

PIB (Ireland)

Application for Authorisation of a partner/director/controller in a firm seeking an ACCA Investment Business Certificate (Ireland), who is not a member of ACCA or another Approved Professional Body under the Investment Intermediaries Act 1995



One form must be completed by each partner, director or controller (ie a 'controller' is a shareholder who controls 15% or more of the voting rights) in the firm who is not a member of ACCA or another Approved Professional Body (APB). Further copies can be found on ACCA's website (www.accaglobal.com/members/professionalstandards) or requested from professional standards (tel: +44 (0)141 534 4175) but photocopies are acceptable.

Please use **BLOCK CAPITALS** and black ink throughout. Please retain a photocopy of the completed form for future reference.

Please return the form to: Professional Standards, ACCA, 2 Central Quay, 89 Hydepark Street, Glasgow G3 8BW, United Kingdom.

PERSONAL INFORMATION

Full name Title Date of birth

Business address

Town County Postcode

Tel Fax

E-mail Website

Is there an ACCA or other APB partner/director at your business address? Yes No

If 'no' complete page 4 of this form and ensure it is signed by all the ACCA/APB partners/directors.

EDUCATION

Please state
Professional examinations passed or membership of professional bodies, with dates

Degrees held, with dates

EMPLOYMENT HISTORY

Please list below your employment history (including, and commencing with, your current post). If you held more than one position with the same employer, please list these separately.

Firm's/Employer's name

Address

Business

Job title

Responsibilities

Dates: From

To

Firm's/Employer's name

Address

Business

Job title

Responsibilities

Dates: From

To

Firm's/Employer's name

Address

Business

Job title

Responsibilities

Dates: From

To

(continue on separate sheet if necessary)

DISCIPLINARY MATTERS

Please answer all of the following questions and, where 'yes' supply full details on a separate sheet.

Tick as applicable

- a i Has a petition for bankruptcy or for sequestration of your estate been presented against you at any time in the previous ten years? Yes No
- ii Are you aware that any such petition is pending? Yes No
- b Have you at any time in the previous ten years had a receiver appointed, failed to satisfy a debt adjudged due or a debt in respect of which a decree has been passed against you, or come to a compromise or similar arrangement with your creditors? Yes No
- c Have you at any time in the last ten years been subject to any disciplinary measures imposed on you by a regulatory and/or professional body of which you are, or were at the time, a member or by any other regulatory and/or professional body in Ireland/UK? Yes No
- d Have you been publicly criticised or disciplined in Ireland or overseas in the last ten years by any organisation or body recognised or designated under the Irish Investment Intermediaries Act 1995 or by any other professional body? Yes No
- e i Have any legal proceedings been successfully brought against you in relation to your investment business over the previous three years? Yes No
- In the same period have you agreed, as a result of any such legal proceedings, any out of court settlements? Yes No
- ii Are you involved in any such proceedings at the time of this application? Yes No
- f Have you ever been convicted of an offence involving fraud or dishonesty or an offence under legislation (whether or not of Ireland) relating to companies (including insider dealing), building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection? Yes No

UNDERTAKING BY THE PARTNERS/DIRECTORS

We hereby undertake to appoint _____ being a partner/director in the firm and in full-time practice in Ireland or the UK, who is either

- * i a member of the Association of Chartered Certified Accountants and holding an Irish practising certificate issued by ACCA
or
* ii a member of another Approved Professional Body

(*Please delete whichever does not apply)

as the partner/director responsible for ensuring compliance in accordance with IIBR 11 in respect of the non-APB partner/director or controller specified in this form (PIB).

Signed by each of the ACCA/APB partners/directors in the firm

| Full name | Signature | Date |
|-----------|-----------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

CONFIRMATION

I _____ (name of person detailed on page 1)

declare that the whole of the information contained in this form is true, accurate and complete to the best of my knowledge and belief. I acknowledge that any statement contained herein which is known by me to be false may invalidate any decision by the Council of ACCA or any of its Committees as to the eligibility of my firm for authorisation by ACCA under the Investment Intermediaries Act 1995. I have read bye-law 8 and there is nothing I should bring to ACCA's attention at the present time.

I also confirm that I am not ineligible to practise accountancy and undertake and agree to be bound by

- i the Chartered Certified Accountants' Global Practising Regulations 2003, Authorisation Regulations 1998 and Irish Investment Business Regulations 1999 (as amended from time to time) as if I was a member of ACCA;
- ii the Charter, all bye-laws and regulations of ACCA (and regulations made pursuant to the bye-laws) as if I was a member of ACCA insofar as the same are appropriate and applicable) other than those relating to members' rights to attend and vote at meetings of ACCA and obligations to pay subscriptions;
- iii the regulations concerning liability of ACCA in damages for its acts and omissions; and
- iv the disciplinary procedures of ACCA and penalties which may be imposed under such provisions insofar as such penalties could be applicable to a person who is not a member of ACCA.

Signature _____

Date _____

BYE-LAW 8 – LIABILITY TO DISCIPLINARY ACTION

- 8 a** A member, relevant firm or registered student shall, subject to bye-law 11, be liable to disciplinary action if:
- i** he or it, whether in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;
 - ii** in connection with his or its professional duties, he or it has performed his or its work, or conducted himself or itself, or conducted his or its practice, erroneously, inadequately, inefficiently or incompetently;
 - iii** he or it has committed any breach of these bye-laws or of any regulations made under them in respect of which he or it is bound;
 - iv** in the case of a relevant firm, any person has in the course of the business of that firm committed any breach of these bye-laws or of any regulations made under them in respect of which that person is bound;
 - v** he is a specified person in relation to a relevant firm against which a disciplinary order has been made and which has become effective or which has been disciplined by another professional body or pursuant to some other disciplinary process;
 - vi** he or it has been disciplined by another professional body or pursuant to some other disciplinary process;
 - vii** he or it has made an assignment for the benefit of creditors, or has made an arrangement for the payment of a composition to creditors, or has had an interim order made by the court in respect of him, or is a specified person in relation to a relevant firm which has made such an assignment or composition or been wound up as an unregistered company, or entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him or it under applicable legislation; or
 - viii** he or it has failed to satisfy a judgment debt without reasonable excuse for a period of two months (and the fact that he or it did not have sufficient funds to discharge the debt shall not be a reasonable excuse for this purpose) whether or not the debt remains outstanding at the time of the bringing of the disciplinary proceedings hereunder.
- b** Each of the paragraphs in bye-law 8(a) shall be without prejudice to the generality of any of the other paragraphs therein.
- c** For the purposes of bye-law 8(a), misconduct includes (but is not confined to) any act or omission which brings, or is likely to bring, discredit to the individual or relevant firm or to the Association or to the accountancy profession.
- d** For the purposes of bye-law 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:
- i** whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;
 - ii** whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;
 - iii** the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.
- e** The following shall be conclusive proof of misconduct:
- i** the fact that a member, relevant firm or registered student has pleaded guilty to, or been found guilty of, any offence discreditable to him or, as the case may be, it, or derogatory to the Association or the accountancy profession, before a court of competent jurisdiction in the United Kingdom or before a court of competent jurisdiction in any other country where such court's judgments are in the opinion of Council (or relevant committee of Council) relevant;
 - ii** the fact that a member, relevant firm or registered student has been found to have acted fraudulently or dishonestly in any civil proceedings before any court of competent jurisdiction in the United Kingdom or before a court of competent jurisdiction in any other country where such court's judgments are enforceable in the United Kingdom.