

ACT 170
CHARTERED ACCOUNTANTS ACT, 1963

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ACT 170
CHARTERED ACCOUNTANTS ACT, 1963(1)

AN ACT to establish an Institute of Chartered Accountants and to make provision for the conduct of examinations by the Institute and other matters connected with the accountancy profession.

The Institute

Establishment and Membership

1. Establishment of the Institute

There is established an Institute to be known as the Institute of Chartered Accountants.

2. Incorporation of the Institute

(1) The Institute is a body corporate having perpetual succession and may sue and be sued in its corporate name.

(2) The Institute shall have a common seal and may hold, acquire and dispose of property, movable or immovable.

(3) The common seal of the Institute shall be kept in the custody determined by the Council and shall

not be affixed to a document or an instrument except by order of the Council, and in the presence of two members of the Council who shall sign the document or instrument independently of the signature of a person who may have signed the document or instrument as a witness.

3. Meetings of the Institute

Meetings of members of the Institute shall be held in accordance with the First Schedule.

4. Membership of the Institute

(1) Subject to section 14, a person is eligible for membership of the Institute if that person

- (a) passes the qualifying examinations for membership of the Institute conducted by the Council under this Act, and completes practical training prescribed by the Council, or
- (b) is a member of a society or an institute of accountants and approved by the Regulations made by the Council as being in the opinion of the Council an association of equivalent status to the Institute.

(2) A person admitted to membership of the Institute under paragraph (b) of subsection (1) is not entitled to use the title referred to in section 6, unless that person has passed the qualifying examinations for membership of the Institute; but that person may use a title to which that person is entitled by virtue of a qualification which that person possesses.

(3) Despite the approval of a society or an institute mentioned in paragraph (b) of subsection (1), the Council may declare that a specified class or description of members of the society or institute are not eligible for membership of the Institute.

(4) Regulations made by the Council prescribing practical training for the purposes of paragraph (a) of subsection (1), may contain special provisions as the Council considers expedient declaring that a person,

- (a) who has commenced, prior to the commencement of this Act, and completed or completes, whether prior to or after that date, training of a description and duration specified in the Regulations, or
- (b) who has service in a post and who completes training of a description and duration specified in the Regulations,

shall be considered to have completed the training prescribed for the purposes of paragraph (a) of this subsection.

(5) Regulations made by the Council by which a society or an institute is approved for the purposes of paragraph (b) of subsection (1), may provide, as a condition of the approval, that a member of a society or an institute is not eligible for membership of the Institute unless that person has undergone training or has acquired practical experience in the subject of accountancy, as specified or described in the Regulations.

5. Fees for membership

(1) Subject to section 14, a person who is eligible for membership of the Institute shall be enrolled as a member on the payment to the Council of the prescribed entrance fee and an annual subscription.

(2) The fees shall be paid to the secretary of the Council.

(3) An annual subscription payable under this section is due and payable on the first day of January in each year or, in the case of members admitted after that date, on the date of admission.

6. Style of members

Subject to subsection (1) of section 4, a member of the Institute who is not a practising accountant is entitled to take and use the title “Chartered Accountant” and has the right to use the expression “C.A.” after that member’s name.

Council of the Institute

7. Constitution of the Council

(1) The governing body of the Institute is the Council consisting of eleven members who are members of the Institute.

(2) Four members of the Council shall be appointed by the Minister and seven members, of whom not more than four are accountants in active practice, shall be elected by members of the Institute at a general meeting.

(3) The Council shall from among its members elect a President and a Vice-President.

(4) The Council shall not perform a function imposed or conferred on it by this Act unless the President of the Republic has, by Instrument in the form set out in the Second Schedule, appointed the day on which the Council shall commence to perform its functions.²⁽²⁾

8. Term of office of members

(1) A member of the Council shall hold office for a period of two years from the date of that person’s appointment or election.

(2) A member of the Council may at any time by letter addressed to the Minister or to the President of the Institute resign from office.

(3) In the event of the death of, or vacation of office by, a member of the Council,

(a) where that member was appointed by the Minister, the Minister shall appoint another person; and

(b) where that member was elected, the Council shall co-opt another person till the holding of the next annual general meeting.

(4) A member of the Council who vacates office by effluxion of time is eligible for re-appointment or re-election as a member.

