

Admissions and Licensing Committee:

Application for membership, affiliate or registered student status – following disclosure of a matter which questions eligibility

This form must be completed if you wish to apply to the Admissions and Licensing Committee for admission to ACCA membership or to become an affiliate or registered student and will be disclosing a matter (for example a criminal conviction) which questions your eligibility to be admitted. In this regard, you should be aware of ACCA bye-law 8 (see section B3 of this form) which lists those matters which may affect your eligibility and therefore must be disclosed by you. You should be aware that the UK Rehabilitation of Offenders Act 1974 does not apply to the professions of chartered accountant and certified accountant and you are required to disclose all convictions and/or cautions, including those that are spent, provided that they are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure.

Before completing this form you should read carefully the relevant sections of the **Guidance for Regulatory Orders** and **Guide to ACCA's Hearings Team and the Disciplinary and Regulatory Committees**, both of which are available on our website at <https://www.accaglobal.com/uk/en/about-us/regulation/disciplinary-and-regulatory-hearings.html>

Your application cannot proceed until all the information requested in this form has been provided, including providing certified translations of any documents not in English. Once your form has been received it will be acknowledged and ACCA will then complete section B1. 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 submissions these will be included in the additional papers for the Admissions and Licensing Committee meeting.

Please note the Committee has the power to grant your application, refuse your application or grant your application subject to further condition(s) as it considers appropriate. In accordance with Membership Regulation 9(1)(b) it is up to you to satisfy the Admissions and Licensing Committee that you are eligible for membership or to become an affiliate or registered student. It is therefore vital that you provide all the documents and information requested in this form.

Please return your form to:

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

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

A1 APPLICANT'S DETAILS

Full name

Mailing address

Town/City

County/State

Country

Postcode/Zipcode

Email address

Date of birth

A2 DOCUMENTATION REQUIRED

You will need to provide documentary evidence in relation to the matter which you have disclosed. For example:

- 1) If the matter relates to a conviction/caution, please provide a copy of the certificate of conviction from the Court or a caution sheet from the police, duly translated if necessary. If you were convicted and/or sentenced before a Crown Court (England and Wales) or equivalent court, please provide a copy of the judge's sentencing remarks.

Copy of the certificate of conviction/caution attached

Sentencing remarks attached

- 2) If your conviction/caution was outside of the UK, a certificate of conviction/caution may not be available. If so, please provide a copy of the judgment from the Court/police, duly translated if necessary, referring to your conviction and sentence/caution.

Copy of the judgment from the Court/police attached

- 3) If you were sentenced to a fine, other financial penalty and/or costs, please confirm that these amounts have been paid and provide confirmation from the Court.

I confirm that these amounts have been paid

Confirmation from the Court attached

- 4) If you were sentenced to a community order, please confirm that you have completed this satisfactorily and provide confirmation from the relevant authority.

I confirm that this has been completed

Confirmation from the relevant authority attached

- 5) If the matter disclosed relates to your bankruptcy, please provide a copy of your bankruptcy order and confirmation that it has been discharged.

Bankruptcy order and confirmation of discharge attached

- 6) If the matter disclosed relates to a decision made against you by another professional body, please provide a copy of that decision together with any reasons. If the sanction against you includes a fine, other financial penalty and/or costs, please confirm these amounts have been paid.

Decision attached

I confirm that these amounts have been paid

- 7) If the matter relates to your disqualification to act as a company director, please provide a copy of the disqualification order.

Disqualification order attached

A3 FURTHER INFORMATION REQUIRED

Please provide the following information:

1. The underlying facts and surrounding circumstances of the matter which you have disclosed. Continue on a separate sheet if necessary.

2. In relation to the matter disclosed, what was your attitude at the time and now? Continue on a separate sheet if necessary.

