

ACTS SUPPLEMENT

to The Uganda Gazette No. 63 Volume CVI dated 13th December, 2013.

Printed by UPPC, Entebbe, by Order of the Government.

Act 19

Accountants Act

2013

THE ACCOUNTANTS ACT, 2013

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY.

1. Interpretation.

PART II—THE INSTITUTE OF CERTIFIED PUBLIC
ACCOUNTANTS OF UGANDA.

2. The Institute.
3. Seal of the Institute.
4. Functions of the Institute.
5. Membership of the Institute.
6. Meetings of the Institute.

PART III—THE COUNCIL.

7. The Council.
8. Composition of the Council.
9. Tenure of office.
10. Resignation of members of the Council.
11. Termination of office of member of the Council.
12. Functions of the Council.
13. Meetings of the Council.
14. Committees of the Council.

PART IV—THE PUBLIC ACCOUNTANTS EXAMINATIONS BOARD.

15. The Public Accountants Examinations Board.
16. Functions of examinations board.

PART V—SECRETARY, REGISTRAR AND STAFF OF THE INSTITUTE.

17. Secretary of the Institute.
18. Registrar of accountants.
19. Other staff.

Section

PART VI—FINANCIAL PROVISIONS.

20. Funds of the Institute.
21. Borrowing power.
22. Investment.
23. Financial year.
24. Accounts and audit.

PART VII—REGULATION OF ACCOUNTANTS AND THE
PRACTICE OF ACCOUNTANCY

25. Enrolment of members.
26. Disqualification from enrolment and membership.
27. Registration as practising accountants.
28. Certificate of practice.
29. Renewal of certificate of practice.
30. Use of Titles of the Institute.
31. Issue of annual licenses to accounting firms.
32. Renewal of licenses to practice for accounting firms.
33. Inspection of accounting firms.
34. Practicing accountancy.
35. Offence to practise without certificate.

PART VIII—THE QUALITY ASSURANCE BOARD.

36. The Quality Assurance Board.
37. Functions of the Quality Assurance Board.

PART IX—PROFESSIONAL CODE OF ETHICS.

38. Professional code of ethics.

PART X—DISCIPLINARY COMMITTEE.

39. The disciplinary committee.
40. Secretary to disciplinary committee.
41. Complaints against accountants.
42. Procedure of disciplinary committee.
43. Decision of disciplinary committee.

Section

44. Report of disciplinary committee to Council.
45. Disciplinary appeals committee.
46. Powers and functions of the disciplinary appeals committee.
47. Appeals to the High Court.
48. Implementation of orders of disciplinary committee and disciplinary appeals committee.

PART XI—MISCELLANEOUS.

49. Fees.
50. Registers.
51. Extract from the register.
52. Alteration of the register.
53. Regulations.
54. Amendment of Schedule.
55. Consequential amendments.
56. Repeal of the Accountants Act.

SCHEDULES

- Schedule 1 — Currency Point
Schedule 2 — Meetings of the Institute
Schedule 3 — Associate Members

THE ACCOUNTANTS ACT, 2013.

An Act to amend, replace and consolidate the law relating to accountants; to provide for the Institute of Certified Public Accountants of Uganda; to provide for the Council of the Institute and the composition of the Council, appointment of the members of the Council and the functions of the Council; to provide for the public accountants examination board and its membership and functions; to provide for the secretary, registrar and staff of the Institute; to provide for the enrolment of the members of the Institute and the registration of practising accountants and licensing of accounting firms; to provide for a public oversight board; the code of ethics and disciplinary proceedings; to provide for the fees payable under the Act; to repeal the Accountants Act, Cap 266; and for connected purposes.

DATE OF ASSENT: 27th June, 2013.

Date of Commencement: 13th December, 2013.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Interpretation.**

In this Act unless the context otherwise requires—

“accountant” means a person who is enrolled as a member of the Institute in accordance with this Act;

“accounting firm” means a sole proprietorship or a partnership of qualified practicing accountants and licensed under this Act;

“associate member” means a person who has qualified or who has passed professional exams and has not attained professional practical experience;

“Council” means the Council of the Institute provided for under section 7;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“disciplinary appeals committee” means the disciplinary appeals committee of the Council provided for under section 45;

“disciplinary committee” means the disciplinary committee of the Council provided for under section 39;

“examinations board” means the examinations board provided for under section 15;

“Institute” means the Institute of certified public accountants of Uganda provided for under section 2;

“Minister” means the Minister responsible for finance;

“practising accountant” means an accountant registered in accordance with section 27 and issued with a practicing certificate under section 28;

“president” means the president of the Council provided for under section 8;

“public officer” means any person holding or acting in an office in the public service;

“registrar” means the registrar of accountants provided for under section 18;

“secretary” means the secretary of the Institute appointed under section 17.

