



## MALTA

### **ATT Nru. XXVIII ta' l-1979**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT biex jirregola l-professjoni ta' l-accountancy u biex jipprovdi għal fiwejjeġ li għandhom x'jaqsmu ma' dik il-professjoni jew li huma anċillari għaliha.**

### **ACT No. XXVIII of 1979**

AN ACT enacted by the Parliament of Malta.

**AN ACT to regulate the accountancy profession and to provide for matters connected therewith or ancillary thereto.**



Nagħti l-kunsens tiegħi.

*Anton Gatt*  
President

2 ta' Novembru, 1979

### ATT Nru. XXVIII ta' l-1979

*ATT biex jirregola l-professjoni ta' l-accountancy u biex jipprovi għal tnejjeg li għandhom x'jaqsmu ma' dik il-professjoni jew li huma anċillari għaliha.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareg b'ligi dan li ġej:—

Titolu fil-qosor  
u bich fa-nehh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1979 dwar il-Professjoni ta' l-*Accountancy*.

(2) Dan l-Att għandu jibda jseħh f'dik id-data li l-Ministru responsabbli għall-finanzi jista' jistabbilixxi b'avviz fil-*Gazzetta* u jistgħu jigu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtiegx xort'oħra —

“*accountant*” u “*uditor*” tinkludi, rispettivament, soċjetà ta' *accountants* u soċjetà ta' *udituri*;

“*Bord*” tfisser il-*Bord* ta' l-*Accountancy* imwaqqaf bl-artikolu 6 ta' dan l-Att;

“*corp ta' accountancy approvat*” tfisser għaqda ta' *accountants* lokali li għal dak iż-żmien tkun magħrufa mill-Ministru bħala *corp ta' accountancy approvat* taħt l-artikolu 9 ta' dan l-Att;

“*Ministru*” tfisser il-Ministru responsabbli għall-finanzi u, sal-limitu ta' kull funzjonijiet delegati lilu mill-Ministru, tinkludi l-*Bord*;

“*preskritt*” tfisser *preskritt* b'regolamenti taħt dan l-Att.

(2) Għall-finijiet ta' dan l-Att riferenzi għal *warrant* mahruġ bis-saħħa tiegħu jinkludu riferenzi għal *warrant* meqjusa li hekk inħarġu.

3. (1) Ebda persuna ma tista' teżercita l-professjoni ta' *accountant* kemm-il darba ma jkollhiex *warrant* maħruġ taħt l-artikolu 4 jew l-artikolu 5 ta' dan l-Att.

Mehtieg  
warrant  
għall-eżerċizzju  
tal-professjoni.

(2) Ebda persuna ma tista' taġixxi ta' uditur kemm-il darba ma jkollhiex *warrant* maħruġ taħt l-artikolu 5 ta' dan l-Att.

(3) Persuna ma tikkwalifikax għal *warrant* taħt ebda wieħed mill-imsemmija artikoli, hliet jekk —

- (a) tkun ċittadin ta' Malta;
- (b) tkun ta' kondotta tajba u ta' karattru morali tajjeb;
- (c) tkun tista' taġixxi għal kollox skond il-liġi; u
- (d) jew —

(i) isimha jkun imniżżel fir-registru ta' membri assoċjati ta' korp ta' *accountancy* approvat, jew

(ii) ikollha dak il-grad ta' l-università jew kwalifika akkademika ekwivalenti dwar il-professjoni ta' l-*accountancy* li fiż-żmien rilevanti tkun magħrufa mill-Bord bħala biżżejjed għall-finijiet ta' dan is-subartikolu.

(4) Minkejja d-disposizzjonijiet tas-subartikoli (2) u (3) ta' dan l-artikolu, il-Ministru jista', wara konsultazzjoni mal-Bord, joħroġ, lil xi persuna li tkun kwalifikata kif imiss biex taġixxi bħala uditur barra minn Malta, *warrant* biex taġixxi bħala uditur f'Malta għal dak il-perijodu limitat jew għal dawk il-perijodi limitati jew għal dak l-għan speċifiku jew għal dawk l-għanijiet speċifiċi, jew kemm għal dak il-perijodu kif ukoll għal dak l-għan, u suġġett għal kull kondizzjoni oħra li tista' tiġi speċifikata fil-*warrant*.

(5) Kull persuna li taġixxi bi ksur ta' xi waħda mid-disposizzjonijiet ta' dan l-artikolu tkun haġta ta' reat u tehel dwar kull reat meta tinsab haġta, dwar l-ewwel reat multa ta' mhux iżjed minn mitt lira u dwar it-tieni reat jew reati oħra wara multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multa, u prigunerija flimkien, u fil-każ ta' reat kontinwu multa addizzjonali ta' mhux iżjed minn għaxar liri għal kull ġurnata li matulha jkompli r-reat.

(6) Kull persuna li, sabiex tikseb *warrant* taħt dan l-Att, tagħti xi tagħrif hażin jew xort'oħra taġixxi b'mod qarrieqi jew bi frodi, tkun haġta ta' reat u tehel għal kull reat meta tinsab multa ta' mhux iżjed minn elf lira jew prigunerija għal mhux iżjed minn tnaħ-il xahar jew dik il-multa u prigunerija flimkien.

(7) Kull persuna li, meta ma tkunx id-detentur tal-*warrant* xieraq maħruġ taħt dan l-Att, tassumi t-titolu jew l-isem ta' "*accountant* pubbliku ċertifikat" jew ta' "*accountant* u uditur pubbliku ċertifikat" jew l-abbrevjazzjoni tagħhom "CPA" jew "CPAA" jew b'xi mod ieħor turi li jkollha l-jedd li teżercita l-professjoni ta' *accountant* jew li taġixxi ta' uditur f'Malta, tkun haġta ta' reat u tehel, għal kull reat meta tinsab haġta multa ta' mhux iżjed minn mitt lira u dwar it-tieni reat jew reati oħra wara prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew dik il-multa u prigunerija flimkien.

4. (1) *Warrant* għall-eżerċizzju tal-professjoni ta' *accountant* jinħareġ mill-Ministru fuq ir-rakkomandazzjoni tal-Bord lil kull persuna li tissodisfa l-htigiet tas-subartikolu (3) ta' l-artikolu 3 ta' dan l-Att.

Accountants  
Pubbliċi  
Ċertifikati.

(2) Id-detentur ta' *warrant* maħruġ taħt dan l-artikolu jkollu l-jedd li juża l-isem ta' "Accountant Pubbliku Certifikat" kif ukoll l-abbrevjazzjoni "CPA".

Accountants  
u Udituri  
Pubbliċi  
Certifikati.

5. (1) *Warrant* biex persuna taġixxi bħala uditur jinħareġ mill-Ministru fuq ir-rakkomandazzjoni tal-Bord lil persuna li tkun *accountant* pubbliku certifikat u li tissodisfa lill-Bord li jkollha l-kwalifika u l-esperjenza xierqa fil-verifika:

Iżda l-Ministru jista' għal darba jibgħat lura dik ir-rakkomandazzjoni biex il-Bord jikkonsidraha mill-ġdid.

