



ICAEW READMISSION, REREGISTRATION AND APPEAL REGULATIONS

EFFECTIVE FROM 1 JUNE 2023

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PRELIMINARY

Citation, authority and commencement

1. These regulations may be cited as the Readmission and Re-registration Application and Appeal Regulations of the Institute of Chartered Accountants in England and Wales (ICAEW) (the '**regulations**').
2. These **regulations** were made by the **ICAEW Regulatory Board** in accordance with clause 16 of the Supplemental Charter and Principal Bye-law 49 on 1 June 2023 and took effect on 1 June 2023. Subject to **regulation** 11, from 1 June 2023 the Fitness Committee (Admission to Provisional Membership, Re-registration and Readmission) Regulations (1 January 2018) and the Appeal Committee Regulations (1 January 2021) are, as they relate to readmission and re-registration applications, repealed.

Interpretation

3. In these **regulations**, defined terms are indicated in **bold and italics**. Unless the context otherwise requires, defined terms have the following meanings:

answer means an answer by *ICAEW* to an *appeal*, which shall include any documentation appended in support of the response.

appeal means an appeal by an *applicant* in accordance with the *principal regulations* and these *regulations* against a decision by a *Fitness to Practise Panel* to refuse re-admission to membership of, or re-registration with, *ICAEW*.

appeal application fee means the fee which is prescribed by the *ICAEW Regulatory Board* at the time a *notice of appeal* is served by an *applicant* in accordance with *regulation* 48 and which must be paid for the *appeal* process to commence.

Appeal Committee means the Appeal Committee of *ICAEW* whose members are convened into *Appeal Panels* to consider, among other matters, *appeals* in readmission and re-registration cases made in accordance with the *principal regulations* and these *regulations*.

Appeal Committee Chair means the person who is appointed from time to time as Chair of *ICAEW's Appeal Committee* by the *RACAC* (or relevant predecessor or successor body).

Appeal Committee Vice-Chair means any person who is appointed from time to time as a Vice-Chair of *ICAEW's Appeal Committee* by the *RACAC* (or relevant predecessor or successor body).

appeal hearing means a substantive *hearing* of the *Appeal Panel* to determine an *appeal*.

Appeal Panel means a panel of the *Appeal Committee* appointed by the *Appeal Committee Chair* to determine an *appeal*, which shall comprise three *lay members* and two *members*. One of the three *lay members* shall be either the *Appeal Committee Chair* or an *Appeal Committee Vice-Chair* who shall be appointed as Chair of the *Appeal Panel*.

Appeal Panel Chair means the member of the *Appeal Committee* who is appointed by the *Appeal Committee Chair* as the Chair of an *Appeal Panel* (and who may be the *Appeal Committee Chair* themselves) and who shall chair an *appeal hearing* and any *pre-hearing review*.

appeal proceedings means the proceedings leading up to, and during, an *appeal hearing* following a decision of a *Fitness to Practise Panel* to refuse a *readmission / re-registration application*.

applicant means:

- a. a person who was previously a *member* and who is applying for readmission to membership of *ICAEW* in accordance with the *Regulations relating to Membership Cessation, Readmission and Resignation*; or
- b. a person who was previously a *foundation qualification holder* of *ICAEW* and who is applying for re-registration as a *foundation qualification holder* in accordance with the *Foundation Qualification Regulations*.

business day means Monday to Friday, excluding public holidays.

complaint means a 'complaint' as defined in the *IDRs*.

Conduct Committee means the Conduct Committee of *ICAEW* convened in accordance with the *IDRs*.

conduct matter means a 'conduct matter' as defined in the *IDRs*.

directions means either:

- a. steps or actions which both *parties* agree to take in the *appeal proceedings* prior to an *appeal hearing*; or
- b. actions which the *parties* are directed to take by an *Appeal Panel Chair* at a *pre-hearing review*.

disciplinary committee means any of:

- a. the *Conduct Committee*;
- b. the *Tribunals Committee* and any *Tribunals*;
- c. the *Appeal Committee* and any *Appeal Panels*,

and any predecessor or successor to any such body, and 'disciplinary committees' means all of them.

disciplinary proceedings means ‘disciplinary proceedings’ as defined in the *IDRs*.

disciplinary record means in relation to an *applicant*, any previous:

- a. (adverse) disciplinary findings or orders made by a *disciplinary committee* of *ICAEW* (or relevant predecessor body);
- b. (adverse) disciplinary findings or orders made by a Disciplinary Tribunal or Appeal Tribunal of the Financial Reporting Council (or relevant predecessor body) or by a Joint Disciplinary Tribunal or Appeal Committee of the Joint Disciplinary Scheme;
- c. regulatory penalty for a breach or breaches of the Audit Regulations, the Local Audit Regulations, the Designated Professional Body (Consumer Credit) Handbook, the Insolvency Licensing Regulations, the Legal Services Regulations or the Licensed Practice Handbook of *ICAEW*;
- d. charge for a breach or breaches of the Designated Professional Body (Investment Business) Handbook of *ICAEW*; and
- e. Practice Assurance (PA) penalty for a breach or breaches of the Practice Assurance Regulations of *ICAEW*.

Fitness to Practise Committee means the Fitness to Practise Committee of *ICAEW* whose members are convened into *Fitness to Practise Panels* to consider, among other matters:

- a. applications for readmission to membership of *ICAEW* pursuant to the *Regulations relating to Membership Cessation, Readmission and Resignation*; and
- b. applications for re-registration of *Foundation Qualification Holder* status with *ICAEW* pursuant to the *Foundation Qualification Regulations*.

