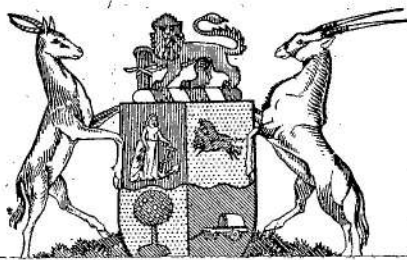


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Government Gazette

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VAN DIE UNIE VAN SUID-AFRIKA

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DEPARTMENT OF FINANCE.

DEPARTEMENT VAN FINANSIES.

The following Government Notice is published for
general information.

Onderstaande Goewermentskennisgewing word ter alge-
mene inligting gepubliseer.

BILL

To provide for the establishment of a public accountants' and auditors' board, for the registration of public accountants and auditors, for the regulation of the training of public accountants and auditors, and for other incidental matters.

(To be introduced by the MINISTER OF FINANCE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "advisory committee" means the Accountants' Registration Advisory Committee established under section *thirteen*; (i) 5
 - (ii) "articled clerk" means a person who is duly bound to serve under articles of clerkship; (v)
 - (iii) "articles" or "articles of clerkship" means a written contract whereby any person is duly bound to serve another for a specified period and is entitled to receive training in the profession of a public accountant and auditor; (vi) 10
 - (iv) "board" means the Public Accountants' and Auditors' Board established under section *two*; (x) 15
 - (v) "examining board" means the South African Accountants Societies General Examining Board established in pursuance of an agreement entered into between the four societies and the Rhodesia Society of Accountants and signed on behalf of those societies during the period between the twentieth day of March and the twenty-ninth day of June, 1942; (ii) 20
 - (vi) "Minister" means the Minister of Finance; (vii)
 - (vii) "prescribed" means prescribed by or under this Act; (xiv) 25
 - (viii) "public accountant" means a person who is engaged in public practice; (ix)
 - (ix) "public practice" means the practice of a person who performs the functions of an accountant and auditor, and for that purpose holds himself out as an accountant and auditor and places his services at the disposal of the public for reward, but does not include services which are substantially at the command of any one person or of the State; (viii) 35
 - (x) "register" means either the register of articles of clerkship or the register of accountants and auditors required to be kept under this Act, as the context may require; (xi) 35
 - (xi) "regulation" means a regulation made and in force under this Act; (xii) 40
 - (xii) "society" means any one of the following societies, which are in this Act collectively referred to as the four societies, namely:
 - (a) The Transvaal Society of Accountants; 45
 - (b) The Cape Society of Accountants and Auditors;
 - (c) The Natal Society of Accountants; and
 - (d) The Society of Accountants and Auditors in the Orange Free State; (iii)
 - (xiii) "this Act" includes any regulation made and in force under this Act; (iv) 50
 - (xiv) "Union" includes the territory of South-West Africa. (xiii) 50

Establishment
of Public
Accountants'
and Auditors'
Board.

2. There is hereby established a board to be known as the Public Accountants' and Auditors' Board, which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties under this Act.

Constitution
of Board.

3. (1) The board shall consist of the following members to be appointed by the Minister, namely—

- (a) four persons selected by the Minister from amongst the persons for the time being holding office as—

WETSONTWERP

Om voorsiening te maak vir die instelling van 'n openbare rekenmeesters- en ouditeursraad, vir die registrasie van openbare rekenmeesters en ouditeurs, vir die reëling van die opleiding van openbare rekenmeesters en ouditeurs, en vir ander daarmee in verband staande aangeleenthede.

(Deur die MINISTER VAN FINANSIES ingedien te word.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing.

5 Wet—

- (i) „adviserende komitee” die Adviserende Komitee op Registrasie van Rekenmeesters; (i)
- (ii) „eksamenraad” die „South African Accountants Societies General Examining Board” gestig ingevolge 'n ooreenkoms tussen die vier genootskappe en die „Rhodesia Society of Accountants” aangegaan, en gedurende die tydperk tussen die twintigste dag van Maart en die nege-en-twintigste dag van Junie 1942 namens daardie genootskappe onderteken; (v)
- (iii) „genootskap” enigeen van die volgende genootskappe, in hierdie Wet gesamentlik die vier genootskappe genoem, naamlik:
 - (a) „The Transvaal Society of Accountants”;
 - (b) „The Cape Society of Accountants and Auditors”;
 - (c) „The Natal Society of Accountants”; en
 - (d) „The Society of Accountants and Auditors in the Orange Free State”. (xii)
- (iv) „hierdie Wet” ook enige regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xiii)
- (v) „klerk onder leerkontrak” iemand wat behoorlik verbind is onder leerkontrak te dien; (ii)
- (vi) „leerkontrak” 'n skriftelike ooreenkoms waaronder enige persoon behoorlik verbind is om iemand anders vir 'n bepaalde tydperk te dien en geregtig is om opleiding in die beroep van 'n openbare rekenmeester en ouditeur te ontvang; (iii)
- (vii) „Minister” die Minister van Finansies; (vi)
- (viii) „openbare praktyk” die praktyk van 'n persoon wat die funksies van 'n rekenmeester en ouditeur beoefen en homself vir daardie doel as 'n rekenmeester en ouditeur voordoen en sy dienste teen vergoeding aan die gemeenskap beskikbaar stel, maar dienste wat hoofsaaklik tot die beskikking van 'n besondere persoon of van die Staat is, is nie daaronder inbegrepe nie; (ix)
- (ix) „openbare rekenmeester” 'n persoon wat openbare praktyk beoefen; (viii)
- (x) „raad” die Openbare Rekenmeesters- en Ouditeursraad kragtens artikel twee ingestel; (iv)
- (xi) „register” die register van leerkontrakte of die register van rekenmeesters en ouditeurs wat volgens hierdie Wet gehou moet word, al na die samehang vereis; (x)
- (xii) „regulasie” 'n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xi)
- (xiii) „Unie” ook die gebied van Suidwes-Afrika; (xiv)
- (xiv) „voorgeskryf” deur of kragtens hierdie Wet voorgeskryf. (vii)

2. Hierby word 'n raad ingestel, bekend as die Openbare Rekenmeesters- en Ouditeursraad, wat met regspersoonlikheid bekleed is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig mag wees vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.

Instelling van
Openbare
Rekenmeesters-
en Ouditeursraad.

3. (1) Die raad bestaan uit die volgende lede wat deur die Minister aangestel moet word, naamlik—

Samestelling
van Raad.

- (a) vier persone deur die Minister gekies uit die persone wat as dan dien in die amp van—

- (i) Commissioner for Inland Revenue;
 - (ii) Chairman of the Board of Trade and Industries;
 - (iii) Registrar of Co-operative Societies;
 - (iv) Registrar of Banks;
 - (v) Registrar of Companies;
 - (vi) Registrar of Insurance;
 - (vii) Registrar of Building Societies,
- or in any other capacities in the full-time service of the State where in the opinion of the Minister they are in the performance of their duties concerned to a considerable extent with certificates furnished by accountants or auditors;

- (b) two persons who shall be professors or lecturers in accounting or accountancy matters at any university in the Union, selected by the Minister from a list of persons nominated by the faculties of commerce of the universities in the Union;
- (c) one person nominated by each society and an additional person nominated by each society which has more than two hundred and fifty members; and
- (d) subject to the provisions of sub-section (2), one person nominated jointly by such branches of the Society of Incorporated Accountants and Auditors as have been established in the Union, and one person nominated by each body mentioned in sub-paragraph (ii), (iii) or (iv) of paragraph (b) of sub-section (3) of section *twenty-three*.

(2) If after the expiration of a period of six months from the commencement of this Act, the number of accountants and auditors, registered as such under this Act, who are enrolled as members of such branches of the Society of Incorporated Accountants and Auditors as are in existence in the Union, or as members of any body mentioned in sub-paragraph (ii), (iii) or (iv) of paragraph (b) of sub-section (3) of section *twenty-three*, is reduced to less than forty, the right of such branches or of the body concerned, as the case may be, to nominate any person for appointment to the board shall lapse, and the number of members of the board shall be reduced accordingly, but without prejudice to the right of any person already appointed as a member of the board to continue to act as such until the expiration of the period for which he was appointed.

(3) Whenever any nomination under paragraph (b), (c) or (d) of sub-section (1) becomes necessary, the Minister shall call upon the faculties of commerce of the universities or the society or body concerned, or cause them or it to be called upon, by notice in writing, to nominate, within a period specified in the notice, being not less than thirty days from the date thereof, so many persons as may be required to be nominated by such faculties, or by the society or body concerned, as the case may be, for appointment to the board.

(4) If after having been called upon by notice under sub-section (3) the faculties of commerce of such universities fail, or any such society or body fails to nominate, within the period specified in that notice, so many persons as were in terms of such notice required to be so nominated, the Minister may appoint the persons, if any, actually so nominated and such other persons being professors or lecturers or members of the society or body concerned, as the case may be, up to the number required as he may deem fit, to be members of the board.

(5) For every member of the board appointed in terms of paragraph (b), (c) or (d) of sub-section (1), there shall be an alternate member appointed in the same manner as such member, and any member of the board referred to in paragraph (a) of that sub-section may, with the consent of the Minister, designate a person in the full-time service of the State to act in his stead as an alternate member on the board, and any alternate member so appointed or designated may attend and take part in the proceedings at any meeting of the board whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

(6) The Minister may, on the recommendation of the board, appoint a nominee of the Rhodesia Society of Accountants to be a member of the board for such period, not exceeding one year, as the Minister may determine, and any person so appointed shall have the right to attend meetings of the board and to take part in the proceedings thereat, but shall not have the right to vote.

(7) The name of every person appointed as a member of the board, and of every person appointed as an alternate to any member, together with the date from which the appointment takes effect, shall be notified in the *Gazette*.

- (i) Kommissaris van Binnelandse Inkomste;
 - (ii) Voorsitter van die Raad van Handel en Nywerheid;
 - (iii) Registrateur van Koöperatiewe Verenigings;
 - (iv) Registrateur van Banke;
 - (v) Registrateur van Maatskappye;
 - (vi) Registrateur van Versekeringswese;
 - (vii) Registrateur van Bouverenigings;
- of in enige ander hoedanigheid in die voltydse diens van die Staat waar hulle volgens die Minister se oordeel by die verrigting van hul pligte in aansienlike mate belang het by sertifikate wat deur rekenmeesters of ouditeurs verstrekk word;
- (b) twee persone wat professors of lektors in die rekeningkunde of in rekeningkundige aangeleenthede aan 'n universiteit in die Unie is, deur die Minister gekies uit 'n lys van persone deur die fakulteite van handel van die universiteite in die Unie genomineer;
 - (c) een persoon genomineer deur elke genootskap en 'n verdere persoon genomineer deur elke genootskap wat meer as twee honderd-en-veftig lede het; en
 - (d) behoudens die bepalinge van sub-artikel (2), een persoon gesamentlik genomineer deur sodanige takke van die „Society of Incorporated Accountants and Auditors” as wat in die Unie gestig is, en een persoon genomineer deur elke liggaam in sub-paragraaf (ii), (iii) of (iv) van paragraaf (b) van sub-artikel (3) van artikel drie-en-twintig genoem.
- (2) Indien na verloop van 'n tydperk van ses maande vanaf die inwerkingtreding van hierdie Wet, die getal rekenmeesters en ouditeurs, as sulks kragtens hierdie Wet geregistreer, wat ingeskrif is as lede van sodanige takke van die „Society of Incorporated Accountants and Auditors” as wat in die Unie bestaan, of as lede van 'n liggaam genoem in sub-paragraaf (ii), (iii) of (iv) van paragraaf (b) van sub-artikel (3) van artikel drie-en-twintig, tot minder as veertig daal, vervel die reg van bedoelde takke of, al na die geval, van die betrokke liggaam om iemand vir aanstelling op die raad te nomineer en word die aantal lede van die raad dienoreenkomstig verminder, maar sonder dat daardeur afbreuk gedoen word aan die reg van iemand wat reeds as lid van die raad aangestel is, om verder as sulks op te tree totdat die tydperk waarvoor hy aangestel is, verstryk het.
- (3) Wanneer 'n nominasie kragtens paragraaf (b), (c) of (d) van sub-artikel (1) nodig word, moet die Minister die fakulteite van handel van die universiteite of die betrokke genootskap of liggaam deur skriftelike kennisgewing aansê of laat aansê om binne die tydperk in die kennisgewing vermeld, maar minstens dertig dae vanaf die datum van die kennisgewing soveel persone te nomineer as wat deur bedoelde fakulteite of, al na die geval, deur die betrokke genootskap of liggaam vir aanstelling op die raad genomineer moet word.
- (4) Indien die fakulteite van handel van bedoelde universiteite of so 'n genootskap of liggaam in gebreke bly om, na aansegging deur kennisgewing soos in sub-artikel (3) bepaal, binne die tydperk in die kennisgewing vermeld soveel persone te nomineer as wat volgens die kennisgewing genomineer moes geword het, kan die Minister die persone, as daar is, wat werklik aldus genomineer is en sodanige ander persone as wat hy goed vind, en wat professors of lektors of, al na die geval, lede van die betrokke genootskap of liggaam is, tot die vereiste aantal aanstel om lede van die raad te wees.
- (5) Vir elke lid van die raad kragtens paragraaf (b), (c) of (d) van sub-artikel (1) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en 'n in paragraaf (a) van daardie sub-artikel bedoelde lid van die raad kan met toestemming van die Minister 'n persoon in die voltydse diens van die Staat aanwys om in sy plek as 'n plaasvervangende lid van die raad op te tree, en 'n plaasvervangende lid aldus aangestel of aangewys kan 'n vergadering van die raad bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van bedoelde vergadering afwesig is.
- (6) Die Minister kan op aanbeveling van die raad 'n genomineerde van die „Rhodesia Society of Accountants” as lid van die raad aanstel vir 'n tydperk, maar hoogstens een jaar, as wat die Minister bepaal, en 'n aldus aangestelde persoon het die reg om vergaderings van die raad by te woon en aan die verrigtings aldaar deel te neem, maar het nie die reg om te stem nie.
- (7) Die naam van elke persoon as lid van die raad aangestel, en van elke persoon as plaasvervanger van 'n lid aangestel, en die datum van wanneer die aanstelling geld, moet in die Staatskoerant afgekondig word.