(2) Awtorizzazzjoni biex persuna taġixxi bħala uditur maħruġa qabel il-25 ta' Lulju, 1978, skond id-disposizzjonijiet ta' l-artikolu 140 ta' l-Ordinanza ta' l-1962 dwar is-Soċjetajiet Kummerċjali, kif fis-sehħ meta tkun inħarġet dik l-awtorizzazzjoni, favur persuna li f'dak iż-żmien kienet membru ta' korp ta' komputisti magħruf għall-finijiet ta' dak l-artikolu, ikollha, għall-finijiet kollha, l-istess effett bħal *warrant* maħruġ taħt dan l-artikolu u għandha titqies li tkun hekk ħarġet.

(3) Id-detentur ta' *warrant* maħruġ taħt dan l-artikolu jkollu l-jedd juża l-isem "Accountant u Uditur Pubbliku Certifikat" kif ukoll l-abbrevjazzjoni "CPAA".

Bord ta'  
l-Accountancy.

6. (1) Għandu jkun hemm Bord, li jkun magħruf bħala l-Bord ta' l-Accountancy, li jkun magħmul minn president u minn erba' membri oħra, li jkunu maħtura mill-Ministru u għandhom iżommu l-kariga għal dak iż-żmien, ta' mhux iżjed minn tliet snin, u taħt dawk il-kondizzjonijiet li jiġu stabbiliti fl-ittri tal-hatra tagħhom:

Iżda meta jgħaddi ż-żmien tal-hatra ta' persuna skond dan is-subartikolu, dik il-persuna tkun tista' tiġi maħtura mill-ġdid.

(2) Il-president u żewġ membri mill-erbgha l-oħra għandhom ikunu persuni ta' livell u esperjenza magħrufa fil-qasam tan-negozju, jew fil-qasam professjonali jew akkademiku, jew f'relazzjonijiet industrjali jew fis-servizz pubbliku; iż-żewġ membri l-oħra jkunu detenturi ta' *warrant* maħruġ taħt l-artikolu 4 jew l-artikolu 5 ta' dan l-Att, u għandhom jiġu maħtura wara li l-Ministru jkun ikkonsulta xi assoċjazzjoni li għal dak iż-żmien tkun magħrufa bħala korp ta' *accountancy* approvat:

Iżda l-ewwel membri li għandhom jiġu maħtura taħt dan l-artikolu bħala iż-żewġ membri l-oħra kif intqal qabel jistgħu jiġu magħżula minn fost persuni li fil-fehma tal-Ministru jikkwalifikaw għal dak il-*warrant*, iżda dawk il-persuni għandhom iżommu l-kariga għal perijodu ta' mhux iżjed minn sena.

(3) In-numru ta' membri prezenti meħtieġ biex ikun hemm *quorum* ikun ta' tlieta, iżda, dejjem jekk ikun hemm *quorum*, il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(4) Barra minn dak li ntqal qabel il-Bord jista' jagħmel ir-regoli tiegħu stess u xort'oħra jirregola l-proċedura tiegħu stess.

(5) Il-Ministru jista' wkoll jagħzel ufficjal pubbliku biex jagħmilha ta' segretarju tal-Bord, iżda s-segretarju ma jkollux vot.

Funzjonijiet  
tal-Bord.

7. (1) Il-funzjonijiet tal-Bord huma —

(a) li jikkonsidra applikazzjonijiet għall-hruġ ta' *warrant* taħt l-artikolu 4 jew l-artikolu 5 ta' dan l-Att u li jagħmel ir-rak-

komandazzjonijiet tiegħu dwarhom lill-Ministru;

(b) li jittratta kazijiet li jwasslu għas-sospensjoni jew l-irtirar ta' l-imsemmija *warrants* kif provdut f'dan l-Att jew bis-saħħa tiegħu;

(ċ) li jagħti pariri, jew jagħmel rakkomandazzjonijiet jew xort'oħra jagħti l-fehmiet tiegħu, lill-Ministru dwar kull haġa li dwarha l-Ministru jikkonsulta lill-Bord jew li fuqha l-Bord għandu jagħmel rakkomandazzjonijiet lill-Ministru jew li fuqha l-Ministru jkun talab il-fehma jew ir-rakkomandazzjoni tal-Bord;

(d) dawk il-funzjonijiet l-oħra li johorġu minn dan l-Att jew minn xi liġi oħra jew li jiġu delegati lil mill-Ministru.

(2) Fl-eżerċizzju tal-funzjonijiet tiegħu taħt il-paragrafu (ċ) jew (d) tas-subartikolu (1) ta' dan l-artikolu, il-Bord jista' jikkonsulta ma' dawk il-persuni li jidhirlu xierqa, u jista' wkoll jaħtar kumitati, li l-president tagħhom ikun membru tal-Bord sabiex ikunu jistgħu jsiru dawk l-istudji jew dak ix-xogħol l-iehor li l-Bord jista' jagħtihom.

(3) Il-Bord għandu, mhux iktar tard minn tliet xhur wara li tispicċa kull sena, jippubblika lista tal-persuni li, fil-31 ta' Diċembru ta' l-imsemmija sena, kellhom *warrant* maħruġ taħt dan l-Att.

8. Il-Ministru jista', wara konsultazzjoni mal-Bord, jagħmel regolamenti li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, biex jagħti effett aħjar lil xi waħda minn dawk id-disposizzjonijiet u b'mod ġenerali biex tiġi regolata l-professjoni ta' l-*accountants*, u, bla ħsara għall-ġeneralità ta' dak li ntqal, qabel, dawk ir-regolamenti jistgħu b'mod partikolari jinkludu disposizzjonijiet dwar —

Regolamenti.

(a) it-twaqqif ta' livelli, proċeduri u dmirijiet u prattika oħra dwar l-*accountancy* u l-verifika tal-kontijiet li għandhom jiġu mħarsa minn *accountants* jew udituri, jew mit-tnejn, jew b'mod ġenerali jew f'oqsma ta' attività partikolari;

(b) l-imġieba professjonali ta' *accountants* u udituri u l-livelli ta' kompetenza u integrità li għandhom jinżammu f'dik il-professjoni;

(ċ) il-ħruġ ta' linji ta' kondotta u pariri oħra lil *accountants* u udituri;

(d) it-tagħrif ta' korp ta' *accountancy* approvat, il-kondizzjonijiet għal dak l-għarfien u s-sospensjoni jew l-irtirar tiegħu;

(e) ix-xogħol li ma jistax isir u s-servizzi li ma jistgħux jin-għataw, sew għal kollox jew f'parti, hlief minn persuna li jkollha *warrant* taħt dan l-Att;

(f) ix-xogħol li ma jistax isir u s-servizzi li ma jistgħux jin-għataw minn persuni li jkollhom *warrant* taħt dan l-Att;

(g) id-drittijiet li għandhom jithallsu lil *accountants* u udituri sew għas-servizzi tagħhom bħala hekk jew għal servizzi oħra mogħtija minnhom f'karigi oħra li, fil-fehma tal-Ministru, ikollhom x'jaqsmu mal-kwalifiki professjonali tagħhom; l-awtorità, jekk ikun hemm, li għandha tiddeċiedi kull kwistjoni dwar dawk id-drittijiet u l-proċedura li fuqha għandha timxi kull awtorità bħal dik;

(h) kull haġa li b'dan l-Att hi mehtieġa jew awtorizzata li tiġi preskritta;

(i) il-proċeduri li fuqhom għandhom jitmexxew każijiet ta' mgieba hażina u każijiet oħra li jwasslu għas-sospensjoni jew l-irtirar ta' *warrant* maħruġ taht l-artikolu 4 jew l-artikolu 5 ta' dan l-Att;

(j) il-pieni, penalitajiet u konsegwenzi u effetti oħra li persuna tkun suġġetta għalihom jew li jistgħu jiġru fil-każ ta' xi ksur ta', jew nuqqas ta' tharis ma', xi disposizzjoni ta' xi regolament magħmul taht dan l-artikolu; hekk iżda li ebda piena hekk imposta ma tkun iżjed minn multa ta' elfejn lira, jew prigunerija għal żmien ta' sena, jew dik il-multu u prigunerija flimkien, jew, fil-każ ta' reat kontinwu, multa ta' għaxar liri għal kull ġurnata li matulu jkompli r-reat, sew b'żieda sew mhux b'żieda ma' l-imsemmija pieni.

