

## 5.1 LEARNING & PROFESSIONAL DEVELOPMENT REGULATIONS

### Preliminary

1 These regulations are made by resolution of the Learning & Professional Development Board of the Institute with authority of the *Council* made in a resolution dated 3<sup>rd</sup> November 1993 under clause 2(b) of the *Supplemental Charter* and pursuant to clause 16 thereof.

2 These regulations are made for the purposes of the bye-laws and govern:

- (a) the education, training and assessment of provisional members and independent students pursuant to bye-law 2;
- (b) the conditions for the award of the Certificate in Finance, Accountancy and Business;
- (c) admission to *membership* of the Institute pursuant to bye-laws 2–4;
- (d) the conditions under which a member shall be eligible to hold a *practising certificate* pursuant to bye-law 52;
- (e) the conditions which a member shall satisfy to qualify under the Companies Act 2006;
- (f) the manner in which a member who is an *Associate* shall satisfy the Council as to the member's fitness to become a Fellow of the Institute pursuant to clause 7 of the *Supplemental Charter*; and
- (g) the appeal against any decision made under sub-paragraphs (a)–(f) above.

3 These *regulations* shall take effect from 1 December 2008 or on such later date as the *Committee* shall decide in respect of any amendments or additions thereto and shall supersede any previous such *regulations* issued by or on behalf of the *Council*.

4 Save as otherwise defined in regulation 5, expressions defined in bye-law 1 shall have the same meanings in these *regulations* and the following are relevant:

*Council* means the Council of the Institute;

*European Community* includes the European Economic Area where any provision relates to a matter to which the European Economic Area Agreement relates;

*member* means a member of the Institute and *membership* shall be construed accordingly;

*practice* and *public practice* mean practice as a public accountant in any part of the world otherwise (subject to bye-law 51(b) concerning directors of a body corporate) than as an employee. Please see the Council statement on engaging in public practice;

*practising certificate* means a certificate issued to a *member* by the Institute authorising him to engage in *public practice*;

*provisional member* (formerly known as student) means a person:

- (a) who is training under a training agreement; or has registered their period of approved training

(b) who has trained under such agreement or period of approved training and is eligible either to sit for the ACA examinations of the *Institute* or, having successfully sat those examinations, to apply for *membership*;

and for the purposes only of this definition an order under bye-law 22(7)(d) of the Disciplinary Bye-laws (concerning eligibility to sit examinations) shall be disregarded.

*Royal Charters* means the Royal Charter dated 11th May 1880 and the *Supplemental Charter* dated 21st December 1948;

*Supplemental Charter* means the Supplemental Royal Charter dated 21st December 1948; and

*United Kingdom* includes the Channel Islands and the Isle of Man.

5 In these *regulations* the following expressions shall have the following meanings:

*approved training* means practical training and work experience gained within an *authorised training employer* (formerly authorised training organisation);

*Associate* means the class of *membership* of the *Institute* to which a person who has satisfied the regulations is admitted unless and until they gain fellowship of the Institute.

*Authorised Training Employer* means a person, firm, body or undertaking authorised by these *regulations* to provide *approved training*;

bye-law or bye-laws means a bye-law or the bye-laws of the *Institute* for the time being in force;

*cancellation* means the ending of a *training contract* or *training agreement* before *approved training* has been completed;

*CCAB* means the Consultative Committee of Accountancy Bodies;

*Committee* means the Learning & Professional Development Board (or such other Committee as the *Council* may from time-to-time designate) or any Committee, Sub-Committee, person or persons acting under its direction;

*Continuing Professional Development (CPD)* means the provisions of Principal Bye Law 56 namely that a member shall:

- (a) keep under review his needs for training and development having regard to the professional and other work he undertakes;
- (b) where such a review identifies a specific need for training or development act promptly to meet such need; and
- (c) certify annually to the Institute compliance with these provisions and, if requested by the Institute, provide such evidence of compliance as may be required.

*Continuing Professional Education (CPE)* means the arrangements for the maintenance of professional competence by the continuous updating of knowledge and skills applicable up to 31 December 2004

*Credit for Prior Work Experience* means recognition against the practical experience requirements for Institute membership on the basis of appropriate work experience gained before the commencement of a training agreement but within an Institute approved training environment.

*Deputy QPRT* means a named individual nominated by the QPRT and confirmed by the *committee* and meeting the requirements set out in regulation 53(a) and (b) as responsible for *approved training* carried out at an ICAEW *Authorised Training Employer* under the supervision of the QPRT.

*Fellow* means the class of membership to which a person is admitted who has satisfied the requirements for Fellowship prescribed in these *regulations*;

*Initial Professional Development* or *IPD* means the Institute-required system of skills and behaviour development for *provisional members* (formerly known as *Work-based Learning* or *WBL*)

*independent student* means a person who has been registered as such by the *Institute*, who has satisfied the requirements for entry into a *training agreement* but who is not serving under, or has not previously served under, a *training agreement*;

The *Institute* means the Institute of Chartered Accountants in England and Wales;

*Institute examinations* means the Professional Stage and Advanced Stage examinations, or other examinations as prescribed by the *Committee*.

*module* means one paper comprising the syllabus for the ACA;

*Non-member* means an individual who is not a current member or *student* of the Institute;

*Professional Oversight Board* refers to the statutory regulator of the accountancy profession, which is a division of the Financial Reporting Council.

*Professional Stage* means both the knowledge modules and application modules within the ACA syllabus

*Qualified Person Responsible for Training (QPRT)* means the person nominated under regulation 7 to be responsible for the approved training to be carried out at an ICAEW *Authorised Training Employer*;

*QPRT Advisor* means the person nominated under regulation 55 to support a QPRT who is not an ICAEW member;

*recognised degree* means any degree or postgraduate diploma award of an academic institution in the *United Kingdom* or Republic of Ireland or, at the discretion of the *Committee*, a degree awarded elsewhere or a combination of qualifications corresponding to such degree or diploma;

*Recognised Qualifying Body* means a body declared by the UK Professional Oversight Board for accountancy as a Body able to grant the Audit Qualification under the Companies Act 2006;

*registration* means the acceptance by the *Institute* in the manner prescribed by these regulations of an *independent student* or *provisional member* and of any amendments thereafter to the *provisional member's training agreement* or period of *approved training*;

*Secretary* means the Secretary to the *Committee* or any person acting in any such capacity by the direction of the *Council*;

*Structured Training in Ethics* or *STE* means the Institute-required system of ethics education for *provisional members*;

*student* means an *independent student* or a *provisional member*;

*study leave* means periods of leave or absence by a *provisional member* from the *Authorised Training Employer* for the purpose of completing learning programmes in preparation for *Institute examinations*;

*training agreement* means an agreement made between an *Authorised Training Employer* and a candidate for *membership* in which both parties acknowledge their mutual commitment to provide an effective period of *approved training* and a proper contribution to the work of the *Authorised Training Employer*;

*training contract* means an agreement made between an *Authorised Training Employer* and a candidate for *membership* in which both parties acknowledge their mutual commitment to provide an effective period of *approved training* and a proper contribution to the work of the *Training Employer*;

*training office* means an office within a ICAEW authorised *Training Employer*;

**6** Except when otherwise stated, the references to Schedules are to Schedules to these *regulations* and such Schedules shall have the same status and effect as if they were set out herein as part hereof.