1960

c 317 Public Accountancy Act

Ontario
CHAPTER 317

The Public Accountancy Act

1. In this Act,

(a) "Council" means The Public Accountants Council for the Province of Ontario;

(b) "licensing date" means the 1st day of August, 1950;

(c) "prescribed" means prescribed by the regulations made by the Council under this Act;

(d) "public accountancy" means the investigation or audit of accounting records or the preparation of or reporting on balance sheets, profit and loss accounts or other financial statements, but does not include bookkeeping or cost accounting or the installation of bookkeeping, business and cost systems;

(e) "public accountant" means a person who, alone or in partnership with others, carries on the practice of public accountancy and in connection with that practice offers his services for reward to members of the public, but does not include a person by reason of his practising public accountancy in respect of,

(i) any public authority or any commission, committee or emanation thereof, including a Crown company,

(ii) any bank, loan or trust company,

(iii) any transportation company incorporated by Act of the Parliament of Canada, or

(iv) any other publicly-owned or publicly-controlled public utility organization;

(f) "qualifying body" means The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario. R.S.O. 1950, c. 302, s. 1.

2. The Public Accountants Council for the Province of Ontario is continued under that name as a body corporate with power to acquire, hold and dispose of land. R.S.O. 1950, c. 302, s. 2.
3.—(1) The Council shall consist of fifteen members,

(a) eight of whom shall be appointed by The Institute of Chartered Accountants of Ontario;

(b) five of whom shall be appointed by The Certified Public Accountants Association of Ontario; and

(c) two of whom shall be elected in the prescribed manner by vote of the public accountants who are licensed under this Act and are not members of either qualifying body.

(2) No person shall be appointed or elected a member of the Council unless he holds a licence under this Act.

(3) No person who is a member of either qualifying body shall be elected under clause c of subsection 1. R.S.O. 1950, c. 302, s. 3.

4.—(1) The secretary of each body by whom a member or members of the Council is or are to be appointed shall certify in writing the name or names of the member or members so appointed.

(2) The election of a member shall be certified in writing in the prescribed manner.

(3) Every such certificate is for all purposes sufficient evidence of the appointment or election of the member or members named therein. R.S.O. 1950, c. 302, s. 4.

5. The Council or other governing authority of a body may exercise the power of appointment hereby conferred on that body. R.S.O. 1950, c. 302, s. 5.

6.—(1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election which is effective from the first ordinary meeting of the Council held in the term for which he was appointed or elected.

(2) Every member shall hold office until his successor is appointed or elected.

(3) A retiring member of the Council is eligible for re-appointment or re-election.

(4) Any vacancy in the office of a member of the Council shall be filled for the remainder of the term by the body that appointed him or by an election in the manner prescribed in clause c of subsection 1 of section 3, as the case requires.
(5) The Council may act not withstanding a vacancy in its number occurring from any cause. R.S.O. 1950, c. 302, s. 6.

7. — (1) A member of the Council may at any time resign his office by giving notice to the Council.

(2) The Council may of its own motion and shall, in the case of an appointed member if so requested by the body by which the member was appointed, remove a member from his office for any prescribed cause. R.S.O. 1950, c. 302, s. 7.

8. It is the duty of the Council to administer the provisions of this Act and in particular, but without limiting the generality of the foregoing, the functions of the Council include,

(a) the grant or refusal of licences, in accordance with this Act;
(b) the maintenance and, if thought fit, the publication of a roll of the persons for the time being licensed under this Act;
(c) the prescription of the fees payable on the grant or renewal of licences under this Act;
(d) the maintenance and improvement of the status and standards of professional qualifications of public accountants practising as such in Ontario;
(e) the consideration of matters of common interest and concern to public accountants, and the submission of representations to any government department or public authority with reference to any such matters;
(f) the provision of scholarships for students in public accountancy and of maintenance grants for such students whose means appear to the Council to be insufficient to enable them to pursue their studies;
(g) the conduct and encouragement, whether by means of financial assistance or otherwise, of research in accountancy;
(h) the exercise of the disciplinary powers conferred by this Act; and
(i) the prosecution of offences under this Act. R.S.O. 1950, c. 302, s. 8.

