

## *Regulations relating to Membership Cessation, Re-admission and Resignation*

1 These Regulations were made by the Council on 3 December 2002<sup>1</sup> under Clause 16 of the Supplemental Charter and Principal Bye-law 49(a).

2 In these Regulations, unless the context otherwise requires, the following expressions have the meanings assigned to them and any other expressions shall have the same meanings as in the Principal Bye-laws:

- (a) the ‘Members’ Registrar’ means the person of that title appointed by the Chief Executive;
- (b) the ‘Re-admissions Sub-Committee’ means the Sub-Committee of the Investigation Committee to which the Investigation Committee pursuant to Principal Bye-law 49(b) has delegated its powers, authorities or discretion in respect of applications for re-admission to membership. Such Sub-Committee shall consist of not fewer than 3 members of the Investigation Committee, of whom at least one shall not be an accountant.
- (c) the ‘Director’ means the person for the time being holding the office of the Director of the Professional Conduct Directorate of the Institute of Chartered Accountants in England and Wales (ICAEW) or any member of his department authorised by him to act in his name.

### **Cessation of membership for non-payment of fine and costs**

3 The Secretary to the Disciplinary Committee may exercise the power of the Investigation Committee under Principal Bye-law 7(c) to extend the period within which a fine or costs must be paid by a member whose registered address is outside the United Kingdom where the Secretary of the Disciplinary Committee is satisfied that for reasons beyond the member’s control he is unable to remit the amount due.

### **Re-admissions to membership**

4 The Members’ Registrar shall (save in those cases set out in Regulation 5 below) re-admit to membership of the Institute under Principal Bye-law 9 any person who having ceased to be a member applies for re-admission to membership and who in the opinion of the Members’ Registrar has satisfactorily answered all the questions in the form of application approved by the Investigation Committee. Such re-admission shall be unconditional or subject only to conditions affecting future payments.

5 In those cases set out as follows the discretion of the Council to re-admit to membership under Principal Bye-law 9 shall be exercised by the Re-admissions Sub-Committee (on consideration of papers submitted to it) in accordance

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<sup>1</sup>Last amended on 31 August 2006 by the Professional Standards Board; changes take effect from 1 January 2007

#### 4.4

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with guidelines approved by the Investigation Committee and as amended from time-to-time:

- (a) a person whose membership ceased by operation of an order made pursuant to the Disciplinary Bye-laws;
- (b) a person whose membership ceased by virtue of bankruptcy;
- (c) a person against whom the Members' Registrar has been notified that there is an unresolved complaint;
- (d) a person whose membership ceased by virtue of his failure to pay fines and/or costs imposed pursuant to the Disciplinary Bye-laws;
- (e) a person who has been out of membership for more than four years;
- (f) any other person whose application for re-admission to membership the Members' Registrar for any reason considers should be dealt with by the Re-admissions Sub-Committee.

#### **Re-admission fees**

**6** Where a person:

- (a) applies to be re-admitted under Regulation 4 they shall pay on application a re-admission fee equivalent to the annual subscription applicable to their Registered Address in the year of application; or
- (b) applies to be re-admitted under Regulation 5 they shall pay on application a re-admission fee equivalent to twice the annual subscription applicable to their Registered Address in the year of application.

**7** The re-admission fee payable is additional to any subscriptions, whether outstanding from the year in which the person ceased to be a member or payable for the year in which they are re-admitted to membership.

**8** Where a person is not re-admitted, any fees and subscriptions paid pursuant to these regulations will be repayable.

#### **Waivers**

**9** An applicant seeking re-admission to membership whose membership has ceased under the terms of Principal Bye-law 7 (b), failure to pay the annual subscription by 31 March, shall be granted a waiver of either part or whole of the re-admission fee provided he can demonstrate to the Members' Registrar's satisfaction that the non or late payment of the annual subscription was due to circumstances which were wholly outside the applicant's control.

**10** In the event that the Re-admissions Sub-Committee refuses an application for re-admission to membership it shall give written reasons for refusal.

#### **Appeals against Refusal to re-admit to Membership**

**11** An applicant refused readmission to membership may, within 28 days of the date on which the written reasons for such refusal are sent to him, give notice of appeal to the Director. Any such notice shall state the grounds of appeal.

**12** As soon as practicable after receipt by the Director of an effective notice

of appeal under Regulation 11 above, the Chairman of the Appeal Committee, or failing him its Vice Chairman, shall appoint a panel to hear the appeal and Disciplinary Bye-laws 27, 28 and 29 shall apply as appropriate. With the exception of Appeal Committee Regulations 6, 7, 12, 13 and 27–33 the Appeal Committee Regulations shall apply to the hearing of the appeal.

**Resignations**

**13** The Members' Registrar shall accept the resignation of any member tendered under Principal Bye-law 6 unless (i) he has been notified that there is an unresolved complaint against that member; or (ii) there is in his view any other reason why the resignation should be considered by the Investigation Committee in either of which cases the Members' Registrar shall refer the tendered resignation to the Investigation Committee to be dealt with.

**14** In all other cases the discretion of the Council to accept the resignation of a member under Principal Bye-law 6 shall be exercised by the Investigation Committee.

**Commencement**

**15** These Regulations shall apply to all matters considered after 1 January 2007 notwithstanding the date upon which any application was made.