



# ***Practice Assurance Regulations***

EFFECTIVE FROM 1 JANUARY 2008

## Practice Assurance Regulations

Effective from 1 January 2008. These regulations were made by Council on 6 October 2004 and came into force on 1 November 2004 and are applicable wherever members are required under the Principal Bye-laws to hold a practising certificate.

1. *PC holders* and member firms shall act in accordance with the *PA standards*.
2. Payment of the *PA scheme* fee is due on the same date, and under the same conditions, as apply to the practising certificate fee.
- 2A. A member who has been granted an exemption from the requirement to pay the practising certificate fee will be exempt from the requirement to pay the *PA scheme* fee for the same period.
3. Failure to pay the *PA scheme* fee or a charge levied under regulation 16 will have the same consequences in relation to a *PC holder's* eligibility to hold a practising certificate as failure to pay the practising certificate fee.
4. Members and member firms shall cooperate with ICAEW, its staff and any *committee* carrying out functions under the *PA scheme*.
5. If any functions or responsibilities of ICAEW under the *PA scheme* are undertaken by another person or body with the agreement of ICAEW, members and member firms shall cooperate with such other person or body as if it were ICAEW.
6. ICAEW's logo or the legend, 'A member of the ICAEW Practice Assurance scheme', or both may be used by member firms. Firms subject to the *PA scheme* which are not member firms as defined in the *Disciplinary Bye-laws* may not use the ICAEW logo but may use the legend. Any use of the logo or legend shall follow ICAEW guidance.
7. All member firms shall:
  - a. appoint from that member firm a *PA contact principal* who shall be:
    - i. in the case of a sole practice, the practitioner;
    - ii. in the case of a partnership, a partner;
    - iii. in the case of a limited liability partnership (LLP), a member of the LLP; or
    - iv. in the case of a corporate body, a director; and
  - b. except in the case of (a)(i) notify ICAEW forthwith of the appointment and any changes of appointment.
8. Member firms and *PC holders* shall supply any information requested by ICAEW under the *PA scheme* (whether in the *annual return* or otherwise) promptly and in accordance with the terms specified.
9. Member firms shall notify the Members' Registrar of:
  - a. any changes to information provided relating to the composition of the firm within 10 *business days* of the change taking effect, and
  - b. any changes to:
    - i. the name or trading name;
    - ii. the *registered address*;
    - iii. the main telephone number; and
    - iv. the email addressof the member firm within 20 *business days* of the change taking effect.

Provision of this information under ICAEW's *Audit Regulations and Guidance* or *Designated Professional Body Handbook* shall satisfy this regulation.

10. ICAEW will notify a member firm or a *PC member* not less than 30 *business days* in advance of a *visit*.
11.
  - a. If, on the receipt of the *visit notice*, the member firm or *PC member* is of the opinion that it will not be convenient to comply with regulations 13 and 14 on the *visit date*, the member firm or *PC member* shall, not more than 10 *business days* after receipt of the *visit notice*, inform ICAEW in writing of three further dates (being *business days*) on which regulations 13 and 14 can be met.
  - b. The 'further dates' referred to in paragraph (a) shall not be later than 45 *business days* after the *visit date*.
12. Regulations 10 and 11 will not apply where the chairman of the *committee* is of the opinion that it is in the public interest for a *visit* to be conducted with less than 30 *business days'* notice. Where he is of that opinion, the chairman will authorise the issue of a *visit notice* to a member firm or *PC member*.
13. A member firm or *PC member* shall provide appropriate facilities to the *PA reviewer* to enable him to carry out his functions during a *visit*.
14. The member firm or the *PC member* shall use best endeavours to ensure that the following are available during a *visit*:
  - a. in the case of a member firm, the *PA contact principal* and all relevant staff;
  - b. in the case of a *PC member*, the *PC member*; and
  - c. in the case of a member firm and a *PC member* all information, books, records and documents whether in hard copy or electronic form (including those specified in the *visit notice*) which ICAEW considers necessary to enable it and the *PA reviewer* to perform their functions under the *PA scheme*.
15. Following a *visit*, any issues or concerns will be notified by ICAEW in writing to the member firm or *PC member*. The member firm or *PC member* shall, within 15 *business days* of receipt of such notification (or such longer period as may be allowed), provide a response in writing to ICAEW addressing such issues or concerns.
16. If after considering any response received from a member firm or a *PC member* under regulation 15 ICAEW considers that a further *visit* is necessary or desirable it shall notify the member firm or *PC member* in writing. The member firm or *PC member* shall be responsible for ICAEW's charge for the further *visit*.
17. ICAEW shall keep confidential all material and information provided by member firms or members in connection with the *PA scheme*, whether oral or in writing, except that such material or information may be disclosed (directly or indirectly) to any body undertaking regulatory or law enforcement responsibilities.
18. Where a member firm or member makes a complaint about the handling of a *visit* or the conduct of ICAEW staff administering the *PA scheme* and remains dissatisfied notwithstanding an explanation, the *committee* shall appoint one of its members to review the complaint. The appointed member shall consider written or oral representations from those concerned and all documents he considers relevant. He may make such enquiries as he deems appropriate and shall then report to the *committee*.

19. Any breach of these regulations by a *PA contact principal* shall be deemed also to be a breach by the member firm.

## Interpretation

In these regulations unless the context otherwise requires or express reference is made, words and phrases in these regulations have the same meaning as in the *Principal and Disciplinary Bye-laws*. Furthermore:

**annual return** means the return sent to member firms and PC holders by ICAEW requesting information for the purposes of the PA scheme;

**business days** means normal working days excluding Saturdays, Sundays, Public and Bank holidays;  
**committee** means the committee appointed by Council in connection with the PA scheme;

**PA contact principal** means a person appointed by the member firm to be the main point of contact with ICAEW for the purposes of the PA scheme and in connection with these regulations;

**PA reviewer** means the person or persons appointed by ICAEW to visit member firms and PC members;

**PA scheme** means the scheme, system or arrangements for the inspection, monitoring and review of the efficiency and competence of member firms and PC holders made under sub-clause 1(b) (viiiB) of the Supplemental Charter;

**PA standards** means the principles-based standards issued in conjunction with the PA scheme;

**PC holder** means a member holding a practising certificate;

**PC member** means a PC holder engaged in public practice in a firm which is not a member firm;

**visit** means the visit to a member firm or PC member by a PA reviewer;

**visit date** means the date or dates specified in the visit notice;

**visit notice** means a notice specifying a date or dates for a visit served on the member firm or PC member; such notice may include a description (whether in specific or general terms) of the information and records required during the visit.