Korp ta'  
*accountancy*  
approvat.

9. (1) Il-Ministru jista', wara konsultazzjoni mal-Bord, jagħraf kull assoċjazzjoni lokali ta' *accountants* bħala korp ta' *accountancy* approvat għall-finijiet ta' dan l-Att jekk ikun sodisfatt, fost dawk il-ħwejjeġ l-oħra li jistgħu jiġu preskritti, li l-kwalifiki edukattivi u professjonali mitluba minn dik l-assoċjazzjoni sabiex wiehed isir membru assoċjat tagħha jkunu jaqblu mal-livelli aċċettati għal dak iż-żmien u li è-ċittadini kollha ta' Malta li jkollhom dawk il-kwalifiki jkunu jistgħu jidhlu membri.

(2) Dak l-għarfien għandu jkun suġġett għal dawk il-kondizzjonijiet li l-Ministru jista' jimponi fl-ghoti ta' dak l-għarfien jew kif jista' jiġi preskritt minn żmien għal żmien; u jekk f'xi żmien xi waħda mill-imsemmija kondizzjonijiet, jew xi waħda mid-disposizzjonijiet li jinsabu fi jew li jiġu preskritti taht is-subartikolu li jaħbat wara dan, ma tiġix imħarsa jew sodisfatta, jew ikun hemm tibdil materjali fiċ-ċirkostanzi li tahtom ikun ingħata l-għarfien, il-Ministru jista', wara li jikkonsulta lill-Bord, jissospendi jew jirtira dak l-għarfien.

(3) Korp ta' *accountancy* approvat għandu jzomm reġistru tal-membri assoċjati tiegħu u għandu jirreġistra fih l-ismijiet tal-persuni kollha li jikkwalifikaw bħala membri tiegħu. L-imsemmi reġistru għandu jinżamm b'dak il-mod li jiġi preskritt.

Soċjetajiet ta'  
*accountants*  
jew ta' udituri.

10. (1) Meta żewġ *accountants* pubbliċi kwalifikati jew iktar ikun bi ħsiebhom jaħdmu flimkien bħala *accountants*, jew żewġ *accountants* u udituri pubbliċi ċertifikati jew iktar ikun bi ħsiebhom jaħdmu flimkien bħala udituri, jew kemm bħala udituri u bħala *accountants*, huma jistgħu jiffurmaw soċjetà ċivili li l-iskop waħdieni tagħha jkun ix-xogħol ta' l-*accountancy* (f'dan l-Att imsejha "soċjetà ta' *accountants*") jew, skond il-każ, il-qadi ta' funzjonijiet bħala udituri jew kemm bħala udituri u bħala *accountants* (f'dan l-Att imsejha "soċjetà ta' udituri"), u li jkollha dawk is-setgħat li huma mehtieġa biex jintlaħqu l-għanijiet tas-soċjetà.

(2) Ebda persuna barra minn *accountant* pubbliku ċertifikat jew *accountant* u uditur pubbliku ċertifikat ma tista' tkun imsieħba f'soċjetà ta' *accountants*; u ebda persuna barra minn *accountant* u uditur pubbliku ċertifikat ma tista' tkun imsieħba f'soċjetà ta' udituri.

(3) Kull soċjetà bħal dik għandha, meta tkun iffurmata kif imiss skond il-liġi, tiġi reġistrata mal-Bord, u ma' dik ir-reġistrazzjoni s-soċji jkunu, sakemm jibqgħu hekk reġistrati, awtorizzati mill-

Ministru biex jaġixxu f'isem is-soċjetà, bħala *accountants* pubbliċi ċertifikati jew bħala *accountants* u udituri pubbliċi ċertifikati, jew bħala t-tnejn, skond il-każ, u s-soċjetà jkollha l-jedd li jkun li tuża wieħed mill-ismijiet imsemmija u l-abbrevjazzjoni korrispondenti "CPAs" jew "CPAAs".

(4) Kull soċjetà bħala dik għandha tagħti lill-Ministru jew lill-Bord dak it-tagħrif li jkun raġonevolment meħtieġ jew li jista' jiġi preskritt, u għandha tagħti avviz lill-Ministru jew lill-Bord b'kull tibdil rilevanti f'kull tagħrif li qabel ikun inġhata lilhom fi żmien f'mis-tax-il jum mid-data li fiha jkun sar dak it-tibdil.

(5) Dwar soċjetà registrata taħt dan l-artikolu, id-disposizzjonijiet li ġejjin għandhom japplikaw minkejja kull disposizzjonijiet oħra ta' dan l-Att jew ta' kull registrazzjoni oħra u minkejja kull ftehim kuntrarju, jiġifieri —

(a) kull għemil jew haġa li tista' ssir mid-detentur ta' *warrant* taħt dan l-Att tista' ssir minn wieħed jew iżjed mis-soċji f'isem is-soċjetà u kull għemil jew haġa li ssir f'isem is-soċjetà għandha ssir minn wieħed jew iżjed mis-soċji;

(b) kull projbizzjoni mposta b'dan l-Att jew taħtu dwar wieħed mis-soċji għandha tapplika għas-soċji kollha u għas-soċjetà ukoll jekk l-egħmil projbit jew ristrett, jew li minnu tinqala' l-projbizzjoni jew ir-restrizzjoni, ikun sar minn wieħed mis-soċji;

(c) is-soċji jkunu responsabbli *in solidum* għall-egħmil u għan-nuqqasijiet ta' kull wieħed minnhom fil-qadi ta' dmirijiet-hom, it-tiżmim tal-livelli u l-imġieba professjonali meħtieġa u b'mod ġenerali għall-obbligi tagħhom taħt dan l-Att jew taħt xi liġi oħra applikabbli, u għandhom hekk *in solidum* ikunu responsabbli għal kull telf jew danni riżultanti;

u l-imsemmija responsabbilitajiet għal kull haġa li tkun saret jew li tkun naqset milli ssir matul il-perijodu li fih il-persuna kienet soċju m'għandhomx jieqfu, dwar dik il-persuna, minhabba li din tkun irtirat, mietet jew għal xi raġuni oħra li minhabba fiha ma tibqax soċju.