9. — (1) The Council shall meet at such times and places as it may from time to time determine; provided that the Council shall hold at least one meeting in every period of
三月内考虑并确定该法案之许可证的申请。

2. 总理事会主席可于任何时候召集理事会的非常会议，于他通过通知理事会成员的方式指定的时间和地点，会议的条件应按其规定的程序。

10. (1) 除非另有明确规定，所有由理事会作出的决定都须由出席并投票的成员中的多数通过。

(2) 任何关于理事会职能的决定，或任何关于第8条第8款的条款，或第32条的法规的制定，或任何关于许可证的撤销或续签，或任何关于第15条第2款所指的条件的豁免，或任何关于条件的批准的决议，除非有至少四分之三的出席并投票的理事会成员批准，否则无效。

(3) 任何关于理事会所列事务的决议，除非通知召集会议之目的，否则无效。

11. (1) 理事会须选举主席、副主席、秘书及必要时的其他官员。

(2) 基于普通会议的第一次会议，当选的官员应于每一财政年度，如当选者未在任，则当选者可再参加选举，如遇平手，则以抽签决定。

(3) 在本节规定未做修改的情况下，由理事会当选的任何官员继续任职，除非其任期内退出或当选，或在任期届满时退出。
(4) Every vacancy occurring in any office, by reason of the incumbent dying, resigning or otherwise ceasing to be a member of the Council during his term of office, shall be filled for the remainder of his term by the Council from among its members. R.S.O. 1950, c. 302, s. 11.

12. At all meetings of the Council, eight members constitute a quorum. R.S.O. 1950, c. 302, s. 12.

13.—(1) The Council may from time to time appoint committees from among its members.

(2) The Council may delegate to any such committee, subject to such restrictions or conditions as the Council may think fit, any of its power or duties, other than those referred to in subsection 2 of section 10, and may dissolve any such committee. R.S.O. 1950, c. 302, s. 13.

14.—(1) The Council shall maintain a roll to be called “The Roll of Public Accountants in Ontario”.

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

(a) the name of every person licensed under this Act who has made application to the Council in the prescribed manner requesting the Council to remove his name from the roll; and

(b) the name of every person whose licence under this Act has been revoked or has not been renewed in accordance with this Act,

and shall cause any other necessary alterations or corrections to be made therein. R.S.O. 1950, c. 302, s. 14.

15.—(1) Any person is, on application to the Council in the prescribed manner and upon payment of the prescribed fee, entitled to be licensed under this Act if the Council is satisfied,

(a) that on the licensing date the applicant was a member of a qualifying body; or

(b) that on the licensing date the applicant was carrying on the practice of public accountancy and in that connection maintained in Ontario, either alone or in partnership with others, a place of business at which his services as a public accountant could be engaged, and was of good repute and had been in practice as a public accountant for one year before the licensing date; or
(c) that the applicant is a member of a qualifying body, having taken the regular courses and passed the final examinations of such body or of a body recognized by it for purposes of affiliation; or

(d) that the applicant has passed an examination deemed by the Council to be not less than equivalent to the intermediate examination of a qualifying body and has practised or been employed in public accountancy in Ontario for a period of not less than three years.

(2) The Council may, in special circumstances and subject to subsections 2 and 3 of section 10, either unconditionally or subject to such conditions as it may think fit, exempt any person from one or more of the conditions set forth in subsection 1.

(3) The Council may by regulation prescribe the terms and conditions upon which any licensee of a state or province other than Ontario may be exempted from one or more of the conditions set forth in subsection 1, but no such regulation shall be made, amended or repealed unless approved by the votes of at least two-thirds of the members of the Council present and voting thereon. R.S.O. 1950, c. 302, s. 15.

16. Every licence granted or renewed under this Act becomes effective on and shall bear the date as of which it is granted or renewed and, unless revoked, remains in force until the date prescribed by the Council. R.S.O. 1950, c. 302, s. 16.

17. Any person who is, and is entitled to be, licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee is entitled to have his licence renewed, but nothing in this section prejudices or affects the power of the Council to revoke any licence in accordance with this Act. R.S.O. 1950, c. 302, s. 17.

18.—(1) The fee payable for the grant or renewal of a licence shall not exceed $25.

(2) The Council may sue for and recover any unpaid fees in a court of competent jurisdiction. R.S.O. 1950, c. 302, s. 18.

19.—(1) If a person licensed under this Act,

(a) has been convicted of a criminal offence;

(b) becomes of unsound mind;

(c) has been adjudged bankrupt or has made arrangement with his creditors; or
(d) has been found on inquiry held by the Council to be guilty of conduct disgraceful to him in his capacity as a public accountant, the Council may, subject to the provisions of this section, revoke his licence.

