

Rules governing Membership Requirements

Rules governing members registered with the MIPA as Professional Accountants or Public Accountants as well as to Member Firms.

1. These rules may be cited as the Mauritius Institute of Professional Accountants (Membership Requirements) Rules 2005.
2. These rules shall apply to members registered with the MIPA as Professional Accountants or Public Accountants as well as to Member Firms.
3. In these rules -

“Act” means the Financial Reporting Act 2004;

“applicant” means a person who has applied for a certificate of registration to become a member of MIPA;

“application” means an application for membership to the MIPA submitted by an applicant;

“Board” means the Board of the MIPA;

“certificate” means certificate referred to under section 55 of the Financial Reporting Act 2004;

“chairperson” means the chairperson of the MIPA;

“disciplinary proceedings” means proceedings made against a member in respect of whom a complaint is found proved in whole or in part pursuant to the MIPA (Disciplinary Proceedings) rules 2005;

“personal data” has the same meaning as defined under section 2 of the Data Protection Act 2004;

“public practice” has the meaning ascribed to it by the Financial Reporting Act 2004;

“MIPA” means the Mauritius Institute of Professional Accountants;

“MIPA(M)” means the designatory letters used by Members of the Mauritius Institute of Professional Accountants

“member” means a person , duly admitted to membership of the MIPA;

“rules” means rules made by the MIPA from time to time;

“year” means the year ending 30 June

Expressions in the singular shall include the plural and vice versa and in a gender shall include the other genders and references to persons shall include corporate entities (including partnerships or firms) and vice versa.

4. Eligibility for membership

- 4.1 A person shall be eligible for membership to the MIPA if that person satisfies the provisions of sections 51 or 54 of the Act, as applicable.

5. Rights and obligations of members

- 5.1 On being admitted as a registered member, a person may denote his membership to MIPA by the use of the designatory letters MIPA(M).

- 5.2 Upon and following admission to membership, the rules made pursuant to section 59 of the Act shall apply to and bind every person so admitted for so long as he is a member.

- 5.3 Every person shall, on applying for admission to membership, sign an undertaking that he will, if admitted, and for so long as he is a member and, insofar as the rules so provide, thereafter, observe the rules and that he will not use any designation or designatory letters suggesting that he is a member of or has any other connection with the MIPA after he has ceased to be a member of the MIPA.

- 5.4 Each applicant must pay upon application an application fee as may be determined, from time to time, by the MIPA. Such application fee shall in all circumstances be non-refundable. On admission, he shall be issued with a certificate of registration by the MIPA subject to the payment of an annual membership fee for the year.

- 5.4.1 The renewal of the annual membership fee for subsequent years shall be due on 1 July of each year, unless the MIPA shall otherwise direct and shall be payable in advance and shall be non-refundable whether or not the member intends to or does in fact remain a member for the entire year to which the fee relates.

- 5.4.2 The amount of the fee on issue of the certificate of registration by the MIPA and the annual membership fee shall be as specified in the rules made from time to time and approved by the MIPA in the General Assembly.

5.5 Members should ensure that the quality of their knowledge and service is maintained after admission to membership and should set themselves objectives for their own continuing professional development. These should involve a combination of formal and informal study and must contribute directly to a member's professional competence, and include study of subjects including accountancy, taxation and other relevant areas of law such as company law, as well as any specialised areas of the individual's work. Members should adopt personal management development programmes and also obtain regular updates on trends in the business and commercial environment.

5.5.1 A minimum period of study, to be prescribed by the Board, should be undertaken.

5.5.2 A record of the continuing professional development undertaken should be made and be available for inspection by the MIPA on request.

5.6 Every member shall make a return to the MIPA in such form and at such time as the MIPA may prescribe showing whether or not the member is in public practice and notifying a place of business or residence as his registered address.

5.7 Each member must notify the MIPA forthwith of any change in his name and/or his registered address(es) other than one which is merely temporary and/or his particulars of registration with MIPA.

6. Application procedure to become a member

6.1 An applicant must apply in writing in such form, giving such undertakings and accompanied by such fees, as may be prescribed by the Board from time to time.

6.2 It shall be for an applicant to satisfy the Board that he is eligible in accordance with these rules for membership

6.3 The Board shall consider all applications. At any time after receiving an application and before finally deciding upon it, the Board may require the applicant to furnish it with additional information.

6.4 Any information furnished by the applicant shall, if so required, be verified in such manner as the Board may determine.

