

CHAPTER 369

An Act Relating to Public Accountants

Short title

1 This Act may be cited as the Public Accountants Act.

Interpretation

2 (1) In this Act,

(a) "public accountancy" means the investigation and audit of accounting records and preparation and reporting on balance sheets, profit and loss accounts and financial statements;

(b) "public accountant" means a person who carries on a public accountancy practice as his principal means of livelihood, and who in connection with that practice offers his services for reward to members of the public, along or in partnership with others.

Act does not apply

(2) This Act does not affect a person who carries on the business of public bookkeeping and who does not perform any of the acts or functions of public accountancy. R.S., c. 245, s. 1.

Public Accountants Board

3 There shall be a Board, hereinafter called "the Board", which shall be a body corporate under the name of the Public Accountants Board of the Province of Nova Scotia. R.S., c. 245, s. 2.

Composition of Board

4 (1) The Board consists of five members who shall be appointed as follows:

(a) three members shall be appointed by the Governor in Council, who shall hold office for such time as the Governor in Council may determine;

(b) two members shall be appointed by the Institute of Chartered Accountants of Nova Scotia, who shall hold office for the term of three years.

Re-appointment

2) A member of the Board is eligible for re-appointment upon expiration of his term of office. R.S., c. 245, s. 3.

Resignation

5 (1) A member of the Board may at any time resign his office by giving notice to the Board.

Casual vacancy

(2) Where a vacancy occurs in the membership of the Board by reason of the death or resignation of a member, the Board shall forthwith notify the person or body which appointed such member and such person or body shall fill the vacancy.

Term of appointment

(3) The member appointed to fill the vacancy holds office for the unexpired portion of the term of the member he replaces and is eligible for re-appointment. R.S., c. 245, s. 4.

Powers

6 The powers of the Board include

(a) the granting or refusal, in accordance with this Act, of licensed under this Act;

(b) the keeping of a roll of the persons for the time being licensed under this Act;

(c) the consideration of matters of common interest and concern to public accountants and the

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submission, either alone or in concert with others, of representations to any government department or public authority with reference to any such matters;

(d) the prescribing of standards of educational and other qualifications required of applicants for a licence under this Act, and the holding of examinations and the setting and marking of examination papers for the purpose of determining the existence of such qualifications;

(e) the provision of scholarships for students in public accountancy and of maintenance grants for such students whose means appear to the Board to be insufficient to enable them to pursue their studies;

(f) the conduct and encouragement, whether by means of financial assistance or otherwise, of research ° in public accountancy.
1969, c. 68, s. 1.

Organizational meeting

7 (1) As soon as practicable after the date of appointment of the Board, the Board shall hold a meeting for the purpose of electing a President, a Vice-president, a Secretary and such other officers as may be deemed necessary and, subject to this Act, for determining upon procedure and upon all other matters requiring to be determined in order that the Board may function under this Act.

Convening and secretary of organizational meeting

(2) A member of the Board designated by the Governor in Council shall convene such meeting and shall appoint a person to act as secretary for the purpose of that meeting. R.S., c. 245, s. 6.

Semi-annual meeting

8 (1) The Board shall meet in January and July of each year at such times and places as it from time to time determines and at such other times and places as it determines.

Other meetings

(2) The President of the Board may at any time convene a meeting of the Board at such time and place as he may, by notice to the members of the Board, direct.

Effect of vacancy

(3) The Board may act notwithstanding a vacancy in its number occurring from any cause. R.S., c. 245, s. 7.

Voting

9 All matters which come up for decision at a meeting of the Board shall be decided by a majority of votes of members present, and, in the case of an equality of votes, the President, Vice-president or other person presiding at the meeting has a second or casting vote. R.S., c. 245, s. 8.

Vacancy

10 Where any vacancy occurs in the office of President, Vice-president or Secretary of the Board, another member of the Board shall be elected by the remaining members of the Board to fill the vacancy. R.S., c. 245, s. 9.

Quorum

11 At meetings of the Board, three members of the Board constitute a quorum. R.S., c. 245, s. 10.

Roll of Public Accountants

12 The Board shall, as soon as practicable after the tenth day of April, 1952, prepare and thereafter maintain a roll to be called The Roll of Public Accountants of Nova Scotia. R.S., c. 245, s. 11.

Entry on roll

13 The Board shall, from time to time, cause to be entered on the roll the name and address of every person licensed under this Act and the Board shall, from time to time, cause to be removed therefrom

(a) the names of all persons who make application in writing to the Board requesting the Board to remove their names from the roll;

(b) the names of all persons who die or cease to reside in Canada;

(c) the names of all persons whose licences under this Act have been revoked or have not been renewed in accordance with this Act; and

(d) any names or particulars inaccurately entered on the roll, and shall cause to be made any other necessary alterations or corrections therein. R.S., c. 245, s. 12.

