annual meeting shall have sent or given notice in writing to the secretary and received by him not later than four weeks before the date of the annual meeting expressing their desire that the proposed motion should be brought before the annual meeting; and

(c) the proposed motion relates to matters affecting the Institute or the accountancy profession.

4. Notice of Meetings to be given.

(1) The secretary shall, not less than fourteen days or more than twenty-one days before any annual or special meeting of the Institute, send to each member a notice giving the day, hour and place of the meeting and the business to be transacted thereat.

(2) In the case of the annual meeting the secretary shall send to each member with such notice a copy of the annual report of the Council and a copy of the accounts of the Institute with the auditors' report thereon, a list of persons nominated or deemed to be nominated for membership of the Council or as auditors, and particulars of all motions to be brought before the meeting under the immediately preceding paragraph of this Schedule.

(3) The non-receipt by any member of such notice or of any of the aforesaid documents shall not invalidate the proceedings of the meeting to which they relate.

5. Practising accountants shall be entitled to receive notices of meetings of the Institute and shall be entitled to speak and vote at such meetings.

6. Chairman of Meeting.

(1) At all meetings of the Institute the President or in his absence the Vice-President shall be chairman.

(2) In the absence of both the President and the Vice-President a chairman shall be elected from among the members of the Council present or in the absence of all of them, from among the members present.

7. Quorum at Meeting.

(1) Unless ten members be present at the annual meeting within fifteen minutes after the time appointed for the meeting, the meeting shall stand adjourned for a fortnight to be held at the same

hour and place or, if such place shall not then be available, at such other place as the Council may determine.

(2) On the date to which the meeting was adjourned the meeting shall proceed to business notwithstanding that there may be less than ten members present.

(3) At a special meeting, unless fifteen members be present within fifteen minutes of the time appointed for the meeting, the meeting shall be dissolved.

8. Adjournment of Meeting.

(1) Subject to the provisions of this Schedule, the chairman of any meeting of the Institute may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

(2) No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

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

9. Voting at Meeting and Demand for Poll.

(1) Every resolution and amendment proposed and seconded at a meeting of the Institute shall be put to the meeting by the chairman and decided by a show of hands; and in the event of an equality of votes the chairman shall have a casting vote.

(2) The declaration of the chairman as to the decision of the meeting shall be final.

(3) On such a declaration being made a poll of all members may be demanded in writing by at least twenty-five members present and entitled to vote at the meeting; but a poll shall not be taken on any resolution or amendment relating to the election of a chairman, the appointment of scrutineers or the adjournment of a meeting.

10. Procedure when Poll Demanded.

(1) On a poll being demanded at a meeting of the Institute, the chairman shall forthwith, or as soon as is reasonably practicable after the conclusion of the meeting at which the poll is demanded, state the resolution or amendment in the form of propositions which in his opinion will be most suitable to ascertain the sense of the members upon the substance of the resolution or amendment; and upon the manner of so stating the resolution or amendment the chairman's decision shall be final.

(2) Voting papers setting out the propositions so stated, together with any necessary notes and directions shall, within fourteen days after the meeting be issued by the Council to all members entitled to vote at the meeting at which the poll was demanded.

(3) All members wishing to vote on the propositions or any of them shall do so by sending the said voting papers to the Institute addressed to the scrutineers so as to be received by them not later than twenty-one days after the meeting.

11. Appointment of Scrutineers.

At every meeting of the Institute at which a poll is demanded the meeting shall appoint five of their number as scrutineers, any three of whom shall be competent to act.

12. Meeting of Scrutineers and Result of Poll.

(1) Where a poll has been demanded, the scrutineers shall meet not less than twenty-two days nor more than twenty-nine days after the meeting at which the poll was demanded and shall examine the voting papers.

(2) Envelopes containing the voting papers may be opened either before or at such meeting of the scrutineers but may only be opened in the presence of at least one of the scrutineers.

(3) The scrutineers shall reject the vote of any member who, at the date of such meeting, was in arrears with any subscription or other sum payable by him under this ACT or Regulations made thereunder and may in their discretion reject any vote in which a member has failed to observe the notes and directions relating thereto or any other vote which in their view ought properly to be rejected.