(6) Kull persuna li tagħmel użu mill-isem "*accountants* pubbliċi ċertifikati" jew "*accountants* u udituri pubbliċi ċertifikati" jew l-abbrevjazzjonijiet tagħhom "CPAs" jew "CPAAs" dwar soċjetà li ma tkunx registrata taħt dan l-artikolu jew li b'xi mod ieħor xjente-ment tagħmel użu minn isem falz li jindika li teżisti soċjetà ta' *accountants* jew ta' udituri, jew li dik is-soċjetà tkun registrata, jew li xort'oħra tista' tiffunzjona, taħt dan l-artikolu, jew li tagħmel xi att ieħor maħsub biex iwassal għat-twemmin li jeżisti xi wieħed mill-imsemmija fatti meta dan fil-fatt ma jkunx jeżisti, tkun haġta ta' reat u teħel dwar kull reat meta tinsab haġta, dwar l-ewwel reat multa ta' mhux iżjed minn mitt lira, u dwar it-tieni reat jew reati oħra wara multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew dik il-prigunerija u multa flimkien, u fil-każ ta' reat kontinwu multa addizzjonali ta' mhux iżjed minn għaxar liri għal kull ġurnata li matulha jkompli r-reat.

(7) Id-disposizzjonijiet tas-subartikolu (6) ta' l-artikolu 3 ta' dan l-Att għandhom, bil-modifiki u l-adattamenti meħtieġa, japplikaw għar-registrazzjoni ta' soċjetà taħt dan l-artikolu kif japplikaw għall-hruġ ta' *warrant* taħt dan l-Att.

Assigurazzjoni  
għal indenniz u  
penalitajiet għal  
ksur ta'  
dmirijiet.

11. (1) Kull persuna li jkollha *warrant* biex taġixxi ta' uditur jew, dwar żewġ persuni bħal dawk jew iktar li jkunu rreġistraw soċjetà taħt l-artikolu 10 ta' dan l-Att, kull soċjetà bħal dik, għandhom, sakemm ikollhom dak il-*warrant* jew, skond il-każ, sakemm jibqgħu hekk reġistrati, u wara dan dwar kull haġa li tkun saret jew li tkun naqset milli ssir matul dak iż-żmien, ikunu koperti minn assigurazzjoni għal indenniz, minn dik l-kumpannja, b'dak l-mod u għal dak l-ammont kif jistgħu jiġu preskritti, kontra kull responsabbiltà li dik il-persuna jew dik is-soċjetà jista' jkollhom għal kumpens dwar xi telf jew danni li klijent jew xi persuna oħra tista' ggarrab minhabba xi ghemil, żball jew nuqqas negligenti li jkun sar minn dik il-persuna jew minn dik is-soċjetà, jew minn xi soċju tagħha, jew minn xi wieħed mill-impjegati tagħhom, fil-qadi tal-funzjonijiet tagħhom bħala udituri, kif ukoll dwar kull telf jew danni li jinholqu jew li jkun hemm kontribut għalihom minn xi ghemil jew nuqqas diżonest, qarrieqi, kriminali jew malizzjuż ta' xi wieħed mill-impjegati tagħhom.

(2) Kull persuna jew soċjetà li tonqos li tħares xi waħda mid-disposizzjonijiet ta' qabel ta' dan l-artikolu tkun hatja ta' reat u tehel għal kull reat meta tinsab hatja multa ta' mhux iżjed minn ħames mitt lira, jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien, u fil-każ ta' reat kontinwu multa addizzjonali ta' mhux iżjed minn ħamsin lira għal kull ġurnata li matulha jkompli r-reat.

(3) Kull persuna jew soċjetà li taġixxi, jew li tonqos li taġixxi, bi ksur tad-dmirijiet professjonali tagħha bħala *accountant* jew bħala uditur għandha, jekk dak l-egħmil jew dak in-nuqqas ikun diżonestà jew każ serju ta' mġieba ħażina, tehel, meta tinsab hatja, prigunerija għal żmien ta' mhux inqas minn sena u mhux iżjed minn ħames snin, u l-Qorti tista' wkoll twaħħalha multa ta' mhux iżjed minn ħamest elef lira.

Ftehim  
projbit.

12. Kull ftehim jew arrangament ieħor li jkollu l-ħsieb li jeżenta lil *accountant* jew lil uditur minn xi responsabbiltà, piż jew dmir ieħor taħt dan l-Att jew taħt xi leġislazzjoni oħra, jew li teħilsu minnhom, jew, ħlief taħt polza ta' assigurazzjoni magħmula taħt l-artikolu 11 ta' dan l-Att, biex jingħata indenniz kontra kull responsabbiltà bħal dik jew piż bħal dak, ikun null u mingħajr effett.

Rámunerazzjoni  
ta' udituri, eċċ.

13. (1) Uditur jithallas biss bid-drittijiet tiegħu; u d-drittijiet li jistgħu jintalbu minn uditur għal servizzi bħala uditur ma jistgħux ikunu iżjed mid-drittijiet preskritti jew ikunu kontra dawk ir-regoli li jistgħu jiġu preskritti.

(2) *Accountant* jew uditur li jagħti servizz f'xi kariga oħra, jew parti bħala *accountant* jew uditur u parti f'dik il-kariga l-oħra, għandu, dwar is-servizz mogħti f'dik il-kariga l-oħra, jithallas biss bid-drittijiet tiegħu; u d-drittijiet li jista' jitlob għal dak is-servizz ma jistgħux ikunu iżjed minn dawk preskritti.

(3) *Accountant* jew uditur m'għandux ihallas jew jagħti, jew jiftiehem li jhallas jew li jagħti, lil xi persuna, sew direttament jew indirettament, xi kummissjoni jew senselija, jew xi sehem jew parti mid-drittijiet tiegħu jew minn xi dħul ieħor professjonali, f'ċirkostanzi li soltu tithallas kummissjoni jew tingħata senselija.

14. (1) *Warrant* mahruġ taht xi waħda mid-disposizzjonijiet ta' dan l-Att jista' jiġi sospiż jew revokat, u r-registrazzjoni ta' soċjetà taht l-artikolu 10 ta' dan l-Att tista' tiġi sospiża jew imħassra, mill-Ministru, skond id-disposizzjonijiet li ġejjin ta' dan l-artikolu, jekk il-persuna li lilha jkun inħareġ il-*warrant* jew is-soċjetà jew wiehed mis-soċji tas-soċjetà —

Sospensjoni, revoka jew irtirar ta' *warrants* u sospensjoni jew thassir ta' registrazzjonijiet.

(a) ikun, wara inkjesta li ssir mill-Bord, instab hati ta' xi wiehed mill-atti jew nuqqasijiet li ġejjin —

(i) diżonestà, imġieba hażina jew neġligenza qawwija fl-eżerċizzju tal-professjoni tiegħu;

(ii) imġieba bi ksur ta' regolamenti dwar il-livell, Prattika jew integrità professjonali;

(iii) imġieba li tiskredita l-professjoni;

(iv) nuqqas ta' tharis ta' xi kondizzjoni mqeghda fil-*warrant* taht is-subartikolu (5) ta' dan l-artikolu; jew

(b) ikun instab hati minn qorti —

(i) ta' reat taht dan l-Att jew xi regolamenti magħmula bis-saħħa tiegħu; jew

(ii) ta' delitt li jolqot fiduċja pubblika jew ta' serq jew frodi jew li xjentement ikun irċieva proprjetà miksuba b'serq jew bi frodi.

