

members' guide

admissions and licensing committee hearings

Introduction

The Admissions and Licensing Committee (the Committee) is independent of ACCA. It has a minimum of four (and usually a maximum of six) members, including at least two non-accountants, one accountant and one lawyer with non-accountant members being in the majority. The powers of the Committee are in the Regulatory Board and Committee Regulations 2008 and the Authorisation Regulations 1998: these are set out in the *ACCA Rulebook*.

The Committee is responsible for applications to become members, students or affiliates, including readmissions, and applications for any of the certificates and licences issued by ACCA (collectively referred to as 'certificates' in the regulations and below). It also deals with the eligibility of members, affiliates or students, who become bankrupt, to retain their status and the eligibility of members and firms, who are the subject of reports from ACCA's practice monitoring department (PMD) or professional conduct department (PCD), to retain certificates.

THE RESPONSIBILITIES OF THE COMMITTEE

The Committee deals with all admission, re-admission and licensing issues.

On admission or re-admission cases it may:

- admit persons to membership or the student or affiliate register
- re-admit former members to membership or students to the register
- withdraw membership, affiliate or student status from bankrupts.

On licensing cases it may:

- issue, withdraw or suspend certificates
- impose conditions on certificates
- grant waivers of regulations relating to certificates.

Cases considered by the Committee may be initiated either by you or by ACCA. These are covered separately below.

Applications to the Committee

If you are making an application to the Committee then it is for you to convince the Committee of your case, for instance to remain a member when bankrupt or to obtain a certificate where you do not satisfy all the requirements of the regulations. In all cases an ACCA staff member will assist you with your application and will draft the report to ensure it sets out the information in an appropriate format. Nevertheless, it is your responsibility to ensure it contains all the necessary information. You should therefore take care to ensure that you explain your case fully. For instance:

- on bankruptcy cases, ensure you have explained fully how your bankruptcy arose, including any mistakes you now see you made, and what you have learned from this for conducting your financial affairs in future; you should also explain the benefits to you of ACCA membership
- on waiver cases, ensure that you have identified the special or exceptional circumstances which you believe to exist in your case so that it appears reasonable that you should not have to comply with regulations that all other members have to comply with.
- on cases about readmission after removal from membership or other register on disciplinary grounds, ensure that you have explained fully what you have learned from your experience to ensure that you will not commit a further offence; you should also explain the benefits to you of regaining your ACCA status

Cases initiated by ACCA

These will result either from monitoring visits carried out by PMD or a complaint being investigated by PCD.

For reports on monitoring visits, the compliance officer will have informed you of the findings at the visit. He or she will then have sent you a draft copy of the report for your comments before finalising the report about six weeks later.

For complaints investigated by PCD, the investigating officer in PCD will write to you for your comments and will compile a report based on the information obtained from you and the complainant.

When complete most reports are then included on the agenda of the next available Committee meeting. However, for monitoring visit reports on audit and insolvency work a regulatory assessor first considers the findings and has the power to make an order which places certain conditions on certificate holders and requires an early monitoring visit to be carried out at a firm's or certificate holder's cost. Where the regulatory assessor believes the findings are serious enough for certificate removal to be considered he or she will refer the case to the Committee. In addition, where an audit principal or insolvency licence holder does not regard the order made by the regulatory assessor to be appropriate he or she can ask for the report to be considered by the Committee.

Procedures

PROCEDURE FOR AN ORAL HEARING OF THE COMMITTEE

Before the hearing

The Committee Unit will send you the final papers to be considered by the Committee at least three weeks before the hearing. You may provide any further documents or information you wish up to seven days before the hearing.

You may attend the hearing and be represented (by a lawyer or a non-legally qualified person) if you choose. It is for you to decide whether to attend the hearing but you are strongly advised to do so. It will enable the Committee to hear your views and ask you questions and your attendance may therefore be advantageous. If in doubt you should consult your own professional adviser. You must inform the Committee Unit of how you propose to appear (in person or with representation) as soon as possible.

If you do not wish to attend but wish to produce further documents for the Committee to consider, you must send these to the Committee Unit at least seven clear working days before the meeting.

You and ACCA may call witnesses. If you wish to do so you should inform the Committee Unit who you intend to call at least seven days before the meeting. The Committee may also decide that it wishes people to be available as witnesses and if this happens the Committee Unit will inform you.

The Committee is not bound by the strict laws of evidence that apply in the courts of law and may consider any relevant evidence brought to its attention.

At the hearing

When you arrive you will be met by the Clerk to the Disciplinary and Regulatory Committees who will advise you about how the hearing will be conducted. He or she will also answer any questions you may have.

At the beginning of the hearing the Chairman of the Committee will introduce you to the Committee members and the case presenter, who is the individual presenting the case to the Committee for ACCA, the officers of ACCA and, if attending, members of the Regulatory Board. The Regulatory Board is an independent board, and is responsible for ensuring fairness and impartiality in ACCA's disciplinary and regulatory procedures and members of it attend a number of meetings each year. The member of the Regulatory Board does not take part in the Committee's deliberations.

The Chairman will then explain the procedure of the hearing. The hearing is recorded to provide an accurate record of the proceedings, and is open to the public. If any of the Committee has personal knowledge of you, he or she will say so at this stage, withdraw from the room and take no part in the Committee's decision.

Even where you are making an application the case presenter will outline the case first to the Committee. The case presenter may call witnesses: this rarely happens but, if so, the Committee Unit will have informed you of this in advance and you will have the opportunity to question the witnesses. Members of the Committee may also have questions. Witnesses do not give evidence under oath.

When the case presenter has concluded his or her presentation, you may question him or her, if you require clarification on any point. The Committee may then also question the case presenter.

You will then be asked to present your case. You are not obliged to give evidence and may present your case either orally or by way of written representations. You may call witnesses to support your case and the case presenter and members of the Committee may question them. On completion of your presentation, members of the Committee and the case presenter may ask you questions. You are not obliged to answer but the Committee finds it helpful to obtain additional information in this way.

The Committee will then withdraw to consider its decision. If present, a member of the Regulatory Board will accompany the Committee. You may remain in the hearing room until the Committee has reached its decision. When the Committee re-convenes, the Chairman will announce the Committee's decision.

After the hearing

You will be met again by the Committee clerk who will clarify the decision of the Committee and answer any queries you may have. You will be advised in writing of the Committee's decision within 14 days of the meeting. You will also be sent a written statement of the reasons for the decision, usually within 21 days.

APPEAL PROCEDURE

If you disagree with the decision of the Committee, you may, under the Appeal Regulations 2006, apply for permission to appeal within 30 days after service of the written statement of the reasons for the decision of the Committee. Your application for permission to appeal is first considered by the Appeal Committee Chairman and, if he or she is not minded to grant permission, it is then considered by the Appeal Committee. If permission is granted then your appeal is heard by the Appeal Committee. The appeal proceeds on the basis of the grounds that you identified, and on which you were granted permission to appeal, and is not a complete re-hearing of the case. The Appeal Committee is chaired

by a lawyer and sits in public. The rules and procedures for the Appeal Committee are set out in the *ACCA Rulebook*.

To obtain more information about your Admissions and Licensing Committee hearing, contact the ACCA staff member assisting with your application at:

ACCA
29 Lincoln's Inn Fields
London WC2A 3EE