PART II—THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF
UGANDA

2. The Institute.

(1) The Institute of Certified Public Accountants of Uganda in existence immediately before the commencement of this Act is continued in existence subject to this Act.

(2) The Institute shall be a body corporate with perpetual succession and may sue or be sued in its corporate name.

(3) The Institute may hold, acquire or dispose of any property, movable or immovable.

3. Seal of the Institute.

(1) The Institute shall have a common seal which shall be kept in the custody of the secretary and which shall not be affixed to any document except by the order of the Council.

(2) The seal of the Institute shall be authenticated by the signatures of the president and the secretary or in the absence of the president, by the signatures of the vice president and the secretary.

4. Functions of the Institute.

The Institute shall—

- (a) regulate and maintain the standard of accountancy in Uganda; and
- (b) prescribe and regulate the conduct of accountants and practising accountants in Uganda.

5. Membership of the Institute.

(1) The Institute shall have the following categories of members—

- (a) full members;
- (b) associate members;
- (c) retired members; and
- (d) any other category of members, as may be determined by the Council.

(2) A person shall be eligible for full membership of the Institute if he or she—

- (a) passes the qualifying examinations conducted by the examinations board and completes the practical training prescribed by the Council; or
- (b) is a member of a society or an institute of accountants approved by the Council as being a society or institute with a status equivalent to that of the Institute.

(3) For the purposes of subsection (2) (b), the Council may—

- (a) determine the specific class of members of a society or an institute of accountants approved as being a society or institute with a status equivalent to that of the Institute, that is eligible for membership; or
- (b) provide that a member of a specific society or institute of accountants is not eligible for membership of the Institute unless he or she passes the qualifying examinations conducted by the examinations board and completes the practical training prescribed by the Council.

(4) A person to whom subsection (2) refers, may apply to the Institute to be enrolled as a full member of the Institute.

(5) A person who—

- (a) enrolled and registered as a full member or an associate member of the Institute under the Accountant Act, Cap. 266, and qualifies for membership under this Act, shall be a full member under this Act;
- (b) was an associate member under the Accountant Act, Cap. 266 will remain an associate member;
- (c) in this subsection, ‘associate member’ means a person named in Schedule 2.

(6) A person is eligible for membership as an associate member of the Institute if he or she passes a qualifying examination conducted by the examinations Board but does not have practical training prescribed by the Council.

(7) A person shall be eligible for membership as a retired member of the Institute if he or she meets the criteria prescribed by regulations made under this Act and applies to the Council for retirement.

6. Meetings of the Institute.

The meetings of the Institute shall be held in accordance with Schedule 3 and Regulations made under this Act.

PART III—THE COUNCIL

7. The Council.

(1) The governing body of the Institute is the Council which consists of eleven members as specified in section 8.

(2) The Council shall be headed by a president who is deputised by a vice president.

8. Composition of the Council.

(1) The Council is composed of—

- (a) seven members elected by full members, at least five of whom shall be practising accountants;
- (b) one member appointed by the Minister from a recognised professional or regulatory body established by an Act of Parliament; and
- (c) three *ex-officio* members who are the Accountant-General, the Auditor-General and the officer responsible for higher education in the ministry responsible for education.

(2) At least three of the members referred to in sub section (1) (a) shall be women.

(3) The president and the vice president shall be elected by the members of the Council, from among themselves, in accordance with regulations made under this Act.

(4) The president and vice president shall be persons with, qualifications and at least seven years experience, in professional accountancy.

(5) An *ex officio* member may in writing appoint another person to represent him or her at a meeting of the Council.

9. Tenure of office.

A member of the Council, other than an *ex-officio* member, shall hold office for two years and is eligible for re-election or reappointment for a further term of two years only.

10. Resignation of members of the Council.

(1) A member of the Council, other than an *ex-officio* member, may resign his or her office by writing, addressed to the president and in the case of the president, addressed to the secretary.

(2) Where an elected member of the Council ceases to be a member of the Institute, he or she shall cease to be a member of the Council.

(3) Where an appointed or elected member dies or ceases to be a member of the Council other than by effluxion of time—

- (a) if that member is an appointed member, the Minister shall appoint another person to fill the vacancy; or
- (b) if that member is an elected member, the Council shall co-opt a member of the Institute, pending the election of another member at the next annual general meeting.