9. Functions of the Council

(1) The Council is hereby charged with the administration and management of the Institute and is responsible for carrying out the provisions of this Act and the functions conferred on the Council by this Act or any other enactment.

(2) The Council shall

(a) conduct or provide for the conduct of the qualifying examinations for membership of the Institute or for registration as a registered accountant under this Act, and shall prescribe or approve courses of study for the examinations;

(b) supervise and regulate the engagement, training and transfer of articled clerks;

- (c) specify the class of persons who shall have the right to train articled clerks, and shall specify the circumstances in which a person of that class may be deprived of that right;
- (d) maintain and publish a register of chartered accountants and of practising accountants;
- (e) secure the maintenance of professional standards among persons who are members of the Institute, and shall take the steps that are necessary to acquaint those persons with the methods and practices necessary to maintain those standards;
- (f) maintain a library of books and periodicals relating to accountancy, and shall encourage the publication of those books; and
- (g) encourage research in the subject of accountancy and generally shall seek to secure the well-being and advancement of the profession of accountants.

10. Officers of the Council

The Council may appoint a secretary and any other officers and employees as the Council considers necessary.

11. Financial provisions

(1) The Council shall establish and maintain a fund under its management and control into which shall be paid the moneys received by the Council by way of grants-in-aid from the Government or otherwise, and out of which shall be met the expenses and liabilities incurred by the Council in performing its functions under this Act.

(2) The Council may invest moneys in the fund in securities of the Government or in any other securities approved by the Council.

(3) The Council may borrow money for the purposes of the Institute and may pay interest on that money out of the funds of the Institute.

(4) The annual accounts of the Council shall be subject to audit by a member of the institute, who is not a member of the Council, in practice as a chartered accountant who shall be appointed for the purpose each year by the members at the annual general meeting.

(5) The accounts for the preceding year as audited shall be approved by the members at the annual general meeting.

12. Meetings of the Council

(1) The Council shall meet at least once in each month, at a time and place as it may determine.

(2) A meeting of the Council may be called by the President or Vice-President, or at the request in writing, addressed to the secretary of five members of the Council.

(3) Notice in writing of a meeting of the Council shall be delivered or sent to each member of the Council at least seven clear days before the meeting, excluding the day on which the notice is delivered or sent and the day on which the meeting is to be held.

(4) The notice shall contain a statement of the business to be transacted at the meeting and the notice shall be considered to have been duly delivered or sent unless the contrary is shown.

(5) Subject to this section, the non-receipt of a notice by a member shall not affect the validity of the proceedings of a meeting.

(6) Where the President or Vice-President certifies in writing that an emergency exists, the notice calling for the emergency meeting may be delivered or sent only one clear day before the meeting, excluding the day on which the notice is delivered or sent and the day on which the meeting is to be held.

(7) The non-existence in fact of the supposed emergency shall not affect the validity of the proceedings of the meeting.

(8) The President, or in the President's absence the Vice-President, shall preside at the meetings of the Council and in the absence of both the President and the Vice-President, the members present at the meeting shall elect one of their number to preside.

(9) Subject to this Act, the person presiding at a meeting of the Council may, with the consent of the meeting, adjourn the meeting from time to time and from place to place; but a business shall not be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(10) A notice need not be given of an adjourned meeting unless it is so directed in the resolution for the adjournment.

(11) Proper minutes shall be recorded of the resolutions and proceedings of the meetings of the Council and of the committees of the Council.

(12) A minute signed by the person presiding at the meeting to which it relates, or at a subsequent meeting, is sufficient evidence of the facts stated in the minutes.

Practising Accountants

13. Practising accountants

(1) Subject to section 16, a person who is not a chartered accountant but holds any of the qualifications prescribed by the Council for the purposes of this section is eligible to be registered as an accountant.

(2) A person who is eligible to be registered as an accountant under this section shall be so registered on the payment of the prescribed fees.

(3) A person who is registered under this section as an accountant shall be known as a practising accountant and is entitled to use the expression "P.A." after that person's name to indicate that person's registration as a practising accountant.