(2) *Warrant* mahruġ taht dan l-Att u r-registrazzjoni ta' soċjetà taht l-artikolu 10 ta' dan l-Att jistgħu —

(a) jiġu rtirati jew imħassra mill-Ministru fuq it-talba tad-detentur tal-*warrant* jew tas-soċjetà;

(b) jiġu revokati jew kanċellati mill-Ministru wara konsultazzjoni mal-Bord, kull meta l-Ministru jkun tal-fehma li jkun hemm ċirkostanzi materjali dwar il-persuna li lilha jkun inġhata l-*warrant* jew dwar is-soċjetà li, kieku dak il-*warrant* ma jkunx ġie mahruġ jew is-soċjetà ma tkunx ġiet registrata, skond il-każ, dik il-persuna kienet tiġi skwalifikata milli tikseb *warrant* jew dik is-soċjetà kienet tiġi skwalifikata milli tiġi registrata.

(3) Fl-eżerċizzju tal-funzjonijiet tiegħu taht dan l-artikolu l-Bord għandu jaġixxi skond dawk ir-regoli u proċeduri li jiġu preskritti; u d-deċiżjonijiet tal-Bord ikunu suġġetti li jintbagħtu lura, jiġu riveduti jew isir appell minnhom, skond kif jiġi preskritt.

(4) Meta *warrant* jew registrazzjoni tkun ġiet sospiża taht xi waħda mid-disposizzjonijiet ta' dan l-artikolu, is-sospensjoni tista' titneħħa f'kull żmien mill-Ministru wara konsultazzjoni mal-Bord; u meta l-*warrant* jew ir-registrazzjoni tkun ġiet irtirata taht il-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu, jista' jinħareġ *warrant* ġdid, jew tista' ssir registrazzjoni ġdida f'kull żmien jekk il-kondizzjonijiet għal dak il-hruġ jew għal dik ir-registrazzjoni jkunu sodisfatti.

(5) Meta *warrant* ikun ġie revokat taht xi waħda mid-disposizzjonijiet ta' dan l-artikolu, barra mill-paragrafu (a)(i) u l-paragrafu (b)(ii) tas-subartikolu (1) u barra mill-paragrafu (b)(i) ta' l-imsemmi subartikolu dwar reat kontra s-subartikolu (6) ta' l-artikolu 3 jew is-subartikolu (7) ta' l-artikolu 10 ta' dan l-Att, il-Ministru jista', wara li jgħaddu sentejn mid-data tar-revoka, u jekk il-Bord hekk jirrakkomanda, joħroġ *warrant* ġdid taht l-artikolu 4 jew l-artikolu 5 ta' dan l-Att, skond il-każ, taht dawk il-kondizzjonijiet li jidhirlu xierqa.

(6) Mar-revoka jew irtirar ta' *warrant* mahruġ taht dan

l-Att, jew matul dak il-perijodu li dak il-warrant ikun sospiż, il-persuna li lilha l-warrant ikun gie maħruġ ma tibqax id-detentur ta' dak il-warrant; u mat-tassir ta' xi reġistrazzjoni ta' soċjetà taħt l-artikolu 10 ta' dan l-Att, jew għal dak il-perijodu li matulu dik ir-reġistrazzjoni tkun sospiża, is-soċjetà ma tibqax hekk reġistrata.

Disposizzjonijiet  
oħra dwar  
reati.

15. (1) Id-disposizzjonijiet ta' dan l-Att li jistabbilixxu reati u pjeni dwarhom ma jolqtux l-applikazzjoni ta' xi liġi oħra li tistabbilixxi reati u pjeni dwar l-istess atti jew ommissjonijiet u m'għandhomx, b'mod partikolari, jolqtu l-applikazzjoni ta' xi piena oġġla taħt xi liġi oħra.

(2) Għall-finijiet tas-subartikolu (7) ta' l-artikolu 3 u tas-subartikolu (6) ta' l-artikolu 10 ta' dan l-Att, l-użu ta' xi biljett, karta ta' l-ittri, tabella, kartellun, pjanċa, reklam jew ta' mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, tal-kliem "accountant pubbliku ċertifikat" jew "accountant u uditur pubbliku ċertifikat" jew l-abbrevjazzjonijiet "CPA" jew "CPAA", sew fil-forma singolari tagħhom jew fil-plural, dwar isem, ikun prova biżżejjed tat-tagħrif ta' dak l-użu mill-persuna li dwar isimha l-imsemmija kliem jew abbrevjazzjonijiet ikunu wżati, kemm-il darba dik il-persuna ma tippruvax li l-użu sar mingħajr it-tagħrif tagħha u li meta saret taf b'dak l-użu hadet il-passi xierqa biex twaqqfu.

(3) Għall-finijiet ta' dan l-Att —

(a) persuna ma titqiesx li teżercita l-professjoni ta' accountant jew li taġixxi bħala uditur jekk biss taġixxi bħala mpjegat jew bħala assistent ta', accountant pubbliku ċertifikat jew accountant u uditur pubbliku ċertifikat jew ta' soċjetà ta' accountants jew udituri, u ma toħroġ ebda dikjarazzjoni ta' kontijiet jew dikjarazzjoni finanzjarja bil-firma tagħha;

(b) sal-limitu li jiġi hekk preskritt, persuna ma titqiesx li teżercita l-professjoni ta' accountant jew li tagħmilha ta' uditur jekk din tkun f'dak l-impieg jew ikollha jew taġixxi f'dik il-kariga, jew tkun tagħmel biss dak ix-xogħol, dawk is-servizzi, dak l-egħmil jew dawk il-funzjonijiet, kif jistgħu jiġu preskritti.

Emendi.

16. Il-liġijiet imsemmija fl-ewwel kolonna ta' l-Iskeda ta' dan l-Att għandu jkollhom effett skond dawk l-emendi speċifikati dwarhom fit-tieni kolonna ta' dik l-Iskeda.

## SKEDA

### Artikolu 16

Liġi	Kif Emendata
Ordinanza ta' l-1962 dwar is-Soċjetajiet Kummerċjali Ord. XX ta' l-1962	1. Minflok l-artikolu 140 għandu jidhol dan li ġej: "140. (1) Persuna ma tkunx kwalifikata għall-hatra bħala uditur ta' kumpannija kemm-il darba ma jkollhiex warrant biex taġixxi bħala uditur maħruġ jew meqjus bħala maħruġ taħt l-Att ta' l-1979 dwar il-Professjoni ta' l-Accountancy, jew jekk ma tkunx soċjetà ta' udituri reġistrati kif imiss taħt l-imsemmi Att u — (a) fil-każ ta' individwu, tkun —

*Ligi**Kif Emendata*

(i) uffiċjal jew impjegat tal-kumpannija;  
jew

(ii) soċju ma' uffiċjal jew impjegat tal-kumpannija jew fl-impieg tiegħu; jew

(iii) qarib bid-demm jew bi żwieġ f'linja diretta, jew, sat-tielet grad, fil-linja kollaterali, ma' xi uffiċjal tal-kumpannija;

(b) fil-każ ta' soċjetà xi wiehed mis-soċji jkun individwu li ma jkunx kwalifikat għall-ħatra bħala uditur tal-kumpannija.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu dwar il-ħatra ta' uditur għandhom japplikaw ukoll dwar it-tiżmim ta' dik il-ħatra.”

