

## Summary of Decision

The purpose of this summary sheet is to provide a high level and accessible overview of the Legal Services Board's ("LSB") decision. Readers are recommended to read the formal decision notice below for further details. **This summary is not and should not be taken as a formal part of the LSB's decision notice under the Legal Services Act 2007 ("the Act").**

The LSB's decision is to grant in full the application from the Association of Chartered Certified Accountants ("ACCA") for approval of alterations to its regulatory arrangements to revoke its regulatory arrangements for probate activities.

The changes to ACCA's Global Practising Rules 2003 ("GPRs"):

- revoke the Legal Activities Regulations 2018.
- require individuals and firms regulated by ACCA in its capacity as an accountancy regulator and who carry on reserved legal activities to be authorised by an approved regulator and provide that practising without such authorisation will be in breach of the GPRs.
- revoke qualification requirements to carry on a reserved legal activity.
- make consequential changes to definitions relating to reserved legal activities.

Following assessment of the ACCA application, the LSB has concluded that the changes do not meet the conditions for refusal under paragraph 25(3) of Schedule 4 to the Act. The decision notice explains our assessment of the main issues that we considered in reaching our decision.

## Decision notice

### **The Association of Chartered Certified Accountants' application for approval of alteration to its regulatory arrangements to revoke its regulatory arrangements for probate activities.**

1. The Legal Services Board (“**LSB**”) has decided to grant an application from the Association of Chartered Certified Accountants’ (“**ACCA**”) for approval of alterations to its regulatory arrangements to revoke its regulatory arrangements for probate activities and make consequential changes.
2. The LSB is required by Part 3 of Schedule 4 to the Act to grant or refuse applications by approved regulators to make alterations to their regulatory arrangements. ACCA is a regulator of the accountancy profession and as such authorises and regulates Chartered Certified Accountants (“ACCA members”) and Accountancy firms. In 2009, ACCA was recognised as an approved regulator for probate activities in an amendment by Order<sup>1</sup> to the list of approved regulators in paragraph 1 of Schedule 4 to the Legal Services Act 2007 (“Act”). ACCA has no separate regulatory body; all decisions relating to its legal activities are delegated to its Regulatory Board.
3. This decision notice sets out the decision taken, including a description of the changes. The statutory framework for applications to the LSB for approval of changes to regulatory arrangements can be found on the LSB website<sup>2</sup>.

## Chronology

- The LSB confirmed receipt of an application from ACCA on 27 April 2022 for approval of alterations to its regulatory arrangements for probate, in order to give effect to its withdrawal from probate regulation.
- The 28-day initial decision period for considering the application ends on 24 May 2022.
- This decision notice is effective from 19 May 2022.
- The decision notice will be published on our website on 23 May 2022.

## Background

4. On 22 October 2021, ACCA submitted an application<sup>3</sup> made under section 45(3) of the Act, for the LSB to make a recommendation to the Lord Chancellor that an Order be made cancelling ACCA's designation as an approved regulator in relation to its only reserved legal activity, probate activities. Within this application, ACCA also applied for approval of alterations to its regulatory arrangements under Part 3 of Schedule 4 of the Act.
5. In preparation for its withdrawal from legal services regulation, ACCA has worked with CILEx Regulation (“CRL”) to put in place transfer arrangements for probate practitioners wishing to continue to provide probate activities. These arrangements provide for probate practitioners to transfer from ACCA to CRL if they so wish. It was a requirement of the LSB's Rules for applications

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<sup>1</sup> The Legal Services Act 2007 (Approved Regulators) Order 2009 (S.I. 2009/3233)

<sup>2</sup> <https://legalservicesboard.org.uk/our-work/statutory-decision-making/alterations-to-regulatory-arrangements/statutory-framework-for-applications-to-the-lsb-for-approval-of-changes-to-regulatory-arrangements>

<sup>3</sup> <https://legalservicesboard.org.uk/our-work/statutory-decision-making/designations-applications/attachment/acca-application-for-cancellation-of-designation>

to cancel designation as an approved regulator<sup>4</sup> for ACCA to ensure there was a route to transfer regulation of the affected authorised persons to another relevant approved regulator.

6. The LSB approved CRL regulatory arrangements allowing for the transfer of ACCA probate practitioners on 19 October 2021. Under the transfer arrangements, ACCA will retain responsibility for the firm's unreserved activities of estate administration services, and any unreserved activities associated with the practice of probate, and CRL will authorise individuals to undertake probate activities<sup>5</sup> ("probate practitioners") only if they are working in a regulated firm or in-house through a distinct legal entity ("CILEX-ACCA Entity") which is contingent on the existence of an ACCA Accountancy firm.
7. Transfer to CRL was an option for ACCA probate practitioners but not a requirement. We are aware that some ACCA probate practitioners have transferred to ICAEW.
8. On 17 January 2022, the LSB issued a decision notice<sup>6</sup> refusing ACCA's application to alter its regulatory arrangements on the basis that granting the application would be prejudicial to the regulatory objectives and contrary to the public interest. ACCA had not been able to provide assurance to the LSB that persons it authorised to carry out probate activities had either ceased to do so or had transferred to another approved regulator.
9. The effect of the refusal was to pause ACCA's application for cancellation pending a fresh application to alter its regulatory arrangements.
10. Approval of this current application will mean that ACCA no longer has arrangements in place that would allow it to authorise any individuals to undertake reserved legal activities. ACCA will remain an approved regulator until any cancellation Order is made and has effect. Until such time, ACCA is still subject to oversight and regulatory action from the LSB (although with no legal services providers subject to regulation by ACCA, such activity is likely to be minimal).

## Summary of proposed changes

11. Paragraph 4.1 of the application sets out ACCA's proposed amendments to its Global Practising Regulations 2003 ('GPRs'). The most significant proposed alteration is the revocation of the Legal Activities Regulations 2018 in its entirety.
12. In addition, ACCA is proposing to make further amendments to its GPRs to:
  - require individuals and firms regulated by ACCA in its capacity as an accountancy regulator and who continue reserved legal activities, to be authorised by an approved regulator and provide that practising without such authorisation, will be in breach of the GPRs.
  - revoke qualification requirements to carry on a reserved legal activity.
  - make consequential changes to definitions relating to reserved legal activities.
13. The changes will result in the effective withdrawal of ACCA from probate regulation.

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<sup>4</sup>[http://legalservicesboard.org.uk/what\\_we\\_do/regulation/pdf/New%20folder%20\(2\)/FINAL\\_Rules\\_for\\_applications\\_to\\_cancel\\_designation\\_as\\_an\\_approved\\_regulator.pdf](http://legalservicesboard.org.uk/what_we_do/regulation/pdf/New%20folder%20(2)/FINAL_Rules_for_applications_to_cancel_designation_as_an_approved_regulator.pdf)

<sup>5</sup> Unlike ACCA, CILEx Regulation is not able to authorise individuals undertaking probate activities unless they are working in a regulated firm or in-house.

<sup>6</sup> <https://legalservicesboard.org.uk/wp-content/uploads/2022/01/ACCA-Decision-Notice-2022.pdf>

14. Subject to the LSB's approval of this application, ACCA intends for the alterations to take effect from 1 July 2022.

### **Key issues considered in the assessment of the application**

#### *Impact on Regulatory Objectives*

15. Paragraphs 2.43 to 2.62 of the cancellation application set out ACCA's assessment of how its transfer arrangements with CRL support the regulatory objectives. The LSB notes that ACCA probate entities which transfer to CRL or another approved regulator will be required to offer enhanced consumer protection compared to what is currently provided through ACCA. CILEX-ACCA entities will be required to comply with the price and transparency rules<sup>7</sup> that CRL and other approved regulators have in place, which empower consumers to better understand their options when choosing a legal services provider; and for those probate entities which transfer to CRL, they will be required to take increased minimum cover for Professional Indemnity Insurance to £500,000 (from ACCA's minimum requirement of £100,000) which will bring the standards in line with those of other legal service regulators.
16. Further, the LSB has also considered that the CRL pathway will provide an opportunity for ACCA probate practitioners to gain authorisation for CRL's other reserved legal activities, potentially increasing access to justice and allowing for greater competition in legal services.

#### *Active confirmation of cessation of probate services*

17. ACCA issued cessation letters to all 99 affected authorised persons on 19 January 2022. A total of 33 had, at that time, already been authorised for probate by another approved regulator. On the same day ACCA requested active confirmation from the remaining 66 persons that they had ceased probate activities.
18. ACCA's application confirms at Paragraph 9.8 that all 66 members confirmed to ACCA they are aware they are unable to undertake non-contentious probate activities without the appropriate authorisation.
19. We noted that 46 of the 66 in question were in the process of transferring to another approved regulator. We asked ACCA to confirm whether those affected authorised persons had now completed their transfers.

#### *Enforcement*

20. Paragraphs 3.11 to 3.13 of the cancellation application set out ACCA's approach to enforcement should any ACCA member continue to conduct probate activities, unauthorised. ACCA notes that any such ACCA member will be in breach of ACCA's Byelaws, regulations and Code of Ethics and Conduct (or for a non-ACCA member, the regulations of their professional accountancy body) and therefore will be subject to regulatory and disciplinary enforcement action. One of the proposed

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<sup>7</sup> As ACCA only commenced the authorisation of individuals and firms for probate activities on 1 April 2018, it was not yet subject to the LSB's regulatory performance framework.

changes to the GPR is to make clear that any ACCA member who practices a reserved legal activity unauthorised will be in breach of the GPR.

21. The application notes that unauthorised practice of a reserved legal activity may constitute criminal offences under sections 14 to 17 of the Act and be subject to criminal prosecution that may result in imprisonment or a fine by enforcement agencies. ACCA has stated that as part of its assessment of evidence in each case, it would consider whether a private prosecution under section 14 of the Act would be an appropriate and proportionate course of action for ACCA to take.
22. In its communications to affected authorised persons, ACCA states it intends to draw attention to the consequences of practising a reserved legal activity, unauthorised, and the regulatory and disciplinary action that ACCA will take against them in this scenario. This is also set out in the Notice of Cancellation in Appendix 5 of the application.
23. ACCA has established a formal mechanism to ensure information of regulatory and disciplinary action taken against ACCA members is shared with other regulators, enforcement agencies and the LSB. This will include the reporting of any instances of probate activities continuing to be conducted by ACCA members who have not transferred to and are authorised by another approved regulator for probate activities.
24. The LSB is satisfied that ACCA has put in place proportionate and targeted measures to mitigate against risks to the public of its ACCA members practising probate activities unauthorised.

#### *Supervision and monitoring*

25. The application sets out that on 2 February 2022 ACCA carried out checks on the websites of the 66 probate practitioners required to cease probate activities unless they were subsequently authorised by another approved regulator. ACCA identified 18 websites that included references to probate services and/or authorisation by ACCA for non-contentious probate.
26. The application goes on to confirm that action was taken on 3, 4 and 7 February 2022 to ensure that non-compliant websites were brought into compliance. At Paragraph 9.9 the application confirms that all 18 members had updated their websites.
27. The LSB identified a website that appeared to still be non-compliant and brought this to the attention of ACCA on 10 May 2022. We asked ACCA to provide us with a list of each of the 18 firms previously identified or to inform us of any follow up action taken.
28. ACCA has taken steps to ensure the website we brought to its attention was updated and has provided us with a list of the 18 firms and we are assured by the action taken.

