

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



ދިވެހިސަރުކާރުގެ ގެޒެޓް

ބަންދުވީ: 49 ރަށުގެ: 266 ވަނަ ދުވަހު: 2 ގެ 2 ގަވާއިދު 1442 - 21 ޔެނެވަނަ ބަހު 2020 ހަލާ

މާޔަތުގެ ސަރުކާރު: 2020/R-121

Institute of Chartered Accountants of the Maldives
Membership Regulation 2020

• މާޔަތުގެ ސަރުކާރުގެ އިދާރާތަކީ މި ސަރުކާރުގެ މަޢުލޫމާތު ކުޅިއަކީ legallaffairs@po.gov.mv ރަށުގަވަ. އުޅިއަކީ

މާޔަތުގެ ސަރުކާރުގެ އިދާރާތަކީ

މި ސަރުކާރުގެ މަޢުލޫމާތު

މި ސަރުކާރުގެ މަޢުލޫމާތު

ފުޞްލު: 3336211

ފުޞްލު: 7242885

މަޢުލޫމާތު: www.gazette.gov.mv



**Institute of Chartered Accountants of the Maldives
Republic of Maldives**

Institute of Chartered Accountants of the Maldives
Membership Regulation 2020

Table of Contents

1. Citation, commencement and application	3
2. Interpretation	3
3. Membership	4
3.2.1. General eligibility criteria	4
3.2.2. Associate Member	5
3.2.3. Fellow Member	5
4. Members' rights and obligations	5
5. Membership application procedure	7
6. Resignation of a member	8
7. Certificate	9
8. Rejection of an application	9
9. Removal of Members	9
10. Readmission	10
11. General	10

1. Citation, commencement and application

- 1.1. This regulation may be cited as the Membership Regulation of Institute of Chartered Accountants of the Maldives. This regulation shall come into force on 1 January 2021
- 1.2. This regulation shall apply to individuals who are admitted to the Institute as Associate Members and Fellow Members.
- 1.3. The Institute shall begin accepting applications for membership from 1 January 2021
- 1.4. This regulation may be amended by resolution of the Council

2. Interpretation

- 2.1. In this regulation, unless the context otherwise requires:

Accountants means professional accountants including, but not limited to, accountants in business specified in the Act, as well as individuals that are members of IFAC member bodies recognized by the Institute.

Accountants in Business means persons involved in the preparation of accounting records and financial statements, and carrying out any other finance-related jobs in private sector business entities in the Maldives.

Admissions and Licensing Committee (ALC) means a committee of individuals appointed pursuant to section 30 of the Act having the constitution, powers and responsibilities set by the Council of the Institute to determine the eligibility criteria for membership of the Institute and to plan and carry out the process of issuing licences for conducting statutory audit and providing assurance services in the Maldives and to carry out any other work conducive to issuing such licences.

Appeals Committee means a committee of individuals appointed pursuant to section 29 of the Act having the constitution, powers and responsibilities set by the Council of the Institute to consider the appeals lodged by persons not satisfied with the decisions of the Council or a committee of the Institute.

Applicant means a person who has applied for the membership of the Institute

Application means an application for membership of the Institute submitted by an applicant

Associate Member means members registered as associate members of the Institute.

Continuing Professional Development (CPD) means activities engaged in by chartered accountants and others working in the accounting profession that are aimed at acquiring knowledge for the purpose of developing and upgrading their skills.

Chartered Accountant means persons who have been granted membership of the Institute

Commerce Industry means the trade industry

Council means the council of the Institute

Disciplinary action or professional conduct proceeding means any action taken against a member by the Ethics Committee or by the Council on the recommendation of the Ethics Committee in respect of whom a complaint is found proved in whole or in part

Ethics Committee means a committee of individuals appointed pursuant to section 29 of the Act having the constitution, powers and responsibilities set by the Council of the Institute to submit recommendations to the Council on appropriate courses of actions to be taken against members in respect of cases investigated by the Institute on its own

initiative or cases investigated by the Institute on the receipt of a complaint against a member from another member regarding alleged violation of the Act, regulations made in terms of the Act and the Code of Professional Conduct and Ethics.

Fellow means members registered as fellow members in the Institute

IFAC or International Federation of Accountants means the main organisation representing professional accountants all over the world. It is an organisation with registered members comprising many professional accountancy organizations from around world

Member means a person duly admitted to membership of the Institute

Member in good standing means a member whose compliance with standards and codes of conduct and ethics have been assured by an IFAC-member body.