2. Fis-subartikolu (4) ta' l-artikolu 148 minflok il-kliem “tas-subartikolu (1) u l-paragrafi (b) u (c) tas-subartikolu (2)” għandhom jidhlu l-kliem “tal-paragrafi (ii) u (iii) tas-subartikolu (1)”.

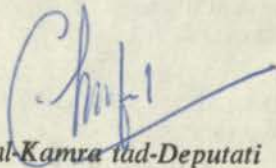
Att ta' l-1970 dwar  
il-Kummerċ  
Bankarju

Att Nru. V ta'  
l-1970

Minflok is-subartikolu (6) ta' l-artikolu 20 għandu jidhol dan li ġej:

“(6) Għall-finijiet ta' dan l-artikolu uditur approvat għandu jkun persuna li tkun kwalifikata biex tkun l-uditur tal-bank skond l-artikolu 140 ta' l-Ordinanza ta' l-1962 dwar is-Soċjetajiet Kummerċjali, u jkollha l-awtorizzazzjoni tal-Ministru biex taġixxi bħala uditur ta' bank.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 319 tat-30 ta' Ottubru, 1979.



*Skrivan tal-Kamra tad-Deputati*



*Speaker*



I assent.

*Anton G. J. J. J.*  
President

2 November, 1979

### ACT No. XXVIII of 1979

*AN ACT to regulate the accountancy profession and to provide for matters connected therewith or ancillary thereto.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and  
commencement.

1. (1) This Act may be cited as the Accountancy Profession Act, 1979.

(2) This Act shall come into force on such date as the Minister responsible for finance shall by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of this Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires —

“accountant” and “auditor” include, respectively, a partnership of accountants and a partnership of auditors;

“approved accountancy body” means a local association of accountants for the time being recognized by the Minister as an approved accountancy body under section 9 of this Act;

“Board” means the Accountancy Board established by section 6 of this Act;

“Minister” means the Minister responsible for finance and, to the extent of any functions delegated to it by the Minister, includes the Board;

“prescribed” means prescribed by regulations under this Act.

(2) For the purposes of this Act references to a warrant issued thereunder includes references to a warrant deemed to have been so issued.

3. (1) No person shall practise the profession of accountant unless he is the holder of a warrant issued under section 4 or under section 5 of this Act.

Warrant  
required to  
practise the  
profession.

(2) No person shall act as auditor unless he is the holder of a warrant issued under section 5 of this Act.

(3) A person shall not qualify for a warrant under either of the sections aforesaid unless —

- (a) he is a citizen of Malta;
- (b) he is of good conduct and moral character;
- (c) he is of full legal capacity; and
- (d) either —
  - (i) his name is entered in the register of associate members of an approved accountancy body, or
  - (ii) he is in possession of such university degree or equivalent academic qualification relating to the accountancy profession as at the relevant time recognized by the Board to be sufficient for the purposes of this subsection.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, the Minister may, after consulting the Board, issue, to any person who is duly qualified to act as auditor in any country outside Malta, a warrant to act as auditor in Malta for such limited period or periods or such specific purpose or purposes, or both such period and purpose, and subject to such other conditions as may be specified in the warrant.

(5) Any person who acts in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on conviction for each offence, in respect of the first offence to a fine (*multa*) not exceeding one hundred pounds and in respect of a second or subsequent offence to a fine (*multa*) not exceeding five hundred pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and in the case of a continuing offence to an additional fine (*multa*) not exceeding ten pounds for each day during which the offence continues.

(6) Any person who, for the purpose of obtaining a warrant under this Act, gives any wrong information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall be liable on conviction for each offence to a fine (*multa*) not exceeding one thousand pounds or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

(7) Any person who, not being the holder of the appropriate warrant issued under this Act, assumes the title or designation of "certified public accountant" or of "certified public accountant and auditor" or their abbreviations "CPA" or "CPAA" or in any other manner indicates that he is entitled to exercise the profession of accountant or to act as auditor in Malta, shall be guilty of an offence and shall be liable on conviction for each offence to a fine (*multa*) not exceeding one hundred pounds and in respect of a second or subsequent offence to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

4. (1) A warrant to practise the profession of accountant shall be issued by the Minister on the recommendation of the Board to any person who satisfies the requirements of subsection (3) of section 3 of this Act.

Certified  
Public  
Accountants.

(2) The holder of a warrant issued under this section shall be entitled to use the designation "Certified Public Accountant" as well as the abbreviation "CPA".

Certified  
Public  
Accountants  
and Auditors.

5. (1) A warrant to act as auditor shall be issued by the Minister on the recommendation of the Board to a person who is a certified public accountant and satisfies the Board that he has adequate qualifications and experience in auditing:

Provided that the Minister may once refer back that recommendation for reconsideration by the Board.

Ord. No. XX  
of 1962.

(2) An authorisation to act as auditor issued prior to the 25th July, 1978 under the provisions of section 140 of the Commercial Partnerships Ordinance, 1962 as in force at the time of the issue of the authorization, in favour of a person who was then a member of a body of accountants recognized for the purposes of that section, shall for all purposes have the same effect of a warrant issued under this section and be deemed to have been so issued.

(3) The holder of a warrant issued under this section shall be entitled to use the designation "Certified Public Accountant and Auditor" as well as the abbreviation "CPAA".

Accountancy  
Board.

6. (1) There shall be a board, to be known as the Accountancy Board, consisting of a chairman and four other members, who shall be appointed by the Minister and shall hold office for such term, not exceeding three years, and under such conditions as may be set out in their respective letters of appointment:

Provided that on the expiration of the term for which a person is appointed under this subsection, he shall be eligible for re-appointment.

(2) The chairman and two of the other four members shall be persons of recognized standing and experience in business or professional or academic matters, or in industrial relations or in the public service; the other two members shall be holders of a warrant issued under section 4 or section 5 of this Act, and shall be appointed after the Minister has consulted any association for the time being recognized as an approved accountancy body:

Provided that the first members to be appointed under this section as the other two members aforesaid may be chosen from among persons who in the opinion of the Minister could qualify for such a warrant, but such persons shall hold office for a period not exceeding one year.

(3) The number of members present necessary to form a quorum shall be three, but, subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

(4) Save as aforesaid the Board may make its own rules and otherwise regulate its own procedure.

(5) The Minister may also designate a public officer to act as secretary to the Board, but the secretary shall not have a vote.

Functions of  
the Board.

7. (1) The functions of the Board are —

(a) to consider applications for the issue of a warrant

under section 4 or section 5 of this Act and make its recommendations thereon to the Minister;

(b) to deal with cases leading to the suspension or withdrawal of any of the warrants aforesaid as provided by or under this Act;

(c) to advise, or make recommendations or otherwise express its views to, the Minister on any matter on which the Minister is to consult with the Board or on which the Board is to make recommendations to the Minister or on which the opinion or recommendation of the Board is sought by the Minister;

(d) such other functions as arise from this Act or any other law or as may be delegated to it by the Minister under this Act.