Qualifications and Restrictions

Enrolment and Registration

14. General disqualifications

A person shall not be enrolled as a member of the Institute or as a chartered accountant or be registered under section 13 as a practising accountant,

(a) unless that person has attained the age of twenty-one years, or

(b) if that person has been,

(i) adjudged by a court of competent jurisdiction to be of unsound mind, or

- (ii) convicted by a court of competent jurisdiction whether in the Republic or elsewhere of an offence involving fraud or dishonesty, or
- (c) if, having been adjudged an insolvent or bankrupt, that person has not been granted by a court of competent jurisdiction a certificate to the effect that the insolvency or bankruptcy has arisen wholly or partly from unavoidable losses or misfortunes.

15. Striking off and cancellation of registration

(1) Subject to section 16, the Council may strike off the register the name of a chartered accountant, or cancel the registration of a practising accountant, if the Council is satisfied that, the chartered accountant or practising accountant is unfit to practise the profession of an accountant by reason of professional misconduct or has become subject to a disqualification mentioned in paragraphs (b) and (c) of section 14.

(2) The Council may strike off the register the name of a chartered accountant or cancel the registration of a practising accountant, if the prescribed fees remain unpaid for a period exceeding four months.

(3) A person whose name has been struck off the register or whose registration has been cancelled under subsection (1) of this section may have that person's name or registration restored if the Council is satisfied that that person has subsequently become a fit and proper person to practise the profession of an accountant.

16. Inquiries by disciplinary committees

(1) A person's name shall not be struck off the register nor shall a registration be cancelled unless a disciplinary committee has, after due inquiry, made a report to the Council that the person concerned has been found guilty of professional misconduct.

(2) Where the Council has reasonable cause to believe, whether on complaint made to it or otherwise, that a person who is a chartered accountant or a practising accountant has committed an act of professional misconduct, the Council may appoint a disciplinary committee for the purpose of holding an inquiry into the conduct of that person.

(3) The Third Schedule shall apply in relation to the constitution of, and the procedure to be followed by, a disciplinary committee appointed under this section, the proceedings at an inquiry held by the committee and the powers exercisable by the committee.

17. Suspension

The Council may, in lieu of exercising its powers under section 15, suspend the person concerned from membership of the Institute or withhold a registration under section 13, for a period that the Council considers fit.

18. Appeals to the High Court

(1) A person aggrieved by a decision of the Council under section 15 or section 17, may appeal against that decision to the High Court.

(2) An appeal under subsection (1)

- (a) shall be made by petition in writing bearing a stamp the value of which is fifteen thousand cedis,

- (b) shall be lodged within three months after the date of the decision, and
- (c) shall be heard and decided by a Justice of the High Court after a summary inquiry the Justice considers requisite.

19. Meaning of “professional misconduct”

For the purposes of this Act, “**professional misconduct**” means an act or omission which is specified in the Fourth Schedule.

20. Restrictions on practising as an accountant

(1) A person who is not a chartered accountant or is not a practising accountant shall not carry on practice as defined in section 23.

(2) A person who is a chartered accountant or is a practising accountant shall not practise as an accountant unless that person is the holder of a certificate to practise which is valid.

(3) A certificate to practise under this Act,

- (a) shall be issued by the Council on the payment of the prescribed annual subscription;
- (b) shall be in force until the thirty-first day of December of the year of issue of that certificate; and
- (c) may be renewed on payment of the prescribed annual subscription.

(4) *Spent.3(3)*

21. Restrictions as to use of titles conferred under this Act

(1) A person who is not a chartered accountant, shall not take or use the title “Chartered Accountant”.

(2) Despite anything contained in subsection (1), a firm of accountants, each of the partners of which is a member of the Institute and who is not a practising accountant, may take and use the title “Chartered Accountants”.

(3) A person who is not registered under section 13 shall not take or use the title “Practising Accountant”.

(4) Despite anything contained in subsection (3), a firm of accountants, each of the partners of which is a practising accountant may take and use the title “Practising Accountants”.

Miscellaneous Provisions

22. Offences and penalties

A person who contravenes a provision of this Act commits an offence and is liable on conviction to a term of imprisonment not exceeding one year or to a fine not exceeding two hundred and fifty penalty units or to both the imprisonment and the fine.

23. Meaning of “practice”

(1) For the purposes of this Act, a person shall be considered to practice as an accountant if, in consideration of remuneration received or to be received, and whether by that person or in partnership

with any other person, that person

- (a) engages in the practice of accountancy or holds out to the public as an accountant;
- (b) offers to perform or performs a service involving the auditing or verification of financial transactions, books, accounts or records or the preparation, verification, or certification of financial accounting and related statements;
- (c) renders professional service or assistance in or about matters of principle or detail relating to accounting procedure or certification of financial facts or data; or
- (d) renders any other service which may be prescribed by the Institute by Regulations to be service constituting practice as an accountant.