Personal data means any information which concerns an identified or identifiable natural person

Professional Accountancy Organisations (PAOs) means membership bodies that are comprised of individual accounting professionals performing a variety of roles in the field of accountancy subject to high-quality standards of practice

Register means the register of members required to be maintained by the Institute under the Act

The Act means the Maldives Chartered Accountants Act 2020

The Institute means Institute of Chartered Accountants of the Maldives established under the Act to implement all of its provisions

Year means year ending on 31 December

3. Membership

3.1. Classes

The members of the Institute shall be divided into two classes designated respectively as Associate members and Fellow members

3.2. Eligibility criteria for membership

3.2.1. General eligibility criteria

Any individual making an application for the membership of the membership of the Institute shall meet the following criteria:

- (a) has attained the age of 18 years;
- (b) is of sound mind;
- (c) has not been declared bankrupt by a court of law in the Republic of Maldives or any other jurisdiction;
- (d) where an individual has a decreed debt, the individual has been making regular payments to discharge the debt as per the judgement
- (e) if an individual was convicted of a criminal offence, two years have elapsed from enforcement of judgment or the date on which clemency was granted for that offence

3.2.2. Associate Member

- (a) In addition to meeting the general criteria specified above, an individual shall be eligible to be admitted to the Institute as an Associate Member if the individual is a member in good standing of an IFAC member body recognized by the Institute
- (b) The Institute shall publish a list of IFAC member bodies recognised by the Institute by 1 January 2021

3.2.3. Fellow Member

An individual shall be eligible to be a Fellow Member of the Institute if the individual:

- (a) meets the eligibility criteria in rule 3.2.2 above at the commencement of this Act and has worked as an accountant for a period of at least five years; or
- (b) has been an Associate member of the Institute and has worked in public practice or, in commerce industry, or as a lecturer at an institution of higher education or, as an accountant in business for a period of at least five years.

4. Members' rights and obligations

4.1. Associate Members

On being admitted to membership as an Associate Member, an individual may denote their membership of the Institute by the use of professional designation Associate Chartered Accountant and the designatory letters ACA

4.2. Fellow Members

On being admitted to membership as a Fellow Member, an individual may denote their membership of the Institute by the use of professional designation Fellow Chartered Accountant and the designatory letters FCA.

4.3. Compliance with the Act and regulations of the Institute

A member must at all times comply with the Act No 13/2020 (Chartered Accountants Law), this regulation, rules, regulations, any pronouncements issued by the Institute including the Code of Professional Conduct and Ethics, and any applicable pronouncements, instruments, technical or professional standards or guidance issued by any competent authority whether in the Maldives or elsewhere

4.4. Code of professional conduct and ethics of the Institute

- (a) The International Code of Ethics for Professional Accountants issued by the International Ethics Standards Board for Accountants®(IESBA) shall be the Code of Professional Conduct and Ethics (the Code) of the Institute.
- (b) All members of the Institute shall strictly observe the Code
- (c) The Code provides that every member shall conduct themselves in a manner consistent with the good reputation of the accountancy profession and refrain from any act or default, which is likely to bring discredit to the profession or to themselves

4.5. Admission fees and annual subscriptions

- (a) Each member must pay an admission fee on admission to membership of the Institute. In addition, for so long as they remain a member of the Institute, they must pay an annual subscription to the Institute.
- (b) Admission fees are due on admission and annual subscriptions on 1 January of each year, unless the Institute shall otherwise direct. Annual subscriptions shall be payable whether or not the member intends to remain a member for the entire year to which the subscription relates.
- (c) The amount of the admission fee and annual subscription shall be prescribed by the Institute.
- (d) Notwithstanding rule 5(c) above, any decision by the Institute to require the members to pay admission fees and annual subscriptions in excess of 100% of the admission fees or, as the case may be, annual subscriptions in force at the time of that decision shall be subject to the approval in the annual general meeting by resolution passed by not less than two thirds of the members entitled to vote and voting on such resolution.
- (e) The Council may, in its absolute discretion, vary, suspend or waive payment of the admission fee or annual subscription payable by any applicant for membership or by any member on such terms and for such period as it may think fit.
- (f) The following fees and annual subscriptions shall be payable by the members:
 - i. Admission fees
On admission as an Associate Member or a Fellow Member MVR 2,500
 - ii. Annual subscriptions
All members (Associate Members and Fellow Members)
MVR 2,500
- (g) Notwithstanding rule 4.5(b) and rule 5.9, admission fees stated in rule 4.5(f)(i) shall remain waived until such time as the Council decides otherwise.

4.6. Continuing professional development (CPD)

- (a) All members must obtain CPD, and be able to demonstrate they have obtained CPD
- (b) All members shall complete 40 hours of relevant CPD in a year comprising of 21 hours of verifiable CPD, of which at least 6 CPD hours must be obtained from events organized by the Institute or by other organisations in collaboration with the Institute
- (c) Records
 - i. Members shall maintain records of both verifiable and non-verifiable CPD hours obtained and of the relevance of those units to their role. In the case of verifiable units, the records shall include proof that the member was involved in an acceptable CPD learning activity