11. Termination of office of member of the Council.

A member of the Council, other than an *ex officio* member may, at any time, be removed from office by the Minister or by the members at the annual general meeting, as the case may be, for—

- (a) professional misconduct;
- (b) incompetence;
- (c) abuse of office;
- (d) corruption;
- (e) inability to perform the functions of the office due to physical or mental incapacity;
- (f) conviction of an offence involving moral turpitude;
- (g) failure to attend six consecutive scheduled meetings of the Council, without reasonable excuse; or
- (h) any other reasonable ground.

12. Functions of the Council.

The Council shall—

- (a) admit members to the Institute;
- (b) approve courses of study;
- (c) provide for the registration of students of the Institute and the qualifications for registration;
- (d) supervise and regulate the practical training and education carried out by the Institute;
- (e) maintain and publish the roll of the members of the Institute;
- (f) supervise the registration of accountants who wish to practise accountancy and maintain and publish the register of practising accountants;
- (g) issue certificates of practice in accordance with this Act;
- (h) ensure the maintenance of professional standards by the members of the Institute and take steps to acquaint the members with methods and practices necessary to maintain those standards;
- (i) issue and adopt internationally accepted accounting and auditing standards and promote their usage in Uganda and make suitable adaptation where necessary;
- (j) prescribe the societies and institutions with a status equivalent to that of the Institute;
- (k) secure and promote international recognition of the Institute;
- (l) maintain a library of books and periodicals relating to the practice of accountancy and allied subjects and encourage the publication of similar books and periodicals in Uganda;

- (m) promote the publication of a journal of the Institute;
- (n) encourage research in accountancy and allied subjects in Uganda, for the advancement of the accountancy profession in Uganda;
- (o) regulate the conduct of the members of the Institute and promote good ethical standards and the discipline of the members of the Institute;
- (p) prescribe the fees payable by the members and students of the Institute;
- (q) advise regulators of educational institutions on the curricula of study in accountancy related courses;
- (r) advise Government on matters of financial accountability and management in all sectors of the economy; and
- (s) do anything incidental to the functions of the Institute.

13. Meetings of the Council.

The meetings of the Council shall be in accordance with regulations made under this Act.

14. Committees of the Council.

(1) The Council may establish committees to deal with specific matters of the Institute.

(2) A committee shall be composed of members of the Council and members of the Institute.

(3) The chairperson of a committee shall be a member of the Council.

(4) The Council shall regulate the proceedings of the committees established under this section.

PART IV—THE PUBLIC ACCOUNTANTS EXAMINATIONS BOARD

15. The Public Accountants Examinations Board.

(1) The Institute shall have an examinations board to be known as the Public Accountants Examinations Board, in this Act referred to as the “examinations board” which shall consist of—

- (a) two members of the Council, one of whom shall be designated chairperson of the examinations board by the Council;
- (b) two persons enrolled in accordance with this Act who shall be from the teaching staff of universities or other institutions of higher learning recognised by Government, who shall be approved by the Council;
- (c) one representative of the Ministry responsible for education;
- (d) one representative of the Uganda National Examinations Board;
- (e) one representative of the National Council for Higher Education; and
- (f) the secretary of the examinations board, who shall be appointed by the Council.

(2) A member of the board, other than a member who is a member of the Council and the secretary of the examinations board, shall hold office for three years and shall be eligible for reappointment.

16. Functions of examinations board.

(1) The examinations board shall—

- (a) determine the syllabi and curricula in respect of examination in the subjects of study;

- (b) conduct the examinations of the Institute;
- (c) appoint examiners and moderators of examinations;
- (d) make rules to govern the examinations of the Institute; and
- (e) do any other thing connected with the management of the examinations of the Institute.

(2) The examinations board shall, submit the syllabi and curriculum for the subjects of study to the National Council for Higher Education, for approval.

PART V—SECRETARY, REGISTRAR AND STAFF OF THE INSTITUTE

17. Secretary of the Institute.

(1) There shall be a secretary of the Institute who shall be appointed by the Council and whose terms and conditions of service shall be determined by the Council.

(2) The secretary shall be the chief executive officer of the Institute and shall be a full-time employee of the Institute.

(3) The secretary shall be responsible for recording the minutes of the general meetings and of all the meetings of the Council and its committees and shall keep custody of all the documents of the Institute and of the Council.

18. Registrar of accountants.

The secretary of the Institute shall be the registrar of accountants.

19. Other staff.

(1) The Institute shall have other officers and employees as may be appointed by the Council.

(2) The officers and employees of the Institute shall hold office on terms and conditions determined by the Council.