(2) In the exercise of its functions under paragraph (c) or (d) of subsection (1) of this section, the Board may consult with such persons as it may deem appropriate, and may also appoint committees, of which the chairman shall be a member of the Board, for the carrying out of such studies or other work as the Board may assign to them.

(3) The Board shall, not later than three months after the end of each year, publish a list of the persons who, on 31st December of the said year, were holders of a warrant issued under this Act.

8. The Minister may, after consulting the Board, make regulations not inconsistent with the provisions of this Act, to give better effect to any of such provisions and generally to regulate the profession of accountants, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to —

Regulations.

(a) the establishment of accountancy and auditing standards, procedures and other duties and practices to be followed by accountants or auditors, or by both, either generally or in particular fields of activity;

(b) the professional conduct of accountants and auditors and the standards of competency and integrity to be kept by the profession;

(c) the issue of guidelines and other advice to accountants and auditors;

(d) the recognition of an approved accountancy body, the conditions for such recognition and the suspension or withdrawal thereof;

(e) the work which cannot be performed and the services which cannot be rendered, whether wholly or in part, except by a person holding a warrant under this Act;

(f) the work which cannot be performed and the services which cannot be rendered by persons holding a warrant under this Act;

(g) the fees that may be charged by accountants and auditors whether for their services as such or for other services given by them in other capacities which, in the opinion of the Minister, are related to their professional qualifications; the authority, if any, by which any dispute concerning such fees

may be settled and the procedure to be followed by any such authority;

(h) any matter which is required or is authorised by this Act to be prescribed;

(i) the procedures to be followed in cases of professional misconduct and other cases leading to the suspension or withdrawal of a warrant issued under section 4 or section 5 of this Act;

(j) the punishments, penalties and other consequences and effects to which a person may become liable or which may take place in the event of any contravention of, or non-compliance with, any provision of any regulation under this section; so however that no punishment so imposed shall exceed a fine (*multa*) of two thousand pounds, or imprisonment for a term of one year, or of both such fine and imprisonment, or, in the case of a continuing offence, a fine (*multa*) of ten pounds for each day during which the offence continues, whether or not in addition to the punishments aforesaid.

Approved  
Accountancy  
body.

9. (1) The Minister may, after consulting the Board, recognize any local association of accountants as an approved accountancy body for the purposes of this Act if he is satisfied, among such other matters as may be prescribed, that the educational and professional qualifications demanded by such association for associate membership thereof conform to currently accepted standards and that such membership is open to all citizens of Malta having such qualifications.

(2) Such recognition shall be subject to such conditions as the Minister may in granting recognition impose or as may from time to time be prescribed; and if at any time any of the conditions aforesaid, or any of the provisions contained in or prescribed under the next following subsection, is not observed or fulfilled, or there is a material change in the circumstances under which the recognition was granted, the Minister may, after consulting the Board, suspend or withdraw the recognition.

(3) An approved accountancy body shall keep a register of its associate members and shall enter therein the names of all persons who qualify for such membership. The said register shall be kept in such manner as may be prescribed.

Partnerships  
of accountants  
or of  
auditors.

10. (1) Where two or more certified public accountants intend to practise jointly as accountants, or two or more certified public accountants and auditors intend to practise jointly as auditors, or as both auditors and accountants, they may form a civil partnership having for its exclusive object the practice of accountancy (in this Act referred to as "partnership of accountants") or, as the case may be, the performance of functions as auditors or of both auditors and accountants (in this Act referred to as "partnership of auditors"), and having such powers as are necessary for the attainment of the objects of the partnership.

(2) No person other than a certified public accountant or a certified public accountant and auditor may be a partner in a partnership of accountants; and no person other than a certified public accountant and auditor may be a partner in a partnership of auditors.

(3) Any such partnership shall, when duly formed according to law, be registered with the Board, and upon such registration the partners shall, for so long as it is so registered, be authorised by the Minister to act, in the name and on behalf of the partnership, as certified public accountants or as certified public accountants and auditors, or both, as the case may require, and the partnership shall be entitled accordingly to one of the designations aforesaid and the corresponding abbreviation "CPAs" or "CPAAs".

(4) Every such partnership shall give to the Minister or to the Board such information as they may reasonably require or as may be prescribed, and shall give notice to the Minister or to the Board of any relevant change in any information previously given to them within fifteen days after the date on which the change occurs.

(5) With respect to a partnership registered under this section, the following provisions shall apply notwithstanding any other provisions of this Act or of any other enactment and notwithstanding any agreement to the contrary, that is to say —

(a) any act or thing that may be done by the holder of a warrant under this Act may be done by any one or more of the partners in the name of the partnership; and any act or thing done in the name of the partnership shall be done by one or more of the partners;

(b) any prohibition imposed by or under this Act in respect of one of the partners shall apply to all the partners and to the partnership even where the act prohibited or restricted, or giving rise to the prohibition or restriction, is done by one of the partners;

(c) the partners shall be jointly and severally responsible for the actions and omissions of each and every one of them in the performance of their duties, the maintenance of the required professional standards and conduct and generally in the fulfilment of their obligations under this Act or any other applicable law, and shall be so jointly and severally liable for any loss or damage resulting therefrom;

and the responsibilities and liabilities aforesaid for any thing done or omitted to be done during the period in which a person was a partner shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a partner.

(6) Any person who makes use of the designation "certified public accountants" or "certified public accountants and auditors" or their abbreviation "CPAs" or "CPAAs" in relation to a partnership which is not registered under this section or in any other manner knowingly makes use of a name falsely implying the existence of a partnership of accountants or of auditors, or that such a partnership is registered, or may otherwise lawfully function, under this section, or does any other act calculated to lead to the belief that any of the facts aforesaid exists when in fact it does not, shall be guilty of an offence and shall be liable on conviction, for each offence, in respect of a first offence to a fine (*multa*) not exceeding one hundred pounds, and in respect of a second or subsequent offence to a fine (*multa*) not exceeding five hundred pounds or to imprisonment to a term not exceeding three months or to both such imprisonment and fine, and in the case of a continuing offence to an additional fine (*multa*) not exceeding ten pounds for each day during which the offence continues.

(7) The provisions of subsection (6) of section 3 of this Act shall, with the necessary modifications and adaptations, apply to the registration of a partnership under this section as they apply to the issue of a warrant under this Act.

Indemnity  
insurance  
penalties for  
breach of duty.

11. (1) Every person who is the holder of a warrant to act as auditor or, with respect to two or more of such persons who have registered as a partnership under section 10 of this Act, every such partnership, shall, for so long as they hold such a warrant or, as the case may require, for so long as they are so registered, and thereafter with respect to anything done or omitted during that time, be covered by an indemnity insurance, by such company, in such manner and for such amount as may be prescribed, against any liability which such person or partnership may incur for compensation in respect of any loss or damage which a client or any other person may suffer as a result of any negligent act, error or omission committed by any such person or partnership, or any partner thereof, or by any of their employees, in the carrying out of their functions as auditors, as well as against any claim in respect of any loss or damage brought about or contributed by any dishonest, fraudulent, criminal or malicious act or omission of any of their employees.