Fitness to Practise Committee Chair means the person appointed as Chair of *ICAEW*’s *Fitness to Practise Committee* by the *RACAC* (or relevant predecessor or successor body).

Fitness to Practise Panel means a panel of the *Fitness to Practise Committee* consisting of two *lay members* and one *member* appointed to consider and determine a *readmission / re-registration application* under these *regulations*.

Fitness to Practise Panel Chair means a *lay member* of the *Fitness to Practise Committee* who has been approved by the *RACAC* (or relevant predecessor or successor body) to chair *Fitness to Practise Panels* and who has been appointed by the *Fitness to Practise Committee Chair* to chair a *Fitness to Practise Panel* in accordance with these *regulations*.

formal allegation means ‘formal allegation’ as defined in the *IDRs*

foundation qualification holder means a person who holds the *ICAEW* Foundation Qualification and is registered to use the relevant designatory letters.

Foundation Qualification Regulations means the Foundation Qualification Regulations of *ICAEW* for the time being in force.

Head of Committees and Tribunals means the person within *ICAEW*'s Professional Standards Department who manages the Committees and Tribunals team.

Head of Investigation means the person appointed from time to time to the role of Head of Investigation in the Professional Standards Department of *ICAEW*, or any employee of that department who is authorised to act in that role by the *PSD Chief Officer*.

hearing means a hearing of a *Fitness to Practise Panel* or an *Appeal Panel*, whether conducted in person or through video or audio-conferencing facilities.

IDRs means the Investigation and Disciplinary Regulations of *ICAEW* for the time being in force.

ICAEW means the Institute of Chartered Accountants in England and Wales.

ICAEW Members' Registrar means the person of that title appointed by the *ICAEW* Chief Executive to administer applications for membership of *ICAEW* in accordance with the *Regulations relating to Membership Cessation, Readmission and Resignation*

ICAEW Regulatory Board means the board to which the *ICAEW* Council has delegated responsibility for the supervision of *ICAEW*'s regulatory and disciplinary functions.

ICAEW representative means a barrister or solicitor or a legally qualified person (within *ICAEW*'s Professional Standards Department or external to *ICAEW*) appointed to have conduct of the *appeal proceedings*.

lay member means someone who is not and never has been a *member*, affiliate or employee of *ICAEW* or any other accountancy body.

matters lying on file means, in accordance with the *IDRs*, any:

- a. *complaints* or *conduct matters* which the *Conduct Committee* has previously ordered shall 'lie on file'; and/or
- b. *formal allegations* which the *Tribunals Committee Chair* has previously ordered shall 'lie on file',

following the exclusion of a person from *ICAEW* membership, or the withdrawal of their status as an affiliate or provisional member of *ICAEW*, and 'lying on file' shall be construed accordingly.

member means a member of *ICAEW* and 'membership' shall be construed accordingly.

notice means notice in writing.

notice of appeal means the *notice* filed by the *applicant* indicating their wish to appeal the decision of a *Fitness to Practise Panel* to refuse readmission to membership of, or re-registration with, *ICAEW*, which includes a statement of their ground or grounds of appeal and any relevant documentation and/or evidence.

order means an order of an *Appeal Panel* made in accordance with these *regulations*.

parties means the *applicant* and *ICAEW*, and 'party' shall refer to any one of them.

pre-hearing review means a *hearing* conducted in accordance with *regulation* 61 to enable an *Appeal Panel Chair* to make *directions* and/or determine any applications by the *parties* prior to an *appeal hearing*.

principal regulations means:

- a. in readmission cases; the *Regulations relating to Membership Cessation, Readmission and Resignation*; and
- b. in re-registration cases; the *Foundation Qualification Regulations*, as amended from time to time.

private hearing application means an application for all or part of a *hearing* of a *Fitness to Practise Panel* or an *Appeal Panel* to be held in private.

PSD Chief Officer means the person with operational responsibility for the work of *ICAEW's* Professional Standards Department.

RACAC means the Regulatory and Conduct Appointments Committee which is responsible, among other matters, for the appointment and reappointment of members of the *Fitness to Practise Committee* and the *Appeal Committee* and which is accountable to the *ICAEW Regulatory Board*.

readmission / re-registration application means an application by an *applicant* for:

- a. readmission as a *member* of *ICAEW*; or
- b. re-registration as a *foundation qualification holder* of *ICAEW*,

and which has appended to it any documents and/or evidence upon which the *applicant* wishes to rely in support of their application.

record of decision means a document setting out the reasons for any decision made by a *Fitness to Practise Panel*, or any *order* made by an *Appeal Panel*.

Regulations relating to Membership Cessation, Readmission and Resignation means the *Regulations* relating to Membership Cessation, Readmission and Resignation of *ICAEW* for the time being in force.

representative means the person who has been appointed by an *applicant* to represent them at a *hearing* of a *Fitness to Practise Panel*, or at a *pre-hearing review* or a *hearing* of an *Appeal Panel*, who may be a solicitor or barrister or an *ICAEW member*, or any other person who has been approved to appear by the *Fitness to Practise Panel*, the *Appeal Panel Chair* or the *Appeal Panel* (as applicable).

Tribunals Committee means the Tribunals Committee of *ICAEW* appointed in accordance with the *IDRs*.

Tribunals Committee Chair means the person who is appointed from time to time as Chair of *ICAEW's Tribunals Committee* by the *RACAC* (or relevant predecessor or successor body).

