

Admissions and Licensing Committee: Application for retention of membership, affiliate or registered student status following bankruptcy

This form must be completed if you wish to apply to the Admissions and Licensing Committee to retain your membership, affiliate or registered student status following bankruptcy.

Before completing this form you should read carefully the relevant rules (Membership regulations 13 of the ACCA *Rulebook*) and relevant sections of the *Guidance for Regulatory Orders and Guide to ACCA's Committee Unit and the Disciplinary and Regulatory Committees*, both of which are available on our website at <http://www.accaglobal.com/members> by choosing the link for 'Committees'.

PLEASE NOTE IT IS FOR YOU TO CONVINCING THE ADMISSIONS AND LICENSING COMMITTEE THAT YOU ARE ELIGIBLE TO RETAIN YOUR MEMBERSHIP, AFFILIATE OR REGISTERED STUDENT STATUS FOLLOWING BANKRUPTCY.

Your application cannot proceed until all of the information requested in this form has been provided. Once your form has been received it will be acknowledged and ACCA will then complete section B1. Please be aware that this may take up to 28 days. A copy of your application with section B1 completed will be returned to you together with any appendices and if you wish to make any further written submissions these will be included in the additional papers for the Admissions and Licensing Committee meeting. It is extremely important that you provide, wherever possible, documentary evidence in support of your application.

Please note that when considering the eligibility of individuals who have been declared bankrupt to retain ACCA membership, affiliate or registered student status the Committee will seek to assess:

- (i) the background and circumstances leading to the bankruptcy event and, in particular, whether the individual was dishonest and/or reckless, incompetent or simply unlucky, with relevant evidence from the Official Receiver and/or Trustee in Bankruptcy
 - (ii) the individual's conduct during the bankruptcy, with relevant evidence from the Official Receiver and/or Trustee in Bankruptcy
 - (iii) the individual's current and future prospects, and reasons for wishing to remain a member, affiliate or registered student, as shown by detailed information provided by him/her
- and
- (iv) any past or outstanding disciplinary matters relating to the individual.

The Committee has the power to grant the application, refuse the application or grant the application subject to condition(s) (see section B2 of this form). If you wish to hold a practising certificate, the Committee may also order that you receive a Members' Advisory Visit at your cost (currently £750+VAT). The aim of this visit is to assess the practice you operate and to elicit other general information. An ACCA authorised practitioner carries out the visit and prepares a report on the findings of the visit.

You will be invited to attend the hearing (in person or by telephone) in order to make your case and answer any questions the Committee may have. You are strongly recommended to do this.

Please return this form and attachments to:

Professional Conduct Department
ACCA
1/11 John Adam St,
London WC2N 6HT
United Kingdom
complaintassessment@accaglobal.com

Please retain a photocopy of the completed form and your attachments for future reference.

A1 PERSONAL DETAILS

1.1

Full name

Membership/Affiliate/Student number

Registered address

Town/City

County/State

Country

Postcode/Zipcode

Email address

Date of birth

Date of admission to ACCA membership, affiliate or student register

Date of bankruptcy (please provide a copy of the bankruptcy order)

Tick here to indicate that the order is attached

A1 PERSONAL DETAILS (continued)

1.2

Details of bankruptcy:

Continue on a separate sheet if necessary.

A1 PERSONAL DETAILS (continued)

1.3

Have you been bankrupt before?	Yes	No
Have you been subject to an Individual Voluntary Arrangement (IVA)?	Yes	No

If yes to either of these questions, please provide details:
Continue on a separate sheet if necessary.

PLEASE NOTE: If you are engaged in public practice work your application must be accompanied simultaneously by an application to retain the relevant certificate(s). The Committee will not be able to grant you continued membership without granting a practising certificate. This is because if you remain a member you would be in breach of ACCA's *Global Practising Regulations* for engaging in public practice without holding an ACCA practising certificate.

A1 PERSONAL DETAILS (continued)

1.4

Do you wish to retain your practising certificate? Yes No

If yes what type of practising certificate?

Practising certificate

Practising certificate and auditing qualification

A1 PERSONAL DETAILS (continued)

1.5

Are you subject to any past or outstanding disciplinary matters? Yes No

If yes, please provide details:

Continue on a separate sheet if necessary.

A2 BACKGROUND TO YOUR BANKRUPTCY

2.1

Please set out full details of the event and circumstances leading to your bankruptcy, in chronological order and attach any documentary evidence in support of the assertions contained within your version of events. Continue on a separate sheet if necessary.

Examples of evidence may include (not exhaustive and depending on the circumstances) court orders, correspondence with solicitors, creditors, and other relevant parties, and accounts of relevant business(es) etc.

Supporting documentary evidence is attached and cross referenced to narrative below Yes No

2.2

Please list all creditors, including the amount; when the initial debt was incurred and for what purpose; details of interest rates applied, repayment terms and repayments made up to the date of the bankruptcy, together with supporting documentary evidence. This should be consistent with the information contained in the petition or Preliminary Information Questionnaire. Continue on a separate sheet if necessary.

Supporting documentary evidence is attached and cross referenced to narrative below Yes No

A2 BACKGROUND TO YOUR BANKRUPTCY (continued)

2.3

Please explain what actions you took to avoid bankruptcy and why eventually you were made bankrupt. It is important that you support this with documentary evidence so that the Committee is able to assess whether you were dishonest and/or reckless, incompetent or simply unlucky. Continue on a separate sheet if necessary.