6.5 The Board may additionally take into account any other information which it considers appropriate in relation to the applicant.

- 6.6 The applicant may within a reasonable time after service of such other information serve on the MIPA any additional information written comments or submissions for the MIPA's consideration.
- 6.7 Where the Board deems it appropriate to have regard to the decision of any other body in its consideration of an application, any such decision which has not been set aside on appeal or otherwise shall be regarded as conclusive proof of the fact that it has been made and shall not be re-opened before the Board unless the Board in its absolute discretion otherwise determines.
- 6.8 After consideration of all of the information before it, the Board shall make a decision on the application.
- 6.9 The Board may decide to -
- 6.9.1 grant the application;
 - 6.9.2 adjourn consideration of any application or postpone the admission of any applicant to membership; or
 - 6.9.3 refuse membership to the applicant.
- 6.10 When an application is granted, the applicant shall be issued with a certificate of registration pursuant to section 55 of the Act. Any such certificate shall remain the property of the MIPA and shall be returned to the MIPA on the individual ceasing to be a member.
- 6.11 Where an application is rejected the Board shall notify the applicant accordingly but shall not be bound to provide any reasons for its decision.

7 Provision of data

The MIPA may process applicants' and members' personal data subject to the provisions of the Data Protection Act, 2004.

8 Resignation of member

- 8.1 Any member, wishing to resign shall tender written notice to the MIPA in the prescribed form. On its acceptance his membership shall cease and his name shall be removed from the relevant register.
- 8.2 Any member giving notice of his intention to resign shall remain liable to pay any subscription or other sums due at the date the relevant notice is accepted.
- 8.3 A notice of resignation or notice seeking removal from the members' register shall not be accepted and the member shall accordingly not cease to be a member where a complaint in respect of him or of a relevant firm in relation to which he is a specified

person has been received by the MIPA until such time as the matter has been finally disposed of and the amount of any penalty or costs specified in a disciplinary proceedings made in respect of him or such relevant firm has been paid in full.

9. Removal of member status

- 9.1 Subject to rules 9.2 to 9.5 below, a member shall cease to hold his status as such if any sum, including the annual membership fee shall remain unpaid after three months from the date on which it was due to the MIPA.
- 9.2 The Board may in its absolute discretion, either on its own power or on the application of the member concerned, suspend the operation of rule 9.1 where it is of the opinion that it is reasonable to do so.
- 9.3 Rule 9.1 shall not apply to a member where a complaint in respect of him in relation to which he is a specified party has been received by the MIPA until such time as the complaint is finally disposed of and all applicable appeal periods have expired.
- 9.4 Where a decision of a disciplinary nature has been made against member in relation to which such member is a specified party, he will automatically cease to be a member if he fails to pay, when due, any amount imposed by way of a penalty or costs pursuant to such decision. Provided that the Board may at its absolute discretion and on such terms as it deems fit agree to defer the due date for payment on the application of the member prior to such date if it is of the opinion that such deferral is appropriate in all the circumstances.
- 9.5 The Board shall be entitled to recover from that member the amount of any penalty or costs which he has been ordered to pay pursuant to a disciplinary decision, notwithstanding that he has ceased to be a member howsoever that may have occurred.

10. Readmission

- 10.1 Any former member may apply for readmission provided he settles all previous arrears due from him to the MIPA on the date when his membership ceased. Such application for admission shall be made in the same manner as an original application and it shall be considered by the Board in accordance with the Act, save that, the Board shall have specific regard to the circumstances of such former member's cessation of membership.
- 10.2 No member who has been the subject of disciplinary proceedings and against whom a decision has been taken to exclude him from membership, or against whom a decision has been taken to prohibit him from applying for readmission to membership for a specified period, shall seek readmission until the expiry of such period.

11. General

- 11.1 Any notice or other document required to be given to any person pursuant to these rules may be given to him personally or by sending it by registered post or courier to his registered address. If the person has no registered address any notice or document should be sent by post or courier to his address last known to the MIPA. Any such notice or document so sent shall be deemed to have been delivered within 7 days (excluding Saturdays, Sundays or Public Holidays) of despatch.

Any notice or document required to be served on the MIPA shall be deemed to be served by sending it by registered post or courier to the MIPA. Any such notice or document so sent shall be deemed to have been delivered within 7 days (excluding Saturdays, Sundays or Public Holidays) of despatch.