4. The Interpretation Act 1978 applies to these **regulations** in the same way as it applies to an enactment.
5. In these **regulations**:
 - a. unless the context otherwise requires:
 - i. words denoting any gender include all genders and words denoting the singular include the plural and vice versa;
 - ii. any headings are inserted for convenience only and shall not affect the construction of these **regulations**; and
 - iii. any reference to a numbered **regulation** is a reference to the **regulation** so numbered among these **regulations**;
 - b. references to the date of a decision made by a **Fitness to Practise Panel**, or to an **order** made by an **Appeal Panel**, refer to the date on which the decision or **order** was made either on a review of papers or at, or following, a **hearing**;
 - c. any reference to a '**notice**' or to matters being 'notified' means **notice** in writing, which may include an electronic communication;
 - d. any reference to a decision being taken by the **PSD Chief Officer** includes a decision being taken by staff in the ICAEW Professional Standards Department under powers delegated from the **PSD Chief Officer**;
 - e. any reference to a decision being taken by the **Fitness to Practise Committee Chair** or the **Appeal Committee Chair** includes a decision being taken by the **Head of Committees and Tribunals** when acting under powers delegated, respectively, from the **Fitness to Practise Committee Chair** or the **Appeal Committee Chair**.

Service of notices

6. Subject to **regulation 7**, any **notice** or other document required to be served for the purposes of these **regulations** on an **applicant** may be served in person or sent:
 - a. by post to any address provided by the **applicant** in their **readmission / re-registration application**; or
 - b. by email to any email address provided by the **applicant** in their **readmission / re-registration application**.

7. If at any time the **applicant** makes a written request to **ICAEW** that an alternative postal or email address be used, that alternative postal or email address shall be used for the purposes of service of **notices** or other documents under these **regulations**.
8. Any **notice** or other document required to be served by an **applicant** in accordance with these **regulations** may be served in person or sent:
 - a. by pre-paid post addressed to the **Head of Committees and Tribunals**, ICAEW, Professional Standards Department, Metropolitan House, 321 Avebury Boulevard, Milton Keynes MK9 2FZ; or
 - b. by email to an address at which the **Head of Committees and Tribunals** has agreed to receive **notices** and documents under these **regulations**.
9. Service of a document under **regulations** 6, 7 and 8 shall be deemed to have been effected:
 - a. where served in person, on the date of service;
 - b. where sent by first class, pre-paid post, on the second **business day** after posting;
 - c. where sent by email before 16:00, on the day it is sent, and if sent after 16:00 on the next **business day**.

Application of these regulations

10. These **regulations** apply to persons:
 - a. applying for readmission to membership of **ICAEW** whose applications have been referred to the **Fitness to Practise Committee** pursuant to the **Regulations relating to Membership Cessation, Readmission and Resignation**;
 - b. applying for re-registration of **foundation qualification holder** status with **ICAEW** whose applications have been referred to the **Fitness to Practise Committee** pursuant to the **Foundation Qualification Regulations**;
 - c. appealing a decision of a **Fitness to Practise Panel** to refuse a **readmission / re-registration application** under paragraphs (a) or (b) above.
11. For the purposes of these **regulations**:
 - a. all proceedings before the **Fitness to Practise Committee** (or its predecessor body) in relation to an application for readmission to membership of **ICAEW**, or an application for re-registration as a **foundation qualification holder** of **ICAEW**, are to be conducted in accordance with the relevant **ICAEW** regulations in force at the time of the filing of the application; and
 - b. all proceedings before an **Appeal Panel** in relation to a refusal of a **Fitness to Practise Panel** to grant an application for readmission to membership of **ICAEW**, or an application for re-registration of **foundation qualification holder** status, are to be conducted in accordance with the relevant **ICAEW** regulations in force at the time of the filing of the notice of appeal (save where

the period for filing a notice of appeal commences before, but expires on or after, the date on which these **regulations** come into force where the **ICAEW** regulations governing such appeals in force at the commencement of the period shall apply).

Service of applications for readmission / re-registration to the Fitness to Practise Committee

12. Where an **applicant**:
- a. wishes to apply for readmission to membership of **ICAEW** and the **Regulations relating to Membership Cessation, Readmission and Resignation** require that their application be considered by the **Fitness to Practise Committee**; or
 - b. wishes to apply for re-registration as a **foundation qualification holder** of **ICAEW** and the **Foundation Qualification Regulations** require that their application be considered by the **Fitness to Practise Committee**,
- the **applicant** may start this process by serving a **readmission / re-registration application** on the **Head of Committees and Tribunals**.

MATTERS LYING ON FILE

13. Where the **Head of Committees and Tribunals** receives an application made in accordance with **regulation 12**, and there are **matters lying on file** in relation to the **applicant**, the **Head of Committees and Tribunals** shall notify the **Head of Investigation** of the receipt of a **readmission / re-registration application** and shall:
- a. request that the **Head of Investigation** make an application or applications in accordance with the **IDRs** in respect of the **matters lying on file**; and
 - b. confirm to the **applicant** that the **readmission / re-registration application** will be stayed pending the outcome of the **Head of Investigation's** application in respect of the **matters lying on file**.
14. Where the outcome of the **Head of Investigation's** application(s) under **regulation 13(a)** results in the closure of all **complaints** and/or **conduct matters** and/or **formal allegations** lying on file, the **Head of Committees and Tribunals** shall confirm to the **applicant** that the **readmission / re-registration application** shall proceed as set out in **regulation 17** and following, and no information regarding those matters shall be provided to the **Fitness to Practise Panel** in considering the **readmission / re-registration application**.
15. Where the **Conduct Committee** decides that one or more of the **matters lying on file** shall be re-opened, and/or the **Tribunals Committee Chair** decides that the disciplinary proceedings in respect of one or more **matters lying on file** should be re-started, the **Head of Committees and Tribunals** shall confirm to the **applicant** that the **readmission / re-registration application** shall continue to be stayed pending the occurrence of the following in respect of all **matters lying on file**:
- a. the closure of the matter by the **Conduct Department** following an assessment or investigation without reporting any allegations to the **Conduct Committee**; or
 - b. a final order (including any consent order or settlement order) being made to