(2) A Government employee or any other employee who only performs an act referred to in subsection (1) as an employee shall not be considered an accountant.

24. Regulations

The Council may, by legislative instrument, and with the prior approval of the Minister, make Regulations for or in respect of a matter required or authorised by this Act to be prescribed or of a matter relating to, or connected with, its functions under this Act or the proper performance of any of those functions.

25. Amendment of Schedules

The Minister may, on the recommendations of the Council, by legislative instrument, amend any of the Schedules.

26. Transitional provisions

Spent.4(4)

27. Interpretation

In this Act, unless the context otherwise requires,

“**Council**” means the Council established under section 7;

“**functions**” includes powers and duties;

“**Institute**” means the Institute of Chartered Accountants (Ghana) established under section 1;

“**Minister**” means the Minister responsible for Education;

“**President**” means the President of the Institute, and “**Vice-President**” shall be construed accordingly;

“**register**” means the register of the Institute;

“**Regulations**” means the Regulations made under this Act.

1. Annual meeting

(1) The annual meeting of the Institute for the transaction of the ordinary annual business of the Institute, namely,

- (a) the election of members of the Council,
- (b) the appointment of auditors, and
- (c) the reception and consideration of the annual report of the Council and accounts of the Institute with the auditors' report,

shall be held in Accra or elsewhere in the Republic on the 30th day of April in every year or on any other day appointed by the Council.

(2) A meeting shall be held in every calendar year and not more than fifteen months shall elapse since the date of the previous annual meeting.

2. Special meeting

The Council may convene a special meeting of the Institute and shall do so within twenty-one days from the receipt by the secretary of a requisition in writing signed by not less than twenty members and stating the object of the proposed meeting.

3. Notice of motion to be given

A member wishing to bring to the annual meeting a motion not related to the ordinary annual business of the Institute may do so provided that,

- (a) notice in writing of the proposed motion is sent or given to the secretary and received by the secretary not later than five weeks before the date of the annual meeting;
- (b) not less than ten members entitled to vote at the annual meeting have sent or given notice in writing to the secretary and received by the secretary not later than four weeks before the date of the annual meeting, expressing their desire that the proposed motion should be brought before the annual meeting; and
- (c) the proposed motion relates to matters affecting the Institute or the accountancy profession.

4. Notice of meetings to be given

(1) The secretary shall, not less than fourteen days and not more than twenty-one days before an annual or a special meeting of the Institute, send to each member a notice giving the day, hour and place of the meeting and the business to be transacted at the meeting.

(2) In the case of the annual meeting the secretary shall send to each member with the notice, a copy of the report of the Council and a copy of the accounts of the Institute with the auditors' report, a list of persons nominated or considered to be nominated for membership of the Council or as auditors, and particulars of the motions to be brought before the meeting under paragraph 3 of this Schedule.

(3) The non-receipt by a member of the notice or of any of the documents shall not invalidate the proceedings of the meeting to which they relate.

(4) A practising accountant is entitled to receive notices of meetings of the Institute and is entitled to

speak and vote at the meetings.

5. Chairman of meeting

(1) At a meeting of the Institute the President or in the President's absence the Vice-President shall be the chairman.

(2) In the absence of both the President and the Vice-President, a chairman shall be elected from among the members of the Council present or in the absence of all them from among the members present.

6. Quorum at the meeting

(1) Unless ten members are present at the annual meeting within fifteen minutes after the time appointed for the meeting, the meeting shall stand adjourned for a fortnight to be held at the same hour and place or, if the place is not available, at another place determined by the Council.

(2) On the date to which the meeting was adjourned, the meeting shall proceed to do business although there may be less than ten members present.

(3) At a special meeting, unless fifteen members are present within fifteen minutes of the time appointed for the meeting, the meeting shall be dissolved.

7. Adjournment of a meeting

(1) Subject to this Schedule, the chairman of a meeting of the Institute may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

(2) A business shall not be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(3) A notice need not be given of an adjourned meeting unless it is directed in the resolution for the adjournment.