Qualifications of members and circumstances under which they vacate office.

4. (1) No person shall be appointed as a member of the board in terms of paragraph (c) or (d) of sub-section (1) of section *three*, or as an alternate to any such member in terms of sub-section (5) of that section, unless he is registered as an accountant and auditor under this Act.

5

(2) A member of the board shall vacate his office—

- (a) if his estate be sequestrated or a notice with reference to him be published under sub-section (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935); 10
- (b) if he become of unsound mind or if he be convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (c) if he be absent from three consecutive meetings of the board without its leave, which shall not be granted for a period exceeding six consecutive months; 15
- (d) if, in the case of a member appointed in terms of paragraph (b) of sub-section (1) of section *three*, he cease to be a professor or lecturer in accounting or accountancy matters at a university in the Union; or 20
- (e) if in the case of a member appointed in terms of paragraph (c) or (d) of sub-section (1) of section *three*, who at the date of his appointment was registered as an accountant and auditor in terms of this Act, he cease to be so registered. 25

(3) Sub-section (1) shall come into operation six months after the commencement of this Act.

Tenure of office by members of board.

5. (1) Every member of the board (not being a member appointed under paragraph (a) of sub-section (1) of section *three*, who shall hold office during the Minister's pleasure), 30 and any alternate to such a member, shall be appointed for a period of one year, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed. 35

(2) Any person whose period of office as a member of the board has expired, including any person appointed under sub-section (6) of section *three*, shall be eligible for re-appointment but, subject to the provisions of sub-section (1), no person shall hold office as a member of the board for more than six years 40 during any period of nine years: Provided that in the computation of the total period for which any person has held office as a member of the board, any period during which he held office after the termination of a period for which he was appointed but before the appointment of his successor, shall 45 not be taken into consideration.

(3) Whenever the office of a member of the board becomes vacant before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of section *three*, appoint a person to fill the vacancy for the 50 unexpired portion of the period for which such member was appointed.

Chairman of board.

6. (1) The members of the board shall at their first meeting following their appointment elect one of their number as chairman of the board, and any person so elected shall hold office 55 as such until the expiration of the period for which he was appointed as a member of the board or until he ceases to be a member thereof, whichever event first occurs.

(2) If the chairman of the board vacates his office before the expiration of the period for which he was appointed as a member 60 of the board, another member of the board shall, subject to the provisions of sub-section (1), be elected as chairman of the board.

(3) A member of the board appointed in terms of paragraph (a) or (b) of sub-section (1) of section *three*, shall not be elected 65 as chairman of the board or preside at any meeting thereof.

Meetings of board.

7. (1) The first meeting of the board shall be held at a time and place to be fixed by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as may be fixed by the board: 70 Provided that the board shall meet at least twice in every year.

(2) The chairman of the board may at any time call a special meeting of the board to be held at such time and place as he may determine, and shall, upon a written request signed by not less than three members of the board, call a special meeting thereof 75

4. (1) Niemand word kragtens paragraaf (c) of (d) van sub-artikel (1) van artikel *drie* as lid van die raad, of kragtens sub-artikel (5) van daardie artikel as plaasvervanger van so 'n lid aangestel nie, tensy hy kragtens hierdie Wet as 'n rekenmeester en ouditeur geregistreer is.

Bevoegdheids van lede en omstandighede waaronder hul amp ontruim word.

- (2) 'n Lid van die raad ontruim sy amp—
- (a) as sy boedel gesekwestreer word of 'n kennisgewing wat op hom betrekking het, kragtens sub-artikel (1) van artikel *tien* van die Boere-Bystandswet, 1935, (Wet No. 48 van 1935), gepubliseer word;
- (b) as hy kranksinnig word of weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (c) as hy sonder verlof van die raad, wat nie vir 'n tydperk van meer as ses agtereenvolgende maande toegestaan word nie, van drie agtereenvolgende raadsvergaderings afwesig is;
- (d) as hy, in die geval van 'n ingevolge paragraaf (b) van sub-artikel (1) van artikel *drie* aangestelde lid, ophou om 'n professor of lektor in die rekeningkunde of in rekeningkundige aangeleenthede by 'n universiteit in die Unie te wees; of
- (e) as hy, in die geval van 'n ingevolge paragraaf (c) of (d) van sub-artikel (1) van artikel *drie* aangestelde lid, wat op die datum van sy aanstelling ingevolge hierdie Wet as 'n rekenmeester en ouditeur geregistreer was, ophou om aldus geregistreer te wees.
- (3) Subartikel (1) word van krag ses maande na die inwerking-treding van hierdie Wet.

5. (1) 'n Lid van die raad (uitgesonderd 'n kragtens paragraaf (a) van sub-artikel (1) van artikel *drie* aangestelde lid, wat sy amp beklee solank dit die Minister behaag), en 'n plaasvervanger van so 'n lid, word aangestel vir 'n tydperk van een jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is sy amp vir 'n verder tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

Ampsduur van raadslede.

(2) Iemand wie se ampstydperk as lid van die raad verstryk het, met inbegrip van 'n kragtens sub-artikel (6) van artikel *drie* aangestelde persoon, kan weer aangestel word, maar behoudens die bepalings van sub-artikel (1) kan niemand vir meer as ses jaar gedurende enige tydperk van nege jaar die amp van raadslid beklee nie: Met dien verstande dat, by die berekening van die totale tydperk wat 'n persoon sy amp as lid van die raad beklee het, enige tydperk waartydens hy sy amp beklee het na die beëindiging van 'n tydperk waarvoor hy aangestel was, maar voor die aanstelling van sy opvolger, nie in aanmerking geneem word nie.

(3) Wanneer die setel van 'n lid van die raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, met inagneming van die toepaslike bepalings van artikel *drie*, 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel was.

6. (1) Die lede van die raad kies op hul eerste vergadering na hul aanstelling een uit hul midde as voorsitter van die raad, en 'n aldus gekose persoon beklee sy amp as sulks totdat die tydperk waarvoor hy as lid van die raad aangestel is, verval, of totdat hy ophou om lid van die raad te wees, na gelang watter gebeurtenis die eerste voorval.

Voorsitter van raad.

(2) Indien die voorsitter van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word onderworpe aan die bepalings van sub-artikel (1), 'n ander lid van die raad as voorsitter van die raad gekies.

(3) 'n Lid van die raad aangestel kragtens paragraaf (a) of (b) van sub-artikel (1) van artikel *drie*, word nie tot voorsitter van die raad gekies nie en sit nie op 'n raadsvergadering voor nie.

7. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister vasstel, en alle daaropvolgende vergaderings word onderworpe aan die bepalings van sub-artikel (2) gehou op dié tye en plekke wat die raad bepaal: Met dien verstande dat die raad minstens tweemaal in elke jaar moet byeenkom.

Vergaderings van raad.

(2) Die voorsitter van die raad kan te eniger tyd 'n buitengewone vergadering van die raad belê wat gehou word op 'n tyd en plek deur hom vasgestel, en moet op skriftelike versoek wat deur minstens drie lede van die raad onderteken is, 'n buitengewone vergadering van die raad belê wat op 'n tyd en plek

to be held within a period of two weeks from the date of receipt of such request, at such time and place as he may determine.

Quorum majority
decision, and
chairman's
casting vote.

8. (1) A majority of all the members of the board shall form a quorum for any meeting of the board.

(2) The chairman shall preside at all meetings of the board at which he is present and, if he is absent from any meeting, the members present thereat shall, subject to the provisions of sub-section (3) of section *six*, elect one of their number to preside at such meeting.

(3) The decision of a majority of the members of the board present at any meeting thereof shall constitute a decision of the board, and in the event of an equality of votes in regard to any matter, the person presiding at that meeting shall have a casting vote in addition to his deliberative vote.

(4) A member of the board may require the chairman to direct that his dissent from any resolution passed by the board, and the reasons for such dissent, be recorded in the minutes of the proceedings at which such resolution was passed.

(5) No decision or act done under the authority of the board shall be invalid by reason only of an interim vacancy on the board or of the fact that a person who is disqualified from being a member of the board, or with respect to whose appointment the provisions of this Act had not been observed, sat or acted as a member at the time when the decision was taken or the act was performed or authorized, if the decision was taken or the act was performed or authorized by a majority of the members of the board present at the time who were entitled to sit and act as members.

Reports to
Minister.

9. (1) The board shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in sub-section (3) of section *eleven* in respect of that financial year, and a list of persons on the register of accountants and auditors on the last day of that financial year.

(2) The chairman of the board may from time to time submit to the Minister reports in regard to matters connected with the activities of the board which in his opinion should be brought to the Minister's notice.

(3) Any three or more members of the board who are dissatisfied with a decision taken by the board in regard to any matter within its purview in terms of this Act, may communicate to the Minister their dissent from such decision and the reasons therefor, and the Minister may upon receipt of any such communication, require the board to furnish him with its observations in regard to such matter, together with any information he may deem necessary.

(4) The board shall at the request of the Minister or any person in government service charged with the administration of any law, furnish to the Minister or such person advice on questions in connection with the accountancy and auditing profession or cognate matters, and shall communicate to the Minister information acquired by it, in the course of its duties, on matters regarded by it as being of public import.

(5) The Minister shall lay copies of every report submitted to him in terms of sub-section (1), together with the annexures thereto, upon the Tables of both Houses of Parliament within fourteen days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Committees
of board.

10. (1) The board may establish committees to assist it in the performance of its functions and duties, and may appoint such persons, including persons other than members of the board, as it may deem fit to be members of any such committee.

(2) The board may assign to a committee so established such of its powers as it may deem fit, but shall not be deemed to be divested of any power which it may have assigned to a committee, and may amend or repeal any decision of any such committee.

Funds of board
and keeping
and audit of
accounts.

11. (1) The funds of the board shall consist of the fees received by it in pursuance of any provision made under section *twenty-one*, and such other amounts, including advances referred to in sub-section (4), as may in terms of this Act from time to time become payable to the board.

(2) The board shall cause full and correct account to be kept of all amounts received or expended by it.

deur hom bepaal, gehou word binne twee weke vanaf die datum van ontvangs van bedoelde versoek.

8. (1) Die meerderheid van al die lede van die raad maak 'n kworum, vir 'n raadsvergadering uit. Kworum, meerderheidsbesluit en voorsitter se beslissende stem.
- 5 (2) Die voorsitter moet voorsit op alle raadsvergaderings waarop hy aanwesig is en as hy van 'n vergadering afwesig is, kies die aldaar aanwesige lede, met inagneming van die bepalings van sub-artikel (3) van artikel ses, een uit hul midde om op daardie vergadering voor te sit.
- 10 (3) Die beslissing van die meerderheid van die lede van die raad wat op 'n raadsvergadering aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op daardie vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.
- 15 (4) 'n Raadslid kan van die voorsitter eis om opdrag te gee dat in die notule van die verrigtings waarop 'n raadsbesluit geneem word, met vermelding van redes aangeteken word dat daardie lid nie met bedoelde besluit eens is nie.
- 20 (5) Geen besluit of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of omdat 'n persoon wat onbevoeg is om 'n lid van die raad te wees, of met betrekking tot wie se aanstelling die bepalings van hierdie Wet nie nagekom is nie, as 'n raadslid sitting geneem of opgetree het toe die besluit geneem of die handeling verrig, of gemagtig is nie, mits die besluit geneem of die handeling verrig of gemagtig is deur 'n meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem en op te tree.

9. (1) Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die raad se werksaamhede gedurende daardie boekjaar, tesame met 'n afskrif van die in sub-artikel (3) van artikel elf bedoelde geouditeerde staat van inkomste en uitgawes en balansstaat ten opsigte van daardie boekjaar, en 'n lys van persone wat op die laaste dag van daardie boekjaar op die register van rekenmeesters en ouditeurs verskyn. Verslae aan Minister.

(2) Die voorsitter van die raad kan van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede in verband met die werksaamhede van die raad wat volgens sy mening onder die aandag van die Minister behoort te kom.

(3) Drie of meer raadslede wat ontevrede is met 'n raadsbesluit oor 'n aangeleentheid wat volgens hierdie Wet binne die raad se bevoegdheid is, kan met vermelding van hul redes die Minister in kennis stel dat hulle nie met bedoelde besluit eens is nie, en die Minister kan, by ontvangs van so 'n kennisgewing van die raad sy opmerkings in verband met die aangeleentheid eis, asook enige inligting wat die Minister nodig ag.

(4) Die raad moet, op versoek van die Minister of 'n persoon in diens van die Staat wat met die toepassing van een of ander wet belas is, aan die Minister of bedoelde persoon advies verstrek oor vraagstukke in verband met die beroep van rekeningkunde en ouditkunde of verwante aangeleenthede, en moet inligting wat die raad tydens die verrigting van sy pligte bekom en wat hy van openbare belang ag, aan die Minister meedeel.