conclude any **disciplinary proceedings** in respect of the matter by the **Conduct Committee**, the **Tribunals Committee** or the **Appeals Committee**.

16. Any orders made by the **Conduct Committee**, the **Tribunals Committee** or the **Appeal Committee** pursuant to **regulation 15(b)** will be taken into consideration by the **Fitness to Practise Panel** considering the **applicant's readmission / re-registration application** within the process set out below.

CONSIDERATION OF A READMISSION/RE-REGISTRATION APPLICATION BY A FITNESS TO PRACTISE PANEL ON THE PAPERS

17. Where the **Head of Committees and Tribunals** receives an application made in accordance with **regulation 12** and the application is not stayed pending the outcome of applications relating to **matters lying on file** in accordance with **regulations 13 - 16**, the **Head of Committees and Tribunals** shall:
- provide a copy of the application to the **PSD Chief Officer**; and
 - request the **Fitness to Practise Committee Chair** to appoint a **Fitness to Practise Panel** to consider the application; and
 - notify the **applicant** of the date when the **readmission / re-registration application** will be considered by the **Fitness to Practise Panel**.
18. If the **PSD Chief Officer** wishes to comment or draw the attention of the **Fitness to Practise Panel** to any issue, the **PSD Chief Officer** shall, within 14 days, serve a document with their comments on the **applicant** and the **Head of Committees and Tribunals**.
19. Either after the expiry of the period set out in **regulation 18**, or after receipt of any comments from the **PSD Chief Officer** (if earlier), the **Head of Committees and Tribunals** shall provide all relevant papers to the **Fitness to Practise Panel** which shall consider the **readmission/re-registration application** on the papers and in private.
20. In addition to the **readmission/re-registration application**, the **Head of Committees and Tribunals** shall provide the **Fitness to Practise Panel** with details of any **disciplinary record** of the **applicant** (including any orders made by the **Conduct Committee**, the **Tribunals Committee** or the **Appeal Committee** pursuant to **regulation 15(b)**).
21. The **Fitness to Practise Panel** may, prior to determining the **readmission/re-registration application**, request any further information and/or evidence from the **applicant**.
22. Where, after reviewing the **readmission/re-registration application** and any additional information and/or evidence provided by the **applicant** pursuant to **regulation 21**, the **Fitness to Practise Panel** decides to approve the application, the

Head of Committees and Tribunals shall serve **notice** of its decision as soon as practicable on the **applicant** and the **ICAEW Members' Registrar**, and the service of that **notice** shall conclude these proceedings.

23. Where, after reviewing the **readmission/re-registration application** and any additional information and/or evidence provided by the **applicant** pursuant to **regulation 21**, the **Fitness to Practise Panel** indicates its intention to refuse the application, the matter will be adjourned and the **Head of Committees and Tribunals** shall notify the **applicant** of their right, within 10 **business days** of service of the **notice**, to request a **hearing** to make oral representations in support of the **readmission / re-registration application**.
24. Where the **applicant** notifies the **Head of Committees and Tribunals** within 10 **business days** of their request for a **hearing**, the **Head of Committees and Tribunals** shall fix a date for the **Fitness to Practise Panel** to hear the oral representations and shall notify the **applicant** of the date, time, location or format of the **hearing**.
25. If the **applicant** does not request a **hearing** within 10 **business days**, the **Head of Committees and Tribunals** shall inform the **ICAEW Members' Registrar** and the **applicant**, on behalf of the **Fitness to Practise Panel**, that the **readmission / re-registration application** has been refused.

PRE-HEARING PROCEDURE

26. Any application made in writing for a postponement of the **hearing** which has been fixed by the **Head of Committees and Tribunals** in accordance with **regulation 24** shall be considered by the **Fitness to Practise Panel Chair** and their determination will be final. If the postponement is granted, the **Head of Committees and Tribunals** shall notify the **applicant** of the new date, time, location or format for the **hearing**.
27. If the **applicant** wishes to rely on any document at the **hearing** which did not form part of their **readmission/re-registration application**, or intends to call a witness to give evidence at the **hearing**, the **applicant** shall provide a copy of the document, or a summary of the evidence the witness shall give, to the **Head of Committees and Tribunals** at least 5 **business days** before the **hearing**.
28. At any time prior to the **hearing**, a **Fitness to Practise Panel** may require, through a request made by the **Head of Committees and Tribunals**, that an **applicant** provide such further information and/or evidence relating to the **readmission/re-registration application** as the **Fitness to Practise Panel** thinks is necessary to assist the **Fitness to Practise Panel** in determining the application. The **Fitness to Practise Panel Chair** may postpone the **hearing** until such information and/or evidence is provided.
29. If, prior to the start of a **hearing** of a **Fitness to Practise Panel**, any member of a **Fitness to Practise Panel** appointed by the **Fitness to Practise Committee Chair** in accordance with these **regulations** is unable to attend the **hearing**, the **Fitness to**

Practise Committee Chair shall appoint another member of the **Fitness to Practise Committee** to the **Fitness to Practise Panel**. If no suitable member of the **Fitness to Practise Committee** is available on the date fixed for the **hearing**, the **Fitness to Practise Committee Chair** shall request the **Head of Committees and Tribunals** to fix a new date for the **hearing** and to notify the **applicant** of the new date.