PART VI—FINANCIAL PROVISIONS

20. Funds of the Institute.

(1) The funds of the Institute shall consist of—

- (a) enrolment fees, annual subscription fees and registration fees from the members of the Institute;
- (b) fees and other monies paid for services rendered by the Institute;
- (c) grants, gifts or donations to the Institute;
- (d) money borrowed by the Institute for the performance of its functions; and
- (e) any other monies which the Institute may receive.

(2) All monies of the Institute shall be managed by the Council in accordance with the laws of Uganda.

(3) The Institute shall operate bank accounts in banks approved by the Council and in a manner determined by the Council.

21. Borrowing power.

The Institute may borrow money on terms agreed upon by the Council for the performance of the functions of the Institute.

22. Investment.

The Council may invest monies of the Institute in any securities issued or guaranteed by Government or in any other investments approved by the Council.

23. Financial year.

The financial year of the Institute shall be the calendar year beginning from the 1st day of January and ending on the 31st day of December of each year.

24. Accounts and audit.

(1) The Institute shall keep proper books of account and shall prepare the annual financial statements for a financial year, not later than the 31st day of March of the following year.

(2) The financial statements shall be audited by—

- (a) a practising accountant who is not a member of the Council;
- (b) an accounting firm that does not have a member of the Council;
- (c) a practising accountant who is not from an accounting firm with a member on the Council.

(3) The practising accountant or accounting firm shall be appointed by the members of the Institute at an annual general meeting.

(4) The practising accountant or accounting firm appointed under subsection (3) has the same powers and duties as are conferred upon an auditor appointed under the Companies Act.

(5) The annual general meeting shall approve the remuneration of the practising accountant or accounting firm appointed under subsection (3).

(6) The Council shall for each year, furnish each member of the Institute with the audited financial statements for the preceding year together with the report of the auditor, not later than the 31st day of May of the financial year.

PART VII—REGULATION OF ACCOUNTANTS AND THE PRACTICE OF
ACCOUNTANCY

25. Enrolment of members.

(1) A person who is eligible for full membership or associate membership of the Institute under this Act, may apply to the Council for enrolment as a full member or an associate member of the Institute.

(2) Where the Council is satisfied that the applicant is eligible for membership, the Council shall direct the secretary to enrol the applicant as a full member or an associate member of the Institute, as the case may be, on payment of the enrolment fee.

(3) The secretary shall enrol a member in accordance with the directive of the Council and issue a certificate of enrolment to the person enrolled.

26. Disqualification from enrolment and membership.

A person is not qualified to be enrolled as a member of the Institute or to continue to be a member of the Institute if he or she—

- (a) is adjudged by a competent court to be of unsound mind;
- (b) is an undischarged bankrupt;
- (c) is convicted of a serious criminal offence or an offence involving fraud or dishonesty by a competent court;
- (d) has been struck off the roll of accountants under section 43(f); or
- (e) has not renewed his or her membership for two consecutive years without reasonable or justifiable cause.

27. Registration as practising accountants.

(1) A person who is enrolled as a full member of the Institute under section 25, who wishes to practise accountancy, shall apply to the Council to be registered as a practising accountant.

(2) Where the Council is satisfied that a member who applies for registration under subsection (1) fulfills the conditions for registration specified in subsection (3), the Council shall direct the secretary to register the member and to issue him or her with a certificate of practice for the year.

(3) A member shall only be registered as a practising accountant, where that member has obtained the relevant practical experience as prescribed by the Council and pays the registration fee.

(4) The name of a member who is registered under this section, shall be entered in the register of practising accountants.

(5) The Council may refuse to register a member under this section.

(6) Where the Council refuses to register a member under this section, the Council shall within thirty days inform the member of—

- (a) the refusal by the Council and the reasons for the refusal; and
- (b) the right of the member to appeal to the High Court against the decision of the Council.

(7) A member aggrieved by a decision of the Council made under subsection (5), may appeal to the High Court within twenty one days after the receipt of the decision of the Council.

(8) The registrar shall, for every financial year, publish a list of practising accountants and licensed accounting firms, in the *Gazette* and in at least one newspaper of wide circulation.

28. Certificate of practice.

(1) A person registered as a practising accountant under section 27 shall be granted a certificate of practice by the registrar.

(2) A person who was registered as a certified public accountant under the Accountant Act, Cap 266 who wishes to practise accountancy, shall apply to the Council for a certificate of practice.

(3) For an accounting firm to be recognised to offer accountancy services, all its partners or practitioners must have valid practising certificates.

(4) The Council may, where necessary, grant a certificate of practice with conditions.

(5) A certificate of practice shall be valid from the date of issue to the 31st day of December of the year in which it is issued and may be renewed upon application by the practising accountant.