(5) Die Minister moet afskrifte van elke verslag wat kragtens sub-artikel (1) aan hom voorgelê word, tesame met die ahangsels daarby, in beide Huise van die Parlement ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

10. (1) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede en pligte by te staan, en kan die persone, insluitende persone wat nie lede van die raad is nie, aanstel wat hy goedvind om lede van so 'n komitee te wees. Komitees van raad.

(2) Die raad kan na goedgekeurde van sy bevoegdhede aan 'n aldus ingestelde komitee oordra maar word nie geag van 'n bevoegdheid wat hy aan 'n komitee oorgedra het, onthef te wees nie, en kan 'n besluit van so 'n komitee wysig of herroep.

11. (1) Die fondse van die raad bestaan uit gelde deur hom ontvang uit hoofde van enige voorsiening kragtens artikel een-en-twintig gemaak en ander bedrae, insluitende voorskotte in sub-artikel (4) bedoel, wat van tyd tot tyd ingevolge hierdie Wet aan die raad betaalbaar mag word. Fondse van raad en hou en ouditering van rekenings.

(2) Die raad laat volledige en juiste aantekeninge hou van alle bedrae wat hy ontvang of uitgee.

(3) The board shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year, and shall, after such statement and balance sheet have been audited by an auditor appointed by the board, cause copies thereof to be transmitted to every member of the board and to each society and each of the bodies referred to in paragraph (b) of sub-section (3) of section *twenty-three*, and also to every person registered as an accountant and auditor in terms of this Act.

(4) (a) The Minister may, out of public funds advance to the board such amounts not exceeding one thousand pounds as he may deem necessary in order to enable it to carry out its functions.

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may determine.

Remuneration
and allowances
of members
of board and
committees.

12. (1) There shall be payable to a member of the board or a committee of the board including any person appointed as an alternate to any such member if such member or person is not in the full-time service of the State, such remuneration for services rendered by him in connection with the work of the board and such allowances to cover expenses reasonably incurred by him in the performance of his duties as a member of the board or of any such committee, as the board may, with the approval of the Minister, determine.

(2) A member of the board or any such committee, who is in the full-time service of the State, may, in addition to his remuneration in respect of such service, receive such remuneration for special services rendered to the board, as may be determined by the Minister on the recommendation of the Public Service Commission, but not exceeding an amount recommended by the board.

(3) Any remuneration or allowances which may become payable under sub-section (1) or (2), shall be paid out of the funds of the board.

(4) The board shall refund to the Minister any transport or subsistence allowances paid out of public funds to a member of the board, appointed in terms of paragraph (a) of sub-section (1) of section *three*, or a person designated by such member under sub-section (5) of that section to act in his stead, or to a member of a committee of the board (not being a member of the board), who is in the full-time service of the State, whilst engaged in connection with the business of the board or a committee thereof.

Establishment
of Accountants'
Registration
Advisory
Committee.

13. (1) The Minister shall establish an advisory committee, to be known as the Accountants' Registration Advisory Committee, which shall consist of five members to be appointed by the Minister of whom—

(a) one shall be an advocate of not less than ten years' standing who shall be the chairman of the committee;

(b) one shall be a person in the full-time service of the State who is charged with the administration of a law which provides for the approval by such person of the appointment of an auditor in respect of any business regulated by such law;

(c) two shall be persons selected by the Minister from a list of persons whose names have been submitted to him by the four societies; and

(d) one shall be a person selected by the Minister from lists of persons, not being members of a society, whose names have been submitted to him by the bodies referred to in paragraph (b) of sub-section (3) of section *twenty-three*.

(2) In the case of a member of the advisory committee referred to in paragraph (c) or (d) of sub-section (1), there shall be an alternate appointed in the same manner as such member, and a member of the advisory committee referred to in paragraph (a) or (b) of that sub-section may, with the consent of the Minister, designate a person to act as a member of the advisory committee in his stead, whenever such member is unable to act.

(3) The provisions of sub-sections (3) and (4) of section *three* shall *mutatis mutandis* apply in connection with the appointment of a member of the advisory committee referred to in paragraph (c) or (d) of sub-section (1) of this section, and the provisions of sub-section (7) of the firstmentioned section shall *mutatis mutandis* apply in respect of all members of such committee.

Tenure of office
by members of
committee.

14. A member of the advisory committee, and any alternate to any such member, shall hold office during the Minister's

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy voorafgaande boekjaar, en 'n balansstaat aantonende sy geldelike toestand op die laaste dag van daardie boekjaar laat opstel, en moet, nadat bedoelde staat en balansstaat geouditeer is deur 'n ouditeur wat die raad aanstel, afskrifte daarvan laat stuur aan elke lid van die raad en aan elke genootskap en elke liggaam waarna in paragraaf (b) van sub-artikel (3) van artikel *drie-en-twintig* verwys word, asook aan elke persoon wat kragtens hierdie Wet as 'n rekenmeester en ouditeur geregistreer is.

(4) (a) Die Minister kan uit Staatsgelde bedrae tot hoogstens duisend pond aan die raad voorskiet, soos hy nodig ag om die raad in staat te stel om sy werksaamhede te verrig.

(b) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister bepaal.

12. (1) Daar word aan 'n lid van die raad of 'n komitee van die raad, insluitende 'n persoon wat aangestel is as plaas-
20 vervanger van so 'n lid, maar nie so 'n lid of persoon wat in die voltydse diens van die Staat is nie, sodanige besoldiging vir dienste in verband met die werk van die raad deur hom gelewer en sodanige toelaes om uitgawes te dek wat redelikerwys deur hom aangegaan is by die verrigting van sy pligte as lid van die
25 raad of van so 'n komitee, betaal as wat die raad met goedkeuring van die Minister bepaal.

Besoldiging en toelaes aan lede van raad en komitees.

(2) 'n Lid van die raad of so 'n komitee, wat in die voltydse diens van die Staat is, kan benewens sy besoldiging ten opsigte van daardie diens, sodanige besoldiging ontvang vir spesiale
30 dienste deur hom aan die raad gelewer as wat die Minister op aanbeveling van die Staatsdienskommissie bepaal, maar nie 'n hoër bedrag as wat die raad aanbeveel nie.

(3) Enige besoldiging of toelaes wat ingevolge sub-artikel (1) of (2) betaalbaar word, moet uit die fondse van die raad betaal
35 word.

(4) Die raad moet aan die Minister die reis- en verblyftoelaes terugbetaal wat uit Staatsgelde betaal word aan 'n lid van die raad kragtens paragraaf (a) van sub-artikel (1) van artikel *drie*
40 aangestel, of iemand kragtens sub-artikel (5) van daardie artikel deur so 'n lid aangewys om in sy plek op te tree, of 'n lid van 'n komitee van die raad (wat nie lid van die raad is nie), wat in die voltydse diens van die Staat is, terwyl hy besig is met die sake van die raad of 'n komitee van die raad.

13. (1) Die Minister stel 'n adviserende komitee in, genoem
45 die Adviserende Komitee op Registrasie van Rekenmeesters, wat bestaan uit vyf lede deur die Minister aangestel, van wie—

Instelling van Adviserende Komitee op Registrasie van Rekenmeesters.

(a) een 'n persoon moet wees wat minstens tien jaar advokaat is en voorsitter van die komitee moet wees;

(b) een 'n persoon in die voltydse diens van die Staat moet wees wat belas is met die uitvoering van 'n wet
50 waarin bepaal word dat bedoelde persoon die aanstelling van 'n ouditeur vir 'n besigheid deur daardie wet gereël, moet goedkeur;

(c) twee persone moet wees deur die Minister gekies uit
55 'n lys van persone wie se name deur die vier genootskappe aan hom voorgelê is;

(d) een 'n persoon moet wees deur die Minister gekies uit
60 'n lys van persone wat nie lede van 'n genootskap is nie en wie se name deur die in paragraaf (b) van sub-artikel (3) van artikel *drie-en-twintig* bedoelde liggame aan hom voorgelê is.

(2) In die geval van 'n in paragraaf (c) of (d) van sub-artikel (1) bedoelde lid van die adviserende komitee word 'n plaasvervanger op dieselfde wyse as daardie lid aangestel, en 'n in paragraaf (a)
65 of (b) van daardie sub-artikel bedoelde lid van die adviserende komitee kan met toestemming van die Minister 'n persoon aanwys om in sy plek as lid van die adviserende komitee op te tree wanneer bedoelde lid nie self kan optree nie.

(3) Die bepalinge van sub-artikels (3) en (4) van artikel *drie*
70 is *mutatis mutandis* van toepassing in verband met die aanstelling van 'n in paragraaf (c) of (d) van sub-artikel (1) van hierdie artikel bedoelde lid van die adviserende komitee, en die bepalinge van sub-artikel (7) van eersgenoemde artikel is *mutatis mutandis* van toepassing ten opsigte van alle lede van so 'n komitee.

14. 'n Lid van die Adviserende komitee en 'n plaasvervanger
75 van so 'n lid beklee sy amp solank dit die Minister behaag, en

Ampstermyn van lede van Komitee.

pleasure, and whenever any such member or alternate vacates his office, the Minister may, subject to the applicable provisions of section *thirteen*, appoint another person to fill the vacancy.

Meetings of committees.

15. (1) The first meeting of the advisory committee shall be held at a time and place to be fixed by the Minister, and all subsequent meetings thereof shall, subject to the provisions of sub-section (2), be held at such times and places as the committee may determine. 5

(2) The chairman of the advisory committee may at any time call a special meeting of that committee to be held at such time and place as he may determine. 10

(3) The advisory committee may, subject to the approval of the Minister and to the provisions of this Act, make rules as to the procedure at meetings of the committee and such other matters as may be necessary or expedient for the proper functioning of the committee. 15

Quorum, majority decision and chairman's casting vote.

16. (1) The quorum for a meeting of the advisory committee shall be four persons entitled to be present and take part in the proceedings thereat.

(2) All meetings of the advisory committee shall be presided over by the chairman, or, in his absence, by the person designated by him in terms of sub-section (2) of section *thirteen*. 20

(3) All questions arising at any meeting of the advisory committee shall be decided by a vote of the majority of the members thereof present at that meeting: Provided that in the event of an equality of votes the person presiding at that meeting shall have a casting vote in addition to his deliberative vote. 25

Remuneration and allowances of members of advisory committee.

17. (1) There shall be payable to a member of the advisory committee, including a person appointed as an alternate to any such member or designated by the chairman of the committee to act in his stead, if such member or person is not in the full-time service of the State such remuneration and allowances in respect of his services as may be determined by the Minister on the recommendation of the board. 30

(2) A member of the advisory committee who is in the full-time service of the State, may receive such remuneration for his services as such a member, in addition to his remuneration in respect of his employment by the State, as may be approved by the Minister on the recommendation of the Public Service Commission, but not exceeding an amount recommended by the board. 40

(3) Any remuneration or allowances which may become payable under sub-section (1) or (2) shall be paid out of the funds of the board.

(4) The provisions of sub-section (4) of section *twelve* shall *mutatis mutandis* apply in connection with any subsistence and transport allowances paid out of public funds to any person in the full-time service of the State who is a member of the advisory committee or has been designated by such member under sub-section (2) of section *thirteen* to act in his stead. 45

Staff, accommodation and equipment of advisory committee.

18. The board shall at its own expense make available to the advisory committee such clerical and other assistance, office accommodation and equipment, and other facilities as the committee may require for the proper performance of its functions. 50

Functions of advisory committee.

19. It shall be the function of the advisory committee to investigate all applications for registration as accountants and auditors under this Act which may be referred to it by the board, and to advise and make recommendations to the board in regard to such applications. 55

Duration of advisory committee.

20. The advisory committee shall be abolished with effect from a date to be fixed by the Minister after consultation with the board, not being later than eighteen months after the commencement of this Act. 60

General powers of board.

21. (1) The board shall have power—

(a) to appoint such servants and to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions; 65

(b) to determine the procedure at meetings of the board or any committee of the board;

(c) to regulate service under articles of clerkship and to prescribe the fees which shall be payable to the board in respect of the registration of such articles; 70

(d) to prescribe the fees which shall be payable to the board in respect of the registration of any person as an accountant and auditor, and the annual fees which 75

wanneer so 'n lid of plaasvervanger sy amp ontruim kan die Minister met inagneming van die toepaslike bepalings van artikel *dertien* 'n ander persoon aanstel om die vakature te vul.

15. (1) Die eerste vergadering van die adviserende komitee word gehou op 'n tyd en plek wat die Minister vasstel en alle daaropvolgende vergaderings daarvan word, behoudens die bepalings van sub-artikel (2) gehou op die tye en plekke wat die komitee bepaal.

Vergaderings
van komitee.

- (2) Die voorsitter van die adviserende komitee kan te eniger tyd 'n buitengewone vergadering van daardie komitee belê wat gehou word op die tyd en plek wat die voorsitter bepaal.

- (3) Die adviserende komitee kan, onderworpe aan die goedkeuring van die Minister en die bepalings van hierdie Wet, reëls uitvaardig aangaande die prosedure op vergaderings van die komitee en die ander aangeleenthede wat nodig of wenslik mag wees sodat die komitee sy werksaamhede behoorlik kan uitvoer.

16. (1) Die kworum vir 'n vergadering van die komitee is vier persone wat geregtig is om teenwoordig te wees en deel te neem aan die verrigtings daarop.

Kworum
meerderheidsbesluit
en voorsitter se
beslissende stem.