Entitlement to licence

14 (1) A person who applies to the Board and pays the prescribed fee is entitled to be licensed as a public accountant if the Board is satisfied that the person

(a) Is a resident of Canada;

(b) Has complied with such educational and other requirements;
and

(c) Has passed such examinations as the Board from time to time prescribes.

Consideration of application

(2) Every application under this Section shall be dealt with by the Board at its first meeting after the date on which the application is received by the Board. R.S., c. 245, s. 13.

Use of designation "Public Accountant"

15 Any person who is licensed under this Act may take or use the name or designation "Public Accountant" but not any abbreviation thereof. R.S., c. 245, s. 14.

Date on licence or renewal

16 (1) Every licence granted or renewed under this Act shall bear the date on which it was granted or renewed.

Expiry of licence or renewal

(2) Subject to this Act, every licence granted or renewed under this Act expires on the thirty-first day of December following the date of its issue.

Application for renewal

(3) A person holding a licence under this Act who wishes to have the licence renewed shall apply to the Board and shall pay the prescribed fee.

Entitlement to renewal

(4) A person holding a licence under this Act, who has applied to the Board in accordance with this Section, is entitled to have the licence renewed, but nothing in this subsection prejudices or affects the right of the Board to revoke any licence in accordance with this Act. R.S., c. 245, s. 15.

Suspension or revocation for misconduct

17 (1) Where a person licensed under this Act has been found on inquiry held by the Board to be guilty of conduct unbecoming to him in his capacity of a public accountant, the Board may, subject to the provisions of this Section, suspend or revoke the licence granted to that person and cause his name to be removed from the roll.

Inquiry

(2) In any case in which it appears to the Board that a person licensed under this Act has been guilty of conduct unbecoming to him in his capacity of a public accountant, the Board may cause an inquiry to be made.

Notice of inquiry

(3) Where an inquiry is to be made under this Section, the Board shall forthwith cause to be served on the person concerned a notice of the proposed inquiry specifying the time and place at which it is to be held and the subject-matter thereof, and the person concerned is entitled to be heard at the inquiry and may be represented by counsel.

Regulations respecting inquiry

(4) The Board, with the approval of the Governor in Council, may make regulations for the conduct of inquiries.

Effect of revocation of licence

(5) No person whose licence is revoked under this Section shall, except as hereinafter provided, be qualified for the grant of a licence hereunder.

Discipline by Institute

(6) Nothing in this Section diminishes or enlarges the powers of the Council of the Institute of Chartered Accountants of Nova Scotia to administer discipline in the case of any member of the institute. R.S., c. 245, s. 16.

Notice required

18 Where the Board refuses the application of a person to be licensed under this Act or where the Board suspends a licence or revokes a licence granted to a person and causes his name to be removed from the roll, it shall forthwith cause written notice of the refusal or of the suspension or revocation and removal, as the case may be, to be served on such person. R.S., c. 245, s. 17.

Appeal

19 A person aggrieved by the refusal of the Board to grant him a licence or by the suspension of a licence or the revocation of a licence and the removal of his name from the roll may, within three months from the date on which notice of the refusal, suspension or revocation was served on him, appeal to a judge of the Trial Division of the Supreme Court against the refusal, suspension or revocation, and on any such appeal, the judge may confirm the decision of the Board or may direct the Board to grant or restore the licence and place the applicant's name on the roll, and his order is final. R.S., c. 245, s. 18; 1972, c. 2, s. 9.

Restoration to roll

20 A person whose licence has been suspended or revoked may have the suspension cancelled or may be granted a new licence and have his name restored to the roll at the discretion of the Board at any time, either with or without payment of a fee as the Board may determine. R.S., c. 245, s. 19.

Prohibited activity of unlicensed person

21 (1) Subject to this Section, no person who is not licensed under this Act shall

- (a) take or use the name or title "Public Accountant"~
- (b) practise as a public accountant; or
- (c) wilfully pretend to be licensed as a public accountant.

Penalty

(2) Any person who contravenes this Section is, without prejudice to any other proceedings which may be taken, liable upon summary conviction to a penalty not exceeding two hundred and fifty dollars and, on failure to pay the same, to imprisonment for not more than one hundred and twenty-five days for the first contravention and to a penalty not exceeding five hundred dollars and, on failure to pay the same, to imprisonment for not more than two hundred and fifty days for any subsequent contravention. .