(6) The Council may refuse to grant a certificate of practice to a member.

(7) Where the Council refuses to grant a certificate of practice to a member under subsection (6), the Council shall, within thirty days, inform the member of—

- (a) the refusal to grant the certificate and the reasons for the refusal; and
- (b) the right of the member to appeal to the High Court against the decision of the Council.

(8) The Council may suspend or revoke a certificate of practice granted under this section where the member granted the certificate of practice contravenes the Professional Code of Ethics.

(9) A member who is aggrieved by a decision of the Council made under this section, may appeal to the High Court within twenty one days after the receipt of the decision of the Council.

29. Renewal of certificate of practice.

(1) A practising accountant who wishes to renew his or her certificate of practice shall submit a written application to the registrar, at least two months before the end of the year in respect of which the certificate is issued.

(2) Where an application for renewal of a certificate of practice is not made within the prescribed period, the secretary shall inform the Council and the Council shall order the removal of the name of that accountant from the register of practising accountants.

(3) The Council may, on the advice of the disciplinary committee or the disciplinary appeals committee, as the case may be, refuse to renew a certificate of practice.

(4) Where the Council on the advice of the disciplinary committee or the disciplinary appeals committee or for any other reason refuses to renew a certificate of practice, the Council shall, within thirty days, inform the member of—

- (a) its refusal to renew the certificate of practice and the reasons for the refusal; and
- (b) the right of the member to appeal to the High Court against the decision of the Council.

(5) A member who is aggrieved by a decision of the Council made under this section may appeal to the High Court within twenty one days after the receipt of the decision of the Council.

30. Use of Titles of the Institute.

An accountant under this Act is entitled to use the title “Certified Public Accountants of Uganda” or any other title as may be provided by the Council after his or her name.

31. Issue of annual licenses to accounting firms.

(1) Where the holder of a practicing certificate intends to practice as a firm, whether as a sole practitioner or in partnership, he or she shall apply to the Council for an annual license in the prescribed form, furnishing the Council with such details of the Firm as it may require.

(2) Where an application is made by a person under subsection (1), the Council shall issue him or her with an annual license if it is satisfied that the person—

- (a) holds a practicing certificate; and
- (b) meets such other requirements as may be prescribed.

(3) A license granted under this section shall be valid from the date of issue to the 31st day of December of the year in which it is issued.

(4) The Council may refuse to grant a license to an accounting firm.

(5) Where the Council refuses to grant a license to an accounting firm under subsection (4), the Council shall, within thirty days, inform the accounting firm of—

- (a) the refusal to grant the license and the reasons for the refusal; and
- (b) the right of the accounting firm to appeal to the High Court against the decision of the Council.

(6) The Council may suspend or revoke a license granted under this section where the accounting firm to which a license is granted contravenes the Professional Code of Ethics.

(7) An accounting firm aggrieved by the decision of the Council made under this section, may appeal to the High Court within twenty one days after it receives the decision of the Council.

(8) An accounting firm granted a license under this section is entitled to use the title “Certified Public Accountant of Uganda (CPA(U))” after its name.

32. Renewal of licenses to practice for accounting firms.

(1) An accounting firm that wishes to renew its license shall submit a written application to the registrar, at least two months before the end of the financial year in respect of which the license is issued.

(2) Where an application for renewal of a license is not made within the prescribed period, the secretary shall inform the Council and the Council shall order the removal of the name of that accounting firm from the register of accounting firms.

(3) The Council may, on the advice of the disciplinary committee or the disciplinary appeals committee, as the case may be, refuse to renew a license of an accounting firm.

(4) Where the Council on the advice of the disciplinary committee or the disciplinary appeals committee or for any other reason refuses to renew a license, the Council shall, within thirty days, inform the accounting firm of—

- (a) its refusal to renew the license and the reasons for the refusal; and
- (b) the right of the accounting firm to appeal to the High Court against the decision of the Council.

(5) An accounting firm aggrieved by the decision of the Council made under this section, may appeal to the High Court within twenty one days after the receipt of the decision of the Council.

33. Inspection of accounting firms.

(1) An accounting firm that applies for a license or for the renewal of a license under section 31 or 32, respectively, shall not be granted the license unless the Council inspects and approves the accounting firm.

(2) The implementation of this section shall be in accordance with regulations made under this Act.

34. Practicing accountancy.

(1) A person shall be deemed to practise accountancy if he or she, whether by himself or herself or in partnership with another person, for payment—

- (a) offers to perform or performs services involving auditing, verification and certification of financial statements or related reports; or
- (b) renders any service which, under accounting practices or regulations made by the Council, is a service that amounts to practicing accountancy.

