

Date: 9 July 2019



ICAS Continuing Professional Development Regulations

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The Institute of Chartered Accountants of Scotland

Index

Council, in terms of Rules 4.4, 11.11.5 and 12.6 of the ICAS Rules, hereby makes the following Regulations.

Arrangement of Regulations:

1. General	3
2. Member's Duties	3
3. The Committee	4
4. Regulatory Penalties	4
5. Publication of Decisions	5
6. Waiver	5

1. General

Citation and Commencement

- 1.1 These Regulations may be cited as the ICAS Continuing Professional Development Regulations and shall come into force on 9 July 2019.

Definitions

- 1.2 In these Regulations words and phrases have the same meaning as in the ICAS Rules, and unless the context requires otherwise:

Committee – the Regulatory Committee appointed by the Regulation Board to exercise the powers set out in these Regulations.

Continuing Professional Development – the obligation on Members to acquire and maintain knowledge to assist them in discharging their professional obligations, which knowledge can be obtained by relevant education and study.

CPD – an acronym for Continuing Professional Development, having the same meaning as the full phrase 'Continuing Professional Development'.

CPD Record – a written statement of the relevant education and study which a Member intends to complete and of the CPD undertaken in the calendar year.

Notices

- 1.3 Any notice or other document to be sent under these Regulations shall be delivered electronically, by hand or by post. It must be sent to the address that the Member has given to ICAS for this purpose. Delivery shall be deemed to have occurred:
- 1.3.1 for emails, facsimile, and other electronic means when sent;
 - 1.3.2 by hand, when delivered; and
 - 1.3.3 by post 48 hours after posting.

2. Member's Duties

- 2.1 Each Member shall undertake appropriate CPD unless exempt.
- 2.2 Each Member shall record the following four steps in a CPD Record:
- 2.2.1 define current and future role(s);
 - 2.2.2 decide on the skills and knowledge levels needed to meet the expectations identified in 2.2.1 above to enable effective performance, and decide on further training and development needs;
 - 2.2.3 develop or undertake a personal development programme and record each CPD activity;
 - 2.2.4 reflect on the learning outcome of CPD activities during the year concerned, and shall produce that CPD Record to the Committee on request.
- 2.3 CPD Records shall be retained by each Member for a 3-year period.
- 2.4 Each Member shall submit by 1 January annually a self-certification of their CPD compliance.
- 2.5 Each Member shall co-operate with the Committee at all times and shall respond to questions or requests for production of further documents or information made by the Committee or its duly appointed agent within the stipulated timescale.

3. The Committee

- 3.1 Except where otherwise indicated, the Committee shall be responsible for enforcing all aspects of these Regulations. The Committee has discretion over the nature of the matters taken into account and over its sources of information in exercising its powers under these Regulations.
- 3.2 The Regulation Board shall appoint three or more individuals to form the Committee. Not less than one third of the Committee shall comprise Lay Members.
- 3.3 The quorum for a meeting of the Committee shall be three, one of whom must be a Lay Member. The majority of those present at a meeting of the Committee must not be Lay Members.
- 3.4. The Committee shall be responsible and shall have the requisite powers for:
 - 3.4.1 ensuring each Member's compliance with these Regulations;
 - 3.4.2 granting, reviewing and withdrawing of exemptions from CPD to individual Members;
 - 3.4.3 reviewing any CPD Records, CPD Plans and other returns made under these Regulations, or any other Regulations as deemed appropriate by Council;
 - 3.4.4 making any such order as is considered necessary to ensure Member compliance with these Regulations;
 - 3.4.5 offering a regulatory penalty to a Member;
 - 3.4.6 publishing its decisions in terms of Regulation 5.1;
 - 3.4.7 considering any matters either referred to it by another Regulatory Committee or coming to its attention in any other manner;
 - 3.4.8 referring any non-compliant Member to any Regulatory Committee as is deemed appropriate in the circumstances.
- 3.5 The Committee may delegate any of its duties to a sub-committee, ICAS staff, or another duly appointed agent except in respect of the following:
 - 3.5.1 offering a regulatory penalty to a Member; and
 - 3.5.2 referring of a Member to a Regulatory Committee.

4. Regulatory Penalties

- 4.1 The Committee may propose a regulatory penalty to the Member concerned if it is satisfied that the following conditions are met:
 - 4.1.1 the Member is in breach of these Regulations;
 - 4.1.2 the Committee determines that the breach concerned does not of itself involve conduct calling in question the fitness and propriety of the Member concerned; and
 - 4.1.3 the Member concerned accepts the fact of the breach.
- 4.2 The Committee shall determine the amount of the proposed regulatory penalty. The proposal and the amount shall be notified to the Member concerned.
- 4.3 The Member concerned shall respond to the Committee in writing within ten business days of its delivery by the Committee to confirm whether or not the regulatory penalty is accepted.
- 4.4 A Member may make representations to the Committee concerning the amount of a proposed regulatory penalty. The Committee shall take account of these representations and may vary the amount accordingly.

- 4.5 If a Member accepts a proposed regulatory penalty, the penalty shall be payable within ten business days of that acceptance, or within such longer period as the Committee may specify or agree.
- 4.6 If a Member to whom a proposal for a regulatory penalty has been made:
 - 4.6.1 does not accept that a relevant breach has occurred;
 - 4.6.2 does not accept the proposal for a regulatory penalty;
 - 4.6.3 does not respond to the proposal for a regulatory penalty within the stated timescale; or
 - 4.6.4 does not meet the terms of the regulatory penalty within the stated timescale, the Committee shall refer the Member to the Investigation Committee.

5. Publication of Decisions

- 5.1 The Committee shall have the power to publish any decision made in terms of these Regulations, in such manner as the Committee sees fit.

6. Waiver


- 6.1 The Committee may alter the requirements of these Regulations in order to adapt them to the particular circumstances of a Member if the Committee considers that:
 - 6.1.1 complying with the relevant requirements would be too burdensome for the Member compared to any benefit which compliance might bring; and
 - 6.1.2 altering the requirements of these Regulations would not result in any undue risk to the public interest.




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