#### *Non-compliance with Legal Activities Regulations 2018*

29. At Paragraph 9.12 of ACCA's application there is reference to the fact that during the transfer of regulation CRL identified three firms that may have breached the eligibility requirements of the Legal Activities Regulations.
30. The application goes on to explain that two of the three firms have remedied the breach and ACCA's Professional Conduct team concluded no further action needed to be taken. For the third issue ACCA has confirmed the case remains open for investigation.

31. We asked ACCA to confirm that the removal of regulatory arrangements relating to probate would have no impact on its ability to progress its investigation.
32. ACCA confirmed that the case relates to a regulation within ACCA's Global Practising Regulations that will not be impacted by the proposed alterations.

### *Regulatory Conflict*

33. Where there is more than one regulatory body which regulates an ACCA member (ACCA regulates for general accountancy activities and CRL will regulate individuals as employees or managers in CILEX-ACCA Entities) or another approved regulator there is a risk of each regulator taking regulatory actions that are incompatible or even in conflict with each other (and each regulator's objectives). To mitigate against this risk, CRL and ACCA, as required under the Act, have set out how they will prevent these conflicts so far as is reasonably practicable and appropriate. CRL has set this out in its CILEx Regulation ACCA Handbook 2021 (as considered in the CRL Decision Notice) which notes that where there is a regulatory conflict, then the requirement imposed by CRL (as the entity regulator) prevails over the requirement imposed on the individual by the other approved regulator.
34. ACCA has stated at paragraph 3.23 of the cancellation application that if a regulatory conflict does arise, it would adopt a collaborative approach to achieve a proportionate and consistent outcome to satisfy all parties. Paragraph 5 of the Memorandum of Understanding ("MoU") between CILEx, CRL and ACCA annexed to the application, provides a framework for co-ordination and data sharing on such matters between CRL and ACCA<sup>8</sup>.
35. We are satisfied that the measures put in place to mitigate against regulatory conflict are proportionate.

### *Regulatory Impact Assessment*

36. ACCA considers that there will be no adverse impact on other approved regulators or consumers. The impact on ACCA practitioners and entities which choose to transfer to CRL was considered by the LSB at paragraph 41 of the CRL Decision Notice where it was noted that the increased regulatory costs and burden associated with the transfer (e.g., minimum PII requirements and need for compliance with transparency rules) are designed to have minimal impact on firms transferring to CRL. The LSB concluded that the CRL pathway represents a proportionate and cost-effective model of regulation.

### *Equality Impact Assessment*

37. The impact of the alterations is that ACCA probate practitioners will either need to cease practising or become authorised by another approved regulator.

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<sup>8</sup> ACCA, CRL and CILEX have established a tripartite Memorandum of Understanding (MoU) which was signed on 21 October 2021 to provide a framework for cooperation, coordination and information sharing regarding all matters associated to ACCA probate entities that transfer to CRL and the accountancy professionals working within them. The tripartite MoU also deals with any inconsistency in regulatory practice related to the separation of work for firms, and the parties to the tripartite MoU. It is supported by a data sharing agreement. A copy of the tripartite MoU is provided at Appendix 4 to the cancellation application.

38. ACCA has noted in its application that it has not collected equality, diversity, and inclusion (EDI) data on its regulated population (although data is available for the protected characteristics of age and gender), so it has not been possible for it to assess the full equality impact of the changes.
39. ACCA notes that the key changes for ACCA probate practitioners who choose to transfer to the CRL pathway may be an increase in costs, which may disproportionately impact on females and those in part-time employment. However, ACCA considers that these costs are in line with those currently incurred by other probate practitioners and the changes are proportionate and fair. As part of its evaluation and monitoring arrangements (set out in Paragraph 3.15 of the application) ACCA will collect and analyse EDI data. Paragraph 43 of the CRL Decision Notice notes that CRL has stated it will commit to evaluating the actual impacts based on EDI data collected on these individuals once they assume regulatory responsibility for these individuals.

## **Decision**

40. The LSB has considered the ACCA application against the criteria in paragraph 25(3) of Schedule 4 to the Act. It considers that there is no reason to refuse this application, and accordingly, the application is granted.

**Matthew Hill, Chief Executive**

**Acting under delegated authority granted by the Board of the Legal Services Board**

**19 May 2022**

# **The Chartered Certified Accountants' Global Practising Regulations 2003**

**Amended 1 ~~January-July~~ 2022**

These regulations must be read in conjunction with the other regulations in Section 2. A regulation may affect members, affiliates and registered students in different ways depending on the application of other regulations to those members, affiliates and registered students. Regulations are not always cross-referenced to each other.



## Contents

<a href="#">1. Citation, commencement and application</a>	3
<a href="#">2. Interpretation</a>	3
<a href="#">3. Restrictions on carrying on public practice</a>	3
<a href="#">4. Meaning of public practice</a>	4
<a href="#">5. The practising certificate</a>	4
<a href="#">6. Eligibility for a practising certificate</a>	4
<a href="#">7. Qualifications</a>	4
<a href="#">8. Fit and proper persons</a>	5
<a href="#">9. Professional indemnity insurance</a>	6
<a href="#">10. Continuing professional development</a>	7
<a href="#">11. Continuity of practice</a>	7
<a href="#">12. Notification</a>	8
<a href="#">13. Conduct</a>	9
<a href="#">14. Monitoring and compliance</a>	9
<a href="#">15. Disclosure of information</a>	9
<a href="#">Annex 1 - Additional Practising Regulations for the United Kingdom, Jersey, Guernsey and Dependencies and the Isle of Man</a>	10
<a href="#">Appendix 1 - United Kingdom Audit Regulations 2016</a>	14
<a href="#">Appendix 2 - Requirements for the recognised professional qualification</a>	20
<a href="#">Appendix 3 - Qualification requirements for an audit qualification Jersey, Guernsey and Dependencies and the Isle of Man</a>	21

## Annex A – Approved alterations

The [Council](#) of the Association of Chartered Certified Accountants, in exercise of the powers conferred on it by bye-laws 4, 5, 27 and 28 of the [Association's](#) bye-laws and all other powers enabling it, hereby makes the following regulations:

### 1. Citation, commencement and application

- (1) These regulations and annexes may be cited as The Chartered Certified Accountants' Global Practising Regulations 2003.
- (2) These regulations and annexes as amended shall come into force on 1 ~~January~~ **July** 2022.
- (3) These regulations and annexes shall apply to all [members](#) and to all persons who otherwise agree to be bound by them.
- (4) These regulations and the annexes may be amended by resolution of Council.

### 2. Interpretation

- (1) In these regulations, unless the context otherwise requires:

*ACCA approved employer* means an organisation which has received the Association's approved employer status for the purposes of these regulations for the provision of training towards a practising certificate;

*Admissions and Licensing Committee* means a committee of individuals having the constitution, powers and responsibilities set out in The Chartered Certified Accountants' Regulatory Board and Committee Regulations 2014;

*the Association* means the Association of Chartered Certified Accountants incorporated by Royal Charter issued to it in 1974 as amended from time to time;

*auditor* means a person who signs or holds themselves out as being available to sign an audit report whether or not that report is required by statute;

*bye-laws* mean the bye-laws from time to time of the Association;

*Charter* means the Royal Charter of Incorporation granted to the Association as amended or supplemented from time to time;

*Council* means the Council of the Association from time to time and includes any duly authorised committee of Council;

*designated territory* means the United Kingdom, the Republic of Ireland, Jersey, Guernsey and Dependencies and the Isle of Man and any other country or jurisdiction designated as such by Council from time to time;

*FGI* means fidelity guarantee insurance;

*firm* means a sole practice, partnership or body corporate including a limited liability partnership;

*member* means an individual admitted to membership of the Association pursuant to the bye-laws;

*Membership Regulations* means The Chartered Certified Accountants' Membership Regulations 2014;

*PII* means professional indemnity insurance;

*practising certificate* means a practising certificate issued by the Association and referred to in [regulation 5](#) of The Chartered Certified Accountants' Global Practising Regulations 2003;

*Practising Certificate Experience Requirement* means the practical training required in order to be eligible to apply for a practising certificate;

*public practice* has the meaning given by [regulation 4](#);

*registered student* has the meaning given by The Chartered Certified Accountants' Membership Regulations 2014;

*United Kingdom* means the United Kingdom of Great Britain and Northern Ireland

- (2) Words in the singular include the plural and vice versa.

(3) Any reference to a statutory provision shall include where the context permits the subordinate legislation made from time to time under that provision and any reference to a statutory provision or regulation shall include that provision or regulation as from time to time modified or re-enacted so far as such modification or re-enactment applies or is capable of applying to such reference.

- (4) In these regulations words shall be interpreted in accordance with the context of the regulation in which they are contained, unless otherwise stated.

### 3. Restrictions on carrying on public practice

- (1) *Members*

- (a) No member shall carry on [public practice](#) in a [designated territory](#) or in a country or jurisdiction that, according to local legislative and/or regulatory requirements, requires a [practising certificate](#) issued by the Association, unless the member holds a practising certificate which authorises the carrying on of the activity in question.
- (b) A member may apply for a practising certificate where the member can demonstrate that they meet the eligibility requirements set out in regulation 6, regardless of whether the member requires a practising certificate under regulation 3(1)(a).
- (c) A member shall only be regarded as holding a practising certificate where it is current and valid. The certificate shall at all times remain the property of the Association and the Association shall retain the right to demand its return at any time and without giving reasons.
- (d) Where a member carries on public practice in a country or jurisdiction other than where the member is required to hold a practising certificate issued by the Association, the member shall notify the Association that, having complied with any local legislative and/or

## Annex A – Approved alterations

regulatory requirements, the member is eligible to carry on public practice, and the member shall be placed on a register of practitioners.

### (2) *Members and firms*

- (a) No member shall be a sole proprietor, partner or director of a firm, or member of a limited liability partnership, where public practice is carried on in the name of the firm, or otherwise in the course of the firm's business, unless the member is in compliance with this regulation 3.
- (b) No member shall hold rights in a firm where public practice is carried on in the name of the firm, or otherwise in the course of the firm's business, which in effect put the member in the position of a principal of the firm, unless the member is in compliance with this regulation 3.

## 4. Meaning of public practice

### (1) *Activities*

Subject to regulations 4(2), 4(3) and 4(5), public practice, which may be carried on by an individual or a [firm](#) (the "practitioner"), means:

- (a) accepting an appointment as an [auditor](#); and/or
- (b) signing or producing any accounts or report or certificate or tax return concerning any person's financial affairs, whether an individual sole-trader, an unincorporated body or a firm, in circumstances where reliance is likely to be placed on such accounts or report or certificate or tax return by any other person (the "third party"), or doing any other thing which may lead the third party to believe that the accounts or report or certificate or tax return concerning the financial affairs of such a person have been prepared, approved or reviewed by the practitioner; and/or
- (c) holding oneself or itself out, or allowing oneself or itself to be held out, as being available to undertake the activities referred to in (a) and (b) above (and allowing oneself to be known as a, or a firm of "Chartered Certified Accountant(s)", "Certified Accountant(s)", "Chartered Accountant(s)", "Accountant(s)" or "Auditor(s)" or any similar description or designation standing for any such description in the context of the practitioner's business shall be regarded as an example of such a holding out); and/or
- (d) holding oneself out, or allowing oneself to be held out, as a sole proprietor, partner or director of a firm, or designated member or member of a limited liability partnership, where public practice is carried on.