- (2) Alle vergaderings van die adviserende komitee word gehou onder voorsitterskap van die voorsitter of, in sy afwesigheid, van die persoon wat hy kragtens sub-artikel (2) van artikel *dertien* aangewys het.

- (3) Alle vraagstukke wat op 'n vergadering van die adviserende komitee ontstaan, word beslis deur 'n meerderheidsstem van die lede wat op die vergadering aanwesig is: Met dien verstande dat by 'n staking van stemme die persoon wat op die vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem het.

17. (1) Daar word aan 'n lid van die adviserende komitee, insluitende 'n persoon wat as plaasvervanger van so 'n lid aangestel is of deur die voorsitter van die komitee aangewys is om in sy plek op te tree, maar nie so 'n lid of persoon in die voltydse diens van die Staat nie, sodanige besoldiging en toelaes ten opsigte van sy dienste, betaal as wat die Minister op aanbeveling van die raad bepaal.

Besoldiging en
toelaes van lede
van adviserende
komitee.

- (2) 'n Lid van die adviserende komitee wat in die voltydse diens van die Staat is, kan, benewens sy besoldiging in die diens van die Staat, sodanige besoldiging vir sy dienste as so 'n lid ontvang as wat die Minister op aanbeveling van die Staatsdienskommissie goedkeur maar nie 'n hoër bedrag as wat die raad aanbeveel nie.

- (3) Die besoldiging en toelaes wat ingevolge sub-artikel (1) of (2) verskuldig word, moet uit die fondse van die raad betaal word.

- (4) Die bepalings van sub-artikel (4) van artikel *twaalf* is *mutatis mutandis* van toepassing ten opsigte van onderhouds- en vervoertoelaes uit Staatsgelde betaal aan 'n persoon in die voltydse diens van die Staat wat lid is van die adviserende komitee of wat lid ingevolge sub-artikel (2) van artikel *dertien* deur so 'n lid aangewys is om in sy plek op te tree.

18. Die raad stel op eie koste aan die adviserende komitee die klerklike en ander hulp, kantoorruimte en toerusting, en ander geriewe beskikbaar wat die komitee vir die behoorlike verrigting van sy werksaamhede nodig het.

Personeel,
kantoorruimte en
toerusting van
adviserende
komitee.

19. Die taak van die adviserende komitee is om ondersoek in te stel in verband met alle aansoeke om registrasie as rekenmeesters en ouditeurs ingevolge hierdie Wet wat die raad na die komitee mag verwys, en om die raad met betrekking tot sodanige aansoeke van advies te dien en daaromtrent aan die raad aanbevelings te doen.

Werksaamhede
van adviserende
komitee.

20. Die adviserende komitee word afgeskaf vanaf 'n datum wat die Minister na beraadslaging met die raad bepaal maar nie later nie as agtien maande na die inwerkingtreding van hierdie Wet.

Lewensduur van
adviserende
komitee.

21. (1) Die raad is bevoeg—

- (a) om die dienaars aan te stel en die roerende of vasgoed aan te skaf of te huur wat die raad vir die doeltreffende verrigting van sy werksaamhede nodig ag;
- (b) om die prosedure op vergaderings van die raad of 'n komitee van die raad te bepaal;
- (c) om diens onder leerkontrak te reël en om die gelde wat ten opsigte van registrasie van so 'n leerkontrak aan die raad betaal moet word, voor te skryf;
- (d) om die gelde wat ten opsigte van die registrasie van enigiemand as 'n rekenmeester en ouditeur aan die raad betaal moet word en die jaargelde wat deur

Algemene
bevoegdhede
van raad.

shall be payable to the board by any person so long as he remains registered as an accountant and auditor;

- (e) to prescribe or conduct or make arrangements for the conduct of examinations for articled clerks, or other persons; 5
- (f) to prescribe the degrees, diplomas and other qualifications which shall entitle any person to exemption from compliance with any of the requirements to be complied with by persons desiring to be registered as accountants and auditors; 10
- (g) to prescribe what conduct on the part of a registered accountant and auditor shall constitute unprofessional conduct and to determine the method of enquiry into allegations of unprofessional conduct and the punishments, including removal from the register or suspension from practice for such period as the board may determine which may be imposed in respect thereof; 15
- (h) to take any steps which it may consider expedient for the maintenance of the integrity, the enhancement of the status and the improvement of the standards of professional qualifications of accountants and auditors and to encourage research in connection with problems relating to any matter affecting the accounting profession; 25
- (i) to assist in the provision of educational facilities for articled clerks and other persons desiring to become registered as accountants and auditors; and
- (j) generally to exercise the powers and perform the functions and duties specified in this Act. 30

(2) The board shall maintain separate registers in respect of articles of clerkship and of accountants and auditors registered under this Act, and such other registers as it may deem fit and any such register shall at all reasonable times be open to inspection by any member of the public upon payment of such fees as the board may prescribe. 35

(3) Any provision made by virtue of paragraph (e), (f) or (g) of sub-section (1), or any fees prescribed by virtue of sub-section (1) or (2), shall be subject to the approval of the Minister and shall be made known by him by notice in the *Gazette*. 40

Prohibition on practising as public accountant and auditor by unregistered person.

22. After the expiration of a period of six months from the commencement of this Act, or such further period as the board may in any particular case allow—

- (a) no person shall engage in public practice as an accountant or auditor or hold himself out or allow himself to be held out as an accountant or auditor in public practice, or use any designation or description calculated to create the impression that he is an accountant or auditor in public practice unless he has been registered as an accountant and auditor in terms of the act; 50
- (b) no person other than a registered accountant and auditor shall accept an appointment or act as an auditor where the appointment of an auditor or the performance of an audit is required by law: 55

Provided that nothing in this section shall be deemed to prohibit—

- (i) any person employed exclusively at a salary and not carrying on business on his own account, from describing himself as an accountant or internal auditor in relation to the business in which he is employed; or 60
- (ii) any member of a club, institution or association which is not carried on with a view to profit, from acting as auditor of such club, institution or association, if he receives no fee or other consideration for his services; or 65
- (iii) any person from practising and describing himself as a secretary, bookkeeper or cost consultant; or 70
- (iv) any Minister of State or officer charged with the administration of any law, from appointing or authorizing or approving of the appointment of any person not registered as an accountant and auditor in terms of this Act, as auditor in respect of any business or undertaking regulated by that law where in the opinion of such Minister or officer a person so regis- 75

enigiemand aan die raad betaal moet word solank hy as 'n rekenmeester en ouditeur geregistreer bly, voor te skryf;

- 5 (e) om eksamens vir klerke onder leerkontrak of ander persone voor te skryf of af te neem of vir die afneem daarvan reëlins te tref;
- (f) om die grade, diplomas en ander kwalifikasies voor te skryf uit hoofde waarvan enigiemand geregtig is op vrystelling van voldoening aan die vereistes waaraan 10 persone wat verlang om as rekenmeesters en ouditeurs geregistreer te word moet voldoen;
- (g) om voor te skryf hoedanige optrede in die geval van 'n geregistreerde rekenmeester en ouditeur on- 15 profesionele gedrag uitmaak en om die metode waarvolgens beweerde onprofessionele gedrag ondersoek moet word, en die strawwe, insluitende skapping van die register of skorsing van praktyk vir so 'n tydperk as wat die raad vasstel, wat ten opsigte daarvan opgelê mag word, te bepaal;
- 20 (h) om die stappe te doen wat die raad raadsaam ag vir die handhawing van die integriteit, die verhoging van die status en die verbetering van die standaard van professionele kwalifikasies van rekenmeesters en ouditeurs, en om navorsing aangaande vraagstukke in 25 verband met aangeleenthede wat op die beroep van rekeningkunde betrekking het aan te moedig;
- (i) om hulp te verleen in verband met die voorsiening van opvoedkundige fasiliteite vir klerke onder leerkontrak en ander persone wat verlang om as rekenmeesters 30 en ouditeurs geregistreer te word; en
- (j) om oor die algemeen die bevoegdhede uit te oefen en die werksaamhede en pligte te verrig wat in hierdie Wet uiteengesit word.

(2) Die raad hou aparte registers ten opsigte van leerkontrakte 35 en van rekenmeesters en ouditeurs wat ingevolge hierdie Wet geregistreer is, en sodanige ander registers as wat die raad goedvind, en so 'n register moet op alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek teen betaling van die gelde wat die raad mag voorskryf.

40 (3) Enige voorsiening wat kragtens paragraaf (e), (f) of (g) van sub-artikel (1) gemaak, of gelde wat kragtens sub-artikel (1) of (2) voorgeskryf word, is onderworpe aan die goedkeuring van die Minister en word deur hom by kennisgewing in die *Staatskoerant* bekend gemaak.

45 **22.** Na afloop van 'n tydperk van ses maande vanaf die inwerkingtreding van hierdie Wet, of so 'n verder tydperk as wat die raad in 'n besondere geval mag toelaat—

- (a) mag niemand as openbare rekenmeester of ouditeur 50 praktiseer of homself as 'n rekenmeester of ouditeur in openbare praktyk voordoën of toelaat dat hy aldus voorgedoen word of enige benaming of beskrywing gebruik wat bereken is om die indruk te verwek dat hy 'n rekenmeester of ouditeur in openbare praktyk is nie, tensy hy kragtens hierdie Wet as 'n rekenmeester en ouditeur geregistreer is; en
- 55 (b) mag niemand anders as 'n geregistreerde rekenmeester en ouditeur 'n aanstelling as ouditeur aanvaar of as ouditeur optree waar die aanstelling van 'n ouditeur of die uitvoering van 'n audit by wet vereis word nie: 60 Met dien verstande dat die bepalings van hierdie artikel nie geag word te belet dat—
- (i) 'n persoon wat in diens is uitsluitlik teen 'n salaris en wat nie vir eie rekening sake doen nie, homself as rekenmeester of interne ouditeur beskryf in verband 65 met die besigheid waarin hy in diens is nie; en
- (ii) 'n lid van 'n klub, inrigting of vereniging wat nie met die oog op wins gedryf word nie, as ouditeur van bedoelde klub, inrigting of vereniging optree nie, mits hy geen loon of ander vergoeding vir sy dienste 70 ontvang nie; of
- (iii) iemand as 'n sekretaris, boekhouer of konsult-kosteberekenaar praktiseer en homself as sulks beskryf nie; of
- 75 (iv) 'n Staatsminister, of 'n beampte belas met die uitvoering van 'n wet, iemand wat nie kragtens hierdie wet as 'n rekenmeester en ouditeur geregistreer is nie, as ouditeur ten opsigte van 'n besigheid of onder-neming wat deur bedoelde wet gereël word, aanstel, of sy aanstelling as sulks magtig of goedkeur nie, 80 indien volgens mening van bedoelde Minister of

Verbod op
praktyk as
openbare
rekenmeester en
ouditeur deur
ongeregistreerde
persoon.

tered is not readily available or by reason of the nature of the audit required or the amount of work involved therein or any other circumstances contemplated by such law, the appointment of a person so registered is not warranted; or

- (v) a person who has been appointed or whose appointment has been authorized or approved in terms of paragraph (d) from carrying out any audit in respect of the business or undertaking in respect of which he has been so appointed or in respect of which his appointment has been so authorized or approved.

Registration of accountants and auditors.

23. (1) Any person who desires to be registered as an accountant and auditor shall in writing lodge with the board an application for such registration accompanied by the prescribed fee and such information as the board may require.

(2) If after consideration of any such application, the board is satisfied that the applicant—

- (a) is not less than twenty-one years of age and is ordinarily resident in the Union;
- (b) has, except to the extent to which he has been exempted therefrom in terms of this Act, served under articles of clerkship for the prescribed period and passed the prescribed examinations,

the board shall, subject to the provisions of sub-section (6), register the applicant as an accountant and auditor and issue to him a certificate of registration in such form as it may prescribe.

(3) Any person who at the date of commencement of this Act—

(a) was a member in good standing or was qualified to become a member of a society; or

(b) was a member in good standing of—

- (i) any branch of the Society of Incorporated Accountants and Auditors established in the Union;
- (ii) the South African branch of the Association of Certified and Corporate Accountants;
- (iii) the Institute of Accountants of South Africa, Limited; or
- (iv) the Association of Practising Accountants of South Africa,

and who had been such a member on the first day of January, 1950; or

(c) was resident in the Union and had passed a final examination, considered by the board to be of a sufficiently high standard, conducted by any organized body of accountants and auditors and, had had not less than five years' practical experience, considered by the board to be of a sufficiently varied and satisfactory nature, in the office of a person who practised as a public accountant or in an accounting practice carried on by himself; or

(d) was serving or had completed service in the Union with a member of a society or of a body mentioned in paragraph (b) of this sub-section, under articles of clerkship which have subsequently been registered with the board as provided in paragraph (b) of sub-section (4), or (where such articles had been completed) in respect of which notice has been given to the board as provided in the lastmentioned paragraph, and who has—

(i) in the case of a person who was serving or had completed service under articles with a member of a society, satisfied the requirements for admission to that society; or

(ii) in the case of a person who was serving or had completed service under articles with a member of any such body satisfied the requirements for admission to that body in accordance with its constitution and bye-laws as in force on the first day of January, 1950; or

(e) was resident in the Union and is registered as a student with any of the bodies referred to in paragraph (b), and who was so registered on the first day of January, 1950, and has on or before the thirty-first day of December, 1954, satisfied the requirements for admission to that body in accordance with its constitution and bye-laws as in force on the first day of January, 1950, and has on or before the thirty-first

- beampte 'n aldus geregistreerde persoon nie geredelik beskikbaar is nie of, met die oog op die aard van die vereiste oudit of die hoeveelheid werk daarby betrokke of ander omstandighede in bedoelde wet beoog, die aanstelling van 'n aldus geregistreerde persoon nie geregverdig is nie; of
- (v) 'n persoon wat kragtens paragraaf (d) aangestel is of wie se aanstelling daarkragtens gemagtig of goedgekeur is, 'n oudit uitvoer ten opsigte van die besigheid of onderneming ten opsigte waarvan hy aldus aangestel is of ten opsigte waarvan sy aanstelling aldus gemagtig of goedgekeur is nie.