8. Voting at a meeting and demand for poll

(1) A resolution and an amendment proposed and seconded at a meeting of the Institute shall be put forward to the meeting by the chairman and decided by a show of hands; and in the event of an equality of votes the chairman shall have a casting vote.

(2) The declaration of the chairman as to the decision of the meeting shall be final.

(3) On the declaration being made a poll of the members may be demanded in writing by at least twenty-five members present and entitled to vote at the meeting; but a poll shall not be taken on a resolution or an amendment relating to the election of a chairman, the appointment of scrutineers or the adjournment of a meeting.

9. Procedure when poll demanded

(1) On a poll being demanded at a meeting of the Institute, the chairman shall after the conclusion of the meeting at which the poll is demanded, state the resolution or amendment in the form of propositions which in the chairman's opinion is suitable to ascertain the sense of the members on the substance of the resolution or amendment; and on the manner of so stating the resolution or amendment the chairman's decision shall be final.

(2) Voting papers setting out the propositions so stated, together with the necessary notes and directions shall, within fourteen days after the meeting be issued by the Council to the members entitled to vote at the meeting at which the poll was demanded.

(3) A member who wishes to vote on the propositions or any of them shall do so by sending the voting papers to the Institute addressed to the scrutineers not later twenty-one days after the meeting.

10. Appointment of scrutineers

At a meeting of the Institute at which a poll is demanded, the meeting shall appoint five of their number as scrutineers, any three of whom are competent to act.

11. Meetings of scrutineers and result of poll

(1) Where a poll is demanded, the scrutineers shall meet not less than twenty-two days and not more than twenty-nine days after the meeting at which the poll was demanded and shall examine the voting papers.

(2) Envelopes containing the voting papers may be opened either before or at a meeting of the scrutineers but may only be opened in the presence of at least one of the scrutineers.

(3) The scrutineers shall reject the vote of a member who, at the date of the meeting, was in arrears with a subscription or any other sum of money payable by that person under this Act or the Regulations, and may reject a vote in which a member has failed to observe the notes and directions relating to the votes or any other vote which in their view ought properly to be rejected.

(4) The scrutineers shall report the result of the voting to the chairman of the meeting and shall include in the report a statement of the number of votes rejected by them and the reasons for the rejection.

(5) The chairman shall send a copy of the report to each member and, where there is an equality of votes, the chairman shall have a casting vote; and in that case shall declare when sending the report to members the manner in which the casting vote is given and the result of the voting.

(6) The report of the scrutineers as to the result of the voting, or where given the declaration of the chairman, is conclusive.

(7) The voting shall take effect from the date of the report of the scrutineers.

(8) Where a meeting was adjourned to receive the report of the scrutineers the voting shall take effect from the date when the report was presented to the adjourned meeting.

(9) Where for a reason a chairman is unable to exercise a power granted to the chairman by this Schedule, the power shall be exercised by a member of the Council who was present at the meeting and who is deputed by the Council to exercise that power.

12. Demand for poll not to prevent other business

The demand for a poll at a meeting shall not prevent the transaction of a business other than that on which the poll has been demanded.

13. Minutes of meeting

Proper minutes shall be recorded of the resolutions and proceedings of meetings of the Institute and every minute signed by the chairman of the meeting to which it relates or by the chairman of a subsequent meeting is sufficient evidence of the facts stated in the minutes.

Second Schedule

[Section 7 (4)]

In exercise of the powers conferred on the President of the Republic by subsection (4) of section 7 of the Chartered Accountants Act, 1963 (Act 170) the day of 1963 is appointed the day on which the Council established under the Act shall commence to perform the functions conferred upon it.

By Command of the President

.....
Minister

Third Schedule

[Section 16 (3)]

1. (1) For the purposes of an inquiry to be held under section 16 of the Act, the Council shall appoint five persons, of whom at least three are its members, to constitute a disciplinary committee and shall appoint one of them to be the chairman of the committee.

(2) Where the person whose conduct is the subject of the investigation is a practising accountant membership of the disciplinary committee shall include a practising accountant.

2. (1) The Council shall prepare a statement setting out the charges to be investigated by the disciplinary committee, and the secretary of the Council shall transmit a copy of the statement to each member of the committee and to the person whose conduct is the subject of the investigation.

(2) Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by a person, the secretary of the Council shall, in addition, transmit a copy of the petition or complaint to that person and to each of the members of the disciplinary committee.