- ii. The members shall log their CPD activities in a manner prescribed by the Institute.
 - iii. Such records shall be retained for three years and shall be subject to examination and verification by the Institute and shall be provided to the Institute upon their being requested in writing. Such records shall be provided within the deadline specified in the request, which shall be no sooner than seven days after the date of the request. Failure to comply with this rule 4.6(c) may lead to removal from the register of members in accordance with rule 9.5(b)
- (d) Guidance
- i. Before planning their CPD programmes, members should refer to the detailed guidance issued by the Institute from time to time regarding subject areas and the types of CPD learning activity that will be acceptable
- (e) Waiver and variations
- i. The Admissions and Licensing Committee may waive, vary or suspend the CPD requirements of this regulation at any time to adapt them to an individual's requirements as the Admissions and Licensing Committee, in its absolute discretion, thinks fit
 - ii. Any waivers or variations granted will be in respect of one calendar year only.
 - iii. Waivers or variations in respect of non-verifiable CPD units will only be granted in exceptional circumstances
Members must comply with the conditions of any variation granted pursuant to this rule 4.6(e). Failure to do so may lead to removal from the register of members pursuant to rule 9.5(c)

4.7. Annual return and members' addresses

Every member shall make a return to the Institute in such form and at such time as the Institute may prescribe and notifying a place of business or residence as his registered address.

4.8. Provision of data

The Institute may process applicants' and members' personal data in line with applicable data protection principles.

5. Membership application procedure

- 5.1. An individual who desires to be admitted as an Associate Member or as a Fellow Member shall submit to the Institute's Secretariat an application, in the prescribed form, together with documentary evidence about the individual's eligibility for membership.
- 5.2. The Admissions and Licensing Committee (ALC), on receiving an application, shall consider the same and the evidence in support thereof and shall make such investigation as it thinks fit.

7. Certificate

- 7.1. On the admission of any Member, a certificate in the prescribed form shall, on payment of such fee, if any, prescribed under rule 4 of this regulation, be issued to such Member certifying the Member's class of Membership.
- 7.2. The certificate shall be under the seal of the Institute and shall bear the signature of the President or the Vice President, and its issue shall be recorded in a register to be kept for that purpose.
- 7.3. Every such certificate shall remain the property of the Institute and the Institute shall be at liberty at any time to call for, and compel, its production and delivery and the Institute may alter or amend any such certificate or issue a new certificate in place thereof.

8. Rejection of an application

- 8.1. An application may be rejected if the applicant has failed to satisfy the ALC that they are eligible for admission.
- 8.2. If an application for membership is rejected by the ALC, a notice of rejection shall be sent by the Secretariat to the applicant.
- 8.3. If an application in respect membership is rejected by the ALC, the applicant may within 30 days after notice of the rejection, give notice of appeal in the form prescribed by the Council to the Appeals Committee against the rejection.

9. Removal of Members

- 9.1. On the occurrence of the death of a member, the heirs of the deceased shall notify the Institute of the death within 30 (thirty) days of occurrence and in doing so, present an official document, or a copy of such a document that certifies the death of the member.
- 9.2. Pursuant to section 14(a)(1) of the Act where the Council obtains, whether from heirs or not, an official document or a copy of such a document that certifies the death of the member, the Council may remove such members.
- 9.3. Pursuant to section 14(a)(3) of the Act, the Council may remove a member who is in arrears for 3 months or more in the payment of any prescribed fees, including but not limited to, subscription, penalty and fee for a service provided by the Institute.
- 9.4. Pursuant to Section 14(a)(4), if the Council may at any time request from a member to provide sufficient information and documents that confirm member meets the membership eligibility conditions specified in the Act. Where the Council determines a member does not meet the membership eligibility conditions specified in the Act, such member may be removed.
- 9.5. Pursuant to section 14(a)(5) of the Act, the Council may remove a member for the following reasons:
 - (a) By a decision of the Ethics Committee as a result of a disciplinary finding.
 - (b) If a member had not met the CPD requirements due to "insufficient hours" or "non-compliant". A member is deemed to be "non-compliant" if he or she had not responded to a CPD audit of the Institute pursuant to rule 4.6(c)(iii).
 - (c) If a member fails to comply with the conditions of any variation granted in respect of non-verifiable CPD units pursuant to rule 4.6(e)

10. Readmission

- 10.1. Any former member may apply for readmission provided they settle all previous arrears due from him to the Institute on the date when their membership ceased. Such application for admission shall be made in the same manner as an original application and it shall be considered by the ALC in accordance with the Act, save that, the ALC shall have specific regard to the circumstances of such former member's cessation of membership.
- 10.2. No member who has been the subject of disciplinary proceedings and against whom a decision has been taken to exclude them from membership, or against whom a decision has been taken to prohibit them from applying for readmission to membership for a specified period, shall seek readmission until the expiry of such period.

11. General

11.1. Serving notices and sending documents to Members

- (a) Any notice required to be given and any document required or permitted to be served or sent by the Act or regulations to any member or person shall either be served personally sending it by registered post or courier to his registered address or electronically by email.
- (b) Any notice or document required to be served on the Institute shall be deemed to be served by sending it by email or registered post or courier to the Institute
- (c) Where the Institute sends any document by registered post or courier to the registered address of the member or emails the document to an email address registered with the Institute by the member, the document shall be deemed as having been delivered to the member.

11.2. Change of Information

Upon the change of any information provided to the Institute regarding the registration of the member, the member shall notify in writing to the Institute within 15 days from the occurrence