23. (1) Iemand wat begerig is om as rekenmeester en ouditeur geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie, vergesel van die voorgeskrewe gelde en sodanige inligting as wat die raad mag verlang, by die raad indien. Registrasie van rekenmeesters en ouditeurs.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

- (a) minstens een-en-twintig jaar oud en gewoonlik in die Unie woonagtig is;
- (b) behalwe vir sover hy kragtens hierdie Wet daarvan vrygestel is, vir die voorgeskrewe tydperk onder leerkontrak gedien en in die voorgeskrewe eksamens geslaag het,
- moet die raad, behoudens die bepalinge van sub-artikel (6), die applikant as 'n rekenmeester en ouditeur registreer en aan hom 'n registrasiesertifikaat in die vorm wat die raad voorskryf, uitreik.

(3) Iemand wat op die datum van inwerkingtreding van hierdie Wet—

- (a) 'n volgeregtigde lid van 'n genootskap was of gekwalifiseer was om lid daarvan te word; of
- (b) 'n volgeregtigde lid was van—
- (i) 'n tak van die „Society of Incorporated Accountants and Auditors” wat in die Unie gevestig is;
- (ii) die Suid-Afrikaanse tak van die „Association of Certified and Corporate Accountants”;
- (iii) die Instituut van Rekenmeesters van Suid-Afrika, Beperk; of
- (iv) die Vereniging van Praktiserende Rekenmeesters van Suid-Afrika,
- en wat op die eerste dag van Januarie 1950 so 'n lid was; of
- (c) in die Unie woonagtig was en geslaag het in 'n eindeksamen deur die raad van voldoende hoë standaard geag, wat deur 'n georganiseerde liggaam van rekenmeesters en ouditeurs afgeneem is, en minstens vyf jaar praktiese ervaring, deur die raad van voldoende verskeidenheid en bevredigende aard geag, gehad het in die kantoor van 'n persoon wat as 'n openbare rekenmeester gepraktiseer het of in 'n rekenmeesterspraktijk deur hom vir eie rekening beoefen; of
- (d) in diens was of sy dienstdyperk uitgedien gehad het in die Unie by 'n lid van 'n genootskap of van 'n liggaam genoem in paragraaf (b) van hierdie sub-artikel, onder leerkontrak wat daarna volgens voorskrif van paragraaf (b) van sub-artikel (4) by die raad geregistreer is, of waar die dienstdyperk onder so 'n leerkontrak reeds uitgedien was ten opsigte waarvan volgens voorskrif van laasgenoemde paragraaf aan die raad kennis gegee is, en wat—
- (i) in die geval van 'n persoon wat in diens was of sy dienstdyperk uitgedien gehad het onder leerkontrak by 'n lid van 'n genootskap, aan die vereistes vir toelating tot daardie genootskap voldoen het; of
- (ii) in die geval van 'n persoon wat in diens was of sy dienstdyperk uitgedien gehad het onder leerkontrak by 'n lid van so 'n liggaam, aan die vereistes vir toelating tot daardie liggaam volgens die reëls en verordenings daarvan soos van krag op die eerste dag van Januarie 1950 voldoen het; of
- (e) in die Unie woonagtig en as student geregistreer was by een van die liggame in paragraaf (b) bedoel, en wat op die eerste dag van Januarie 1950 aldus geregistreer was, en op of voor die een-en-dertigste dag van Desember 1954 aan die vereistes vir toelating tot daardie liggaam ingevolge die reëls en verordenings daarvan soos van krag op die eerste dag van Januarie 1950 voldoen het, en op of voor die een-en-dertigste dag

day of December, 1956, had not less than five years' practical experience in the office of an accountant in public practice which in the opinion of the advisory committee or of the board was of a sufficiently varied and satisfactory nature; or

- (f) was engaged in the Union in the performance of work which in the opinion of the advisory committee constituted public practice as an accountant and auditor, and who was so engaged on the first day of January, 1950,

shall be deemed to have complied with the requirements of paragraph (b) of sub-section (2), and for the purpose of paragraph (a) or (b) of this sub-section, a certificate from a society or a body referred to in the lastmentioned paragraph that any person is a member in good standing of such society or body, shall be accepted by the board as proof of such membership and standing.

(4) No person shall be registered as an accountant and auditor by virtue of the provisions of sub-section (3), unless—

- (a) in the case of a person referred to in paragraph (c) or (f) of that sub-section, he has applied to the board to be so registered within six months after the commencement of this Act, or within such further period as the board may in any particular case allow; or
- (b) in the case of a person referred to in paragraph (d) or (e) of that sub-section, he has applied to the board for the registration of his articles of clerkship or, if such articles had been completed at the commencement of this Act, has given written notice to the board accordingly, or has applied to the board for registration as a student, as the case may be, within three months after such commencement, or within such further period as the board may in any particular case allow, and has subsequently, within six months after having satisfied the requirements applicable in his case, as set out in the relevant paragraph, or within such further period as the board may in any particular case allow, applied to the board for registration as an accountant and auditor.

(5) The board may, in the case of a person referred to in paragraph (d) or (e) of sub-section (3), accept the passing of an examination prescribed by it and compliance with such other requirements as it may determine as equivalent to compliance by that person with the requirements set out in the relevant paragraph.

(6) The board shall not register any person as an accountant and auditor under this section—

- (a) if he has at any time been removed from an office of trust on account of misconduct; or
- (b) if he has at any time been convicted of theft, fraud, forgery or uttering a forged document or perjury, and sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding twenty-five pounds; or
- (c) if he is of unsound mind;

and may refuse so to register any person who is an unrehabilitated insolvent or who has entered into a compromise with his creditors.

(7) The board shall cancel the registration as an accountant and auditor of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in paragraph (a), (b) or (c) of sub-section (6), and may cancel the registration of any person whose estate is sequestrated or who enters into an arrangement with his creditors or whose registration was made in error or on information subsequently proved to be false.

(8) The registration of any person as an accountant and auditor shall lapse if such person—

- (a) ceases permanently to reside in the Union; or
- (b) fails to pay any annual fee prescribed under paragraph (d) of sub-section (1) of section *twenty-one* within three months after such fee becomes due or within such further period as the board may in any particular case allow.

(9) Any person whose registration has been refused or cancelled otherwise than on one or other of the grounds mentioned in paragraph (a), (b) or (c) of sub-section (6), or has lapsed on

- van Desember 1956 minstens vyf jaar praktiese ervaring in die kantoor van 'n rekenmeester in openbare praktyk opgedoen het wat volgens die mening van die adviserende komitee of die raad van voldoende verskeidenheid en bevredigende aard was; of
- 5 (f) in die Unie besig was met die verrigting van werk wat volgens die mening van die adviserende komitee openbare praktyk as 'n rekenmeester en ouditeur uitgemaak het, en wat op die eerste dag van Januarie 1950
- 10 aldus besig was,
- word geag aan die vereistes van paragraaf (b) van sub-artikel (2) te voldoen het, en by die toepassing van paragraaf (a) of (b) van hierdie sub-artikel, word 'n sertifikaat van 'n genootskap of 'n in laasgenoemde paragraaf bedoelde liggaam dat 'n persoon
- 15 'n volgeregtigde lid van daardie genootskap of liggaam is, deur die raad as bewys van sodanige lidmaatskap en volgeregtigheid aanvaar.
- (4) Niemand word uit hoofde van die bepalings van sub-artikel (3) as 'n rekenmeester en ouditeur geregistreer nie,
- 20 tensy—
- (a) in die geval van 'n persoon in paragraaf (c) of (f) van daardie sub-artikel bedoel, hy binne ses maande na die inwerkingtreding van hierdie Wet, of binne so 'n verder tydperk as wat die raad in 'n besondere geval
- 25 mag toelaat, by die raad aansoek gedoen het om aldus geregistreer te word;
- (b) in die geval van 'n persoon in paragraaf (d) of (e) van daardie sub-artikel bedoel, hy by die raad vir registrasie van sy leerkontrak aansoek gedoen het of, as sy dienstytdperk onder bedoelde leerkontrak by die
- 30 inwerkingtreding van hierdie Wet uitgedien was, die raad skriftelik dienoreenkomstig kennis gegee het, of hy by die raad aansoek gedoen het om registrasie as student, al na die geval, binne drie maande na bedoelde inwerkingtreding of binne so 'n verder tydperk as wat die raad in 'n besondere geval mag toelaat,
- 35 en hy daarna, binne ses maande nadat hy aan die vereistes van toepassing in sy geval, soos in die betrokke paragraaf uiteengesit, voldoen het, of binne so 'n verder tydperk as wat die raad in 'n besondere geval
- 40 mag toelaat, by die raad om registrasie as 'n rekenmeester en ouditeur aansoek gedoen het.
- (5) Die raad kan, in die geval van 'n persoon in paragraaf (d) of (e) van sub-artikel (3) bedoel, welslae in 'n eksamen deur die
- 45 raad voorgeskryf en voldoening aan die ander vereistes wat die raad bepaal, aanneem as gelykwaardig aan voldoening deur daardie persoon aan die vereistes in die betrokke paragraaf uiteengesit.
- (6) Die raad registreer nie 'n persoon ingevolge hierdie
- 50 artikel as 'n rekenmeester en ouditeur nie—
- (a) indien hy te eniger tyd weens wangedrag van 'n vertrouensamp onthef is; of
- (b) indien hy te eniger tyd veroordeel is weens diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste
- 55 dokument of meened, en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as vyf-en-twintig pond gevonniss is; of
- (c) indien hy kranksinnig is;
- 60 en kan weier om iemand wat 'n ongerehabiliteerde insolvente persoon is of wat met sy skuldeisers 'n ooreenkoms aangegaan het, aldus te registreer.
- (7) Die raad moet registrasie as 'n rekenmeester en ouditeur kanselleer in die geval van 'n persoon wat sy registrasie aan 'n
- 65 diskwalifikasie genoem in paragraaf (a), (b) of (c) van sub-artikel (6) onderhewig word, en kan sodanige registrasie kanselleer in die geval van 'n persoon wie se boedel gesekwestreer word of wat 'n ooreenkoms met sy skuldeisers aangaan of wat per abuis geregistreer is of geregistreer is op inligting wat daarna
- 70 bewys word vals te wees.
- (8) Die registrasie van enigiemand as 'n rekenmeester en ouditeur verval as so iemand—
- (a) ophou om permanent in die Unie te woon; of
- 75 (b) in gebreke bly om enige jaargeld ingevolge paragraaf (d) van sub-artikel (1) van artikel een-en-twintig voorgeskryf, te betaal binne drie maande nadat bedoelde geld betaalbaar word of binne so 'n langer tydperk as wat die raad in 'n besondere geval mag toelaat.
- (9) Iemand wie se registrasie geweier of gekanselleer is, andersins as op een van die gronde in paragraaf (a), (b) of (c) van sub-artikel (6) genoem, of verval het op een of ander grond in sub-

one or other of the grounds mentioned in sub-section (8), may at any time thereafter be registered by the board on application to it and subject to payment of the prescribed fees, if he ceases, in the case of a person whose registration has been so refused or cancelled to be subject to any of the disqualifications which gave rise to the refusal or cancellation or if, in the case of a person whose registration has lapsed by virtue of the provisions of paragraph (a) of sub-section (8), he ceases to be subject to the disqualification as a result of which his registration has so lapsed.

(10) The board shall, at the written request of any accountant and auditor registered as such under this Act, remove his name from the register, but the removal shall not affect any liability incurred by such accountant and auditor prior to the date of such request.

(11) A person who is registered under this section as an accountant and auditor, may describe himself as a registered accountant and auditor, and shall be entitled to engage in public practice in any part of the Union.

Articles of clerkship.

24. (1) No service under articles of clerkship entered into after the commencement of this Act shall be recognized for the purpose of this Act unless such articles have been registered with the board, and no articles shall be so registered unless the person with whom service is to be performed thereunder has obtained the consent of the board to engage a clerk under articles, which shall not be given unless there has been lodged with the board—

- (a) evidence of the date of birth of the person to be engaged in terms of the said articles;
- (b) a certificate to the effect that such person has passed the matriculation examination of the Joint Matriculation Board or an examination certified by that Board to be equivalent to such matriculation examination or to entitle such person to exemption therefrom; and
- (c) proof to the satisfaction of the board—
 - (i) that the person with whom service under such articles is to be performed, is actively engaged in public practice in the Union either on his own account or in partnership; and
 - (ii) that such public practice is of such a character as to ensure that the clerk will obtain a sufficiently wide and general practical training and experience.

(2) The board shall determine the maximum number of clerks who may be engaged for service under articles by any one person during any particular period, but no person shall have more than four such clerks at any time: Provided that where an articulated clerk is unable to complete his articles with the person by whom he has been engaged for service under articles, the board may authorize his transfer under articles to some other person, irrespective of the number of clerks serving under articles with that other person.