### (2) *Book-keeping services*

For the purposes of these regulations only, book-keeping services, as defined in paragraph 8(2)(b) of the [Membership Regulations](#) 2014, do not constitute public practice.

### (3) *Trust or company services*

For the purposes of these regulations only, trust or company services, as defined in regulation 12(2) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, do not constitute public practice.

### (4) *Where carried on*

Public practice shall be taken to be carried on in the country whose laws apply to the activity carried on by the practitioner, or where the said laws are unclear, in the country in which the practitioner is resident.

### (5) *Honorary work*

The activities set out in regulation 4(1)(b) shall not constitute public practice where all of the following conditions are satisfied:

- (a) no fee or other benefit is receivable in consideration for the work performed; and
- (b) the gross income of the entity for the year prior to the year in question does not exceed £250,000; and
- (c) the member does not hold themselves out, or allow themselves to be held out, as being in public practice.

## 5. The practising certificate

The practising certificate shall authorise the carrying on of the activities as specified in the holder's application, as updated from time to time.

## 6. Eligibility for a practising certificate

A member shall be eligible for a practising certificate where:

- (a) the member is sufficiently qualified in accordance with [regulation 7](#) to carry on any activity constituting public practice;
- (b) the member is fit and proper within the meaning of [regulation 8](#);
- (c) the member holds the necessary [PII](#) in accordance with [regulation 9](#); and
- (d) the member has made arrangements for the continuity of the member's practice in accordance with [regulation 11](#).

## 7. Qualifications

### (1) *Qualification for a practising certificate*

- (a) To be qualified to hold a practising certificate authorising a member for the carrying on of any activity constituting public practice, except accepting appointments as an auditor, an individual must have been a member of the Association continuously for a period of not less than two years and either:

## Annex A – Approved alterations

- (i) (aa) completed three years' practical training in an [ACCA approved employer](#), working either as an employee or sub-contractor, under the supervision of a suitably experienced member or another person having in the opinion of Council adequate qualifications; and
  - (bb) at least two years of practical training must be completed after the individual's admission to membership and must comply with the requirement at regulation 7(2). The remaining training period may be completed before or after, or partly before and partly after, the individual's admission to membership and must include experience in the matters set out in the [Practising Certificate Experience Requirement](#) in an ACCA approved employer; and
  - (cc) the training shall be recorded as set out in the Practising Certificate Experience Requirement; or
  - (ii) previously held an equivalent practising certificate issued by the Association.
- (b) The requirement at regulation 7(1)(a)(i)(cc) above does not apply to a practising certificate limited to Zimbabwe.
- (c) Any experience gained by an individual whilst carrying on public practice in breach of [regulation 3](#) shall not count towards supervised experience referred to in regulation 7(1)(a).

### (2) Training requirements after admission to membership

Training in an ACCA approved employer after admission to membership must be undertaken in accordance with the Association's Practising Certificate Experience Requirement.

### (3) Waiver

In exceptional circumstances, the requirements of regulation 7(1) may be waived, varied or suspended at the direction of the Admissions and Licensing Committee in its absolute discretion. The Admissions and Licensing Committee may impose such alternative requirements as it thinks fit, which may include without limitation a requirement to pass any tests of competence and/or examinations

## 8. Fit and proper persons

(1) The [Admissions and Licensing Committee](#) shall only issue a practising certificate to an applicant that is fit and proper, as determined by it in accordance with this regulation 8.

(2) In determining whether a person is "fit and proper", the Admissions and Licensing Committee may, without limitation, take into account whether that person has:

- (a) been convicted of a criminal offence; or
- (b) been the subject of a disciplinary order made by the Association or another professional body; or
- (c) been or is the subject of an investigation, whether criminal, disciplinary or otherwise, in respect of their conduct; or
- (d) committed a material breach of an applicable regulation of the Association; or
- (e) fallen within any of the criteria set out at regulations 8(4) and (5); or
- (f) on any occasion given the Association false, inaccurate or misleading information or failed to co-operate with the Association.

(3) The Admissions and Licensing Committee may take into account all current and past matters which impact on the ability to hold a practising certificate.

(4) In the case of individuals, the criteria referred to in regulation 8(2)(e) are whether the person is or has been:

- (a) at any time bankrupt, signed a trust deed for creditors or entered into a deed of arrangement, scheme or composition in respect of their financial affairs (or any similar or analogous event); or
- (b) removed from the office of liquidator, trustee, administrative receiver, administrator or supervisor; or
- (c) the subject of a disqualification order or disqualification undertaking made under the Company Directors Disqualification Act 1986 of the [United Kingdom](#); or
- (d) the subject of a bankruptcy restriction order or bankruptcy restriction undertaking under the Insolvency Act 1986 of the United Kingdom; or
- (e) excluded from or refused membership of a professional body on disciplinary grounds; or
- (f) found to have failed to ensure that the experience and competence of their employees and practice associates are adequate, having regard to the nature of the work involved; or
- (g) a patient under the Mental Health Act 1983 of the United Kingdom; or
- (h) the equivalent of or similar to the above criteria under the corresponding legislation of any country or jurisdiction.

(5) In the case of firms, the criteria referred to in regulation 8(2)(e) are as for individuals as specified in regulation 8(4), with such amendments as are appropriate to make the criteria applicable to firms.

(6) In determining whether any person is "fit and proper" for the purposes of this regulation 8, the Admissions and Licensing Committee may take into account any matter which relates to the person and:

- (a) any matter relating to any person who is or will be employed by or associated with the person for the purposes of or in connection with public practice;
- (b) in the case of a partnership, any matter relating to any of the partners, any director or controller of any of the partners, any body corporate in the same group as any of the partners and any director or controller of any such other body;

## Annex A – Approved alterations

- (c) in the case of a body corporate, any matter relating to any director or controller of the body, any other body corporate in the same group or any director or controller of any such other body; and
- (d) in the case of a limited liability partnership, any matter relating to any of the members or designated members of the limited liability partnership.

## 9. Professional indemnity insurance

### (1) Holders of a practising certificate

- (a) Subject to [regulation 9\(6\)](#), applicants for and holders of a practising certificate must hold professional indemnity insurance (“PII”) covering the liabilities and according with the limits set out in this regulation 9 and, in the case of such a person whose firm employs full and/or part time staff, the firm must also hold a policy of fidelity guarantee insurance (“FGI”) in respect of all partners, directors, members and designated members of limited liability partnerships and employees in accordance with this regulation. For the avoidance of doubt such FGI may, but need not, form a single policy with such PII and all such PII and FGI must remain in force for all of the period during which a relevant practising certificate is held.
- (b) Such PII and FGI may be effected with any reputable insurance company or insurance companies or other underwriter provided that Council reserves the right to require applicants for or holders of a practising certificate not to use certain insurance companies or underwriters, if it so directs.

### (2) Liabilities to be covered

PII shall provide cover in respect of all civil liability incurred in connection with the conduct of the firm’s business by the partners, directors, members and designated members of limited liability partnerships or employees and FGI shall include cover against any acts of fraud or dishonesty by any partner, director or employee in respect of money or goods held in trust by the firm.

### (3) Limits

- (a) Subject to regulation 9(3)(g), the limit of indemnity on PII in respect of each and every claim shall be:
  - (i) in the case of a person whose firm’s total income for the accounting year immediately preceding the year in question (the “relevant total income” and “relevant accounting year”) is less than or equal to £200,000, at least the greatest of:
    - (aa) two and one half times that firm’s relevant total income; and
    - (bb) twenty-five times the largest fee raised by the firm during the relevant accounting year; and
    - (cc) £50,000;
  - (ii) in the case of a person whose firm’s relevant total income exceeds £200,000 but is less than or equal to £700,000, at least the greater of:
    - (aa) the aggregate of £300,000 and the firm’s relevant total income; and
    - (bb) twenty-five times the largest fee raised by the firm during the relevant accounting year;
  - (iii) in the case of a person whose firm’s relevant total income exceeds £700,000, at least the greater of:
    - (aa) £1 million; and
    - (bb) twenty-five times the largest fee raised by the firm during the relevant accounting year.
- (b) The limit of indemnity on PII in respect of year 2000 date recognition claims, where available, may be on an aggregate basis as opposed to an each and every claim basis. The minimum limit on this cover must be calculated in accordance with regulation 9(3)(a).
- (c) A firm’s “total income” is the aggregate of the firm’s professional charges and all other income (including commissions) received by a firm in respect of and in the course of the firm’s business, but excluding any commission which the firm passes on to the client.
- (d) The “largest fee” raised by a firm relates, in all cases, to the highest cumulative amount of fees raised to a particular client during the year rather than the largest single invoice raised.
- (e) Subject to regulation 9(3)(g), any uninsured excess (that is to say, the amount of any claim which is borne by the firm before there is any payment by the insurer) in accordance with a firm’s PII and FGI shall be restricted to 2 per cent of the limit of indemnity in respect of each and every claim provided pursuant to the PII or, as the case may be, FGI or £20,000 per principal in respect of each and every claim, whichever amount is the lesser.
- (f) Subject to regulation 9(3)(g), the annual limit of indemnity to be provided by a firm’s FGI shall be not less than £50,000 in respect of each and every claim.
- (g) Persons carrying on public practice in a country other than a designated territory may, instead of complying with regulations 9(3)(a), 9(3)(e) and 9(3)(f), comply with the minimum requirements of a recognised national body or regulatory authority in that country in respect of the limit of indemnity on PII and FGI and in respect of uninsured excess.

### (4) Administrative provisions

- (a) (i) Each person subject to [regulation 9\(1\)](#) must on request provide the Association with a policy and/or certificate from their insurer or broker as evidence that PII and, if required, FGI is in force in accordance with this regulation as at the practising certificate renewal date of each year, and will remain in force for the year covered by the practising certificate, being PII and, as the case may be, FGI which meets the requirements of this regulation.

## Annex A – Approved alterations

- (ii) In the event that PII is subject to an aggregate limit and claims are notified during the year in question but not met in that year, the aggregate limit for the following year and, if such claims are not by then met, subsequent years should be increased to take account of the amount (or a best estimate of that amount) either paid or reserved for such claims.
- (b) The policy terms and wording shall be available for inspection by the Admissions and Licensing Committee.
- (c) Each person subject to regulation 9(1) shall be deemed to have authorised the Admissions and Licensing Committee to seek, direct from the relevant insurer and/or broker, confirmation of matters of record.
- (d) Each person subject to regulation 9(1) must keep a record of insurance claims made by them pursuant to their PII and, as the case may be, FGI.
- (e) Such record, together with each annual renewal proposal form, must be available for inspection by the Admissions and Licensing Committee.