A3 FURTHER INFORMATION REQUIRED (continued)

3. If the matter relates to a conviction, did you at any time plead guilty? Continue on a separate sheet if necessary.

4. As a result of the matter disclosed, or for any other reason, have you ever been excluded from any other professional or regulatory body? Continue on a separate sheet if necessary

A3 FURTHER INFORMATION REQUIRED (continued)

5. If the matter relates to a conviction/caution, why do you consider that, given similar circumstances and events in the future, you will not commit a similar offence or offences? Continue on a separate sheet if necessary.

6. If the matter does not relate to a conviction/caution but one of the matters listed in bye-law 8, why do you consider that, given similar circumstances and events in the future, the conduct will not be repeated by you? Continue on a separate sheet if necessary.

A3 FURTHER INFORMATION REQUIRED (continued)

7. Are you currently the subject of proceedings which could result in any of the matters referred to in bye-law 8? Continue on a separate sheet if necessary.

8. Why do you consider you should be admitted as an ACCA member, affiliate or registered student? Continue on a separate sheet if necessary.

A3 FURTHER INFORMATION REQUIRED (continued)

9. Please outline your employment history, including, if applicable, the name and details of your current employer.

Name of employer

Employer address

Nature of employer's business

Dates of employment and job titles

Is the employer registered as an ACCA approved employer under the practising certificate development stream? Yes No

Is the employer registered for practising certificate training by another professional body? Yes No

Name of supervising principal

Accountancy qualifications and job title of supervising principal

Name of employer

Employer address

Nature of employer's business

Dates of employment and job titles

Is the employer registered as an ACCA approved employer under the practising certificate development stream? Yes No

Is the employer registered for practising certificate training by another professional body? Yes No

Name of supervising principal

Accountancy qualifications and job title of supervising principal

Name of employer

Employer address

Nature of employer's business

Dates of employment and job titles

Is the employer registered as an ACCA approved employer under the practising certificate development stream? Yes No

Is the employer registered for practising certificate training by another professional body? Yes No

Name of supervising principal

Accountancy qualifications and job title of supervising principal

Name of employer

Employer address

Nature of employer's business

Dates of employment and job titles

Is the employer registered as an ACCA approved employer under the practising certificate development stream? Yes No

Is the employer registered for practising certificate training by another professional body? Yes No

Name of supervising principal

Accountancy qualifications and job title of supervising principal

A4 REFERENCES

Please provide up-to-date personal references in support of your application. Please note your referees should be aware of the matter disclosed in this application and make reference to it in as much detail as possible. For example, if you have been convicted of theft, then the referee should state that they are aware that you have been convicted of theft and not make reference merely to 'a conviction'. All referees should make clear both their relationship to you and their own professional status, if any. The referees should sign the reference in their own name. Please note that ACCA may take steps to verify any references provided.

My references are attached

Name of referee

Referee job title

Relationship to applicant

Name of referee

Referee job title

Relationship to applicant

B2 THE COMMITTEE'S POWERS

- 1) Whether the application is for membership or the student register, the Committee's attention is drawn to the provisions of Membership Regulation 9(1)(b) which provides that it shall be for an applicant to satisfy the Admissions and Licensing Committee that he is eligible. Besides other matters, an applicant is eligible if he satisfies the Admissions and Licensing Committee as to his general character and suitability, (Membership Regulation 3, in relation to members, Membership Regulation 5 in relation to affiliates, and Membership Regulation 7 in relation to students).
- 2) Authorisation Regulation 3(10) provides that the Committee may decide to grant the application, refuse the application, grant the application subject to such conditions as it considers appropriate, or adjourn or postpone consideration of the application.
- 3) Should this application relate to an application for membership and a practising certificate, the Committee's attention is, in addition, drawn to Authorisation Regulation 3(1) which states that an applicant must satisfy the Committee that he is eligible for the certificate applied for in accordance with the Global Practising Regulations.
- 4) It must be stressed that if the application is for admission to membership and a practising certificate, and the applicant intends to practice should he be admitted, it would be inappropriate for the Committee to grant the application for membership but not the practising certificate, given that the member would, upon admission, immediately be in breach of Global Practising Regulation 3 for carrying on public practice without a practising certificate.
- 5) Authorisation Regulation 3(10)(a) provides that the Committee may grant an application, refuse an application, grant an application, subject to such condition(s) as it considers appropriate, or adjourn consideration of an application. Authorisation 3(10)(b) further provides that the Committee may accept undertakings from any person as a condition of issuing a certificate.
- 6) Global Practice Regulation 6 states that a member shall be eligible for a practising certificate where:
 - (a) he is sufficiently qualified in accordance with regulation 7 to carry out any activity constituting public practice in the country to which the certificate applied for relates;
 - (b) he is fit and proper within the meaning of regulation 8;
 - (c) he holds the necessary professional indemnity insurance in accordance with regulation 9 and
 - (d) he has made arrangements for the continuity of his practice in accordance with regulation 11.