(3) The period of service under articles shall be five years commencing on the date on which such articles are lodged with the board for registration or on such earlier date, not being more than three months previously, as the board may in any particular case direct: Provided that the board may—

- (a) in the case of a person who has obtained a degree, other than an honorary degree, prescribed by the board, grant exemption from part of the period of service under articles to such extent as it may deem fit; or
- (b) in the case of a person who, in the opinion of the board, has obtained satisfactory practical training and experience by way of service under articles outside the Union, reduce the period of service under articles to such extent as it may deem fit or grant exemption from service under articles.

(4) Whenever the service of an articulated clerk is terminated before he has served the prescribed period under articles, the board may in its discretion and on such conditions as it may deem fit, approve of the transfer of such clerk to some other person to complete the remaining portion of his period of service under articles.

(5) No person shall accept any payment or other reward in consideration of the engagement by him of any other person under articles of clerkship.

artikel (8) genoem, kan te eniger tyd daarna op aansoek aan die raad en mits die voorgeskrewe gelde betaal word, deur die raad geregistreer word, indien hy, in die geval van iemand wie se registrasie aldus geweier of gekanselleer is, ophou om onderhewig te wees aan die diskwalifikasies wat tot die weiering of kansellering aanleiding gegee het of, in die geval van iemand wie se registrasie uit hoofde van die bepalings van paragraaf (a) van sub-artikel (8) verval het, ophou om onderhewig te wees aan die diskwalifikasies as gevolg waarvan sy registrasie aldus verval het.

(10) Die raad moet, op skriftelike versoek van 'n rekenmeester en ouditeur wat as sulks kragtens hierdie Wet geregistreer is, sy naam in die register skrap, maar die skrapping het geen uitwerking op enige aanspreeklikheid waaraan so 'n rekenmeester en ouditeur voor die datum van bedoelde versoek, onderhewig was nie.

(11) Iemand wat ingevolge hierdie artikel as 'n rekenmeester en ouditeur geregistreer is, kan homself as 'n geregistreerde rekenmeester en ouditeur beskryf en is geregtig om in enige deel van die Unie openbare praktyk te beoefen.

24. (1) Geen diens onder leerkontrak aangegaan na die inwerkingtreding van hierdie Wet word vir die doeleindes van hierdie Wet erken nie tensy sodanige leerkontrak by die raad geregistreer is, en geen leerkontrak word aldus geregistreer nie tensy die persoon by wie diens daaronder verrig moet word die toestemming van die raad verkry het om 'n klerk onder leerkontrak in diens neem, en bedoelde toestemming word nie verleen nie tensy daar aan die raad—

(a) bewys gelewer is van die geboortedatum van die persoon wat ingevolge bedoelde leerkontrak in diens geneem staan te word;

(b) 'n sertifikaat verstrek is ten effekte dat bedoelde persoon geslaag het in die matrikulasie-eksamen van die Gemeenskaplike Matrikulasieraad of 'n eksamen ten opsigte waarvan daardie Raad gesertifiseer het dat dit aan bedoelde matrikulasie-eksamen gelykwaardig is of die betrokke persoon die reg op vrystelling daarvan verleen; en

(c) bewys tot bevrediging van die raad gelewer is—

(i) dat die persoon by wie diens onder sodanige leerkontrak verrig gaan word, daadwerklik openbare praktyk in die Unie beoefen, hetsy vir eie rekening of in vennootskap; en

(ii) dat bedoelde openbare praktyk sodanig is dat die klerk algemene praktiese opleiding en ondervinding van voldoende omvangryke aard sal geniet.

(2) Die raad bepaal die maksimum aantal klerke wat deur een persoon gedurende 'n besondere tydperk onder leerkontrak in diens geneem mag word, maar niemand mag te eniger tyd meer as vier sodanige klerke hê nie: Met dien verstande dat, waar dit vir 'n klerk onder leerkontrak nie moontlik is om sy dienstydperk onder daardie kontrak by die persoon by wie hy in diens is uit te dien nie, die raad sy oorplasing onder leerkontrak na 'n ander persoon kan magtig, afgesien van die aantal klerke wat daardie ander persoon onder leerkontrak in diens het.

(3) Die dienstydperk onder leerkontrak is vyf jaar bereken vanaf die datum waarop sodanige leerkontrak by die raad vir registrasie ingedien word, of vanaf so 'n vroeër datum, maar hoogstens drie maande vroeër, as wat die raad in 'n besondere geval mag gelas: Met dien verstande dat die raad—

(a) in die geval van 'n persoon wat 'n deur die raad voorgeskrewe graad, uitgesonderd 'n eregraad, behaal het, in die mate wat die raad goedvind van 'n gedeelte van die dienstydperk onder leerkontrak vrystelling kan verleen; of

(b) in die geval van 'n persoon wat volgens die raad se oordeel by wyse van diens onder leerkontrak buite die Unie bevredigende praktiese opleiding en ondervinding opgedoen het, die dienstydperk onder leerkontrak kan verminder in die mate wat die raad goedvind of vrystelling van diens onder leerkontrak kan verleen.

(4) Wanneer die diens van 'n klerk onder leerkontrak beëindig word voordat hy die voorgeskrewe tydperk onder leerkontrak uitgedien het, kan die raad na goeddunke en op die voorwaardes wat hy goedvind, die oorplasing van bedoelde klerk goedkeur na 'n ander persoon om die oorblywende gedeelte van sy dienstydperk onder leerkontrak uit te dien.

(5) Niemand mag betaling of ander beloning as vergoeding vir die indiensneming deur hom van iemand anders onder leerkontrak aanneem nie.

Examinations.

25. (1) The examinations to be passed by persons desiring to qualify for registration as accountants and auditors shall, subject to the provisions of sub-section (3) of section *twenty-three*, be as prescribed by the board: Provided that pending a date to be fixed by the Minister by notice in the *Gazette*, the examining board may conduct examinations for such persons, and any person who has passed in any examination conducted by the examining board shall be deemed to have passed in the corresponding examination prescribed by the board. 5

(2) As soon as may be after the date fixed by the Minister under sub-section (1), the examining board shall deliver to the board all documents in its possession or under its control relating to the examinations theretofore conducted by it, and the board shall thereafter assume full responsibility for the conduct of all examinations prescribed by it. 15

(3) The board may, instead of itself conducting any examination prescribed by it, make arrangements for such examinations or any part thereof to be conducted on its behalf by any one or more universities or institutions approved by the Minister, and may determine the conditions subject to which such examinations shall be so conducted. 20

(4) Any person entering as a candidate for an examination referred to in this section including any examination conducted by the examining board, shall indicate whether he wishes to write the examination in English or Afrikaans, and all examination papers shall be supplied to that person and may be answered by him in the language so indicated. 25

(5) The board may exempt from the obligation to pass in any examination referred to in this section, any person who—

- (a) has passed outside the Union any examination prescribed or approved by the board: Provided that no such person shall be registered as an accountant and auditor until he has passed such examination in the law of the Union as the board may determine; or 30
- (b) has obtained a degree other than an honorary degree, prescribed or approved by the board: Provided that exemption shall be given only in respect of such part or parts of the examinations as the board may deem fit; or 35
- (c) has obtained a diploma in the accountancy branch of the Institute of Administration and Commerce of South Africa, or has by examination obtained such other qualifications as in the opinion of the board have afforded him suitable training and proficiency in accountancy: Provided that exemption shall be given only in respect of such part or parts of the examinations as the board may deem fit. 40 45

Powers and duties of auditors.

26. (1) No person acting in the capacity of auditor to any undertaking, shall in pursuance of any audit issue an unqualified certificate or certify without qualification as to the correctness of any statement, account, balance sheet or document purporting to be a copy of or an extract from any book or record examined by him in such capacity, unless— 50

- (a) he has carried out such audit free of any restrictions whatsoever imposed upon him by or on behalf of the undertaking in respect of which the audit was performed; 55
- (b) proper books and accounts in one of the official languages of the Union have been kept in connection with the undertaking in question, so as to exhibit a true and fair view of the affairs of that undertaking and to explain all the transactions thereof; 60
- (c) he has obtained all information, vouchers and other documents which in his opinion were necessary for the proper performance of his duties; 65
- (d) he has, in the case of an undertaking regulated by any law, complied with all the requirements of that law, relating to the audit;
- (e) he has by means of the ordinarily accepted methods satisfied himself of the existence of all assets and liabilities shown on any such balance sheet; 70
- (f) he is satisfied as far as reasonably practicable as to the correctness of any such statement, account, balance sheet or document;
- (g) neither he nor his partner nor any person employed by him or his partner nor any person working under his supervision and control or under the supervision 75

25. (1) Die eksamens waarin persone moet slaag ten einde Eksamens.
as rekenmeesters en ouditeurs geregistreer te kan word, moet,
behoudens die bepaling van sub-artikel (3) van artikel drie-en-
tweintig, deur die raad voorgeskryf word: Met dien verstande
5 dat tot op 'n datum wat die Minister by kennisgewing in die
Staatskoerant bepaal, die eksamenraad vir sodanige persone
eksamens kan afneem, en iemand wat in 'n eksamen deur die
eksamenraad afgeneem, geslaag het word geag in die ooreen-
stemmende deur die raad voorgeskrewe eksamen te geslaag het.
- 10 (2) So gou doenlik na die datum ingevolge sub-artikel (1)
deur die Minister vasgestel, moet die eksamenraad alle stukke
in sy besit of onder sy beheer wat betrekking het op die eksamens
tot daardie datum deur hom afgeneem, aan die raad lewer en
daarna aanvaar die raad volle verantwoordelikheid vir die
15 afname van alle eksamens deur hom voorgeskryf.
- (3) Die raad kan, in plaas van self 'n eksamen af te neem
wat deur hom voorgeskryf is, reëlings tref om so 'n eksamen
of enige deel daarvan, deur een of meer universiteite of inrigtings
wat die Minister goedgekeur, namens die raad te laat afneem,
20 en kan die voorwaardes bepaal waaronder bedoelde eksamen
aldus afgeneem moet word.
- (4) Iemand wat inskryf as kandidaat vir 'n eksamen in hierdie
artikel bedoel, insluitende 'n eksamen wat deur die eksamenraad
afgeneem word, moet aandui of hy die eksamen in Engels of
25 Afrikaans wil ondergaan, en alle eksamenpapiere moet in die
taal aldus aangedui aan so iemand verskaf en kan daarin deur
hom geantwoord word.

(5) Die raad kan vrystelling verleen van die verpligting om
in 'n eksamen waarna in hierdie artikel verwys word, te slaag,
30 aan iemand wat—

- (a) buite die Unie geslaag het in 'n eksamen wat deur die
raad voorgeskryf of goedgekeur is: Met dien verstande
dat so 'n persoon nie as 'n rekenmeester en ouditeur
geregistreer word nie totdat hy in so 'n eksamen in
35 die reg van die Unie geslaag het as wat die raad bepaal;
of
- (b) 'n graad wat deur die raad voorgeskryf of goedgekeur
is uitgesonderd 'n eregraad, verwerf het: Met dien
verstande dat vrystelling verleen word slegs ten opsigte
40 van sodanige gedeelte of gedeeltes van die eksamens
as wat die raad goedvind; of
- (c) 'n diploma in die rekeningkundige afdeling van die
„Institute of Administration and Commerce of South
Africa” verwerf het, of deur middel van eksamens
45 sodanige ander kwalifikasies behaal het as wat hom
volgens die raad se oordeel van geskikte opleiding en
bedrewenheid in die rekeningkunde verseker het: Met
dien verstande dat vrystelling verleen word slegs ten
op sigte van sodanige gedeelte of gedeeltes van die
50 eksamens as wat die raad goedvind.

26. (1) Niemand wat in die hoedanigheid van ouditeur van Magte en pligte
van ouditeure.
sonder voorbehoud 'n sertifikaat uitreik ten effekte dat, of
sertifiseer dat, 'n staat, rekening, balansstaat of dokument wat
55 'n afskrif of uittreksel heet te wees uit 'n boek of dokument
deur hom in bedoelde hoedanigheid nagesien, korrek is nie,
tensy—

- (a) hy bedoelde oudit uitgevoer het sonder enige beperkings
hoegenaamd aan hom opgelê deur of ten behoeve
60 van die onderneming ten opsigte waarvan die oudit
uitgevoer is;
- (b) behoorlike boeke en rekeninge in een van die amptelike
tale van die Unie in verband met die betrokke onder-
neming gehou is, wat 'n ware en regverdige uiteen-
65 setting van daardie onderneming se sake gee en al die
transaksies van die onderneming verduidelik;
- (c) hy al die inligting, bewysstukke en ander dokumente
wat volgens sy mening nodig was vir die behoorlike
uitvoering van sy pligte, verkry het;
- 70 (d) in die geval van 'n onderneming wat deur 'n wet gereël
word, hy aan al die voorskrifte van daardie wet met
betrekking tot die oudit voldoen het;
- (e) hy homself deur middel van die gewone erkende
metodes daarvan vergewis het dat al die bates en laste
75 wat op so 'n balansstaat getoon word wel bestaan;
- (f) hy homself vir sover redelikerwys doenlik van die
juistheid van so 'n staat, rekening, balansstaat of
dokument vergewis het;
- 80 (g) nòg hy nòg sy vennoot nòg enigiemand wat by hom
of sy vennoot in diens is nòg enigiemand wat onder
sy toesig of beheer of onder die toesig of beheer van

and control of his partner was responsible for keeping the books, records or accounts of the undertaking in question, except to the extent of making closing entries or framing any such statement account, balance sheet or document from existing records or books of account; and

- (h) any matter referred to in sub-section (3) had at the date on which he gave such certificate, or on which he so certified, been adjusted to his satisfaction.