### (5) Continuity following cessation

Persons subject to regulation 9(1) shall ensure that arrangements exist for the continued existence of PII and, as the case may be, FGI for a period of six years after they cease to engage in public practice. Such PII and, as the case may be, FGI shall be on terms satisfying the requirements of this regulation as applied to their business during the year immediately preceding such cessation.

### (6) Exception

An individual who is not a sole proprietor, partner or director of the firm in which the individual works, or member or designated member of a limited liability partnership, but holds a practising certificate and is responsible for public practice work carried on by the firm, shall be deemed to hold PII in accordance with regulation 9(1) where the firm (or all of them if more than one) in which the individual works:

- (a) is a person subject to regulation 9(1) and holds PII in compliance with regulation 9(1); or
- (b) holds PII which the Admissions and Licensing Committee regards as adequate.

### (7) Waiver

In exceptional circumstances, the requirements of regulation 9 may be waived, varied or suspended at the direction of the Admissions and Licensing Committee in its absolute discretion.

## 10. Continuing professional development

Members must comply with Membership Regulation 4(4).

## 11. Continuity of practice

### (1) Individuals

- (a) A holder of a practising certificate must enter into and keep in force for all of the period during which a practising certificate is held a written agreement with another individual or firm (the “nominee”), providing for the nominee, or nominees if more than one, to be responsible for the individual's practice in the event of the individual's death or incapacity.
- (b) The nominee or nominees must:
  - (i) be based in the same country as the individual; and
  - (ii) hold equivalent qualifications and be authorised to carry on the individual's work for which they have undertaken to be responsible.
- (c) Where the individual's practice is based in more than one country, the individual must comply with this regulation in respect of each country in which the individual is based, but may appoint different nominees in respect of different countries.

### (2) Firms

- (a) A firm must make provision for the continuity of its practice in the event of its dissolution, winding-up or liquidation, or the death or incapacity of an individual holder of a practising certificate who is a partner, director or member of the firm, by providing for another individual or firm (the “nominee” or “nominees” if more than one) to be responsible for the firm's practice in those circumstances.
- (b) Such provision may be made in the partnership agreement (where the firm is a partnership) or in the Memorandum and Articles of Association (where a firm is a company) or in the incorporation document (where the firm is a limited liability partnership) or other such agreement as the members of the limited liability partnership may agree or by entering into and keeping in force for all of the period during which a practising certificate is held a written agreement with another firm.
- (c) The nominee or nominees must:
  - (i) be based in the same country as the firm; and
  - (ii) hold equivalent qualifications and be authorised to carry on the firm's work for which they have undertaken to be responsible.
- (d) An individual holder of a practising certificate who is the sole director and shareholder of their firm may not provide nominee services to their firm.
- (e) Where the firm's practice is based in more than one country, it must comply with this regulation in respect of each country in which it is based and may appoint different nominees in respect of different countries.

### (3) Exception for individuals

An individual holder of a practising certificate who does not carry on public practice on their own account shall not have to comply with regulation 11(1) provided any firm of which they are a partner, director, member or designated member of a limited liability partnership or

## Annex A – Approved alterations

employee and for whom they work has complied with regulation 11(2) or, if it is not subject to that regulation, has made arrangements for the continuity of its practice which the Admissions and Licensing Committee regards as adequate.

### *(4) Waiver*

In exceptional circumstances, for members in a country other than a designated territory or Zimbabwe, the requirements of regulations 11(1) and 11(2) may be waived, varied or suspended at the direction of the Admissions and Licensing Committee in its absolute discretion.

## **12. Notification**

### *(1) Notification 28 days in advance*

- (a) A holder of a practising certificate shall notify the Association in writing of the following changes not less than 28 days before the change is implemented:
  - (i) a change in the name of the holder, or where it is a body corporate, its registered name and, in the case of a firm, of any partner, member or designated member or director or controller of it;
  - (ii) a change in the address of the holder's principal or, in the case of a body corporate, registered office or, if different, the address of the place for service of notices or documents;
  - (iii) the opening or closure of a branch office of the holder;
  - (iv) the disposal or cessation of a holder's practice.
- (b) Notification of a change of name of a person holding a practising certificate shall be accompanied by an application for a new practising certificate of the relevant type from the stated date.

### *(2) Notification forthwith*

A holder of a practising certificate shall give written notice forthwith to the Association of the occurrence of any of the following, setting out in the notice details of the event in question and any other relevant information:

- (a) in the case of a partner, member or designated member or director of a firm, a person has become or ceased to be a partner, member or designated member or director of it, and, in the case of a body corporate, a person has become or ceased to be a controller of it and, in the case of a sole practitioner, has ceased to practise;
- (b) the appointment of a receiver, administrator, trustee, judicial factor or sequestrator of the assets of the holder (or the happening of any similar or analogous event) or, in the case of a firm, of any partner, member or designated member or director of it and, in the case of a body corporate, a controller of it;
- (c) the making or any proposals for the making of a composition or arrangement with creditors or any one creditor of the holder or, in the case of a firm, of any partner, member or designated member or director of it and, in the case of a body corporate, a controller of it;
- (d) where the holder is a partnership, an application or notice to dissolve the partnership and where it is a body corporate, the presentation of a petition for winding-up or the summoning of any meeting to consider a resolution to wind up the body corporate or any other body corporate in its group;
- (e) the granting or refusal of any application for, or revocation of, a recognised professional qualification or any certificate entitling the holder or, in the case of a firm, any partner, member or designated member or director of it and, in the case of a body corporate, a controller of it to carry on company audit work from another qualifying or supervisory body or authorisation to carry on insolvency, investment, banking or insurance business;
- (f) the appointment of inspectors by a statutory or regulatory authority to investigate the affairs of the holder or, in the case of a firm, any partner, member or designated member or director of it or controller of it;
- (g) the imposition of disciplinary measures or sanctions on the holder or, in the case of a firm, any partner, member or designated member or director of it or controller of it by any other regulatory authority or professional body of which the holder or such a person is a member;
- (h) in relation to a holder or, in the case of a firm, any partner, member or designated member or director of it or controller of it:
  - (i) the institution and abandonment or completion of proceedings in relation to and/or a conviction for any offence involving fraud or other dishonesty;
  - (ii) the institution and abandonment or completion of proceedings in relation to and/or a conviction for any offence under legislation relating to investment, banking, building societies, companies, consumer credit, credit unions, friendly societies, industrial and provident societies, insolvency, insurance or other financial services;
  - (iii) the presentation of a petition for a bankruptcy order or an award of sequestration;
  - (iv) the making of an order by a court disqualifying that individual from serving as director or as a restricted director or as a disqualified director of a company or from being concerned with the management of a company;
  - (v) the commencement by the police or any other authority of an investigation into any matter related to public practice, or any other matter which might reasonably affect the Admissions and Licensing Committee's willingness to grant or renew a practising certificate of a type relevant to the activities in question;
- (i) the disappearance of a partner, member or designated member of a firm such that they are no longer contactable by the other partners or members of the firm;
- (j) the happening of any event which causes the holder to cease to be eligible for the practising certificate;



## Annex A – Approved alterations

- (k) any changes in any of the information previously supplied to the Association;
- (l) any other information relevant to the determination by the Admissions and Licensing Committee of the fitness and propriety of the holder in accordance with [regulation 8](#);
- (m) any other information that the Association may require in connection with the requirements of these regulations.

### (3) Force Majeure

If any event happens or any circumstances arise which make it impossible, impracticable or unreasonable for a person to comply with this regulation 12, provided the person takes all practicable steps to relieve the situation and complies with this regulation as soon as the event or circumstances cease to apply, they will not be regarded as having been in breach of this regulation if they fail to comply with it for so long as the event or circumstances do apply.

### (4) Notification obligation

A member who has notified the Admissions and Licensing Committee that they are carrying on public practice but do not hold a practising certificate when required to do so shall give written notice forthwith to the Association of all of the matters referred to in regulation 12(1)(a) and 12(2).

## 13. Conduct

Holders of a practising certificate shall, in the conduct of their work to which the practising certificate relates:

- (a) comply with the Code of Ethics and Conduct of the Association or of another recognised body which incorporates the International Ethics Standards Board for Accountants (IESBA) International Code of Ethics for Professional Accountants (including International Independence Standards); and
- (b) apply to all relevant assignments the International Financial Reporting Standards issued by the International Accounting Standards Board or the equivalent standards of the country in which the individual carries on public practice; and
- (c) apply to all relevant assignments the International Standards on Auditing issued by the International Auditing and Assurance Standards Board or the equivalent standards of the country in which the individual carries on public practice.

## 14. Monitoring and compliance

- (1) Persons subject to these regulations shall be subject to monitoring by the Association, in order to monitor compliance with these regulations and with the bye-laws, which may be carried out by post, by email, by visiting the person's business premises and/or by any other form of communication.
- (2) For the purposes of regulation 14(1), members must supply the Association with all the information necessary to enable the Association to complete its monitoring process efficiently.
- (3) Persons subject to these regulations shall, and shall ensure (insofar as they are able) that all persons associated with them shall, co-operate with the Association in its monitoring and enforcement of compliance with these regulations and with the bye-laws.
- (4) Persons subject to these regulations shall maintain proper books and records at all times to facilitate the proper performance of their duties.
- (5) The requirements of this regulation 14 shall apply to persons for as long as they hold a practising certificate, and for a period of five years after they cease to do so for any reason.
- (6) For the purposes of this regulation 14, practising certificate includes all types of practising certificates and licences issued by the Association.

## 15. Disclosure of information

[Registered students](#), affiliates and members must supply the Association with all necessary information to enable the Association to comply with its obligations with respect to any legal and regulatory requirements that may exist in the country where the registered student, affiliate or member is based.



# Annex 1 - Additional Practising Regulations for the United Kingdom, Jersey, Guernsey and Dependencies and the Isle of Man

## 1. Application

The regulations contained in this annex form part of The Chartered Certified Accountants' Global Practising Regulations 2003, and shall apply to all members and to all persons who otherwise agree to be bound by them.