Defence

(3) Notwithstanding subsection (2), where a contravention of this Section by any person is occasioned by the fact that his licence has been revoked and that his name has been removed from the roll, it is a good defence to any proceedings in respect of such contravention to prove that, at the time when such contravention is alleged to have been committed, a notice of the revocation and removal had not been served in accordance with this Act or that

- (a) the time for appealing to a judge of the Trial Division of the Supreme Court against the revocation and removal had not expired; or
- (b) an appeal to the judge against the revocation and removal had been duly brought and had not been determined.

Exemption from penalty

(4) No person is liable to any penalty for the doing of any act prohibited by clause (b) of subsection (1) if the act so done was done at a place distant more than ten miles from an office maintained by a public accountant licensed under this Act. R.S., c. 245, s. 20; 1972, c. 2, s. 9.

Corporate practice

22 It is not lawful for a body corporate to practise as a public accountant and any body corporate contravening this Section is, without prejudice to any other proceedings which may be taken, liable on summary conviction to a penalty as provided in Section 23. R.S., c. 245, s. 21.

Summary Proceedings Act

23 Where no other penalty is by this Act specifically provided, the Summary Proceedings Act applies where a person violates any of the provisions of this Act. R.S., c. 245, s. 22.

Course by Institute of Chartered Accountants

24 (1) A person who is licensed under this Act may apply to the Council of the Institute of Chartered Accountants of Nova Scotia for permission to study the course leading to admission into that Institute and the Council shall thereupon grant such permission without requiring that such person be or become employed by a practising chartered accountant.

Examinations of Institute

(2) A person who is licensed under this Act and who has resided in the Province and practised public accountancy therein for a period of at least six years may write the final examinations leading to admission into the

Institute of Chartered Accountants of Nova Scotia and, upon passing the examinations and upon complying with the requirements of the Institute with respect to age, good moral character and habits and preliminary education, is entitled on payment of the required fee to admission as a member of the Institute.

Registered student of Institute

(3) A person employed by a public accountant licensed under this Act may apply to the Council of the Institute of Chartered Accountants of Nova Scotia to be registered as a registered student of that Institute and the Council shall admit such person as a registered student without requiring that such person be or become employed by a practising chartered accountant if such person complies with the other requirements of the Institute respecting registered students. R.S., c. 245, s. 23.

Fund

25 (1) There shall be a fund into which all money received by the Board shall be paid and out of which shall be paid

- (a) all administrative and establishment expenses of the Board;
- (b) all expenses incurred by the Board in carrying out its functions under this Act; and
- (c) all other liabilities properly incurred by the Board.

Management of fund

(2) The Board shall manage, administer and keep proper accounts of the fund.

Report

(3) The Board shall not later than the last day of February in each year submit to the Governor in Council a report on the condition of the fund and on its administration in the preceding year. R.S., c. 245, s. 24.

Remuneration and expenses

26 The Board may pay

(a) to the members of the Board, such allowances for travelling and subsistence expenses incurred in the discharge of their functions as such members or as members of any committee of the Board; and

(b) to the Secretary and any other officers and employees of the Board, such salaries and remuneration and gratuities as the Board determines. R.S., c. 245, s. 25.

Annual audit

27 The accounts of the Board shall be audited annually by an auditor to be appointed by the Board, but a member of the Board or a person who is in partnership with a member is not eligible for appointment as auditor under this Section. R.S., c. 245, s. 26.

Regulations

28 1) With the approval of the Governor in Council, the Board may make regulations

(a) prescribing the fees to be paid for the grant and renewal of licences under this Act;

(b) prescribing the information to be furnished and the form of any declaration to be made to the Board in connection with any application for the grant or renewal of a licence under this Act;

(c) regulating the proceedings and meetings of the Board;

(d) generally for carrying out the purposes of this Act.

Availability of regulations and forms

(2) The Board shall; on receipt of a prescribed charge, supply a copy of any regulations made under this Act

and of any forms prescribed by such regulations to any person applying therefor. R.S., c. 245, s. 27.

Signing of documents

29 All regulations, licences, notices and other documents made, granted or issued by the Board for any purpose whatsoever may be signed on behalf of the Board by the Secretary or by such other officer of the Board as may from time to time be authorized by the Board to do so. R.S., c. 245, s. 28.

Service of document

30 Service on any person or body of any notice or document required by or for the purpose of this Act is sufficient if the notice or document is sent by prepaid post addressed to such person or body at the last address of such person or body appearing in The Roll of Public Accountants in Nova Scotia provided that any notice relating to the refusal to grant or renew a licence to any person or to the revocation of a licence shall be sent by prepaid registered post. R.S., c. 245, s. 29.