Supporting documentary evidence is attached and cross referenced to narrative below Yes No

2.4

Please explain why you consider that the causes of your bankruptcy were due to bad luck or circumstances beyond your control rather than your recklessness, dishonesty or incompetence (bearing in mind the skills and experience expected of a professionally qualified accountant). You should provide relevant supporting documentary evidence if not already provided under another heading. Continue on a separate sheet if necessary.

Supporting documentary evidence is attached and cross referenced to narrative below Yes No

2.5

Please explain why the circumstances which lead to your bankruptcy are not likely to recur in future. Continue on a separate sheet if necessary.

2.6

If you petitioned for your own bankruptcy, please attach a copy of your petition.

My petition is attached

If you were subject to a creditor's petition, please attach a copy of the petition and also a copy of the Bankruptcy Preliminary Information Questionnaire you would have completed for the Official Receiver.

Creditor's petition is attached

Bankruptcy Preliminary Information Questionnaire is attached

If possible, please provide independent corroboration of your account of events, for example another party to the bankruptcy petition or a solicitor.

Independent corroboration is attached

A3 CONDUCT DURING BANKRUPTCY

Please arrange for your trustee in bankruptcy, which may be the official receiver to confirm directly to Members Support, ACCA, 2 Central Quay, 89 Hydepark Street, Glasgow G3 8BW or email: #od.mlc@accaglobal.com, in writing, to confirm that you are cooperating with the bankruptcy process.

I confirm that I have done this

A4 FUTURE PROSPECTS

4.1

Please outline your past career and present circumstances. Continue on a separate sheet if necessary.

4.2

What are your future plans? Continue on a separate sheet if necessary.

4.3

Why do you believe you should be allowed to be admitted or readmitted to membership, affiliate or registered student status and why would this be beneficial to you? Continue on a separate sheet if necessary.

A5 REFERENCES

To demonstrate your suitability to retain membership, affiliate or registered student status of ACCA you may wish to provide references. All references must be in writing, signed and dated by the referee. If you are employed, the Committee would expect that one of the references provided to be from your current employer.

Relevant factors that a reference should include are set out in the *Guidance for Regulatory Orders – Admissions, readmissions and bankruptcy*.

My references are attached

Name of referee

Referee job title

Relationship to applicant

Name of referee

Referee job title

Relationship to applicant

A6 OTHER RELEVANT INFORMATION

Please provide any other relevant information in support of your application, listing any documentation you are attaching. Please refer specifically to the factors set out in the *Guidance for Regulatory Orders – Admissions, readmissions and bankruptcy*, and note that the Committee is required to consider all relevant factors. Continue on a separate sheet if necessary.

A7 CONFIRMATION

I confirm that the information contained in this form is true, accurate and complete to the best of my knowledge and belief. I understand that a false declaration on this form may lead to disciplinary action against me and/or may invalidate any decision related to the application.

Applicant's signature

Date

(Signature may be typed)

B1 THE RELEVANT FACTS AND RECOMMENDATION – FOR ACCA USE ONLY

Should include the date ACCA received notification of the bankruptcy.

Eligibility for continuing membership, affiliate or student status

Membership Regulation 13(1)(b) states that it is for the applicant to satisfy the Admissions and Licensing Committee that he/she is still eligible to remain a member, affiliate or registered student. In this regard the Committee's attention is drawn to the requirement in Membership Regulation 3 on eligibility for membership, Membership Regulation 5 on eligibility for affiliate status or Membership Regulation 7 on eligibility for registered student status that an individual must satisfy the Committee of his/her general character and suitability to be a member, affiliate or registered student.

Membership Regulation 13(2) further provides that the Committee may require the applicant to furnish it with such information (including documents) as it requires, and may take into account any other information it considers appropriate in considering an individual's eligibility to remain a member.

Membership Regulation 13(3) provides that the Committee may permit the individual to retain his/her membership, affiliate or registered student status, withdraw his/her membership, affiliate or registered student status, permit the individual to retain his/her membership, affiliate or registered student status subject to such conditions as it considers appropriate, or make such other decision as it thinks fit in respect of the individual.

Taking account of the content of this application form, and the Guidance for Regulatory Orders, the Committee is invited to consider making an appropriate order in this case.

Eligibility for a practising certificate (if applicable)

If the Committee decides that the individual is eligible to remain a member it then needs to consider whether he/she should be allowed to hold a practising certificate. The Guidance for Regulatory Orders for admissions, readmissions and bankruptcy explains, at paragraph 3.5.1, that where the Committee has allowed an applicant to retain membership it ordinarily follows that the member should be fit and proper to hold a practising certificate, otherwise the member will automatically be in breach of the Global Practising Regulations. The Committee may, however, wish to consider placing conditions on the practising certificate, for instance that the applicant passes a test or is subject to a Members' Advisory Visit.

The procedures for the withdrawal of, suspension of, or imposition of conditions on certificates are contained in Regulation 5 of the Authorisation Regulations (ARs). AR 5(2) states that the Committee:

'may, if in its absolute discretion it thinks fit, withdraw, suspend or impose conditions upon a certificate if:

(g) the holder of the certificate is not a fit and proper person to hold the certificate in question within the meaning of the Practising Regulations.'

The Committee's attention is drawn to the eligibility requirements for a practising certificate contained in Regulation 6 of the Global Practising Regulations 2003 (GPRs) and those concerning fitness and propriety in GPR 8 and Regulation 13 of the Practising Regulations in Annex 1 to the GPRs. The Committee will need to consider whether it needs any further information on these or other issues.

Taking account of the content of this application form, and the Guidance for Regulatory Orders, the Committee is invited to consider making an appropriate order in this case.