

Review Committee regulations

Effective from [date] These regulations were made by the Professional Standards Board of ICAEW and first came into force on the 1 January 2001. Regulations 1, 17 and 34a were amended with effect from 1 July 2005. Regulations 2, 7, 14, 19 and 30 were amended with effect from 5 November 2008. In regulation 1, the definition Review Committee was amended with effect from 1 September 2015, the definition of Investment Business Committee was amended with effect from 1 July 2012 and subsequently amended with effect from 1 September 2015. On 14 August 2014 the Probate Committee became a new defined term. On 1 July 2016 Regulation 7 was amended in respect of the quorum for a panel of the Review Committee. On [date] the Legal Services Committee replaced the Probate Committee as a new defined term.

Interpretation

- 1 These regulations are made pursuant to the Principal Regulations. If there is any conflict between these regulations and the Principal Regulations, the Principal Regulations shall prevail. Except where express reference is made in this regulation, words and phrases used in these regulations have the same meaning as in the Principal Regulations.
 - Applicant** means either a firm or a person which or who has made an application for a review of a decision of the Audit Registration Committee, the Insolvency Licensing Committee, the Legal Services Committee or the Investment Business Committee.
 - Application** means an application for review of a decision of the Audit Registration Committee, the Insolvency Licensing Committee, the Legal Services Committee or the Investment Business Committee.
 - Audit Registration Committee** or 'ARC' means the registration committee appointed by the Council of ICAEW to discharge the responsibilities and powers contained in the Audit Regulations.
 - Business days** means Monday to Friday excluding public holidays.
 - Chairman** means the chairman of a panel or, in his absence, the chairman of the Review Committee.
 - Days** include weekends and public holidays.
 - The director** means the person holding the office which is responsible for the operation of ICAEW's disciplinary and regulatory arrangements in Professional Standards.
 - Firm** has the meaning given in the Principal Regulations applicable to the regulatory committee which made the decision or order in respect of which the applicant seeks a review.
 - ICAEW** means the Institute of Chartered Accountants in England and Wales
 - ICAEW member** means an individual who is a member of ICAEW
 - Investment Business Committee** or 'IBC' means the authorisation committee appointed by the Council of ICAEW to discharge the responsibilities and powers contained in the DPB Handbook, the DPB (Consumer Credit) Handbook and under the Statement of professional standing regulations.
 - Insolvency Licensing Committee** or 'ILC' means the Licensing Committee appointed by the Council of ICAEW to discharge the responsibilities and powers contained in the Insolvency Licensing Regulations.
 - Lay member** means someone who is not and never has been a member, affiliate or employee of ICAEW or any other accountancy body. Furthermore, solicitors and those with legal training will not be regarded as lay members in the Review Committee when it determines any review of a decision of the Legal Services Committee.

Legal adviser means a person employed by ICAEW and who may be instructed by the director as the Institute's representative on any application for a review.

Legal assessor means a solicitor or barrister appointed by the secretary under Regulation 7.

Legal Services Committee or 'LSC' means the accreditation committee appointed by the Council of ICAEW to discharge the responsibilities and powers contained in the Legal Services Regulations.

Member means a member of the committee whether accountant, lay or otherwise.

Panel means three members appointed to hear an application for a review. A panel must comprise two lay members and one ICAEW member.

Postponement means abandonment of a date set for a hearing before the hearing has started.

The masculine gender shall include the feminine gender and vice versa and the singular shall include the plural.

Principal Regulations means the Audit Regulations, the DPB Handbooks, the Insolvency Licensing Regulations and the Legal Services Regulations as amended from time to time'.

Professional Standards Board means the board to which the Council of the Institute has delegated responsibility for oversight of regulatory matters. This Board has now been replaced by the ICAEW Regulatory Board.

Regulatory Committee means the ARC, ILC, LSC or IBC as appropriate.

Review Committee means the committee of ICAEW appointed to review decisions concerning audit registration, insolvency licensing, probate accreditation, investment business and consumer credit under the Principal Regulations.

Secretary means the secretary to the Review Committee.