## 2. Interpretation

(1) In these regulations, unless the context otherwise requires:

*ACCA student* means a registered student who is undertaking the ACCA Qualification examinations;

*agent*, in relation to a person, means any person (including an employee) who acts on that person's behalf;

*appropriate qualification* means a qualification in accordance with section 1219 of the Companies Act 2006 of the United Kingdom;

*approved regulator* means a body designated as an approved regulator by Part 1 of Schedule 4 or under Part 2 of that Schedule (or both) and whose regulatory arrangements are approved for the purposes of the [Legal Services Act 2007](#) in respect of one or more reserved legal activities;

*Audit Directive* means Directive 2006/43/EC of the European Parliament and of the Council on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC;

*audit qualification* means an audit qualification to the practising certificate issued by the Association to individuals holding the Association's recognised professional qualification and referred to in [regulation 6 of Appendix 1](#), which authorises the individual to hold themselves out as an auditor and to carry on audit work;

*audit report* means a report on accounts or financial statements which is described as an audit report or having been made by an auditor or is given in true and fair terms or which states that the accounts present fairly the financial position;

*audit working papers and investigation reports* means:

- (a) any documents which are or have been held by a statutory auditor, an EEA auditor or a third country auditor and which are related to the conduct of an audit conducted by that auditor,
- (b) any report of an inspection into the conduct of an audit by a statutory auditor, an EEA auditor or a third country auditor, or
- (c) any report of an investigation into the conduct of a statutory auditor, and EEA auditor or a third country auditor;

*auditing certificate* means an auditing certificate issued by the Association to firms and referred to in [regulation 5 of Appendix 1](#)

*auditor* means a person who signs or holds themselves out as being available to sign an audit report whether or not that report is required by statute;

*authorised person* has the meaning given in section 18 of the [Legal Services Act 2007](#)

*contentious probate business* means probate business done in, or for the purposes of, proceedings begun before a court or before an arbitrator appointed under the Arbitration Act 1950;

*controller* has the meaning given in paragraph 8(4) of Schedule 10 of the Companies Act 2006 of the United Kingdom;

*EEA auditor* means an individual or firm approved in accordance with the Audit Directive by an EEA competent authority to carry out audits of annual accounts or consolidated accounts required by European Union law;

*EEA competent authority* means a competent authority within the meaning of Article 2(10) of the Audit Directive of an EEA state;

*EEA state* means a state which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (as it has effect from time to time);

*exempt regulated activities* has the meaning given in The Chartered Certified Accountants' Designated Professional Body Regulations 2001;

*group* means a parent undertaking and its subsidiary undertakings;

*group auditor* means a person appointed as auditor to conduct an audit of group accounts;

*insolvency practitioner* means a person acting as such in accordance with section 388 of the Insolvency Act 1986 of the United Kingdom;

*IP completion day* has the meaning given in section 39(1) of the European Union (Withdrawal Agreement) Act 2020;

*issuer* has the meaning given in Part 6 of the Financial Services and Markets Act 2000;

*Legal Ombudsman* means the scheme established by the Office for Legal Complaints under Part 6 of the [Legal Services Act 2007](#) to resolve complaints about legal services according to the scheme rules;

~~Legal Services Board means the body responsible for legal services regulation constituted under section 2 and Schedule 1 of the Legal Services Act 2007;~~

~~licensable body has the meaning given in section 72 of the Legal Services Act 2007;~~

*major audit* means a statutory audit conducted in respect of:

- (a) a company any of whose securities have been admitted to the official list (within the meaning of Part 6 of the Financial Services and Markets Act 2000 of the United Kingdom); or
- (b) any other person in whose financial condition there is a major public interest;

~~non-contentious probate business means any probate business which is not contentious probate business;~~

*non-member* means a person who is not registered as a student, affiliate or member of the Association;

~~probate activities has the meaning given in paragraph 6 of Schedule 2 of the Legal Services Act 2007;~~

*public interest entity* means:

- (a) an issuer whose transferable securities are admitted to trading on a UK regulated market;
- (b) a credit institution within the meaning given by Article 4(1)(1) of Regulation (EU) No. 575/2013 of the European Parliament and of the Council, which is a CRR firm within the meaning of Article 4(1)(2A) of that Regulation; or
- (c) a person who would be an insurance undertaking as defined in Article 2(1) of Council Directive 91/674/EEC of 19 December 1991 of the European Parliament and of the Council on the annual accounts and consolidated accounts of insurance undertakings as that Article had effect immediately before IP completion day, were the United Kingdom a member state;

*qualified person* means:

- (a) in relation to an individual, a person:
  - (i) holding a practising certificate with an audit qualification; or
  - (ii) being a third country auditor and meeting the requirements of [regulation 6\(2\)\(b\) of Appendix 1](#); and
- (b) in relation to a firm, a firm that is eligible to be appointed as an auditor;

*recognised professional qualification* means a qualification declared as such for the purpose of Part 2 of Schedule 11 of the Companies Act 2006 of the United Kingdom;

*regulated work* means work conducted under an auditing certificate ~~or a legal activities certificate~~;

*reserved legal activities* has the meaning given by section 12(1) and Schedule 2 of the [Legal Services Act 2007](#);

*senior statutory auditor* means a person acting as such in accordance with section 504 of the Companies Act 2006 of the United Kingdom;

*statutory auditor* has the meaning given by section 1210 of the Companies Act 2006 of the United Kingdom;

*supervisory body* has the meaning given by section 1217(1) of the Companies Act 2006 of the United Kingdom;

*third country* means a country or territory other than the United Kingdom which includes EEA states;

*third country auditor* means a person, other than a person eligible for appointment as a statutory auditor, who is eligible to conduct audits of the accounts of bodies corporate incorporated or formed under the law of a third country in accordance with the law of that country;

*third country competent authority* means a body established in a third country exercising functions related to the regulation or oversight of auditors;

*UK competent authority* means the Financial Reporting Council Limited.

(2) For the purposes of these regulations, unless the context otherwise requires, a reference to the Companies Act 2006 of the United Kingdom or any of the provisions of that Act shall, in relation to the carrying on of public practice in Northern Ireland, the eligibility, the qualifications and other conditions in relation thereto and the functions of the Association as a [supervisory body](#) (or corresponding concept) in Northern Ireland, be deemed to be a reference to the corresponding legislation or provision of the law of Northern Ireland.

(3) For the purposes of these regulations, Gibraltar shall be treated as if it were an EEA state and still subject to the Audit Directive.

(4) Words in the singular include the plural and vice versa.

(5) Any reference to a statutory provision shall include where the context permits the subordinate legislation made from time to time under that provision and any reference to a statutory provision or regulation shall include that provision or regulation as from time to time modified or re-enacted so far as such modification or re-enactment applies or is capable of applying to such reference.

(6) The Interpretation Act 1978 of the United Kingdom shall apply to these regulations in the same way as it applies to an enactment.

### 3. Meaning of public practice

#### (1) Activities

Public practice has the meaning described by [regulation 4](#) of the Global Practising Regulations.

### (2) Supervision for anti-money laundering

Members who provide accountancy services within the terms of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 by way of business, including those that fall outside the meaning described by regulation 4 of the Global Practising Regulations (for example book-keeping) will be subject to supervision for compliance with the anti-money laundering provisions under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. In such cases, eligible members should consider obtaining a practising certificate from the Association in order to be supervised by the Association. Alternatively, members must register with HM Revenue and Customs or another body recognised for such purposes.

## 4. Restrictions on carrying on public practice

### (1) Members

- (a) No member may carry on, or purport to carry on, insolvency practice in the United Kingdom unless the member is authorised to act as an [insolvency practitioner](#) in accordance with section 390(2) of the Insolvency Act 1986 of the United Kingdom.
- (b) Any activity carried on by a member acting as an insolvency practitioner shall constitute public practice.
- (c) A member acting as an insolvency practitioner is required to hold a practising certificate and shall be deemed to be a member in practice for the purposes of the bye-laws concerning elections to Council.

### (2) Members and firms

- (a) Firms that wish to accept an appointment as [statutory auditor](#), or to be held out as available to accept such an appointment, and members who intend to be responsible for a firm's statutory audit work are required to comply with the requirements of [Appendix 1](#).
- (b) Firms that wish to carry on [reserved legal activities in England and Wales](#), or to be held out as available to carry on such activities, and individuals who intend to be responsible for a firm's reserved legal activities work, are required to [comply with the requirements of Appendix 4 hold authorisation from an approved regulator. Individuals and firms that carry on reserved legal activities without the appropriate authorisation shall be in breach of this regulation.](#)

## 5. Qualifications

### (1) Qualifications required to hold a practising certificate

To be qualified to hold a practising certificate, members will need to meet the requirements of [regulation 7](#) of the Global Practising Regulations.

### (2) Qualifications required to obtain an audit qualification

To be qualified to hold an [audit qualification](#), an individual must meet one of the following requirements:

- (a) where the audit qualification is to relate to the United Kingdom, the requirements of [regulation 6 in Appendix 1](#);
- (b) where the audit qualification is to relate to Jersey, Guernsey and Dependencies, or the Isle of Man:
  - (i) comply with the relevant requirements in [Appendix 3](#) of these regulations; or
  - (ii) have previously held an equivalent certificate issued by the Association. However, individuals will be required, prior to the audit qualification being granted, to demonstrate adequate competence in audit work by providing to the Association details of recent audit experience and recent audit-related CPD.

[\(3\) To be qualified to carry on a reserved legal activity in England and Wales, an individual must meet the requirements of regulation 4 in Appendix 4.](#)

### (43) Professional competence

Members are reminded that they are required to attain professional competence appropriate to the professional services that they intend to provide. As described in subsection 113 of the Code of Ethics and Conduct, members must maintain professional knowledge and skill at the level required to ensure that clients or employers receive competent professional service.

## 6. Restriction on carrying on exempt regulated activities

No member, nor any firm in relation to which the member is a sole proprietor, partner or director, may carry on, or purport to carry on, [exempt regulated activities](#) in the United Kingdom unless the member or, as the case may be, the firm is registered by the Association to carry on exempt regulated activities or is otherwise authorised, or exempted from the need for authorisation, in respect of such exempt regulated activities for the purposes of the Financial Services and Markets Act 2000 of the United Kingdom. However, any member, or firm, satisfying the eligibility requirements contained in regulation 3 of the Designated Professional Body Regulations can register to conduct exempt regulated activities in accordance with and from the effective date of those regulations. The exempt regulated activities must be the only regulated activities carried out, other than regulated activities in relation to which the member or firm is an exempted person. Exempt regulated activities are as defined in the Designated Professional Body Regulations.

## 7. Professional indemnity insurance

### (1) Practising certificates

[Regulation 9](#) of the Global Practising Regulations applies to applicants for and holders of practising certificates.

### *(2) Continuity following cessation*

[Regulation 9\(5\)](#) of the Global Practising Regulations applies to persons subject to regulation 7(1) in respect of their ceasing to engage in public practice, insolvency work, reserved legal activities, exempt regulated activities or investment business services or investment advice.

### *(3) Insurance distribution*

Regulation 9 of the Global Practising Regulations sets out the limits of indemnity in respect of all holders of practising certificates. In addition, firms wishing to carry on insurance distribution activities must comply with the special requirements set out in regulation 4(3) of The Chartered Certified Accountants' Designated Professional Body Regulations 2001.

## **8. Continuing professional development**

Firms which carry on regulated activities must require the individuals who are partners or directors or [agents](#) of the firm who are not members but who carry on regulated activities in the United Kingdom on behalf of the firm to comply with Membership Regulation 4(4) as if they were members.

## **9. Conduct**

### *(1) Accountants' reports*

Members reporting on an entity which is a member of a regulatory body shall comply with the requirements of that regulatory body and adhere to any guidance issued by it for the preparation and presentation of their reports.

### *(2) Exempt regulated activities*

Members and firms conducting exempt regulated activities under the Designated Professional Body Regulations shall comply with the Association's Code of Ethics and Conduct in the conduct of that work.