(2) Any certificate required to be given or statement, document or account required to be certified by an auditor in pursuance of any audit carried out by him shall be given or certified, as the case may be, within four months after the date on which the audit was completed, and if such auditor is unable to give an unqualified certificate or to certify any statement, document or account without qualification, he shall within the said period give that certificate or certify that statement, document or account, as the case may be, subject to such qualifications as he may deem necessary, and may, if he considers it advisable, endorse on that certificate, statement, document or account the reasons for any such qualification.

(3) The person who carries out an audit in connection with any undertaking shall report to the person in charge of that undertaking any material irregularity of which he has cause to complain in his capacity as auditor, and shall, if that irregularity is not dealt with to his satisfaction or rectified within a period of one month after the date on which it was so reported, in writing inform the board thereof.

(4) If a person who has been registered as an accountant and auditor under this Act—

- (a) fails to perform any duties devolving upon him in the capacity of an auditor to any undertaking with such a degree of care and skill as in the opinion of the board may reasonably be expected; or

- (b) is negligent in the performance of such duties,

the board may, whether or not such auditor is liable to be or has been criminally charged or has been convicted in respect of such failure or negligence, enquire into the circumstances, and if such failure or negligence is proved to its satisfaction, impose upon that person any of the punishments prescribed under paragraph (g) of sub-section (1) of section *twenty-one*, as it may deem fit: Provided that no such person shall incur liability to punishment by the board by reason of any opinion expressed by him in good faith as to the value or amount of any asset or liability appearing on the balance sheet in respect of the undertaking in connection with which the audit was carried out, or by reason of his having declined to express any opinion thereon, if the board is satisfied that, having regard to the nature of such asset or liability or any other circumstances, he could not reasonably have been expected to express an authoritative opinion.

(5) No action shall be instituted against any auditor or any person registered as an accountant and auditor under this Act in respect of any opinion expressed or certificate given or report or statement made or statement, account or document certified by him in good faith in the ordinary course of his duties, unless it is proved that such opinion was expressed or such certificate was given or such report or statement was made or such statement, account or document was certified maliciously or negligently.

(6) The board may refer to the Attorney-General concerned or, where the matter is one for consideration by the Solicitor-General, to the latter official any report made under this section to the board by an auditor or a person registered as an accountant and auditor under this Act which in its opinion may afford evidence of the commission of any offence.

Disciplinary
powers of
board.

27. (1) The board shall be responsible for the discipline and control of persons registered as accountants and auditors under this Act, and shall have power to enquire into cases of alleged misconduct or unprofessional conduct on the part of such persons and to impose in respect thereof such punishment as may be prescribed under paragraph (g) of sub-section (1) of section *twenty-one*: Provided that nothing in this section shall

sy vennoot is, verantwoordelik was vir die hou van die boeke, registers of rekenings van die betrokke onderneming, behalwe deur afsluitende inskrywings te maak, of so 'n rekening, balansstaat of dokument uit bestaande registers of rekeningboeke op te stel; en

(h) enige aangeleentheid in sub-artikel (3) bedoel, op die datum waarop hy so 'n sertifikaat gegee het, of aldus gesertifiseer het, tot sy bevrediging in die reïne gebring was.

(2) 'n Sertifikaat wat deur 'n ouditeur gegee of staat dokument of rekening wat deur hom gesertifiseer moet word na aanleiding van 'n audit deur hom uitgevoer, moet al na die geval, gegee of gesertifiseer word binne vier maande na die datum waarop die audit voltooi is, en as bedoelde ouditeur nie in staat is om sonder voorbehoud 'n sertifikaat te gee of 'n staat, dokument of rekening te sertifiseer nie, moet hy binne bedoelde tydperk daardie sertifikaat gee of, al na die geval, daardie staat, dokument of rekening sertifiseer onderworpe aan sodanige voorbehoude as wat hy nodig ag en kan hy, as hy dit wenslik ag, op daardie sertifikaat, staat, dokument of rekening die redes vir sodanige voorbehoude endosseer.

(3) Iemand wat 'n audit in verband met 'n onderneming uitvoer, moet aan die persoon in beheer van daardie onderneming verslag doen aangaande elke wesenlike onreëlmatigheid waaromtrent hy, in sy hoedanigheid as ouditeur, rede het om beswaar te maak, en as daar nie tot sy bevrediging in verband met daardie onreëlmatigheid gehandel of dit nie reggemaak word binne 'n tydperk van een maand na die datum waarop daarvoor aldus verslag gedoen is nie, moet hy die raad skriftelik daarvan in kennis stel.

(4) Indien iemand wat kragtens hierdie Wet as 'n rekenmeester en ouditeur geregistreer is—

(a) versuim om die pligte wat in sy hoedanigheid as ouditeur van 'n onderneming op hom rus, met so 'n mate van versigtigheid en bedrewenheid uit te voer as wat volgens die raad se oordeel redelikerwys verwag kan word; of

(b) by die uitvoering van bedoelde pligte nalatig is, kan die raad, hetsy bedoelde ouditeur ten opsigte van daardie versuim of nalatigheid aan strafregtelike vervolging onderhewig is of daarvan aangekla of daaraan skuldig bevind is al dan nie die omstandighede ondersoek en, as daardie versuim of nalatigheid tot sy bevrediging bewys word, aan daardie persoon enige van die ingevolge paragraaf (g) van sub-artikel (1) van artikel een-en-twintig voorgeskrewe strawwe ople: Met dien verstande dat so iemand nie aan straf deur die raad onderhewig is op grond van 'n mening deur hom te goeder trou uitgespreek omtrent die waarde of bedrag van 'n bate of las wat verskyn op die balansstaat van die onderneming in verband waarmee die audit uitgevoer is, of op grond van sy weiering om daarvoor 'n mening uit te spreek nie, indien die raad oortuig is dat, met die oog op die aard van die betrokke bate of las of ander omstandighede, daar nie redelikerwys van bedoelde persoon verwag kon gewees het om 'n gesaghebbende mening uit te spreek nie.

(5) Geen regsgeding word teen 'n ouditeur of 'n persoon wat kragtens hierdie Wet as 'n rekenmeester en ouditeur geregistreer is, ingestel nie, ten opsigte van 'n mening deur hom uitgespreek of sertifikaat deur hom gegee of verslag of verklaring deur hom gedoen, of 'n staat, rekening of dokument te goeder trou deur hom in die gewone loop van sy pligte gesertifiseer nie, tensy bewys word dat hy in verband met bedoelde mening deur hom uitgespreek of sertifikaat deur hom gegee of verslag of verklaring deur hom gedoen of staat, rekening of dokument deur hom gesertifiseer, kwaadwillig of nalatig gehandel het.

(6) Die raad kan enige verslag ingevolge hierdie artikel deur 'n ouditeur of 'n persoon wat ingevolge hierdie Wet as 'n rekenmeester en ouditeur geregistreer is, aan die raad gedoen en wat volgens die raad se oordeel bewys mag lewer dat een of ander misdadig gepleeg is, na die betrokke Prokureur-generaal of, waar dit 'n saak vir oorweging is deur die Solisiteur-generaal, na laasgenoemde beamppte verwys.

27. (1) Die raad is verantwoordelik vir die dissipline en beheer van persone wat ingevolge hierdie Wet as rekenmeesters en ouditeurs geregistreer is, en is bevoeg om ondersoek in te stel na gevalle van beweerde wangedrag of onprofessionele gedrag van sodanige persone en om ten opsigte daarvan enige straf op te lê wat ingevolge paragraaf (g) van sub-artikel (1) van artikel een-en-twintig voorgeskryf mag wees: Met dien verstande dat die bepalinge van hierdie artikel nie geag word afbreuk te

Dissiplinêre magte van raad

be deemed to affect the right of any society or organized body of professional accountants from taking disciplinary or other action against any of its members in accordance with its constitution and rules.

(2) Whenever any punishment imposed under sub-section (1) consists of, or includes, any fine the amount thereof shall be recoverable by the board from the person concerned and be paid into the funds of the board.

Enquiries
by board.

28. (1) For the purpose of any enquiry under section *twenty-seven*, the board may—

(a) summon any person who in its opinion may be able to give material information concerning the subject of the enquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and retain for examination any book, document or thing so produced;

(b) call and by its chairman administer an oath to, or accept an affirmation from, any person present at the enquiry who was or could have been summoned in terms of paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control.

(2) A summons for the attendance before the board of any person or for the production of any book, document or thing shall be in the form prescribed by the board with the approval of the Minister, shall be signed by the chairman of the board or a person authorized thereto by it, and shall be served in the same manner as a subpoena in a criminal case issued by a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the chairman of the board, or if any person called in terms of paragraph (b) of sub-section (1) refuses to be sworn or to affirm as a witness or fails without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the enquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the chairman or any member or officer of the board in the exercise of any powers conferred upon him by or under this section, shall be guilty of an offence.

(6) A person whose conduct is being enquired into by the board shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under this section shall be liable to a fine not exceeding fifty pounds.

Admission to
societies.

29. (1) Any person who has been registered as an accountant and auditor under this Act, and who—

(a) has complied with the requirements prescribed in paragraph (b) of sub-section (2) of section *twenty-three*; or

(b) (i) has passed in the final qualifying examination conducted by the examining board or prescribed by the board or (for a period of two years from the commencement of this Act) in the subjects prescribed by the examining board as at the first day of January, 1950, for its final examination, section B; and

doen aan die reg van 'n genootskap of 'n georganiseerde liggaam van professionele rekenmeesters om ingevolge die reëls en verordenings van daardie genootskap of liggaam tug- of ander maatreëls op enigeen van sy lede toe te pas nie.

- 5 (2) Wanneer 'n straf wat kragtens sub-artikel (1) opgelê is, uit 'n boete bestaan of 'n boete insluit, kan die bedrag daarvan deur die raad op die betrokke persoon verhaal en in die fondse van die raad gestort word.

28. (1) Die raad kan, vir die doeleindes van 'n ondersoek Ondersoek deur raad.
10 kragtens artikel *sewe-en-twintig*—

- (a) enige persoon wat volgens sy mening in staat mag wees om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word of wat vermoed word 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word in sy besit of bewaring of onder sy beheer te lê, dagvaar om op 15 'n tyd en plek in die dagvaarding gemeld voor die raad te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê en kan 'n boek, dokument of saak, wat aldus oorgelê is vir ondersoek behou; 20
(b) enige by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon geword het, oproep en by monde van die voorsitter van die raad aan hom 'n eed oplê of van hom 'n bevestiging aanneem, en 25 hom ondervra en van hom verlang om enige dokument of saak in sy besit of bewaring of onder sy beheer oor te lê.

(2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê moet in die vorm 30 wees wat die raad met die Minister se goedkeuring voorskryf, deur die voorsitter van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word en word op dieselfde wyse gedien as 'n dagvaarding in 'n strafgeding deur 'n magistratshof uitgereik.

35 (3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die voorsitter van die raad hom van verdere bywoning onthef, of, indien iemand wat ooreenkomstig 40 paragraaf (b) van sub-artikel (1) opgeroep is, weier om as getuie beëdig te word of om te bevestig of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettiglik aan hom gestel oor die onderwerp wat ondersoek word of om enige boek, dokument of saak 45 in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon, of die oorlegging van so 'n boek, dokument of saak, die regs-bepalings met betrekking tot priviligie, soos toepaslik op 'n 50 getuie wat gedagvaar is om voor 'n gereghof getuienis af te lê, of 'n boek, dokument of saak oor te lê, van toepassing is.

(4) 'n Getuie wat nadat hy behoorlik beëdig is of 'n bevestiging gemaak het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring maak oor enige saak, 55 wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(5) Iemand wat die voorsitter of 'n lid of beampte van die raad opsetlik hinder by die beoefening van enige bevoegdheid deur of ingevolge hierdie artikel aan hom verleen, is aan 'n 60 misdryf skuldig.

(6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik 65 daartoe gemagtig is, verteenwoordig te word, en om getuienis oor te lê, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.

(7) Iemand wat weens 'n misdryf ingevolge hierdie artikel veroordeel word, is strafbaar met 'n boete van hoogstens vyftig 70 pond.

29. (1) Iemand wat ingevolge hierdie Wet as 'n rekenmeester en ouditeur geregistreer is, en wat— Toelating tot genootskappe.

- (a) aan die vereistes wat in paragraaf (b) van sub-artikel (2) van artikel *drie-en-twintig* voorgeskryf, voldoen het; of 75
(b) (i) geslaag het in die kwalifiserende eindeksamen deur die eksamenraad afgeneem of deur die raad voorgeskryf of (vir 'n tydperk van twee jaar vanaf die inwerkingtreding van hierdie Wet) in die vakke op die eerste dag van Januarie 1950 deur die eksamenraad voorgeskryf vir sy eindeksamen, 80 afdeling B; en

- (ii) has satisfied the board that at the date of application he has had not less than six years' practical experience of a sufficiently varied and satisfactory nature, and obtained either in the office of a public practising accountant or in accountancy practice carried on by the applicant on his own behalf, 5

shall, subject to compliance with such other requirements as may be prescribed by any society for admission thereto, be entitled upon application to be admitted to membership of 10 that society.

(2) A person who is a member of any society shall, upon application to any other society and subject to compliance with such requirements as may be prescribed by that other society for admission thereto, be entitled to be admitted to membership 15 of that other society.