3. (1) The secretary of the Council shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the investigation.

(2) The notice shall, at least fourteen days before the date fixed for the inquiry, be delivered by hand at, or sent through the post by registered letter addressed to, the last known address of that person.

(3) Where a person to whom a notice has been given under subparagraph (1) fails to appear in person or is not represented by counsel, the inquiry may be held by the disciplinary committee in that person's absence.

(4) Notice of a date to which the inquiry is adjourned shall be given by the committee personally to the person whose conduct is the subject of inquiry or be given in manner provided in subparagraph (2).

4. (1) Where the Council is of the opinion that the evidence of a person, or the production by a person of a document is necessary to enable a matter to be investigated by a disciplinary committee, the Council shall direct the secretary of the Council to require the attendance of that person, or the production by that person of the document, at a time and place specified in a notice which shall be delivered by hand at, or sent through the post by registered letter addressed to, the last known place of residence of that person.

(2) A person who having been served with a notice under subparagraph (1) fails, without reasonable cause, to attend or to produce the document at the time and place specified in the notice, commits an offence under the Act.

(3) The secretary of the Council shall be the secretary of every disciplinary committee and every notice issued under this Schedule shall be signed by the secretary.

(4) A disciplinary committee may administer oaths or affirmations to the persons who are required to give evidence before the committee, and a person who refuses to be sworn or affirmed, or to answer questions that are put to that person concerning a matter in respect of which the inquiry is held, commits an offence under the Act.

(5) A person who on examination on oath or affirmation before a disciplinary committee wilfully gives false evidence commits an offence under the Act.

(6) A person whose conduct is the subject of investigation at an inquiry or who is concerned or implicated in an inquiry may be represented by counsel at the inquiry.

(7) The Council may authorise a legal practitioner to assist the disciplinary committee as to the leading and taking of evidence.

(8) An inquiry held by a disciplinary committee shall be held in camera unless the Council otherwise determines.

(9) A question before a disciplinary committee shall be determined by the decision of the majority of the members of that committee.

(10) On the conclusion of an inquiry, the disciplinary committee shall prepare and transmit to the Council a report embodying the findings on the matters in respect of which the inquiry was held.

Fourth Schedule

[Section 19]

1. Each of the following acts on the part of a chartered accountant constitutes professional misconduct, namely,

- (a) allowing any other person to practise in the name of the chartered accountant as a chartered accountant unless that person is also a chartered accountant and is in partnership with or employed by the chartered accountant;
- (b) entering into partnership with a person other than a chartered accountant or securing a professional business through the services of a person who is not qualified to be a chartered accountant or by means which are not open to a chartered accountant.

2. Each of the following acts on the part of a practising accountant constitutes professional misconduct, namely,

- (a) allowing any other person to practice in the name of the practising accountant unless that person is also a practising accountant and is in partnership with or employed by the practising accountant;
- (b) entering into partnership with a person other than a member of the Institute or securing a professional business through the services of a person who is not qualified to be a practising accountant or by means which are not open to a practising accountant.

3. Each of the following acts or omissions on the part of a chartered accountant or a practising accountant constitutes professional misconduct, namely,

- (a) paying or allowing or agreeing to pay or allow, directly or indirectly, to a person, other than a chartered accountant or a practising accountant or a retired partner or a nominee or the legal representative of that partner, a share, commission or brokerage out of the fee or profits for professional services;
- (b) accepting or agreeing to accept a part of the profits of the professional work of a legal practitioner, auctioneer, broker or other agent who is not a chartered accountant or a practising accountant;
- (c) soliciting clients or professional work, directly or indirectly, by circular, advertisement, personal communication or interview or by any other means;
- (d) advertising professional attainments or services;
- (e) disclosing information acquired in the course of professional engagement to a person other than a client, without the consent of the client, or otherwise than as required by law;
- (f) accepting a position as auditor previously held by another chartered accountant or practising accountant without first communicating in writing with that other person;
- (g) accepting an appointment as auditor of a company without first ascertaining from it whether the requirements of the law relating to the appointment of auditors have been duly complied with;
- (h) certifying or submitting in the name or in the name of the firm of that chartered accountant or practising accountant a report of an examination of financial statements unless the examination of the statements and the related records have been made by that accountant or by a partner or an employee in that accountants firm;
- (i) permitting the name or the name of the firm of that accountant to be used in connexion with an estimate or earning contingent on future transactions in a manner which may lead to the belief that the accountant vouches for the accuracy of the forecast;
- (j) expressing an opinion on financial statements of a business or an enterprise in which that accountant, the firm or partner in the firm of that accountant has a substantial interest, unless the interest is disclosed and in the report;
- (k) charging in respect of professional employment, other than insolvency or receiverships, fees which are based on a percentage of profits or which are contingent on results;
- (l) failing to disclose a material fact known to that accountant which is not disclosed in a financial statement, but disclosure of which is necessary to make the financial statement not misleading;
- (m) failing to report a material mis-statement known to that accountant to appear in a financial statement with which that accountant is concerned in a professional capacity;
- (n) gross negligence in the conduct of professional duties;
- (o) failing to obtain sufficient information to warrant the expression of an opinion;
- (p) failing to keep moneys of a client in a separate banking account or to use the moneys for purposes for which they are intended; and

