

AMENDMENT TO POWERS OF THE PROFESSIONAL CONDUCT COMMITTEE IN TERMS OF THE BY-LAWS

The SAICA Constitution at section 16.2 authorises the Board to amend the By-laws or to make new By-laws.

As per a resolution of the Board on 21 September 2016 the By-laws regarding the powers of the Professional Conduct Committee are amended and supplemented as follows:

1. By-Law 19.3.9.1 is amended to grant the Professional Conduct Committee the power to suspend persons from membership, associateship or registration as a trainee accountant for a period not exceeding 12 (twelve) months such that the By-Law 19.3.9.1 reads as follows:

“19.3.9.1 If on receipt of the accused’s explanation the Professional Conduct Committee is not satisfied therewith or if no explanation is forthcoming, the Professional Conduct Committee shall have full power to:

19.3.9.1.1 caution;

19.3.9.1.2 reprimand;

19.3.9.1.3 impose a fine on the accused of not more than half the maximum amount that the Disciplinary Committee may impose in terms of the provisions of By-law 20.8.3,

19.3.9.1.4 suspended the accused from membership, associateship or registration as a trainee accountant for a period not exceeding 12 (twelve) months; or

19.3.9.1.5 prefer a formal complaint against the accused to the Disciplinary Committee, provided that where the Professional Conduct Committee imposes a fine in terms of this By-law, it may suspend the payment of the fine or any part thereof on such conditions as it may determine”

2. The **amendment** of the SAICA By-Law 19.3 by inserting:
a new By-Law 19.3.9.4 which enables SAICA to recover any fines imposed by the Professional Conduct Committee as follows:
“Any such fine imposed by the Professional Conduct Committee may be recovered from the accused in civil proceedings in any court of law.”

3. **Inserting a new By-Law 19.3.9.5** which grants the Professional Conduct Committee the power to order an Accused person to make a reasonable costs contribution for costs which SAICA may have incurred in the investigation or hearing of a complaint, which By-Law shall read as follows:
“19.3.9.5 The Professional Conduct Committee shall have the power to order any accused upon whom any punishment is imposed under these By-laws to pay such reasonable costs as the Institute may have incurred in connection with the investigation or hearing by the Professional Conduct Committee, or such part of those costs as the Professional Conduct Committee may consider just. Such costs may be recovered from the accused in civil proceedings in any court.”

These amendments and insertions will apply to all disciplinary matters which come before either the Professional Conduct Committee or the Disciplinary Committee after 1 November 2016.

**Johannesburg
September 2016**

SAICA Board