(3) No person shall for the purpose of this section be deemed to have complied with the requirements prescribed in paragraph (b) of sub-section (2) of section *twenty-three* by reason only of the fact that he has been registered as an accountant and 20 auditor in pursuance of the provisions of sub-section (3) of that section.

Offences and penalties.

30. (1) No person who is registered as an accountant and auditor under this Act, shall—

- (a) except with the consent of the board employ in con- 25
nection with his practice any person who has been suspended from public practice under sub-section (1) of section *twenty-seven*, or whose registration as an accountant and auditor has been cancelled under any provision of this Act; 30
- (b) make over to or share with any person (other than a person registered as an accountant and auditor under this Act or practising as an accountant and auditor outside the Union) any portion of his professional fees; 35
- (c) share profits derived from his practice as an accountant and auditor, or practise in partnership with any person not registered as an accountant and auditor in terms of this Act: Provided that an accountant and auditor may practise in partnership with any person 40
not so registered who is practising as an accountant and auditor outside the Union and is a member of an organized body of professional accountants whose standard in the opinion of the board is at least equal to the standard set by the board for the profession; 45
- (d) practise under a firm name or title which includes any name other than his own or that of one of his partners, unless on every letterhead containing a reference to such firm name or title there appears his own name and the names of his partners, if any, and if any such 50
partner is not practising as an accountant and auditor in the Union, a statement to that effect;
- (e) sign any account, statement, report or other document which purports to represent work performed by him, unless such work was performed by himself or under 55
his personal supervision or direction or by or under the personal supervision or directions of one or more of his partners: Provided that the provisions of this paragraph shall not apply in respect of work performed on behalf of a person registered as an accountant and 60
auditor under this Act by another accountant and auditor so registered or in respect of work performed outside the Union by a member of an organized body of professional accountants outside the Union whose status, in the opinion of the board is at least equal to 65
that demanded by the board for the profession in the Union: Provided further that nothing in this paragraph shall be deemed to prevent any person registered as an accountant and auditor under this Act from signing the firm name under which he practises; 70
- (f) perform professional work in connection with any matter which is the subject of dispute or litigation on condition that payment for such work shall be made only if such dispute or litigation ends favourably for the party for whom such work is performed; 75
- (g) engage in public practice during any period in respect of which he has been suspended from practice in terms of section *twenty-seven*.

- (ii) die raad oortuig het dat hy op die datum van sy
aansoek minstens ses jaar praktiese ervaring van
genoegsame verskeidenheid en bevredigende aard
gehad het, wat verkry was in die kantoor van 'n
rekenmeester in openbare praktyk of in 'n
rekeningkundige praktyk deur die applikant vir
eie rekening gedryf,

is, mits hy voldoen aan sodanige ander vereistes as wat deur 'n
genootskap vir toelating daartoe voorgeskryf mag word, geregtig
om op aansoek as lid van daardie genootskap toegelaat te word.

(2) Iemand wat lid van 'n genootskap is, is geregtig om,
op aansoek gerig aan 'n ander genootskap, en mits hy voldoen
aan sodanige vereistes as wat deur daardie ander genootskap
vir toelating daartoe voorgeskryf mag word, as lid van daardie
ander genootskap toegelaat te word.

(3) By die toepassing van hierdie artikel word 'n persoon
nie geag aan die in paragraaf (b) van sub-artikel (2) van artikel
drie-en-twintig voorgeskrewe vereistes te voldoen het bloot
omrede van die feit dat hy ingevolge die bepalings van sub-
artikel (3) van daardie artikel as 'n rekenmeester en ouditeur
geregistreer is nie.

30. (1) Niemand wat ingevolge hierdie Wet as 'n rekenmeester
en ouditeur geregistreer is, mag—

Misdrywe en
strawwe.

(a) behalwe met toestemming van die raad, in verband
met sy praktyk 'n persoon in diens neem nie wat
ingevolge sub-artikel (1) van artikel *sewe-en-twintig*
van openbare praktyk geskors is, of wie se registrasie
as rekenmeester en ouditeur ingevolge 'n bepaling van
hierdie Wet gekanselleer is;

(b) enige gedeelte van sy professionele gelde oormak aan,
of deel met, enige persoon behalwe iemand wat
ingevolge hierdie Wet as 'n rekenmeester en ouditeur
geregistreer is of wat buite die Unie as 'n rekenmeester
en ouditeur praktiseer nie;

(c) winste deel wat van sy praktyk as 'n rekenmeester en
ouditeur verkry is, of praktiseer in vennootskap, met
'n persoon wat nie ingevolge hierdie Wet as 'n reken-
meester en ouditeur geregistreer is nie: Met dien ver-
stande dat 'n rekenmeester en ouditeur in vennootskap
mag praktiseer met 'n persoon wat nie aldus geregistreer
is nie en wat buite die Unie as 'n rekenmeester en
ouditeur praktiseer en wat lid is van 'n georganiseerde
liggaam van professionele rekenmeesters wie se
standaard volgens die raad se oordeel minstens gelyk-
staan met die standaard wat deur die raad vir die
beroep gestel word;

(d) onder 'n handelsnaam of benaming praktiseer nie wat
enige naam behalwe sy eie of die van een van sy
vennote insluit, tensy op elke briefhoof wat 'n verwysing
na bedoelde handelsnaam of benaming bevat sy eie
naam en die name van sy vennote, as daar is verskyn,
en as enigeen van bedoelde vennote nie in die Unie
as 'n rekenmeester en ouditeur praktiseer nie, 'n
verklaring tot dien effekte;

(e) 'n rekening, staat, verslag of ander dokument onder-
teken wat deur hom gedane werk heet te verteenwoordig
wie, tensy die werk deur hom of onder sy persoonlike
toesig of beheer of deur of onder die persoonlike toesig
of beheer van een of meer van sy vennote gedoen is:
Met dien verstande dat die bepalings van hierdie
paragraaf nie van toepassing is nie ten opsigte van
werk wat deur 'n geregistreerde rekenmeester en
ouditeur ten behoeve van 'n ander geregistreerde
rekenmeester en ouditeur gedoen word of ten opsigte
van werk buite die Unie verrig deur 'n lid van 'n
georganiseerde liggaam van professionele reken-
meesters buite die Unie waarvan die status volgens
die raad se oordeel minstens gelyk is aan wat die raad
van die beroep binne die Unie vereis: Met dien
verstande voorts dat die bepalings van hierdie paragraaf
nie geag word te belet dat 'n geregistreerde reken-
meester en ouditeur die handelsnaam waaronder hy
praktiseer, teken nie;

(f) professionele werk verrig nie in verband met enige saak
wat die onderwerp van 'n geskil of regsdinging uitmaak,
op voorwaarde dat betaling vir sodanige werk sal
geskied slegs indien bedoelde geskil of geding gunstig
verloop vir die persoon vir wie die werk gedoen word;
(g) openbare praktyk beoefen nie gedurende enige tydperk
waartydens hy ingevolge artikel *sewe-en-twintig* van
praktyk geskors is.

(2) Any person who contravenes or fails to comply with any provision of this Act, shall be guilty of an offence, and where no other penalty is prescribed liable on conviction to a fine not exceeding one hundred pounds.

Amendment of
Ordinance III
(Private) of 1904,
of the Transvaal.

31. The Accountants' Ordinance, 1904, of the Transvaal, is hereby amended—

- (a) by the repeal of sections *one, two, four to seven inclusive, nine to thirteen inclusive, fifteen and sixteen*;
- (b) by the substitution in section *three* for the words "registered as hereinafter provided" of the words "who at the commencement of the Public Accountants' and Auditors' Act, 1951, are registered under this Ordinance, together with such persons as may at any time after such commencement be admitted to membership of the Society";
- (c) by the substitution in paragraph (c) of section *seventeen* for the words "registration made in pursuance of this Ordinance" of the words "admission to membership of the Society";
- (d) by the insertion in paragraph (d) of section *seventeen* after the word "examinations" where it occurs the first time of the words "as prescribed in terms of paragraph (g) of section *twenty*";
- (e) by the substitution in section *eighteen* for the words "accountant upon the Register" of the words "member of the Society" and the deletion in that section of all the words after the word "Ordinance" where it occurs the first time;
- (f) by the substitution—
 - (i) in paragraph (a) of section *twenty* for the words "the Register of the Society" of the words "membership of the Society and for prescribing the circumstances under which and the procedure according to which members may be expelled from the Society"; and
 - (ii) in paragraph (b) of that section for the words "registration and other fees" of the words "fees for admission to membership and the subscriptions payable by members of the Society".

Amendment of
Act 35 of 1909,
of Natal.

32. The Accountants' Act, 1909, of Natal, is hereby amended—

- (a) by the repeal of sections *one, two, four to seven inclusive, nine to fourteen inclusive, sixteen and seventeen*;
- (b) by the substitution in section *three* for the words "registered as hereinafter provided" of the words "who at the commencement of the Public Accountants' and Auditors' Act, 1951, are registered under this Act, together with such persons as may after such commencement be admitted to membership of the Society";
- (c) by the substitution in paragraph (c) of section *eighteen* for the words "registration made in pursuance of this Act" of the words "admission to membership of the Society";
- (d) by the insertion in paragraph (d) of section *eighteen* after the word "examinations" where it occurs the first time of the words "as prescribed in terms of paragraph (g) of section *twenty-one*";
- (e) by the substitution in section *nineteen* for the words "Accountant upon the Register" of the words "member of the Society" and the deletion in that section of all the words after the word "Act" where it occurs the first time;
- (f) by the substitution—
 - (i) in paragraph (a) of section *twenty-one* for the words "register of the Society" of the words "membership of the Society and for prescribing the circumstances under which and the procedure in accordance with which members may be expelled from the Society"; and
 - (ii) in paragraph (b) of that section for the words "registration and other fees" of the words "fees for admission to membership and the subscriptions payable by members to the Society".

Application
to South West
Africa.

33. This Act shall apply also to the territory of South West Africa.

Short title and
commencement.

34. This Act shall be called the Public Accountants' and Auditors' Act, 1951, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Iemand wat 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig, en waar daar nie 'n ander straf voorgeskryf is nie, by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

5 31. Die „Accountants Ordinance, 1904”, van Transvaal, word hiermee gewysig— Wysiging van Ordonnansie III (Privaat) van 1904, van Transvaal.

- (a) deur artikels *een, twee, vier* tot en met *sewe, nege* tot en met *dertien, vyftien* en *sestien* te herroep;
- 10 (b) deur in artikel *drie* die woorde „registered as hereinafter provided” deur die woorde „who at the commencement of the Public Accountants’ and Auditors’ Act, 1951 are registered under this Ordinance, together with such persons as may at any time after such commencement be admitted to membership of the Society” te vervang;
- 15 (c) deur in paragraaf (c) van artikel *sewentien* die woorde „registration made in pursuance of this Ordinance” deur die woorde „admission to membership of the Society” te vervang;
- 20 (d) deur in paragraaf (d) van artikel *sewentien* na die woord „examinations” waar dit die eerste maal voorkom die woorde „as prescribed in terms of paragraph (g) of section *twenty*” in te voeg;
- 25 (e) deur in artikel *agtien* die woorde „accountant upon the Register” deur die woorde „member of the Society” te vervang, en al die woorde na die woord „Ordinance” waar dit die eerste maal voorkom te skrap;
- (f) deur—
 - 30 (i) in paragraaf (a) van artikel *twintig* die woorde „the Register of the Society” deur die woorde „membership of the Society and for prescribing the circumstances under which and the procedure according to which members may be expelled from the Society” te vervang; en
 - 35 (ii) in paragraaf (b) van daardie artikel die woorde „registration and other fees” deur die woorde „fees for admission to membership and the subscriptions payable by members of the Society” te vervang.

40 32. Die „Accountants’ Act, 1909”, van Natal word hiermee gewysig— Wysiging van Wet 35 van 1909 van Natal.

- (a) deur artikels *een, twee, vier* tot en met *sewe, nege*, tot en met *veertien, sestien* en *sewentien* te herroep;
- 45 (b) deur in artikel *drie* die woorde „registered as hereinafter provided” deur die woorde „who at the commencement of the Public Accountants’ and Auditors’ Act, 1951, are registered under this Act, together with such persons as may after such commencement be admitted to membership of the Society” te vervang;
- 50 (c) deur in paragraaf (c) van artikel *agtien* die woorde „registration made in pursuance of this Act” deur die woorde „admission to membership of the Society” te vervang;
- 55 (d) deur in paragraaf (d) van artikel *agtien* na die woord „examinations” waar dit die eerste maal voorkom die woorde „as prescribed in terms of paragraph (g) of section *twenty-one*” in te voeg;
- (e) deur in artikel *negentien* die woorde „Accountant upon the Register” deur die woorde „member of the Society” te vervang en al die woorde na die woord „Act” waar dit die eerste maal voorkom te skrap;
- 60 (f) deur—
 - 65 (i) in paragraaf (a) van artikel *een-en-twintig* die woorde „register of the Society” deur die woorde „membership of the Society and for prescribing the circumstances under which and the procedure in accordance with which members may be expelled from the Society” te vervang; en
 - 70 (ii) in paragraaf (b) van daardie artikel die woorde „registration and other fees” deur die woorde „fees for admission to membership and the subscriptions payable by members to the Society” te vervang.

75 33. Hierdie Wet is ook op die gebied van Suidwes-Afrika van toepassing. Toepassing op Suidwes-Afrika.

34. Hierdie Wet heet die Wet op Openbare Rekenmeesters en Ouditeurs, 1951, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.