(4) The scrutineers shall, as soon as practicable, report the result of the voting to the chairman of the meeting and shall include in the report a statement of the number of votes rejected by them and the reasons for such rejection.

(5) The chairman shall send a copy of the report to each member as soon as practicable and, where there is an equality of votes, the chairman shall have a casting vote; and in such a case shall declare when so sending the report to members the manner in which his casting vote is given and the result of the voting.

(6) The report of the scrutineers as to the result of the voting, or where given such declaration of the chairman, shall be conclusive.

(7) The voting shall take effect from the date of the report of the scrutineers save that where a meeting was adjourned to receive the report of the scrutineers the voting shall take effect from the date when the report was presented to the adjourned meeting.

(8) Where for any reason a chairman is unable to exercise any powers granted to him by this Schedule the power shall be exercised by any member of the Council who was present at the meeting and who is deputed by the Council to exercise such powers.

13. Demand for Poll not to Prevent other Business.

The demand for a poll at a meeting shall not prevent the transaction of any business other than that on which the poll has been demanded.

14. Minutes of Meeting.

Proper minutes shall be recorded of all resolutions and proceedings of meetings of the Institute and every minute signed by the chairman of the meeting to which it relates or by the chairman of a subsequent meeting shall be sufficient evidence of the facts therein stated.

SECOND SCHEDULE

(Section 7 (4))

(Coat of Arms)

IN exercise of the powers conferred upon the President of the Republic by subsection (4) of section 7 of the Chartered Accountants Act, 1963 (Act 170) the day of, 1963 is hereby appointed the day on which the Council established under the said Act shall commence to perform the functions thereunto conferred upon it.

By Command of the President.

Minister

THIRD SCHEDULE

(Section 16 (3))

1. (1) For the purposes of any inquiry to be held under section 16 of the Act, the Council shall appoint five persons, of whom at least three shall be from among its members, to constitute a disciplinary committee and shall appoint one of them to be chairman of the committee

(2) Where the person whose conduct is the subject of the investigation is a practising accountant membership of the disciplinary committee shall include a practising accountant.

2. (1) The Council shall cause a statement to be prepared setting out the charges to be investigated by the disciplinary committee, and the secretary of the Council shall transmit a copy of the statement to each member of the committee and to the person whose conduct is the subject of the investigation.

(2) Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any person, the secretary of the Council shall, in addition, transmit a copy of that petition or complaint to that person and to each of the members of the disciplinary committee.

3. (1) The secretary of the Council shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the investigation.

(2) Every such notice shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand at, or sent through the post by registered letter addressed to, the last known address of that person.

(3) Where any person to whom a notice has been given under sub-paragraph (1) of this paragraph fails to appear in person or is not represented by counsel, the inquiry may be held by the disciplinary committee in his absence.

(4) Notice of any date to which the inquiry may be adjourned shall be given by the committee personally to the person whose conduct is the subject of inquiry or be given in manner provided in sub-paragraph (2) of this paragraph.

4. (1) If the Council is of the opinion that the evidence of any person, or the production by any person of any document is necessary to enable any matter to be investigated by a disciplinary committee, the Council shall direct the secretary of the Council to require the attendance of that person, or the production by that person of such document, at such time and place as may be specified in a notice which shall be delivered by hand at, or sent through the post by registered letter addressed to, the last known place of residence of that person.

(2) Any person who having been served with a notice under sub-paragraph (1) of this paragraph fails, without reasonable cause, to attend or to produce any document, as the case may be, at the time and place specified in the notice, commits an offence under this Act

(3) The secretary of the Council shall be the secretary of every disciplinary committee and every notice issued under this Schedule shall be signed by him.

(4) A disciplinary committee shall have power to administer oaths or affirmations to all persons who are required to give evidence before such committee, and any person who refuses to be sworn or affirmed, or to answer such questions as may be put to him concerning any matter in respect of which the inquiry is held, commits an offence under this Act.

(5) Any person who upon examination upon oath or affirmation before a disciplinary committee wilfully gives false evidence commits an offence under this Act.