### *(3) Anti-money laundering compliance*

Individuals holding practising certificates and relevant persons, within the meaning of Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, shall comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. If an anti-money laundering supervisory authority, including the Association, is to determine whether a relevant person has complied with its general ethical or regulatory requirements, it shall consider whether or not the relevant person has applied the provisions of the Anti-Money Laundering Guidance for the Accountancy Sector issued by the Consultative Committee of Accountancy Bodies.

## **10. Disclosure of information**

Individuals and firms must supply the Association with all necessary information to enable the Association to comply with its obligations with respect to any legal and regulatory requirements in accordance with [regulation 15](#) of the Global Practising Regulations.

## **11. Monitoring**

Individuals holding practising certificates shall be subject to monitoring by the Association in accordance with [regulation 14](#) of the Global Practising Regulations, which shall include monitoring to meet the Association's obligations under Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

# Appendix 1 - United Kingdom Audit Regulations 2016

## 1. Application

The regulations contained in this Appendix form part of Annex 1 to The Chartered Certified Accountants' Global Practising Regulations 2003.

## 2. Restrictions on carrying on public practice

### (1) Members and firms

Where public practice is carried on in the name of a firm, or otherwise in the course of a firm's business, and that public practice involves the accepting of an appointment as an [auditor](#), or the holding out of the firm as being available to accept such an appointment, no member shall be a sole proprietor, partner or director of that firm unless the firm holds an [auditing certificate](#) issued by the Association and is thereby authorised by the Association to carry on audit work.

(2) A firm required by regulation 2(1) to hold an auditing certificate may instead hold another certificate or authorisation which is in the opinion of the Admissions and Licensing Committee equivalent.

## 3. Where public practice is carried on

Where the public practice consists of accepting an appointment as statutory auditor, or holding oneself out as available to do so, it shall be taken to be carried on in the United Kingdom, whose laws apply to the appointment, or would apply to the potential appointment, in question.

## 4. Eligibility for an audit qualification

Members responsible for a firm's audit work shall be required to obtain the Association's [recognised professional qualification](#) in accordance with regulation 6 in addition to complying with [regulation 5](#) of the Global Practising Regulations as regards their practising certificate. The audit qualification will convey to the holder the necessary authorisation to carry on audit work.

## 5. Eligibility for an auditing certificate

(1) A firm shall be eligible for an auditing certificate if:

- (a) each of the individuals responsible for the firm's audit work holds an audit qualification, or, in the case of [non-members](#) of the Association, holds an equivalent certificate;
- (b) it is controlled by [qualified persons](#) within the meaning of [regulation 7](#);
- (c) it is fit and proper within the meaning of [regulation 8](#);
- (d) it holds the necessary PII in accordance with [regulation 9](#);
- (e) it has made arrangements for the continuity of its practice in accordance with [regulation 11](#);
- (f) it undertakes to be bound by the Global Practising Regulations including this Annex 1, the Complaints and Disciplinary Regulations, the Membership Regulations and the [Charter](#) and bye-laws insofar as they are applicable to it;
- (g) it has arrangements to prevent individuals who do not hold an [appropriate qualification](#) for the purposes of Part 42 of the Companies Act 2006 and persons who are not members of the firm from being able to exert any influence over the way in which an audit is conducted in circumstances in which that influence would be likely to affect the independence or integrity of the audit; and
- (h) it satisfies any other eligibility criteria set by the [UK competent authority](#).

(2) A firm which has ceased to comply with the conditions under (1)(a) or (1)(b) above may be permitted to remain eligible for appointment as an auditor for a period of not more than three months.

## 6. Qualifications

### (1) Qualifications required to hold a practising certificate

To be qualified to hold a practising certificate, members will need to meet the requirements of [regulation 7](#) of the Global Practising Regulations.

### (2) Qualifications required to obtain an audit qualification

To be qualified to hold an audit qualification:

- (a) an individual (other than a third country auditor) must:
  - (i) have obtained the Association's recognised professional qualification (in accordance with regulation 6(5) below); or
  - (ii) have previously held an equivalent certificate issued by the Association. However, individuals will be required, prior to the audit qualification being granted, to demonstrate adequate competence in audit work by providing to the Association details of recent audit experience and recent audit-related CPD; or
- (b) an individual who is a third country auditor must:

- (i) hold an appropriate qualification; or
- (ii) have been authorised on or before 5 April 2008 to practise the profession of company auditor pursuant to the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005 (S.I. 2005/18) and have fulfilled any requirements imposed pursuant to regulation 6 of those Regulations; or
- (iii) have a [third country](#) qualification approved by the Secretary of State under section 1221 of the Companies Act 2006 and have passed the Association's aptitude test in accordance with 6(3) below unless an aptitude test is not required (see 6(4) below); or
- (iv) be an EEA auditor who on or before IP completion day holds a professional qualification which covers all the subjects that are covered by the recognised professional qualification and that are subjects of which knowledge is essential for the pursuit of the profession of statutory auditor; or
- (v) be an EEA auditor who:
  - (aa) on or before IP completion day holds a professional qualification which does not cover all the subjects that are covered by the recognised professional qualification and that are subjects of which knowledge is essential for the pursuit of the profession of statutory auditor, and
  - (bb) on or before IP completion day holds an audit qualification issued by the Association, or is in the process of obtaining an audit qualification from the Association, and
  - (cc) has passed the Association's aptitude test in accordance with 6(3) below.

### (3) The aptitude test

The aptitude test:

- (a) must test the person's knowledge of subjects:
  - (i) that are covered by a recognised professional qualification; and
  - (ii) that are not covered by the recognised professional qualification already held by the person; and
  - (iii) the knowledge of which is essential to the pursuit of the profession of statutory auditor;
- (b) may test the person's knowledge of rules of professional conduct;
- (c) must not test the person's knowledge of any other matters.

### (4) Aptitude test not required

No aptitude test is required if the subjects that are covered by a recognised professional qualification and the knowledge of which is essential in the pursuit of the profession of statutory auditor are covered by the professional qualification already held by the person.

### (5) Recognised professional qualification of the Association

To obtain the Association's recognised professional qualification, members must:

- (a) have completed three years' practical training in an ACCA approved employer, working either as an employee or sub-contractor, of which at least two years must have been under the supervision of:
  - (i) a member who is authorised to carry on audit work by way of an audit qualification; or
  - (ii) any other person having in the opinion of Council adequate qualifications and experience and who is a fully qualified statutory auditor under paragraph 9(4) of Schedule 11 to the Companies Act 2006, such as statutory auditors practising in EEA states and Gibraltar (or equivalent persons in relation to applicants for certificates relating to countries other than the United Kingdom);

and must comply with the requirements set out in [Appendix 2](#);

- (b) have successfully completed the English examination Corporate and Business Law, of the Association's examinations, or equivalent examination from a previous syllabus;
- (c) have successfully completed the UK examinations Taxation, and Advanced Audit and Assurance, of the Association's examinations, or equivalent examinations from a previous syllabus;
- (d) have successfully completed the UK examination Strategic Business Reporting, or equivalent examination from a previous syllabus, if this examination was completed on or after 1 January 2011;
- (e) in the case of members who registered for the ACCA Qualification on or after 1 January 2016, have successfully completed all the relevant Strategic Professional examinations, or equivalent examinations from a previous syllabus, within five years from the date on which the member completed the Applied Knowledge Level and Applied Skills Level examinations, or equivalent examinations from a previous syllabus (and, for the removal of doubt, completion of the Applied Knowledge Level and Applied Skills Level examinations, or equivalent examinations from a previous syllabus, may include receiving exemption from any or all of the examinations in those Levels); and
- (f) have been a member of the Association continuously for a period of not less than two years.



If the member accepted exemptions from all or part of the Applied Knowledge Level and Applied Skills Level of the Association's syllabus, or equivalent examinations from a previous syllabus, on the basis of qualifications gained more than five years previously (at the date of initially submitting the qualifications as an [ACCA student](#)), the member will be required to pass those exempted examinations.

If the member registered for the ACCA Qualification on or after 1 January 2016, the member must have successfully completed all the relevant Applied Knowledge Level and Applied Skills Level examinations, or equivalent examinations from a previous syllabus, within five years of becoming eligible to sit these examinations.

### *(6) Waiver*

In exceptional circumstances, to the extent permitted by the provisions of the Companies Act 2006 and the UK competent authority, the Admissions and Licensing Committee may waive, vary or suspend the requirements of regulation 6(5)(a) and/or regulation 6(5)(f) in its absolute discretion.

## **7. Meaning of firm controlled by qualified persons**

Firms controlled by qualified persons are authorised for carrying on audit work in accordance with [regulation 5](#).

- (a) A firm shall only be regarded as controlled by qualified persons for the purposes of regulation 5 where:
  - (i) a majority of the partners or a majority of the directors and shareholders of the firm are qualified persons; and
  - (ii) if the firm's affairs are managed by a board of directors, committee or other management body, a majority of that body are qualified persons, or if the body consists of only two persons, at least one of them is a qualified person and has a casting vote.
- (b) References in regulation 7(a) above to a person being qualified are, in relation to an individual, to their being qualified to hold an audit qualification in accordance with [regulation 6\(2\)](#) and that the person spends a material amount of their time working in the firm concerned, or being otherwise eligible to be appointed as an auditor.
- (c) A majority of the partners or a majority of the directors and shareholders of the firm in regulation 7(a)(i) means:
  - (i) where under the firm's constitution matters are decided on by the exercise of voting rights, partners or directors and shareholders holding a majority of the rights to vote on all, or substantially all, matters;
  - (ii) in any other case, partners or directors and shareholders having such rights under the constitution of the firm as enable them to direct its overall policy or alter its constitution.
- (d) A majority of the members of the management body of a firm in regulation 7(a)(ii) means:
  - (i) where matters are decided at meetings of the management body by the exercise of voting rights, members holding a majority of the rights to vote on all, or substantially all, matters at such meetings;
  - (ii) in any other case, members having such rights under the constitution of the firm as enable them to direct its overall policy or alter its constitution.
- (e) The provisions of paragraphs 5 to 7 of Schedule 7 to the Companies Act 2006 (rights to be taken into account and attribution of rights) apply for the purposes of this regulation 7.

## **8. Fit and proper persons**

(1) [Regulation 8](#) of the Global Practising Regulations applies to members. Additionally, where auditing certificates are concerned, this regulation 8 shall apply to the Admissions and Licensing Committee's determination.

(2) In determining whether a person is "fit and proper", the Admissions and Licensing Committee:

- (a) may take into account whether that person has contravened any provision of law relating to the seeking appointment or acting as auditor;
- (b) shall take into account whether that person has contravened any law or regulation or undertaken any practices or conduct referred to in relevant law, regulation or guidance issued by a body with responsibility for the regulation of the activities of the holder of the certificate or of the Association in its regulation of such activities;
- (c) may take into account any matter which relates to the person and any matter relating to any person who is or will be employed by or associated with the person for the purposes of or in connection with public practice.

## **9. Professional indemnity insurance**

### *(1) Auditing certificates held by firms*

[Regulation 9](#) of the Global Practising Regulations applies to applicants for and holders of auditing certificates by firms.