- 2 An application shall be made in writing to the secretary within 10 business days of the regulatory committee serving a decision on a firm or ICAEW member (or 28 days in the case of a decision by the Legal Services Committee to withdraw or suspend accreditation). Any such application:
 - a. should contain a statement of the ground or grounds on which the review is sought;
 - b. should state whether he requires his application to be heard in public; and
 - c. may be served on the secretary by fax or email.
- 3 In the absence of a request under regulation 2b, the applicant shall be deemed to have waived his right to have a hearing in public.
- 4 The secretary shall not accept as valid an application for review that does not comply with regulation 2a.

Application for leave to apply for review outside the time limit

- 5 Subject to the following provisions of this regulation, an application made outside the time limit specified in regulation 2 may be considered by the chairman and in his absence the vice-chairman of the Review Committee and his decision shall be final. Any such application shall:
 - a. be in writing;

- b. set out the reasons why the application could not reasonably have been made within the period originally allowed; and,
 - c. be accompanied by documents or other material in support of the application including, where appropriate, a medical certificate or other confirmation of a medical condition.
- 6 An application made outside the said time limit that does not comply with regulation 5, a, b and c shall not be valid.

Prior to the hearing

- 7 The director shall, as soon as practicable, arrange to convene a panel of the Review Committee to consider the application. Subject to Regulation 8, a quorum for a Panel of the Review Committee is three and must comprise two lay members and one ICAEW member. The panel will be advised by a legal assessor. The legal assessor is not a member of the Review Committee. His role is to advise the panel on procedure and law and to prepare any written Record of Decision for approval by the chairman of the panel.
- 8 If, in the case of a panel convened to consider the application, any member of the panel:
- a. is for any reason unable to attend the hearing or any adjourned hearing of the application; or,
 - b. is, in the course of the hearing, unable to continue to attend,
- the remaining members, if not less than two in number and providing they comprise one lay member and one ICAEW member, may at their discretion proceed or continue with the hearing; but if the applicant is present or represented at the hearing, they shall do so only if he or his representative consents.
- 9 Unless he agrees to waive or vary any requirements for notice, as soon as practicable after receipt of his application, the applicant will be given not less than 42 days written notice of the date, time, and place for the hearing of the application.
- 10 The director shall appoint a representative to prepare and present ICAEW's case to the panel who may be a legal adviser or a barrister or solicitor.
- 11 In support of his application, an applicant may make written representations (subject to regulation 13 below), appear in person before the panel and or be represented by a barrister or a solicitor or any other ICAEW member or with the agreement of the panel, any person.
- 12 Not less than 28 days before the date set aside for the hearing, the secretary shall serve on the applicant:
- a. a copy of all documents that the panel will be asked to consider;
 - b. a copy of any statements of witnesses (whether or not they are to be called to give oral evidence) which shall give the full name and address of, and shall be signed by, the witness; and,
 - c. a case summary.
- 13 Not less than 14 days before the date set for the hearing, the applicant shall serve on the secretary:

- a. any response in writing to documents served upon him under regulation 12 above;
 - b. eight copies of all documents that the panel will be asked to consider; and,
 - c. eight copies of any statements of witnesses (whether or not they are to be called to give oral evidence) which shall give the full name and address of, and shall be signed by, the witness.
- 14 Any notice or document shall be served by the applicant by sending the notice or document addressed to the secretary to the Review Committee at Metropolitan House, 321 Avebury Boulevard, Milton Keynes MK9 2FZ by first-class post. Any notice or document required to be served on the applicant may be served personally or by first-class post to the applicant at his registered address. If documents are served by post, service is deemed to have been effected 48 hours after posting.
- 15 The director may decide whether an application for a postponement of a hearing, should be granted.
- 16 The director, or the chairman may of his own volition or on an application by either party prior to the proceedings direct that there be a pre-hearing review.
- 17 Any preliminary issues on procedure or any application for directions which are necessary or desirable for securing the just, expeditious, and economical disposal of an application may be determined by a pre-hearing review panel (which may or may not be the panel appointed to consider an application). Any matters falling within this regulation may be decided by agreement between the parties without a hearing.
- 18 After the decision of the regulatory committee but before any hearing of the application, the director may ask the applicant to provide such further information and documents relating to the application as he thinks necessary for the just, expeditious and economic disposal of the application and may require the applicant to supply such further copies of any document as he considers necessary.