(6) Any person whose conduct is the subject of investigation at an inquiry or who is in any way concerned or implicated in such inquiry may be represented by counsel at the inquiry.

(7) The Council may authorize any legal practitioner to assist the disciplinary committee as to the leading and taking of evidence.

(8) Every inquiry held by a disciplinary committee shall, unless the Council otherwise determines in any case be held in camera.

(9) Any question before a disciplinary committee shall be determined by the decision of the majority of the members of that committee.

(10) Upon the conclusion of an inquiry, the disciplinary committee shall prepare and transmit to the Council a report embodying the findings on the matters in respect of which the inquiry was held.

FOURTH SCHEDULE

(Section 19)

1. Each of the following acts on the part of a chartered accountant shall constitute professional misconduct, namely,

(a) allowing any other person to practise in his name as a chartered accountant unless such person is also a chartered accountant and is in partnership with or employed by himself;

(b) entering into partnership with any person other than a chartered accountant or securing, either through the services of a person not qualified to be a chartered accountant or by means which are not open to a chartered accountant, any professional business.

2. Each of the following acts on the part of a practising accountant shall constitute professional misconduct, namely,

(a) allowing any other person to practice in his name as a practising accountant unless such person is also a practising accountant and is in partnership with or employed by himself;

(b) entering into partnership with any person other than a member of the Institute or securing, either through the services of a person not qualified to be a practising accountant or by means which are not open to a practising accountant, any professional business.

3. Each of the following acts of omissions on the part of a chartered accountant or a practising accountant shall constitute professional misconduct, namely,

(a) paying or allowing or agreeing to pay or allow, directly or indirectly, to any person, other than a chartered accountant or a practising accountant or a retired partner or a nominee or the legal representative of such partner, any share, commission or brokerage out of the fee or profits for his professional services;

- (b) accepting or agreeing to accept any part of the profits of the professional work of a legal practitioner, auctioneer, broker or other agent who is not a chartered accountant or a practising accountant;
- (c) soliciting clients or professional work either directly or indirectly, by circular, advertisement, personal communication or interview or by any other means;
- (d) advertising professional attainments or services;
- (e) disclosing information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than as required by any law for the time being in force;
- (f) accepting a position as auditor previously held by another chartered accountant or practising accountant without first communicating with him in writing;
- (g) accepting an appointment as auditor of a company without first ascertaining from it whether the requirements of the law relating to the appointment of auditors have been duly complied with;
- (h) certifying or submitting in his name or in the name of his firm a report of an examination of financial statements unless the examination of such statements and the related records have been made by him or by a partner or an employee in his firm;
- (i) permitting his name or the name of his firm to be used in connection with an estimate of earning contingent upon future transactions in a manner which may lead to the belief that he vouches for the accuracy of the forecast;
- (j) expressing his opinion on financial statements of any business or any enterprise in which he, his firm or partner in his firm has a substantial interest, unless he disclosed the interest also in his report;
- (k) charging in respect of any professional employment, other than insolvency or receiverships, fees which are based on a percentage of profits or which are contingent on results;
- (l) failing to disclose a material fact known to him which is not disclosed in a financial statement, but disclosure of which is necessary to make the financial statement not misleading;
- (m) failing to report a material mis-statement known to him to appear in a financial statement with which he is concerned in a professional capacity;
- (n) gross negligence in the conduct of professional duties;
- (o) failing to obtain sufficient information to warrant the expression of an opinion;
- (p) failing to keep moneys of a client in a separate banking account or to use such moneys for purposes for which they are intended; and
- (q) including in any statement, return or form to be submitted to the Council any particulars knowing them to be false.

4. Notwithstanding anything to the contrary contained in paragraphs 1, 2, or 3 of this Schedule, a chartered accountant or a practising accountant, as the case may be, shall not be guilty of professional misconduct by reason only of any of the following acts, namely,

- (a) entering into or being in partnership with any person outside Ghana who is a member of a society or institute of accountants of the description specified in paragraph (b) of subsection (1) of section 4 of this Act;
- (b) securing professional business by reason of such partnership;
- (c) allowing such partnership to be carried on in his name;
- (d) paying or allowing or agreeing to pay or allow to any such partner any shar