CONDUCT OF THE HEARING

30. Subject to **regulation 31**, a **hearing** of a **Fitness to Practise Panel** considering a **readmission / re-registration application** shall take place in public and a notice of the **hearing** shall be published on the **ICAEW** website by the **Head of Committees and Tribunals** at least 7 days in advance.
31. If an **applicant** wishes to make a **private hearing application**, the **applicant** shall serve the application in writing on the **Head of Committees and Tribunals** at least 5 **business days** before the **hearing**. Any such application will be considered in private by the **Fitness to Practise Panel** at the start of the **hearing** and its decision on the application will be final. The outcome of the application will determine whether all, or part, of the **hearing** shall be held in private.
32. In considering a **private hearing application**, a **Fitness to Practise Panel** shall only direct that all or part of the **hearing** be held in private where it identifies good reasons which outweigh the public interest in the **hearing** being in public.
33. If a **hearing** is held in public, a **Fitness to Practise Panel** may exclude from all, or part, of a **hearing**, any person or persons whose conduct has disrupted, or is likely to disrupt, the **hearing**.
34. If, after the start of a **hearing**, any member of the **Fitness to Practise Panel** is, for any reason, unable to continue to attend, the **Fitness to Practise Panel** will no longer be quorate and may not continue. In such circumstances, the **Head of Committees and Tribunals** shall request the **Fitness to Practise Committee Chair** to appoint a new **Fitness to Practise Panel** and shall fix a date and time for a new **hearing**. No members of the original **Fitness to Practise Panel** shall be appointed as members of the new **Fitness to Practise Panel**.
35. If, at any time during a **hearing**, the **Fitness to Practise Panel Chair** is, for any reason, of the opinion that it is impracticable or would be contrary to the interests of justice for the **hearing** to be completed by that **Fitness to Practise Panel**, they shall so inform the **Fitness to Practise Committee Chair** who shall direct that the matter be re-heard by a new **Fitness to Practise Panel**. No members of the original **Fitness to Practise Panel** shall be appointed as members of the new **Fitness to Practise Panel**.
36. A **hearing** of the **Fitness to Practise Panel** may proceed in the **applicant's** absence where the **Fitness to Practise Panel** is satisfied that the **applicant** was provided with **notice** of the **hearing** by the **Head of Committees and Tribunals** in accordance with these **regulations**.

37. The **hearing** shall be informal and shall proceed on an inquisitorial basis and the normal rules of evidence shall not apply.
38. An **applicant** may represent themselves or their application may be presented by a **representative**. An **applicant** is deemed present when they appear by their **representative**. If an **applicant** does not attend a **hearing** either themselves or by a **representative**, but provides written representations, the **Fitness to Practise Panel** may take those representations into account in reaching its decision.
39. A **Fitness to Practise Panel** may, at its discretion, consider any evidence which was not notified to the **Head of Committees and Tribunals** in advance or the **hearing** in accordance with **regulation 27**.
40. During the **hearing**, the **Fitness to Practise Panel** may ask questions of the **applicant** and any witness giving evidence in support of the **readmission/re-registration application**, which are relevant to whether the application should be approved.
41. A **Fitness to Practise Panel** may adjourn the **hearing** of its own volition or upon an application by an **applicant** to a new date fixed by the **Fitness to Practise Panel**. An **applicant** may make an application to the **Fitness to Practise Panel Chair** for a further adjournment before the **hearing** is resumed by making an application in writing to the **Head of Committees and Tribunals**. The **Fitness to Practise Panel Chair's** decision on such an application shall be final.
42. A **Fitness to Practise Panel** may deliberate in the absence of the **applicant** and their **representative** (if any) at any time during the **hearing**.
43. A written transcript or digital recording of the proceedings may be taken on behalf of the **Fitness to Practise Panel**.
44. No objection shall be upheld to any technical fault in the procedure adopted by a **Fitness to Practise Panel** provided that the proceedings are fair and in accordance with the relevant regulations.

DECISION OF THE FITNESS TO PRACTISE PANEL

45. The **Fitness to Practise Panel** shall, after hearing and reviewing all of the evidence, determine whether to grant or refuse the **readmission / re-registration application** and shall, if the **applicant** is present at the **hearing**, inform them verbally of its decision.
46. As soon as practicable following the **hearing**, the **Head of Committees and Tribunals** shall confirm the decision of the **Fitness to Practise Panel** in writing to the **applicant** and shall provide them with a copy of its **record of decision**. The **Head of Committees and Tribunals** shall also inform the **ICAEW Members' Registrar** of the decision of the panel.