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

8. (a) A member, relevant firm or registered student shall, subject to bye-law 11, be liable to disciplinary action if:
- (i) he or it, whether in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;
 - (ii) in connection with his or its professional duties, he or it has performed his or its work, or conducted himself or itself, or conducted his or its practice, erroneously, inadequately, inefficiently or incompetently;
 - (iii) he or it has committed any breach of these bye-laws or of any regulations made under them in respect of which he or it is bound;
 - (iv) in the case of a relevant firm, any person has in the course of the business of that firm committed any breach of these bye-laws or of any regulations made under them in respect of which that person is bound;
 - (v) he is a specified person in relation to a relevant firm against which a disciplinary order has been made and which has become effective or which has been disciplined by another professional body;
 - (vi) he or it has been disciplined by another professional or regulatory body;
 - (vii) he or it has made an assignment for the benefit of creditors, or has made an arrangement for the payment of a composition to creditors, or has had an interim order made by the court in respect of him, or is a specified person in relation to a relevant firm which has made such an assignment or composition or been wound up as an unregistered company, or entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him or it under applicable legislation;
 - (viii) he or it has failed to satisfy a judgment debt without reasonable excuse for a period of two months (the burden resting on him or it to prove such a reasonable excuse on the balance of probabilities) whether or not the debt remains outstanding at the time of the bringing of the disciplinary proceedings hereunder;
 - (ix) before a court of competent jurisdiction in the United Kingdom or elsewhere, he or it has pleaded guilty to, been found guilty of, or has accepted a caution in relation to, any offence discreditable to the Association or to the accountancy profession; or
 - (x) before a court of competent jurisdiction in the United Kingdom or elsewhere, in any civil proceedings in which he or it has been a party or witness, he or it has been found to have acted fraudulently or dishonestly.
- (b) Each of the paragraphs in bye-law 8(a) shall be without prejudice to the generality of any of the other paragraphs therein.
- (c) For the purposes of bye-law 8(a), misconduct includes (but is not confined to) any act or omission which brings, or is likely to bring, discredit to the individual or relevant firm or to the Association or to the accountancy profession.
- (d) For the purposes of bye-law 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:
- (i) whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;
 - (ii) whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;
 - (iii) the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by the Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.
- (e) For the purposes of bye-law 8(a)(ix), a copy of the certificate or memorandum of conviction or caution, and of any final judgment, ruling or determination given in the criminal proceedings, shall be conclusive proof of the conviction or caution, and of any facts and matters found, as the case may be.
- (f) For the purposes of bye-law 8(a)(x):
- (i) where the person in question was a party to the proceedings, a copy of a certified judgment of the civil proceedings shall be conclusive proof of the facts and matters found;
 - (ii) where the person in question was a witness in the proceedings, a copy of a certified judgment of the civil proceedings shall be prima facie evidence of the facts and matters found.
- (g) Subject to bye-law 8(f) above, any other finding of fact in any civil proceedings before a court of competent jurisdiction in the United Kingdom or elsewhere shall be admissible as prima facie evidence in any disciplinary proceedings.