Order of proceedings

- 19 Unless the panel otherwise directs, the order of proceedings will be as follows:
 - a. a representative will present ICAEW's case and produce any evidence, including calling of witnesses to give oral evidence;
 - b. the applicant or his representative will present his case and then produce any evidence including oral evidence from the applicant or calling witnesses to give oral evidence;
 - c. ICAEW's representative followed by the applicant may each make a closing address to the panel;
 - d. the panel may ask questions of the applicant; and
 - e. the panel will consider its decision in the absence of the parties.

The hearing

- 20 The hearing of the application shall be held in private unless the applicant has requested a hearing in public in accordance with regulation 2.

- 21 In the absence of the applicant or his representative, the panel may proceed to hear the application where it is satisfied that regulation 9 has been complied with.
- 22 If the applicant does not comply with regulation 13 and he does not attend at the hearing, either in person or by his representative, the application may be dismissed.
- 23 The rules of judicial evidence will not apply. The panel may, at its discretion, treat as evidence any testimony whether in written, oral, or other form.
- 24 A witness for one party may be questioned by, or on behalf of, the other party. A witness so questioned may be re-examined by, or on behalf of, the party calling him.
- 25 The panel may, at its discretion, hear two or more applications for review of decisions made by an applicant at the same time.
- 26 The panel may, with the agreement of all parties, hear applications for review from two or more applicants at the same time.
- 27 The panel may adjourn after hearing the application but before making a decision. In these circumstances the panel may ask the parties to reconvene at a later date so that it can give its decision or it may advise the parties that the decision will be notified in writing within a specific time period. If a decision is notified in writing then:
 - a. the parties shall have a period of seven days from receipt of the written decision to make submissions in writing to the panel as to costs and publicity;
 - b. the panel shall, within seven days thereafter, notify the parties in writing of its decision as to costs and publicity; and
 - c. for the avoidance of doubt, the date of the panel's decision shall be the date on which the decision in regulation 27b is deemed under these regulations to have been served on the applicant.
- 28 The panel shall consider whether publicity of any decision it makes is appropriate and if so, it shall decide in what manner the decision will be published.
- 29 After the panel makes a decision, the secretary shall give written notice of the decision to the applicant.
- 30 The panel shall provide written reasons for the decision which it has made including any direction as to whether publicity shall be given to the decision.
- 31 A shorthand or stenographic note of the proceedings may be taken or a tape recording made of them, on behalf of the panel.
- 32 No objection shall be upheld to any technical fault in the procedure adopted by the panel provided that the proceedings are fair and that the relevant regulations have been complied with.

- 33 After the panel has made its decision in respect of the matter under review, the chairman may invite ICAEW's representative to make representations on the question of costs. The applicant may make representations on the question of whether it or he should pay ICAEW's costs or a contribution thereto.
- 33.1 The panel may order the applicant to pay such sum as it may in its absolute discretion determine.
- 33.2 Unless a longer period for payment (whether by instalments or not) is allowed, the costs must be paid by the applicant within 30 days beginning with the date on which notice of the decision is given.

Withdrawal of application

- 34 The applicant may withdraw his application by notice in writing delivered to the secretary:
- a. at any time, being not less than 21 days before the date set aside for the application; or,
 - b. with leave of the chairman at any other time; and,
 - c. if an application to withdraw falls under regulation 34b, the applicant may make written representations on the reasons for wishing to withdraw and whether he should pay a sum in respect of ICAEW's costs.
- 35 Leave may be granted under regulation 34 above on such terms including payment of ICAEW's costs incurred to that date or a contribution thereto as the chairman shall decide in his absolute discretion.
- 36 Where an applicant gives notice to the secretary, either verbally or in writing, that he does not accept the terms under 35 above and that he will not attend the hearing, the chairman may in his absolute discretion decide that ICAEW's costs or a contribution thereto shall be paid by the applicant and that the application shall stand dismissed.