

## **Accountants (Amendment) Act, 2020**

### **Accountants (Amendment) Regulations - Draft**

The Accountants Act Regulations shall be amended as follows:

1. *Substituting for –*
  - (a) *The words “professional accountant’ wherever they appear in the Regulations, the words “certified professional accountant or chartered accountant”*
2. *Replacing Botswana Professional Accountancy Qualification wherever it appears with Botswana Chartered Accountancy Qualification*
3. *Regulation 2 shall be amended as follows:*
  - *Deleting the definition of Continuous Professional Development as it is already defined in the Accountants (Amendment) Bill, 2020*

4. *Regulation 4 shall be amended by deleting section 4 (f)*

The registration of certified auditors has been transferred to Financial Reporting Act.

5. *Regulation 5 subregulation 1(a)(i) shall be substituted with the following:*

*“has passed examinations of a qualification as determined by the Institute”*

This is to allow for other qualifications, apart from AAT, as listed in the BICA rules which qualifies a member to be an Accounting Technician

6. *Regulation 8(3) shall be amended by replacing the words coming after “penalty” with “at a rate determined by Council from time to time”*

This is to allow Council to vary rates as necessary

7. *Regulation 8 (5) shall be amended by deleting the words that come after the word “member”.*

The registration of certified auditors has been transferred to the Financial Reporting Act.

8. *Regulation 8 (6) shall be amended by replacing the words “removed from the Register” with the word “suspended”.*

Removal from the register can only be after a Disciplinary hearing.

9. *Regulation 8 shall be amended by inserting sub-regulation (7) as follows:*

*“A member whose membership has been suspended as per sub-regulation (6) and who wishes to restore their membership shall be required to pay outstanding subscriptions for up to a maximum of three (3) years and shall be subject to a penalty at a rate determined by Council from time to time”*

This is to allow for clarity for members who wish to restore their membership after 31 March 2020.

10. *The title of Part Number III of the Regulations shall be amended by deleting the words “certified auditor”*

The registration of certified auditors has been transferred to the Financial Reporting Act.

11. *Regulation 9 (2) shall be amended by substituting for the words “of P255”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Annual General Meeting and updated in the schedule.

12. *Regulation 10 shall be deleted*

The registration of certified auditors has been transferred to the Financial Reporting Act.

13. *Regulation 11 (1) shall be substituted as follows:*

*“A firm which wishes to be registered as a member firm under section 32 of the Act, shall make an application for registration in form 3 set out in Schedule 2”*

The registration of audit firms has been transferred to the Financial Reporting Act.

14. *Regulation 11 (2) shall be amended by substituting for the words “of P2500”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Annual General Meeting and updated in the schedule.

15. *Regulation 12 (c) shall be deleted*

The registration of certified auditors has been transferred to the Financial Reporting Act.

16. *Regulation 12 shall be amended by inserting subregulation 4 as follows:*

*“(2) Any person who wishes to register as a member and/or member firm of the Institute whom the Institute has established that they have been providing professional accountancy services or other accountancy services without registering with the Institute, shall be required to pay, at time of registration, an amount equivalent to an*

*annual subscription fee for the year they are applying for and for every prior year that they provided professional accountancy services or other accountancy services without being registered with the Institute, up to a maximum of three (3) years, in addition to any penalty fees as determined by Council from time to time.”*

This is to ensure that those who have been providing accountancy services whilst not registered with the Institute are penalised.

17. *Regulation 13 (2) shall be amended by substituting for the words “of P2500”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Annual General Meeting and updated in the schedule.

18. *Regulation 14 shall be amended by deleting the words “and practising certificate” in the title, and by deleting 14 (f) and 14 (h).*

The registration of certified auditors has been transferred to the Financial Reporting Act.

*Part (g) of regulation 14 should be amended by deleting the words “non-audit”*

19. *Regulation 15 (1) shall be amended by deleting the words “certified auditor”.*

The registration of certified auditors has been transferred to the Financial Reporting Act.

20. *Regulation 16 shall be amended by deleting the words “certified auditor” and “practicing certificate”.*

The registration of certified auditors has been transferred to the Financial Reporting Act.

21. *Regulation 17 (3) (c) shall be amended by substituting for the words “of P800”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Annual General Meeting and updated in the schedule.

22. *Regulation 19 shall be amended as follows:*

- *Replacing “card” in the title and at part (a) with “number”*

23. *Regulation 21 (1) shall be amended by substituting for the words “of P800, which subscription fee is determined by the Council”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Council and updated in the schedule.

24. *Regulation 22 (2) (c) shall be amended by substituting for the words “of P800”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Annual General Meeting and updated in the schedule.

25. *Regulation 23 (2) (c) shall be amended by substituting for the words “of P800”, the words “as specified in Schedule 4”*

This is to ensure that all fees shall be as approved by the Annual General Meeting and updated in the schedule.

26. *Regulation 25 shall be amended by deleting words that come after “issued at the time of registration”*

*This is to align the regulation to amended regulation 9*

27. *Regulation 29 (1) shall be amended by deleting the words “including a practising certificate holder”.*

The registration of certified auditors has been transferred to Financial Reporting Act.

28. *All schedules to be updated with approved versions of current forms and Schedule 4 shall be amended by deleting the fees table included therein.*

This is to ensure that forms are up to date and the fees table can be amended annually after approval by the AGM.