RIGHT OF APPEAL AGAINST THE DECISION OF THE FITNESS TO PRACTISE PANEL

47. An **applicant** may appeal a decision of the **Fitness to Practise Panel** to refuse a **readmission / re-registration application** on grounds that:
- a. the **Fitness to Practise Panel** made an error in law or in its interpretation of any relevant bye-law, regulation or guidance which would have altered its decision;
 - b. the **Fitness to Practise Panel's** decision was unjust because of a serious procedural or other irregularity in the proceedings;
 - c. the **Fitness to Practise Panel** failed to take into account relevant evidence which would have altered its decision;
 - d. there is significant, new evidence that was not available at the time of the **hearing** and which the **applicant** could not with reasonable diligence have been expected to obtain, which would have altered the **Fitness to Practise Panel's** decision;
 - e. that the **Fitness to Practise Panel** based its decision on a material mistake of fact or a series of mistakes of fact which would have altered one or more of its decisions; and/or
 - f. that the **Fitness to Practise Panel** made a decision which was unreasonable.

Filing a notice of appeal

48. In order to start an **appeal**, an **applicant** must serve a **notice of appeal** on the **Head of Committees and Tribunals** and pay the **appeal application fee** within 28 days of service on them of the **record of decision** of the **Fitness to Practise Panel**. The **notice of appeal** must specify one or more of the grounds of appeal set out in **regulation 47**.

Process after service of notice of appeal

49. Upon receipt of a **notice of appeal** and the **appeal application fee** within the time prescribed in **regulation 48**, the **Head of Committees and Tribunals** shall as soon as reasonably practicable:
- a. provide a copy of any **notice of appeal** to the **PSD Chief Officer** who shall appoint an **ICAEW representative** to respond to the **notice of appeal**;
 - b. request the **Appeal Committee Chair** to appoint an **Appeal Panel** for the **appeal hearing**; and
 - c. fix a date for the **appeal hearing** which shall be no earlier than 35 **business days** from the date of service of the **notice** and confirm the date, time, location or format of the **appeal hearing** to the **applicant** and the **ICAEW representative**.
50. If a **ICAEW representative** wishes to serve an **answer** to the **notice of appeal**, this must be served within 20 **business days** from the date of service of the **notice of appeal** on the **PSD Chief Officer**, and a copy of the **answer** shall be served on the **applicant** by the **Head of Committees and Tribunals**.

51. Where the **appeal** is based on the ground of appeal set out in **regulation 47(d)**, the **applicant** shall be entitled to rely on that new evidence at the **appeal hearing**.
52. An **applicant** may, at any time, withdraw their **appeal** by serving a **notice** to that effect on the **Head of Committees and Tribunals**.

Application for permission to appeal out of time

53. If an **applicant** fails to file a **notice of appeal** and/or fails to pay the **appeal application fee** within the 28 day period specified in **regulation 48**, an **applicant** may apply for permission to appeal out of time by:
 - a. serving on the **Head of Committees and Tribunals** a **notice of appeal** together with a statement of reasons as to why the application was not made within the period specified (and any supporting evidence); and
 - b. by paying the **appeal application fee**.
54. Upon receipt of an application pursuant to **regulation 53**, the **Head of Committees and Tribunals** shall provide a copy of the **notice of appeal** and the statement of reasons to the **ICAEW representative** who shall have 10 **business days** from service of the application to make representations on the statement of reasons.
55. After the expiry of 10 **business days**, or receipt of representations from the **ICAEW representative** (if earlier), the **Head of Committees and Tribunals** shall provide a copy of the application, the **notice of appeal**, the statement of reasons and any representations from the **ICAEW representative** to the **Appeal Committee Chair** who shall determine whether the application should be allowed on the papers and who shall provide reasons to support their determination. The **Appeal Committee Chair** should only allow the application to proceed if there are good reasons why the **notice of appeal** could not reasonably have been served within the time limit specified in **regulation 48**. The **Head of Committees and Tribunals** shall notify the **parties** of the **Appeal Committee Chair's** decision and provide them with a copy of the **Appeal Committee Chair's** reasons.
56. Where the **Appeal Committee Chair** determines that the application for permission to appeal out of time should be refused, that determination shall conclude the proceedings and the **appeal application fee** will be refunded by **ICAEW** to the **applicant** within 30 days.
57. Where the **Appeal Committee Chair** determines that the application for permission to appeal out of time should be allowed, the process for hearing the **appeal** shall proceed in accordance with **regulations 49 - 52 and 58 onwards**.

PRIVATE HEARING APPLICATIONS

58. **Appeal hearings** for **readmission/re-registration applications** shall be held in public unless a **party** makes a successful **private hearing application**.

59. Where the **appeal hearing** is to be held in public, notice of the **hearing** shall be published by the **Head of Committees and Tribunals** on the **ICAEW** website at least 7 days in advance.
60. If a **party** wishes to apply for the whole, or part, of any **appeal hearing** to be held in private, a **private hearing application** must be made in writing to the **Head of Committees and Tribunals** within 10 **business days** of the **parties** being notified of the date fixed for the **appeal hearing**, setting out the reasons why the **party** considers that the **appeal hearing** should be held in private.