(2) All heads of accounts, finance and internal audit in public and private sector entities, with public interest, shall be members of the institute in accordance with the regulations made under this Act.

(3) A public officer or a person referred to in subsection (2) and is employed by another person to perform or render services that would otherwise amount to practising accountancy, shall not be considered as practising accountancy under this section.

35. Offence to practise without certificate.

(1) A person, shall not practice accountancy in Uganda without a certificate of practise issued under section 28 or 29.

(2) A person who contravenes subsection (1) commits an offence and is, on conviction, liable to a fine not exceeding five hundred currency points or imprisonment not exceeding two years and ten months or both.

PART VIII—THE QUALITY ASSURANCE BOARD

36. The Quality Assurance Board.

(1) The Institute shall have a Quality Assurance Board consisting of six professional accountants, three of whom shall be women.

(2) The Quality Assurance Board shall be composed of—

- (a) the chairperson, appointed by the Minister responsible for finance on the advice of the Council;

- (b) one person to represent the ministry responsible for finance;
- (c) one person to represent the office of the Auditor-General;
- (d) two persons nominated by the Council to represent the Institute;
- (e) a secretary to the Quality Assurance Board appointed by the council;
- (f) one person of good repute from a professional body other than accountancy.

(2) A member of the Quality Assurance Board shall hold office for two years and is eligible for reappointment for only one more term.

37. Functions of the Quality Assurance Board.

- (1) The Quality Assurance Board shall—
- (a) monitor compliance with professional quality assurance and standards published by the Council;
 - (b) enforce regulations established under this Act to govern quality assurance programmes;
 - (c) refer practitioners' conduct to the disciplinary committee where appropriate and based on the results of the audit quality review;
 - (d) advise the Council on matters pertaining to professionalism and other standards necessary for achievement of quality assurance; and
 - (e) perform any other function incidental or related to quality assurance.

(2) In the exercise of its functions under this Act, the Quality Assurance Board shall regulate its own procedure and shall not work under the direction of any person.

PART IX—PROFESSIONAL CODE OF ETHICS

38. Professional code of ethics.

(1) Every accountant enrolled or registered under this Act shall be subject to the Professional Code of Ethics prescribed by regulations made under this Act.

(2) An accountant who contravenes the professional code of ethics commits the offence of professional misconduct and shall be dealt with by the disciplinary committee as appropriate.

PART X—DISCIPLINARY COMMITTEE

39. The disciplinary committee.

(1) The Council shall have a disciplinary committee consisting of the following five members—

- (a) a member of the Council who shall be the chairperson of the disciplinary committee;
- (b) two members of the Institute; and
- (c) two eminent persons of good repute from the public one of whom shall be a member of a profession other than accountancy.

(2) The disciplinary committee shall exercise disciplinary control over accountants.

(3) The quorum of the disciplinary Committee shall be three members.

(4) The term of office for a member of the disciplinary committee shall be three years and a member is eligible for re-appointment for only one more term.

40. Secretary to disciplinary committee.

The secretary shall be the secretary of the disciplinary committee.

41. Complaints against accountants.

(1) A complaint or an allegation of professional misconduct against an accountant, may be made to the secretary of the disciplinary committee, by the Council or by any person.

(2) Upon receipt of a complaint, the secretary shall as soon as practicable, refer the matter to the disciplinary committee and the committee shall fix a date for hearing the complaint.

(3) The secretary of the Council shall give notice of the first date, time and place fixed for the inquiry to the accountant whose conduct is the subject of investigation.

(4) The secretary shall at least fourteen days before the date fixed for the inquiry, give notice of the date, time and place fixed for the inquiry to the accountant whose conduct is the subject of investigation.

(5) The notice in subsections (3) and (4) shall be delivered by hand or sent through the post by registered mail addressed to the accountant's address last known to the Council.

(6) The disciplinary committee shall give the accountant against whom the complaint or allegation is made, an opportunity to be heard and shall furnish him or her with a copy of the complaint and any other relevant document, at least seven days before the date fixed for the hearing.

(7) Where the accountant fails to appear personally or by his or her representative at the time and place fixed in the notice served on him or her, the inquiry may proceed in his or her absence.

42. Procedure of disciplinary committee.

The procedure to be followed by the disciplinary committee shall be prescribed by regulations made under this Act.

43. Decision of disciplinary committee.

(1) After hearing the complainant and the accountant to whom the complaint relates and after considering the evidence adduced, the disciplinary committee may dismiss the complaint, where no grounds for a disciplinary action are disclosed.