### *(2) Continuity following cessation*

[Regulation 9\(5\)](#) of the Global Practising Regulations applies to persons subject to regulation 9(1) in respect of their ceasing to engage in public practice.

## 10. Continuing professional development

(1) Firms holding an auditing certificate must require the individuals who are partners or directors or agents of the firm who are not members but who are responsible for the firm's audit work to comply with Membership Regulation 4(4) as if they were members. This includes compliance with regulation 10(2) below.

(2) Members holding the recognised professional qualification must maintain competence in the area of audit, and obtain an appropriate proportion of CPD units in that area.

## 11. Continuity of practice

[Regulation 11](#) of the Global Practising Regulations shall be applicable to all firms holding an auditing certificate.

## 12. Notification

(1) Firms holding an auditing certificate must comply with [regulation 12](#) of the Global Practising Regulations.

(2) Additionally, they shall give written notice forthwith of the commencing of proceedings against any partner or director or [controller](#) of a firm or any actions for damages, injunctions or restitution orders connected with [regulated work](#) carried on by the individual in question.

(3) Firms holding an auditing certificate shall notify the Association in writing within 28 days after their acceptance of an appointment as auditor to a [public interest entity](#) whose audits are within the scope of the Audit Quality Review team of the UK competent authority.

## 13. Conduct of audit work

(1) In the conduct of audit work, holders of an audit qualification and firms holding an auditing certificate shall comply with all the applicable sections of the Association's Rulebook and in particular the ACCA Code of Ethics and Conduct, and the technical, ethical and quality control standards issued by the UK competent authority under the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time) and International Standards on Auditing (UK) issued by the Financial Reporting Council.

(2) For accounting periods commencing on or after 6 April 2008, the [audit report](#) shall:

- (a) state the name of the auditor and be signed and dated;
- (b) where the auditor is an individual, be signed by them;
- (c) where the auditor is a firm, be signed by the [senior statutory auditor](#) in their own name, for and on behalf of the auditor and use the designation "Senior Statutory Auditor" after their name;
- (d) state the name of the firm as it appears on the register; and
- (e) use the designation "Statutory Auditor" or "Statutory Auditors" after the name of the firm.

The auditor's name and, where the auditor is a firm, the name of the person who signed the report as senior statutory auditor may be omitted from published copies of the report and the copy of the report to be delivered to the registrar of companies if the conditions set out in section 506 of the Companies Act 2006 are met.

(3) In the case of a [major audit](#), an auditor ceasing to hold office for any reason must notify the Financial Reporting Council. In the case of an audit which is not a major audit, an auditor ceasing to hold office before the end of their term in office must notify the Association. In each case the notice must inform the appropriate audit authority that the auditor has ceased to hold office and be accompanied by a copy of the statement deposited by the auditor at the company's registered office in accordance with section 519 of the Companies Act 2006.

(4) A person ceasing to hold office as a statutory auditor shall make available to their successor in that office all relevant information which the person holds in relation to that audit.

(5) In the conduct of [group](#) audit work, the [group auditor](#) shall:

- (a) review for the purposes of a group audit the audit work conducted by other persons and record that review;
- (b) retain copies of any documents necessary for the purposes of the review that it has received from [third country auditors](#) who are not covered by the working arrangements under section 1253E of the Companies Act 2006;
- (c) agree with those third country auditors proper and unrestricted access to those documents on request.

## 14. Disclosure of information

*(1) Register of auditors and available information*

Holders of an audit qualification and firms holding an auditing certificate must supply the Association with all necessary information in accordance with, and to enable the Association to comply with any other obligations imposed upon it by regulations made under, sections 1239 and 1240 of the Companies Act 2006. This requirement shall apply for the duration of time that an audit qualification and auditing certificate are held.

*(2) Responsibility of group auditor*

In the case of a group audit where part of the group is audited by a third country auditor, an auditor must make arrangements so that, if requested by the Association or by a competent authority, it can obtain from that third country auditor all [audit working papers and investigation reports](#) necessary for a review of that third country auditor's audit work. An auditor shall make those documents available to:



- (a) the Association;
- (b) the UK competent authority or any recognised supervisory body to which the UK competent authority has delegated tasks in accordance with regulation 3 of the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time);
- (c) the Secretary of State.

If, after taking all reasonable steps, a group auditor is unable to obtain copies of the documents or the access to the documents necessary for the review, the group auditor shall record:

- (a) the steps taken to obtain copies of or access to those documents;
- (b) the reasons why the copies or access could not be obtained; and
- (c) any evidence of those steps or those reasons.

### *(3) Transfer of audit documentation to third country competent authorities*

In the case of a request by a [third country competent authority](#), an auditor must provide that body with a copy of its audit working papers and investigation reports as soon as practicable, provided:

- (a) the transfer is to an approved third country competent authority;
- (b) the Secretary of State has approved the transfer;
- (c) the transfer to the third country competent authority is made for the purpose of an investigation of an auditor or audit firm;
- (d) the following conditions are met:
  - (i) the third country competent authority has requested the audit working papers and investigation reports for the purposes of an investigation, which has been initiated by itself or another third country competent authority established in that same third country;
  - (ii) the audit working papers and investigation reports relate to audits of companies that:
    - (aa) have issued securities in that third country; or
    - (bb) form part of a group issuing statutory consolidated accounts in that third country;
  - (iii) where the authority has made the request for the audit working papers and investigation reports directly to the statutory auditor, the authority has given the Secretary of State advance notice of the request, indicating the reasons for it;
  - (iv) the authority has entered into arrangements with the Secretary of State in accordance with section 1253E of the Companies Act 2006.

The statutory auditor must refuse to transfer audit working papers and investigation reports to a third country competent authority if the Secretary of State directs under section 1253E(6) of the Companies Act 2006.

The auditor must also inform the Association of the request.

## **15. Monitoring**

(1) Individuals holding a practising certificate and firms holding an auditing certificate shall be subject to monitoring by the Association in accordance with [regulation 14](#) of the Global Practising Regulations.

(2) Firms holding auditing certificates must comply with the Association's monitoring arrangements, which may be performed by the UK competent authority or any recognised supervisory body to which the UK competent authority has delegated tasks in accordance with regulation 3 of the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time).

(3) Firms holding an auditing certificate shall be subject to monitoring by the Audit Quality Review team of the UK competent authority (AQR) if they hold an appointment as auditor to a public interest entity whose audits are within the scope of AQR. Such firms must supply AQR with any information AQR requires to enable it to complete its monitoring process.

(4) An order imposed by the UK competent authority in accordance with the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time) is to be treated as if it were an order imposed by the Association under The Chartered Certified Accountants' Authorisation Regulations 2014.

## **16. Investigation of complaints**

Holders of the Association's recognised professional qualification and firms holding auditing certificates must comply with the Association's investigation arrangements, which may be performed by the UK competent authority or any recognised supervisory body to which the UK competent authority has delegated tasks in accordance with regulation 3 of the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time).

## **17. Enforcement**

(1) Sanctions available to the Disciplinary Committee are set out in The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014. For the avoidance of doubt, the sanctions available to the Disciplinary Committee include all those set out in paragraph 12(3)(b) of schedule 10 to the Companies Act 2006.

(2) A sanction imposed by the UK competent authority following the conclusion of an investigation in accordance with the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time) is to be treated as if it were a sanction imposed by the Association under The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014.

### **18. General**

(1) In circumstances where and to the extent that a task delegated to the Association is reclaimed by the UK competent authority under regulation 3 of the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time), the UK competent authority may apply rules (and may vary the rules it applies) made by the Association in accordance with the requirements of Part 2 of Schedule 10 to the Companies Act 2006.

(2) In circumstances where and to the extent that a task delegated to the Association is reclaimed by the UK competent authority under regulation 3 of the Statutory Auditors and Third Country Auditors Regulations 2016 (as amended from time to time), and is delegated by the UK competent authority to another recognised supervisory body, that other recognised supervisory body may apply rules (and may vary the rules it applies) made by the Association in accordance with the requirements of Part 2 of Schedule 10 to the Companies Act 2006.

## **Appendix 2 - Requirements for the recognised professional qualification**

### **Training requirements**

To obtain the Association's recognised professional qualification (i.e. the UK audit qualification), members must have completed three years' (i.e. 132 weeks based on 44 weeks per annum) practical training in an ACCA approved employer.

Training in an ACCA approved employer must be undertaken in accordance with the Practising Certificate Experience Requirement. At least 44 weeks of the training must be in audit work. This should include:

- (a) at least 22 weeks specifically in statutory audit, and
- (b) a further 22 weeks which is either:
  - (i) audit work of companies established under the Companies Acts, or
  - (ii) audit work in respect of either:
    - (aa) organisations whose financial reporting requirements are laid down in statutes other than the Companies Acts (or equivalent provisions of the laws of the country to which the qualification is to relate), for example:
      - nationalised industries;
      - local councils, health authorities and self-governing trusts (excluding value for money audits and parish accounts);
      - housing associations;
      - insurance companies;
      - trade unions;
      - friendly or industrial and provident societies;
      - building societies, or
    - (bb) other entities where the provisions of the Auditing Standards issued by the UK competent authority or the International Standards on Auditing issued by the International Auditing and Assurance Standards Board apply and where an opinion or certificate is placed on accounts stating that they give a true and fair view of the financial position of the entity or that they present fairly the financial position of the entity. The turnover of the entity must exceed the VAT threshold ruling at the date to which the accounts are made up. Examples of non-statutory audits include:
      - partnerships or sole traders whose external reporting obligations are governed by legislation or regulatory bodies;
      - professional bodies (e.g. the Association);
      - charities;
      - UK branches of overseas corporations;
      - private partnerships and sole traders (subject to partnership agreements or bankers'/other third party demands).

The length of time to be spent on the other areas is not fixed, but candidates must be able to demonstrate competence in each of the three specified areas.

Members whose audit experience is achieved some time before their application for the audit qualification will be required, prior to the award of the audit qualification, to demonstrate adequate competence in audit work by providing to the Association details of recent audit experience and recent audit-related CPD.

## **Appendix 3 - Qualification requirements for an audit qualification Jersey, Guernsey and Dependencies and the Isle of Man**

1. The requirements referred to in [regulation 5\(2\)\(b\)\(i\)](#) are:

- (a) the member has been a member of the Association continuously for a period of not less than two years; and
- (b) the member must have completed three years' practical training in an ACCA approved employer, working either as an employee or sub-contractor, under the supervision of:
  - (i) a member holding an audit qualification; or
  - (ii) any other person having in the opinion of Council adequate qualifications and experience and who is a fully qualified statutory auditor under paragraph 9(4) of Schedule 11 to the Companies Act 2006 of the United Kingdom;

and must comply with the requirements set out in [Appendix 2](#).

2. In exceptional circumstances, the requirements of paragraph 1 of this Appendix 3 may be waived, varied or suspended at the direction of the Admissions and Licensing Committee in its absolute discretion.

## Appendix 4 – Legal Activities Regulations 2018

### 1. Application

(1) The regulations contained in this Appendix form part of Annex 1 to The Chartered Certified Accountants' Global Practising Regulations 2003, and shall apply to all members and to all persons who otherwise agree to be bound by them.