PRE-HEARING REVIEW

61. Once an **Appeal Panel** has been appointed in accordance with **regulation 49**, the **Appeal Panel Chair** may, of their own volition, or on an application by either **party** (including a request to consider a **private hearing application**) direct the **Head of Committees and Tribunals** to arrange for a **pre-hearing review** to take place prior to the date fixed for the **appeal hearing**.
62. At a **pre-hearing review**, an **Appeal Panel Chair** may consider any applications for **directions** made by the **parties** (made either orally at the **pre-hearing review** or in written representations) and shall give such **directions** as they think necessary for the purpose of securing the just, expeditious or economic disposal of the **appeal proceedings**, which may include **directions** relating to:
- a. any proposed amendment of the **notice of appeal** (including the grounds of appeal) or the **answer**;
 - b. the admissibility of any new evidence by either **party**, save where such evidence is admitted under **regulation 51**;
 - c. the admission of any facts by either **party**;
 - d. the documents to be considered by the **Appeal Panel**;
 - e. whether the whole or part of an **appeal hearing** should be held in private (if a **private hearing application** has been made in advance by a **party** in accordance with **regulation 60**);
 - f. any application for oral evidence to be given at the **appeal hearing**;
 - g. changing the date or the length or the venue or platform of the **appeal hearing**.
63. When considering a **private hearing application**, an **Appeal Panel Chair** shall only make an **order** that an **appeal hearing** be held in private where they conclude that the press and public should be excluded from the whole, or part, of an **appeal hearing** in the interests of justice and/or due to the exceptional circumstances of the case which outweigh the public interest in the **appeal hearing** being held in public.

CONDUCT OF AN APPEAL HEARING

General provisions

64. Where, prior to the start of an **appeal hearing**, a member of an **Appeal Panel**, appointed in accordance with **regulation** 49, is unable to attend the **appeal hearing**, the **Appeal Committee Chair** shall appoint another member of the **Appeal Committee** to the **Appeal Panel**. If no suitable member of the **Appeal Committee** is available on the date(s) fixed for the **appeal hearing**, the **Head of Committees and Tribunals** shall fix a new date for the **appeal hearing** and shall notify all **parties** of the new date.
65. Where, after the start of the **appeal hearing**, any member of the **Appeal Panel** is, for any reason, unable to continue to attend, the **Appeal Panel** will no longer be quorate and may not continue. In such circumstances, the **Head of Committees and Tribunals** shall request the **Appeal Committee Chair** to appoint a new **Appeal Panel** and shall fix a date and time for the **appeal hearing** to take place. No members of the original **Appeal Panel** shall be appointed as members of the new **Appeal Panel**.
66. If, at any time during an **appeal hearing**, the **Appeal Panel Chair** is for any reason of the opinion that it is impracticable or would be contrary to the interests of justice for the **hearing** to be completed by that panel, they shall so inform the **Appeal Committee Chair** or any **Appeal Committee Vice-Chair** who shall thereupon direct that the **appeal** be re-heard by a new **Appeal Panel** so appointed. (If the **Appeal Panel Chair** is the **Appeal Committee Chair**, they shall direct that the **appeal** be re-heard by a new **Appeal Panel**).
67. An **appeal hearing** may proceed in the absence of the **applicant** where the **Appeal Panel** is satisfied that the **applicant** has been notified of the date, time, location or format of the **appeal hearing** in accordance with these **regulations** and that proceeding is desirable for securing the just, expeditious and economic disposal of the **appeal**.
68. An **Appeal Panel** may adjourn proceedings of their own volition or on the application of either **party**. A **party** may also make an application to the **Appeal Panel Chair** for a further adjournment before the **appeal hearing** is resumed, which must be copied to the other **party** who shall be entitled to make written representations on the application before a decision is made by the **Appeal Panel Chair**.
69. A **party** may only amend the **notice of appeal** or any **answer** at an **appeal hearing** with the permission of the **Appeal Panel**.
70. An **Appeal Panel** may deliberate in private in the absence of the **parties** and their representatives at any time.
71. Unless it directs otherwise, or it is agreed between the **parties**, an **Appeal Panel** will not receive oral evidence.

72. An **appeal hearing** will be limited to a review of the decision of the **Fitness to Practise Panel** unless the **Appeal Panel** considers that in the circumstances of an individual appeal it would be in the interests of justice to hold a re-hearing.

Order of proceedings

73. At the start of the **appeal hearing**, the **Appeal Panel** shall consider as a first matter any representations from the **ICAEW representative** on whether the **appeal** falls within one or more of the grounds of appeal set out in **regulation 47**. If such representations are made, the **Appeal Panel** shall consider any representations made in response by the **applicant**.
74. Where the **Appeal Panel** considers, after hearing any representations, that the **appeal** does not fall within one or more of the grounds of appeal set out in **regulation 47**, it shall dismiss the **appeal**.
75. Where the **Appeal Panel** considers that the **appeal** falls within one or more grounds of appeal set out in **regulation 47**, the **Appeal Panel** shall continue to hear the **appeal** in respect of that ground or grounds only.
76. At an **appeal hearing**, the **Appeal Panel**:
- shall consider the documents and evidence before it including, if relevant, the record of evidence given before, and the documents produced to, the **Fitness to Practise Panel**;
 - shall consider any written representations of the **parties** and shall provide the **parties** with a reasonable opportunity of being heard (either in person or via their representative);
 - may, if it thinks fit, re-hear any witness who gave oral evidence before the **Fitness to Practise Panel**; and
 - may consider any new evidence in support of an **appeal** brought on the basis of **regulation 47(d)** or, in exceptional circumstances (as to which the **Appeal Panel** shall be the sole judge) other new evidence.
77. The rules as to the admissibility of evidence in a court of law shall not apply. The **Appeal Panel** may determine the conduct of the **appeal hearing** in such manner as it considers appropriate for the clarification of the issues in the **appeal** and generally for the just conduct of the proceedings. The default process shall be:
- The **applicant**, or their **representative**, shall address the **Appeal Panel** first on the merits of their **appeal**.
 - The **ICAEW representative** shall then address the **Appeal Panel** as to why the **appeal** should not be allowed.
 - Where an **Appeal Panel** allows a witness to be called by a **party** to give oral evidence, the witness may, after being questioned by the **party** calling them, be questioned by the other **party**. They may then be re-examined by the **party** calling them but only in relation to the evidence given by them under cross-examination. The **Appeal Panel** may ask questions of any witness at any stage during their evidence. The **Appeal Panel** may, on the application of a **party**, agree that the identity of a witness should not be revealed to the public.