(2) Where a ground for a disciplinary action is disclosed, the disciplinary committee may impose any or a combination of the following sanctions—

- (a) admonishment of the accountant;
- (b) suspension of the registration and the certificate of the accountant for a specified period not exceeding two years;
- (c) suspension of the accountant from the membership of the Institute for a specified period not exceeding two years;
- (d) imposition of a fine determined by the disciplinary committee;
- (e) a requirement to make a payment of compensation as may be determined by the disciplinary committee, to any person who may have suffered loss or injury as a result of the misconduct; or
- (f) striking the name of the accountant off the roll of accountants.

44. Report of disciplinary committee to Council.

(1) The disciplinary committee shall, on conclusion of a case, make a report of its finding, in writing, to the Council.

(2) The Council shall within fourteen days of receipt of the report, deliver a copy of the report to the complainant and to the accountant to whom the complaint relates.

45. Disciplinary appeals committee.

(1) The Council shall have a disciplinary appeals committee consisting of—

- (a) a chairperson who shall be an advocate;
- (b) four members, three of whom shall be members of the Institute and one of whom shall not be an accountant.

(2) The chairperson and any two members shall constitute the quorum at a meeting of the disciplinary appeals committee.

(3) The disciplinary appeals committee shall appoint the secretary of the committee from amongst themselves.

46. Powers and functions of the disciplinary appeals committee.

(1) The disciplinary appeals committee shall hear and determine appeals from decisions of the disciplinary committee.

(2) For the purposes of hearing and determining an appeal under subsection (1), the disciplinary appeals committee may—

- (a) affirm the decision of the disciplinary committee;
- (b) vary the decision of the disciplinary committee;
- (c) set aside the decision of the disciplinary committee and—
 - (i) make a decision in substitution of the decision set aside; or
 - (ii) refer the matter to the disciplinary committee for reconsideration in accordance with the directions or recommendations of the disciplinary appeals committee.

(3) The procedure to be followed by the disciplinary appeals committee shall be as prescribed by regulations made under this Act.

47. Appeals to the High Court.

An accountant or a complainant aggrieved by a decision or an order of the disciplinary appeals committee may appeal against the decision or order to the High Court within three months from the date on which the report of the disciplinary committee is delivered to that accountant or complainant.

48. Implementation of orders of disciplinary committee and disciplinary appeals committee.

(1) The Council shall be responsible for the implementation of the orders of the disciplinary committee and the disciplinary appeals committee, as the case may be.

(2) Where the disciplinary committee or the disciplinary appeals committee suspends the certificate of practice of an accountant or suspends an accountant from the membership of the Institute, the Council shall cause the name of an accountant to be struck off the roll of accountants.

(3) The registration and the certificate of practice of an accountant whose certificate of practice is suspended or who is suspended from the membership of the Institute, shall stand cancelled and the Council shall require that person to return the certificate of practice to the Council within seven days.

PART XI—MISCELLANEOUS**49. Fees.**

(1) A person enrolled as a member of the Institute under this Act, shall, on enrollment pay an enrollment fee to the Council.

(2) Every member of the Institute shall for every financial year after enrolment, pay an annual subscription fee to the Council.

(3) The annual subscription fee shall be determined by the Council.

(4) Every practising accountant shall pay for each financial year, practice fees for the certificate of practice for that financial year.

50. Registers.

(1) The registrar shall maintain a roll of the members of the Institute in which shall be entered particulars of the members, as the Council may prescribe.

(2) The registrar shall maintain separately, a register of practising accountants and a register of accounting firms, in which shall be entered particulars of the practising accountants and accounting firms, as the Council may prescribe.

51. Extract from the register.

(1) Any extract from the register shall be certified by the registrar and shall be admissible in a court or a tribunal without any further proof of its contents.

(2) Any person may obtain an extract from the register on the payment of the prescribed fee.

52. Alteration of the register.

(1) The Registrar may—

- (a) make any corrections in the roll of accountants or a register as may be necessary;
- (b) remove from the roll of accountants and the register of practising accountants the name of an accountant who is deceased;
- (c) remove from the roll of accountants or the register of practising accountants the name of an accountant whose name is ordered to be removed under this Act;
- (d) with the consent of the accountant concerned, remove from the roll of accountants and the register of practising accountants the name of the accountant who ceases to practice accountancy.

(2) Where the registrar has reason to believe that an accountant has ceased to practice accountancy, the registrar may send to the accountant a notice by registered post inquiring whether he or she ceased to practise accountancy in Uganda and where a reply is not received by the registrar within thirty days, the registrar shall remove the name of the accountant from the register of practising accountants.