(2) These regulations apply to the reserved legal activity of probate, and extend to non-contentious probate business only.

(3) These regulations extend to England and Wales only.

### 2. Restrictions on carrying on public practice

(1) Where public practice is carried on in the name of a firm, or otherwise in the course of a firm's business, and that public practice involves reserved legal activities, or the holding out of the firm as being available to carry on such activities, no member shall be a sole proprietor, partner or director of that firm, or a member or designated member of a limited liability partnership, unless the firm holds a legal activities certificate issued by the Association and is thereby authorised by the Association to carry on the reserved legal activities authorised by the issue of that certificate.

(2) A firm required by regulation 2(1) to hold an appropriate legal activities certificate may instead hold another certificate or authorisation from another approved regulator which is in the opinion of the Admissions and Licensing Committee equivalent.

### 3. Where public practice is carried on

Where the public practice consists of accepting engagements for reserved legal activities, or holding oneself out as available to do so, it shall be taken to be carried on in England and Wales, whose laws apply to the engagements, or would apply to the potential engagements, in question.

### 4. Eligibility for legal activities authorisation

#### Members

(1) Members responsible for a firm's engagements to provide reserved legal activities shall be required to obtain the relevant legal activities qualification or qualifications in accordance with regulation 6 in addition to complying with regulation 5 of the Global Practising Regulations as regards their practising certificate. A legal activities qualification will convey to the holder the necessary authorisation to carry on that reserved legal activity.

#### Non-members

(2) Non-members responsible for engagements to provide reserved legal activities in a firm holding an appropriate legal activities certificate shall be required to obtain the relevant legal activities qualification or qualifications in accordance with regulation 6(2), or otherwise demonstrate their authorisation to carry on those reserved legal activities. A legal activities qualification will convey to the holder the necessary authorisation to carry on that reserved legal activity.

(3) In addition to complying with regulation 4(2), non-members shall be required to provide undertakings to be bound by the following regulations as if they were members of the Association:

- (a) the Global Practising Regulations;
- (b) the continuing professional development requirements of Membership Regulation 4(4);
- (c) the Authorisation Regulations, including the requirement at Authorisation Regulation 3(1)(a) to pay such fees as Council may from time to time require when applying for a legal activities authorisation;
- (d) the Charter, bye-laws and regulations of the Association insofar as they are appropriate and applicable (other than those relating to members' rights to attend and vote at meetings of the Association and obligations to pay subscriptions); and
- (e) the disciplinary procedures of the Association and penalties which may be imposed under such provisions insofar as such penalties could be applicable to a person who is not a member of the Association.

## 5. Eligibility for a firm's legal activities certificate

A firm's legal activities certificate will convey to the holder the necessary authorisation to carry on the reserved legal activity or activities to which the certificate relates. A firm shall be eligible for authorisation to carry on a reserved legal activity if:

- (a) each of the individuals responsible for the firm's reserved legal activities holds a legal activities qualification, or, in the case of non-members of the Association, holds an equivalent authorisation; and
- (b) it is controlled by authorised persons within the meaning of regulation 7; and
- (c) it is fit and proper within the meaning of regulation 8; and
- (d) it holds the necessary PII and FGI in accordance with regulation 9; and
- (e) it has made arrangements for the continuity of its practice in accordance with regulation 11; and
- (f) it undertakes to be bound by the Global Practising Regulations including this Annex 1, the Complaints and Disciplinary Regulations, the Membership Regulations and the Charter and bye-laws insofar as they are applicable to it.

## 6. Legal activities qualifications

### (1) Qualifications required to hold a practising certificate

To be qualified to hold a practising certificate, members will need to meet the requirements of regulation 7 of the Global Practising Regulations.

### (2) Qualifications required to carry on a reserved legal activity

To be qualified to carry on a reserved legal activity, an individual must:

- (a) if the individual is a member of the Association, have successfully completed a course of training and assessment in the reserved legal activity, as prescribed by the Association, and provided the Association with evidence of the individual's skill and competence in the reserved legal activity in a manner prescribed by the Association; or
- (b) if the individual is not a member of the Association, be a member of another member body of the International Federation of Accountants, and be entitled to practise accountancy; and

- (i) have successfully completed a course of training and assessment in the reserved legal activity, as prescribed by the Association, and provided the Association with evidence of the individual's skill and competence in the reserved legal activity in a manner prescribed by the Association; or
- (ii) hold, or be eligible to hold, authorisation to carry on the reserved legal activity with another approved regulator; or
- (iii) be otherwise entitled to carry on the reserved legal activity under the Legal Services Act 2007.

### **(3) Waiver**

In exceptional circumstances, to the extent permitted by the Legal Services Act 2007, the requirements of regulation 6(2) may be waived, varied or suspended at the direction of the Admissions and Licensing Committee in its absolute discretion.

## **7. Meaning of firm controlled by authorised persons**

(1) Firms controlled by authorised persons are authorised for carrying on reserved legal activities in accordance with regulation 5.

(2) A firm shall only be regarded as controlled by authorised persons for the purposes of regulation 5 where:

- (a) all of the partners or all of the directors and shareholders of the firm, or all of the members and designated members of a limited liability partnership, are authorised persons; and
- (b) if the firm's affairs are managed by a board of directors, committee or other management body, all of that body are authorised persons.

(3) References in regulation 7(2) above to a person being authorised are, in relation to an individual, to their being qualified to carry on reserved legal activities in accordance with regulation 6(2).

## **8. Fit and proper persons**

(1) Regulation 8 of the Global Practising Regulations applies to members. Additionally, where authorisation to carry on a reserved legal activity is concerned, this regulation 8 shall apply to the Admissions and Licensing Committee's determination.

(2) In determining whether a person is "fit and proper", the Admissions and Licensing Committee:

- (a) may take into account whether that person has contravened any provision of law relating to the carrying on of reserved legal activities;
- (b) shall take into account whether that person has contravened any law or regulation or undertaken any practices or conduct referred to in relevant law, regulation or guidance issued by a body with responsibility for the regulation of the activities of the holder of the certificate or of the Association in its regulation of such activities;
- (c) may take into account any matter which relates to the person and any matter relating to any person who is or will be employed by or associated with the person for the purposes of or in connection with public practice.

## **9. Professional indemnity insurance**

### **(1) Legal activities certificates held by firms**

Regulation 9 of the Global Practising Regulations applies to applicants for, and firms holding, legal activities certificates.

### **(2) Limits**

Firms wishing to hold, or continue holding, a legal activities certificate that authorises the firm to carry on the reserved legal activity of probate must effect professional indemnity insurance with minimum limits of indemnity of £100,000 in respect of each and every claim.

### **(3) Continuity following cessation**

Regulation 9(5) of the Global Practising Regulations applies to persons subject to regulation 9(1) in respect of their ceasing to engage in public practice. In addition, firms that have effected a higher level of indemnity in respect of probate activities should ensure that such cover remains for a period of six years after they cease to engage in probate activities.

## **10. Continuing professional development**

(1) Firms holding a legal activities certificate must require all those responsible for the firm's reserved legal activities who are partners or directors or, in the case of a limited liability partnership, members or designated members, or agents, who are not members but who are responsible for the firm's reserved legal activities to comply with Membership Regulation 4(4) as if they were members. This includes compliance with regulation 10(2) below.

(2) Individuals authorised to carry on one or more reserved legal activities must maintain competence in those reserved legal activities, and obtain an appropriate proportion of CPD units in each of those areas.

## **11. Continuity of practice**

Regulation 11 of the Global Practising Regulations shall be applicable to all firms holding a legal activities certificate.

## **12. Notification**

(1) Firms holding a legal activities certificate must comply with regulation 12 of the Global Practising Regulations.

(2) Additionally, firms shall give written notice forthwith of the commencing of proceedings against any authorised person of the firm or any actions for damages, injunctions or restitution orders connected with regulated work carried on by the individual in question.

## **13. Conduct of reserved legal activities**

In the conduct of reserved legal activities, authorised individuals and firms holding a legal activities certificate shall comply with all applicable laws and regulations, including:

- (a) all applicable sections of the Association's Rulebook, including the Code of Ethics and Conduct; and
- (b) the Legal Services Act 2007.



## 14. Monitoring

Authorised individuals and firms holding a legal activities certificate shall be subject to monitoring by the Association in accordance with regulation 14 of the Global Practising Regulations

## 15. Complaints handling by firms

(1) Firms holding a legal activities certificate shall establish procedures to deal with complaints.

(2) The firm's procedures to deal with complaints shall require that:

- (a) at the beginning of an engagement (and existing clients, at the next appropriate opportunity), clients are notified, in writing, of
  - (i) the client's right to complain to the firm, including how to complain and the name of the individual to be contacted in the event of a complaint; and
  - (ii) the client's right to complain to the Legal Ombudsman at the end of the firm's complaints handling process if the client is not satisfied with the outcome; and
  - (iii) the point at which a complaint may be made to the Legal Ombudsman, and how to contact the Legal Ombudsman; and
  - (iv) the client's right to complain to the Association if the complaint does not fall within the Legal Ombudsman Scheme Rules;
- (b) complaints received are acknowledged promptly;
- (c) complaints made orally are acknowledged in writing, stating the firm's understanding of the nature of the complaint;
- (d) complaints are investigated by a person of sufficient experience, seniority and competence who, where possible, was not directly involved in the particular act or omission giving rise to the complaint;
- (e) complaints are investigated in a fair, prompt, constructive and honest manner;
- (f) records are maintained of the way in which each complaint is handled;
- (g) the client is notified promptly, in writing, of the outcome of the investigation of the complaint and, if the client is not satisfied with the outcome, of:
  - (i) the client's right to complain to the Legal Ombudsman, the time limit for doing so, and how to contact the Legal Ombudsman; and
  - (ii) the client's right to complain to the Association if the complaint does not fall within the Legal Ombudsman Scheme Rules;
- (h) any appropriate remedial action is promptly taken;
- (i) if, after eight weeks following the making of the complaint, the client has not been notified, in writing, of the outcome of the investigation, the client is informed, in writing, of
  - (i) the client's right to complain to the Legal Ombudsman, the time limit for doing so, and how to contact the Legal Ombudsman; and

- (ii) ~~the client's right to complain to the Association if the complaint does not fall within the Legal Ombudsman Scheme Rules.~~

## **16. Investigation of complaints**

~~(1) Authorised individuals and firms holding a legal activities certificate shall cooperate with any investigation by the Legal Ombudsman and promptly comply with any decision or remedy ordered by the Legal Ombudsman.~~

~~(2) Authorised individuals and firms holding a legal activities certificate must comply with the Association's investigation arrangements, which may be performed by another approved regulator, and shall be subject to the Association's disciplinary procedures and processes in accordance with the requirements of The Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014.~~

## **17. Disclosure of information**

~~Authorised individuals and firms holding a legal activities certificate must supply the Association with all necessary information to enable the Association to comply with its obligations to the Legal Services Board, the Legal Ombudsman and other bodies in its capacity as an approved regulator under the Legal Services Act 2007.~~