- (q) including in a statement, return or form to be submitted to the Council particulars knowing them to be false.

4. Despite anything to the contrary contained in paragraphs 1, 2 or 3 of this Schedule, a chartered accountant or a practising accountant shall not be found guilty of professional misconduct by reason only of any of the following acts, namely,

- (a) entering into or being in partnership with a person outside the Republic who is a member of a society or institute of accountants of the description specified in paragraph (b) of subsection (1) of section 4 of the Act;
 - (b) securing professional business by reason of that partnership;
 - (c) allowing the partnership to be carried on in that chartered accountant or practising accountant's name;
 - (d) paying or allowing or agreeing to pay or allow a partner a share out of the fees or profits.
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Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 19th April, 1963.

2 (Popup - Footnote)

2. The Chartered Accountants (Commencement of Functions) Instrument, 1963 (L.I. 292) appointed the 29th day of July, 1963 as the day on which the Council “shall commence to perform the functions” conferred on the Council.

3 (Popup - Footnote)

3. It was subsection (5). [Subsections \(3\)](#) and [\(4\)](#) have been combined as [subsection \(3\)](#). The previous subsection (5) reads:

“The preceding provisions of this section shall come into operation six months after the coming into force of this Act.”

4 (Popup - Footnote)

4. The section reads,

- “**26.** (1) Notwithstanding anything contained in the preceding sections of this Act, the following provisions shall apply in relation to the first enrolment of members of the Institute and the constitution of the first Council to hold office under this Act, that is to say,
- (a) all person who are members of the Association of Accountants shall, on the coming into operation of this Act, be members of the Institute as chartered accountants;
 - (b) the members of the Society of Ghanaian Practising Accountants shall, on the coming into operation of this Act, become members of the Institute as practising accountants;
 - (c) any other person practising as an accountant may, within three months of the coming into operation of this Act, submit an application for membership of the Institute to a committee of the first Council of the Institute and on approval for membership shall be registered as a practising accountant;
 - (d) the Council of the Association of Accountants in Ghana on the date of the coming into operation of this Act, enlarged by the addition of three members of the Council of the Society of Ghanaian Practising Accountants, shall be the first Council of the Institute and shall within three months of the coming into operation of this Act convene a general meeting of members of the Institute for the purpose of electing a new Council.
- (2) On the coming into operation of this Act the Association of Accountants in Ghana and the Society of Ghanaian Practising Accountants, being companies registered under the Companies Ordinance (Cap. 193), shall be deemed to have ceased to operate under that Ordinance and accordingly their names shall be struck off the register of companies in accordance with the provisions of the Companies Ordinance (Cap. 193).
- (3) All the assets and liabilities of, and any property vested in, the Association of Accountants in Ghana and the Society of Ghanaian Practising Accountants immediately before the coming into operation of this Act shall, without further authority than this subsection, vest in the Council established under [section 7](#) of this Act.
- (4) All employees of the Association of Accountants in Ghana and of the Society of Ghanaian Practising Accountants on the coming into operation of this Act shall, so far as may be practicable and subject to any direction by the Council, continue as employees of the Council in posts comparable to those which they held with the Association or the Society.
- (5) Every contract in respect of any matter subsisting between the Association of Accountants in Ghana or the Society of Practising Accountants and any other person, and in force immediately before the coming into operation of this Act shall, subject to any directions by the Council, be deemed to subsist between the Council and such other person.”