(2) Every person or partnership who fails to comply with any of the foregoing provisions of this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine (*multa*) not exceeding five hundred pounds, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment, and in the case of a continuing offence to an additional fine not exceeding fifty pounds for each day during which the offence continues.

(3) Every person or partnership who acts or omits to act in breach of his professional duty as accountant or as auditor shall, if such act or omission amounts to dishonesty or serious misconduct, be liable on conviction to imprisonment for a period of not less than one year and not exceeding five years, and the Court may also inflict on him a fine (*multa*) not exceeding five thousand pounds.

Prohibited  
agreements.

12. Any agreement or other arrangement purporting to exempt an accountant or an auditor from any liability, responsibility or duty under this Act or under any other enactment, or to relieve him therefrom, or, except under a policy of insurance made out under section 11 of this Act, to indemnify him against any such liability or responsibility, shall be null and void.

Remuneration  
of auditors,  
etc.

13. (1) An auditor shall be remunerated solely by his fees; and the fees that may be charged by an auditor for services as such may not exceed the prescribed fees or be in contravention of such rules as may be prescribed.

(2) An accountant or an auditor who renders a service in any other capacity, or partly as accountant or auditor and partly in such other capacity, shall, in respect of the service rendered in such other capacity, be remunerated solely by his fees; and the fees which he may charge therefor may not exceed those prescribed.

(3) An accountant or auditor shall not pay or allow, or agree to pay or allow, to any person, whether directly or indirectly, any commission or brokerage, or any share or portion of his fees or other professional income in circumstances in which a commission or a brokerage fee is normally paid or allowed.

14. (1) A warrant issued under any of the provisions of this Act may be suspended or revoked, and the registration of a partnership under section 10 of this Act may be suspended or cancelled, by the Minister, in accordance with the following provisions of this section, if the person to whom such a warrant was issued or the partnership or any of the partners of the partnership —

Suspension,  
revocation  
or withdrawal  
of warrants  
and suspension  
or cancellation  
of registrations.

(a) has, following an enquiry held by the Board, been found guilty of any of the following acts or omissions —

(i) dishonesty, misconduct or gross negligence in the exercise of his profession;

(ii) conduct in contravention of regulations with respect to professional standards, practices or integrity;

(iii) conduct discreditable to the profession;

(iv) failure to comply with any condition attached to a warrant under subsection (5) of this section; or

(b) has been found guilty by a court of law —

(i) of an offence under this Act or any regulations made thereunder; or

(ii) of a crime affecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud.

(2) A warrant issued under this Act and the registration of a partnership under section 10 of this Act may be —

(a) withdrawn or cancelled by the Minister at the request of the holder of the warrant or of the partnership;

(b) revoked or cancelled by the Minister, after consultation with the Board, whenever the Minister is of the opinion that there are material circumstances concerning the person to whom the warrant was issued or the partnership which, if the warrant had not been issued or the partnership registered, as the case may require, would disqualify such person from obtaining a warrant or such partnership from being registered.

(3) In exercising its functions under this section the Board shall act in accordance with such rules and procedures as shall be prescribed; and the findings of the Board shall be subject to such reference back, review or appeal as may be prescribed.

(4) Where a warrant or registration has been suspended under any of the provisions of this section, the suspension may be lifted by the Minister after consulting the Board at any time; and where the warrant or registration has been withdrawn under paragraph (a) of subsection (2) of this section, a new warrant may be issued or a new registration made at any time if the conditions for such issue or registration are satisfied.

(5) Where a warrant has been revoked under any of the provisions of this section, other than paragraph (a) (i) and paragraph (b) (ii) of subsection (1) and other than paragraph (b) (i) of the said subsection in respect of an offence against subsection (6) of section 3 or subsection (7) of section 10 of this Act, the Minister may, after the expiration of two years from the date of the revocation, and if the Board so recommends, issue a fresh warrant under section 4 or section 5 of this Act, as the case may require, under such conditions as he may deem appropriate.

(6) Upon the revocation or withdrawal of a warrant issued under this Act, or during such period as such a warrant is suspend-

ed, the person to whom the warrant was issued shall cease to be the holder of such warrant; and upon the cancellation of any registration of a partnership under section 10 of this Act, or for such period as such registration is suspended, the partnership shall cease to be registered.

Additional provisions with respect to offences.

15. (1) The provisions of this Act establishing offences and punishments in respect thereof shall not affect the operation of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishments under any other law.

(2) For the purposes of subsection (7) of section 3 and of subsection (6) of section 10 of this Act, the use on any card, letter head, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the words "certified public accountant" or "certified public accountant and auditor" or their abbreviations "CPA" or "CPAA", whether in their singular or their plural form, in relation to a name, shall be sufficient evidence of the knowledge of such use by the person in relation to whose name the said words or abbreviations are used, unless such person proves that the use was made without his knowledge and that upon becoming aware of the use he took adequate steps to stop it.

(3) For the purposes of this Act —

(a) a person shall not be deemed to exercise the profession of accountant or to act as auditor if he acts simply as an employee of, or assistant to, a certified public accountant or a certified public accountant and auditor, or a partnership of accountants or of auditors, and does not issue any accounting or financial statement over his name;

(b) to the extent that is so prescribed, a person shall not be deemed to exercise the profession of accountant or to act as auditor if he is in such employment or holds or acts in such office, or performs only such work, services, acts or functions, as may be prescribed.

Amendments.

16. The enactments mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments specified in relation thereto in the second column of that Schedule.

## SCHEDULE

### Section 16

<i>Enactment</i>	<i>Extent of Amendment</i>
Commercial Partnerships Ordinance, 1962 Ord. No. XX of 1962	1. For section 140 there shall be substituted the following: "140. (1) A person shall not be qualified for appointment as auditor of a company unless he is an individual who holds a warrant to act as auditor issued under the Accountancy Profession Act, 1979 or is a partnership of auditors duly registered under the said Act and — (a) in the case of an individual, he is not —

*Enactment**Extent of Amendment*

(i) an officer or servant of the company; or

(ii) a partner or in the employment of an officer or servant of the company; or

(iii) related by consanguinity or affinity in the direct line, or, up to the third degree, in the collateral line, to any officer of the company;

(b) in the case of a partnership none of the partners is an individual who is not qualified to be appointed as auditor of the company.

(2) The provisions of subsection (1) of this section in regard to the appointment of an auditor shall also apply in regard to the holding of such appointment."

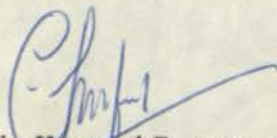
2. In subsection (4) of section 148 for the words "subsection (1) and paragraphs (b) and (c) of subsection (2)" there shall be substituted the words "paragraphs (ii) and (iii) of subsection (1)".

Banking Act, 1970  
Act No. V of 1970

For subsection (6) of section 20 there shall be substituted the following:

"(6) For the purposes of this section an approved auditor shall be a person who is qualified to be the auditor of the bank in accordance with section 140 of the Commercial Partnerships Ordinance, 1962 and holds the Minister's authorisation to act as auditor of a bank."

Passed by the House of Representatives at Sitting No. 319 of the 30th October, 1979.



*Clerk to the House of Representatives*



*Speaker*