(3) The Council shall, for the purposes of subsection (2), furnish the registrar with any relevant information that may be in its possession.

53. Regulations.

(1) The Minister may, by statutory instrument, on the recommendation of Council make regulations for the better carrying into effect the purposes of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under this Act shall be in respect of all or any of the following—

- (a) meetings of the Council;
- (b) the management of the property and funds of the Institute;
- (c) the election of the members of the Council;
- (d) the procedure for the appointment of committees;
- (e) the disciplinary control of officers and employees of the Institute;
- (f) any matter concerning the regulation of accountants and the practice of accountancy;
- (g) prescribing fees for anything to be done under this Act;

- (h) prescribing penalties in respect of the contravention of any of the regulations, not exceeding a fine of four hundred and eighty currency points or imprisonment not exceeding two years or both;
- (i) prescribing anything that is required to be prescribed under this Act; and
- (j) prescribing for the better performance of the functions of the Institute.

54. Amendment of Schedule.

The Minister may, by statutory instrument with the approval of Cabinet, amend the Schedule to this Act.

55. Consequential amendments.

Where under any law in force, the qualification of an auditor or accountant is provided, that qualification shall be construed to refer to a certified public accountant of Uganda or any other qualification that may be prescribed under this Act.

56. Repeal of the Accountants Act.

(1) The Accountants Act, Cap 266, is repealed.

(2) Any order, regulation, direction, notice or other administrative act made or given under the Accountants Act, Cap 266 shall continue in force and shall have effect as if it was made or given or as the case may be, under this Act, so far as it is not in contravention of this Act.

SCHEDULE 1

Currency point

One currency point is equivalent to twenty thousand Uganda shillings.

SCHEDULE 2

section 5(5)

ASSOCIATE MEMBERS

The following are the associate members:

1. Nagenda Godfrey, registration number 003, of Kampala.
2. Buliruno Francis Robert, registration number 006, of Kampala.
3. Lwanga Timothy NKM, registration number 008, of Kampala.
4. Kiiza Deogratiuous Tibaggwa, registration number 011, of Kampala.
5. Mukasa Anthony, registration number 012, of Kampala.
6. Banguirana Henry, registration number 013, of Kampala.
7. Ochola John J. Charles, registration number 015, of Kampala.
8. Ojunga Alfred E. Otule, registration number 016, of Kampala.
9. Mayambala Charles, registration number 018, of Kampala.
10. Iga Isdore W. Salongo, registration number 019, of Kampala.
11. Kangezeku Ben Mukhooli, registration number 022, of Kampala.

SCHEDULE 3

section 6

MEETINGS OF THE INSTITUTE**1. Annual General Meeting.**

(1) The institute shall hold an annual general meeting which shall be held once every year at a time, date and place determined by the Council.

(2) The following business shall be transacted at the annual general meeting—

- (a) reception and consideration of the annual report of the Council;
- (b) reception and consideration of the accounts of the institute and the auditor's report;
- (c) election of members of the Council;
- (d) appointment of auditors; and
- (e) any other business.

2. Special General Meeting.

The council may convene a special general meeting of the institute whenever it considers it necessary and shall convene a special general meeting within ten days from the receipt by the secretary of a requisition in writing, stating the object of the proposed meeting and signed by at least twenty members of the institute.

3. Notice of Motion.

(1) A member wishing to bring a motion not related to the ordinary business of the annual general meeting before the meeting may give notice to the secretary to reach him/her at least five weeks before the date of the meeting and the agenda for the meeting.

(2) The motion must relate to matters of the institute or the accountancy profession.

4. Notice of Meeting.

(1) The Secretary shall send to each member of the institute notice of the meeting not less than fourteen days and not more than 21 days before the date of the meeting and the agenda for the meeting.

(2) In the case of the annual general meeting, the secretary shall send with the notice—

- (a) a copy of the annual report of the Council;
- (b) a copy of the accounts of the institute together with the auditor's report;
- (c) a list of persons nominated or proposed for election to the council or its auditors ; and
- (d) particulars of any motion to be brought before the meeting.

(3) The non-receipt by any member of the institute of a notice of the meeting or any relevant document shall not invalidate the proceedings of the meeting to which they relate.

5. Quorum.

(1) At the general meeting, the quorum shall be twenty members and if after fifteen minutes from the time appointed for the meeting the quorum is not met, the meeting shall stand adjourned to that day a fortnight at the same time and place to be determined by the Council.

(2) On the date to which the meeting is adjourned, the meeting shall proceed to business notwithstanding that there may be less than twenty members.

Act 19

Accountants Act

2013

Cross reference

Companies Act, Cap 110