

RULEBOOK CHANGES

This paper provides an explanation of the main changes to the *ACCA Rulebook*, which take effect on 14 October 2019.

This document has no regulatory status. It is issued for guidance purposes only. Nothing contained in this document should be taken as constituting the amendment or adaptation of the *ACCA Rulebook*. In the event of any conflict between the content of this document and the content of the *ACCA Rulebook*, the latter shall at all times take precedence.

The Rulebook is divided into three sections:

- Section 1 carries the Royal Charter and Bye-laws. There are no changes to Section 1 of the Rulebook.
- Section 2 carries the Regulations, covering membership of ACCA, practising and licensing arrangements, and regulatory and disciplinary matters. Some of these changes are relevant across all the regulatory and disciplinary Regulations, and provide consistency across the Regulations. Commentary on the proposed changes to the Regulations is set out below.
- Section 3 carries the Code of Ethics and Conduct. ACCA has adopted the International Code of Ethics for Professional Accountants (including International Independence Standards), issued by the International Ethics Standards Board for Accountants (IESBA). There are no changes to Section 3 of the Rulebook.

Changes to the Regulations arise largely from policy decisions, legislative changes and the requirements of lead regulators. Other changes are also considered in order to bring about greater consistency across the Regulations, or to reflect improved processes in regulation and discipline.

Section 2 – Regulations

Tone of voice

Amendments have been made throughout the Regulations to address the tone of voice and, in particular, gender neutrality (for example changing 'Chairman' to 'Chair').

Enhancements to ACCA's disciplinary and regulatory process

Other changes to the disciplinary and regulatory regulations have, in the main, been made to enhance and streamline the disciplinary and regulatory hearings process. These include the following:

- changes throughout the disciplinary and regulatory regulations to extend the scope of the consent order regime whilst simultaneously removing the need for a hearing to determine such applications. Consequently all references to the Consent Orders Committee have been removed as such applications are now considered by the Chair of the Disciplinary Committee on papers (without a hearing), but with access to a Legal Adviser if required. The Regulatory Board and Committee Regulations have also been amended to clarify that a Chair, which has rejected a consent order, cannot further consider the case as it progresses to a substantive hearing
- amendments to the Membership Regulations, Authorisation Regulations, the Complaints and Disciplinary Regulations (CDRs) and Appeal Regulations, which update the provisions for service of notice and documents to allow for electronic mail and other forms of receiving notice/documents
- removing references to the Insolvency Service publishing the names of holders or former holders of the Association's insolvency licence as they are no longer required
- amendments to CDR 10, Appeal Regulation 9 and Health Committee Regulation 3 which enable the relevant committee to reconstitute itself as a Health Committee to save time and avoid unnecessary costs and
- removing redundant wording in the Membership Regulations and Authorisation Regulations in respect of any notice and documents served by the complainant (as there is no 'complainant' in these types of cases).

Regulatory Board and Committee Regulations

- amendments to the Regulatory Board and Committee Regulations, which provide alignment with the Appointment Board's assessment policy and procedure regarding panel members and assessors and
- changes to regulation 5(7) to clarify that the same members of the Health Committee cannot further consider the case as it progresses to a substantive hearing or an appeal.

Authorisation Regulations

- amendments to Authorisation Regulation 3 (applications including re-applications for certificates etc) to ensure greater consistency with Authorisation Regulation 6 (Withdrawal of, suspension of, or imposition of conditions on certificates: hearings) in relation to hearings, including express reference to the power to adjourn etc., as well as clarifications being made to the circumstances when hearings are required
 - an amendment to Authorisation Regulation 5 to implement sections 1479 and 1480 of the Irish Companies Act 2014
- and
- amendments to Authorisation Regulation 7 to ensure greater consistency with other regulations regarding publicity.

Interim Orders Committee

- including a new provision to introduce requirements as to how to give effect to service of notices and documents, consistent with other regulations.

Membership Regulations

The changes that have been made to the Membership Regulations provide a pathway to ACCA membership for Leading Accounting Talents (LAT) from the Shanghai National Accounting Institute (SNAI) in China. The LAT programme is a Ministry of Finance led initiative to train high calibre professionals, predominantly public sector employees, who are in, or destined for, finance leadership positions in State-Owned Enterprises (SOEs).

Global Practising Regulations

Changes to the Global Practising Regulations include:

- amending a reference to the IESBA 'Code of Ethics for Professional Accountants' following the renaming of the Code in 2018
 - amendments to Annexes 1 and 2 to the Global Practising Regulations to include a provision on anti-money laundering compliance
- and
- an amendment to Annex 1 to the Global Practising Regulations to include a definition of issuer.