GOVERNMENT NOTICE NO. 46

PUBLIC ACCOUNTANTS AND AUDITORS ACT

(CAP. 53:06)

PROFESSIONAL ACCOUNTANCY BODIES (AMENDMENT) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of Cap 53:06 sub.leg. p.71
3. Amendment of regulation 8
4. Amendment of regulation 13
5. Amendment of regulation 14
6. Amendment of regulation 18
7. Replacement of Form 1 in the Schedule

IN EXERCISE of the powers conferred by section 57 of the Public Accountants and Auditors Act, I, FELIX LAFIEL MLUSU, the Minister of Finance, in consultation with the Malawi Accountants Board, make the following Regulations—

Citation

1. These Regulations may be cited as the Professional Accountancy Bodies (Amendment) Regulations, 2021.

Amendment of Cap. 53:03 sub. leg. p.71

2. The Professional Accountancy Bodies Regulations (hereinafter referred to as the "principal Regulations") are amended in regulation 6 by—

(*a*) inserting, immediately after subregulation (4) a new subregulation (5) as follows—

"(5) A certificate of accreditation issued under subregulation (4) shall contain such terms and conditions as may be prescribed by the Board and shall be valid for the period stated therein.";

(*b*) numbering the old sub-regulations 5 and 6 as sub-regulations 6 and 7 accordingly.

Amendment of Regulation 8

3. The principal Regulations are amended in regulation 8 by—

(*a*) deleting subregulation (3) and replacing it with the following new subregulation (3)—

"(3) The Board may impose the following administrative penalties to an accredited professional accountancy body which does not comply with the provisions of this Regulation and Regulation 7—

(*a*) a written warning;

(*b*) a monetary penalty of up K200,000;

(*c*) suspension from administering examinations; or

(*d*) revocation of certificate of accreditation.

(*b*) Inserting new sub-regulations (4) and (5) as follows—

"(4) A professional accountancy body that—

(*a*) does not comply with a monetary penalty imposed under subregulation (3); or

(*b*) administers exams where its certificate of accreditation has been suspended or revoked under subregulation (3),

commits an offence and shall, upon conviction, be liable to a fine of K200,000.

(5) Every Director of the professional accountancy body and principal officer charged with the day to day management of the affairs of the professional accountancy body shall be liable to the same fine prescribed under subregulation (4) and to imprisonment for a term of two years.

Amendment of regulation 13

4. Regulation 13 of the principal Regulation is hereby amended by—

(*a*) renumbering current reg as sub reg (1); and

(*b*) inserting a new subregulation (2) as follows—

"(2) Every Director and principal officer charged with the day to day management of the professional accountancy body shall be liable to the fine prescribed under subregulation (1) and to imprisonment for a term of two years.

Amendment of regulation 14

5. Regulation 14 of the principal Regulation is amended by inserting a new subregulation (5) (*e*) as follows—

"(*e*) order the accredited professional accountancy body to do or refrain from doing a specified action".

Amendment of regulation 18

6. Regulation 18 of the principal Regulation is amended—

(*a*) in subregulation (2), by inserting immediately after the words "the Board may", the word "not"; and

(*b*) in subregulation (4) (*b*), by inserting immediately after the word "examination", the word "passing".

Replacement of Form 1 in the Scheule

7. Form 1 in the Schedule of the principal Regulations is hereby revoked and replaced with the new Form 1 in the Schedule hereto.

SCHEDULE

reg 6 (1)

FORM 1

APPLICATION FOR ACCREDITATION OF A PROFESSIONAL ACCOUNTANCY BODY

A. Full Name of Professional Body.....

Physical Address: .....

Postal Address: .....

Email Address: .....

Contact Phone Numbers .....

B. The Professional Accountancy Body to provide proof of the following requirement—

(i) That it is a member of the International Federation of Accountants and is in compliance with its membership obligations.

(ii) That it has appropriate mechanisms for ensuring that its members participate in continuing professional development in line with international best practice.

(iii) That is has mechanisms to ensure that its members are disciplined where appropriate.

(iv) That it keeps a register of its members in the form prescribed by the organization and is in accessible form by MAB.

(v) Proof of payment of application fee or annual retainership fee.

DECLARATION

1. I confirm that the information in this form is complete and true.
2. I acknowledge the role, duties and powers of the Malawi Accountants Board and agree to fully co-operate.

Name..... Designation .....

Signature..... Date: .....

Please send the duly completed form to:

The Chief Executive Officer
Malawi Accountants Board
Bible House
Victoria Avenue
P O Box 2271
BLANTYRE

Made this 16th day of June, 2021.

F. L. MLUSU
Minister of Finance

(FILE NO. SUB. D53:06)