Witnesses will not be required to swear an oath or affirm.

- d. The **parties** may make closing addresses to the **Appeal Panel** with the **applicant** being heard last

78. A shorthand or stenographic note of the appeal hearing may be taken, or a recording made, on behalf of **Appeal Panel**.

DECISION OF THE APPEAL PANEL

79. After hearing an **appeal**, the **Appeal Panel** may by **order**:
 - a. allow the **appeal** and approve the **readmission / re-registration application**;
 - b. remit the **readmission / re-registration application** to the **Fitness to Practise Committee** for re-consideration by a differently constituted **Fitness to Practise Panel**; or
 - c. dismiss the **appeal**.
80. Where an **Appeal Panel** allows an **appeal**, or remits the application back to the **Fitness to Practise Committee** for re-consideration, the **appeal application fee** shall be refunded by **ICAEW** to the **applicant** within 30 days of the **hearing**. Where an **Appeal Panel** dismisses the **appeal**, the **appeal application fee** shall be retained by **ICAEW**.
81. The **Appeal Panel** shall either notify the **parties** of its decision and any **orders** at the end of the **appeal hearing** or, if not, shall notify the **parties** of its decision and any **orders** as soon as reasonably practicable after the **appeal hearing**, through the **Head of Committees and Tribunals**. The **Head of Committees and Tribunals** shall also inform the **ICAEW Members' Registrar** of the **Appeal Panel's** decision on the application.
82. An **order** made by an **Appeal Panel** under these **regulations** shall take effect on the date of the **order** unless the **Appeal Panel** directs that it shall take effect as from some later date specified in the **order**. The **Appeal Panel** shall also provide its **record of decision** as soon as reasonably practicable to the **Head of Committees and Tribunals** who shall, in turn, provide a copy of the **record of decision** to both **parties**.

Review of decisions and correction of errors

83. The **Appeal Panel Chair** may, of their own volition or upon application by either **party**, review any **order** made by the **Appeal Panel** or the **record of decision** and may, on such review, correct any accidental slip or omission in the **order** or the **record of decision** that does not accurately reflect the findings, reasoning and / or **orders** of the **Appeal Panel**.
84. An application made under regulation 83 shall be made within 28 days from the date the **record of decision** of the **Appeal Panel** was served on the **parties**.

CONFIDENTIALITY

85. All written material and information provided by either **ICAEW** or the **applicant** in connection with proceedings shall at all times remain confidential and no such material or information shall be disclosed (directly or indirectly) except:
- a. to legal advisers for the purposes of the proceedings;
 - b. to any person to whom disclosure is necessary for the purposes of obtaining information or assistance in connection with proceedings;
 - c. where information is disclosed indirectly to members of the public in the course of a public hearing;
 - d. where the applicant is a principal in, or employed by, a firm, to a principal in that firm;
 - e. to an insurer where disclosure is required under the terms of a policy or in connection with any application for insurance cover;
 - f. where the disclosure to any person or body undertaking regulatory, disciplinary or law enforcement responsibilities is for the purpose of assisting that person or body to undertake those responsibilities required or allowed by law.

This **regulation** does not apply to any advance notice of a **hearing** of the **Fitness to Practise Panel** or **Appeal Panel** published in accordance with these **regulations**

Our role as an improvement regulator

Our role is to strengthen trust in ICAEW Chartered Accountants and firms. We do this by enabling, evaluating and enforcing the highest standards in the profession.

ICAEW's regulatory and conduct roles are separated from ICAEW's other activities so that we can monitor, support or take steps to ensure change if standards are not met. These roles are carried out by the Professional Standards Department (PSD) and overseen by the ICAEW Regulatory Board (IRB).

Our role is to:

- **authorise** ICAEW firms, members and affiliates to undertake work regulated by law: audit, local audit, investment business, insolvency and probate;
- **support** the highest professional standards in general accountancy practice through our Practice Assurance scheme;
- **provide** robust anti-money laundering supervision and monitoring;
- **monitor** ICAEW firms and insolvency practitioners to ensure they operate correctly and to the highest standards;
- **investigate** complaints and hold ICAEW firms and members to account where they fall short of standards;
- **respond** and comment on proposed changes to the law and regulation; and
- **educate** through guidance and advice to help stakeholders comply with laws, regulations and professional standards.

Chartered accountants are talented, ethical and committed professionals. ICAEW represents more than 202,450 members and students around the world. All of the top 100 global brands employ ICAEW Chartered Accountants.*

Founded in 1880, ICAEW has a long history of serving the public interest and we continue to work with governments, regulators and business leaders globally. And, as a world-leading improvement regulator, we supervise and monitor around 12,000 firms, holding them, and all ICAEW members and students, to the highest standards of professional competency and conduct.

ICAEW is the first major professional body to be carbon neutral, demonstrating our commitment to tackle climate change and supporting UN Sustainable Development Goal 13.

ICAEW is a founding member of Chartered Accountants Worldwide (CAW), a global family that connects over 1.8m chartered accountants and students in more than 190 countries. Together, we support, develop and promote the role of chartered accountants as trusted business leaders, difference makers and advisers.

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*includes parent companies. Source: ICAEW member data
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