(2) Where the Council intends to revoke any licence pursuant to clause a, b or c of subsection 1, the Council shall first cause a written notice of its intention to be served on such person in the prescribed manner and shall on application made by such person within one month from the date of the service of the notice consider any representations with regard to the matter that may be made by him to the Council, either in person or by counsel.

(3) In any case in which it appears to the Council that a person licensed under this Act has been guilty of conduct disgraceful to him in his capacity as a public accountant, the Council may cause an inquiry to be held.

(4) Where an inquiry is to be held under this section, the Council shall forthwith cause to be served on the person concerned a written 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 on application entitled to be heard at the inquiry either in person or by counsel. R.S.O. 1950, c. 302, s. 19.

20. Where the Council refuses the application of any person for the grant or renewal of a licence, or revokes any licence granted to any person, it shall forthwith cause written notice of such refusal or revocation to be served on such person. R.S.O. 1950, c. 302, s. 20.

21.—(1) No person whose licence has been revoked shall, except as provided in this section, be granted a licence under this Act.

(2) A person whose licence has been revoked may, either on his application or on motion of the Council and after inquiry, be granted a new licence and his name may be restored to the roll at the discretion of the Council either without payment of a fee or on payment of such fee as the Council may determine. R.S.O. 1950, c. 302, s. 21.

22. Where the Council, (a) refuses to grant a licence or a new licence; (b) refuses to renew a licence; or (c) revokes a licence,
the person aggrieved may, within three months from the day on which notice thereof was served on him, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Council to grant the licence, renew the licence or cancel the revocation of the licence, as the case may be, or may make such other order as may be warranted by the facts, and the Council shall forthwith comply with such order and such order is final. R.S.O. 1950, c. 302, s. 22.

23. If any person wilfully procures, or attempts to procure, the granting to him of a licence under this Act, or the renewal of such licence, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, he is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $250. R.S.O. 1950, c. 302, s. 23.

24.—(1) If any person ceases to be licensed under this Act, he shall, within fourteen days thereafter, transmit his licence to the Council for cancellation, and, if he fails to do so, he is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $25, and to a further fine of not less than $3 and not more than $5 for every day on which the offence continues after conviction.

(2) Any person who,

(a) uses a licence issued under this Act to another person; or

(b) allows a licence issued to him under this Act to be used by any other person; or

(c) not being licensed under this Act, uses or has in his possession any document purporting to be a licence issued to him under this Act,
is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100 and, in the case of a continuing offence, to a further fine of not less than $15 and not more than $25 for every day on which the offence continues after conviction. R.S.O. 1950, c. 302, s. 24.

25.—(1) Subject to the provisions of this section, no person who is not licensed under this Act shall, within Ontario,

(a) take or use the name or title of "Public Accountant";

(b) practise as a public accountant; or

(c) hold himself out as being licensed as a public accountant or use any designation or initials indicating or implying that he is licensed as a public accountant.
(2) Notwithstanding anything in this section, the Council may permit any person who is a non-resident of Ontario to practise as a public accountant within Ontario without a licence under this Act, subject to any terms and conditions that may from time to time be prescribed.

(3) Any person who contravenes the provisions of this section, without prejudice to any other proceedings that may be taken, is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $250 for a first offence and to a fine of not less than $200 and not more than $500 for any subsequent offence.

(4) Where a contravention of this section by any person is occasioned by the fact that his licence has been revoked, 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, notice of the revocation had not been served in accordance with this Act or the regulations hereunder, or that the time for appealing from the revocation had not expired or an appeal therefrom had been brought and had not been determined. R.S.O. 1950, c. 302, s. 25.

26.—(1) It is not lawful for a body corporate to practise as a public accountant and any body corporate that contravenes the provisions of this subsection, without prejudice to any other proceedings that may be taken, is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $250 for a first offence and to a fine of not less than $200 and not more than $500 for any subsequent offence.

(2) If a corporate body is guilty of an offence under subsection 1, every director or officer of the body corporate who consented to, or connived at or was responsible for the commission of, the offence shall be deemed to be a party to and guilty of the offence and is liable to be proceeded against and fined accordingly. R.S.O. 1950, c. 302, s. 26.

27. After the licensing date, no person is entitled to recover any costs incurred or charges made as a public accountant after that date unless such person was licensed under this Act at the time when such costs were incurred or when the services were rendered in respect of which such charges were made. R.S.O. 1950, c. 302, s. 27.

28.—(1) The Council shall maintain a fund into which all moneys received by the Council shall be paid and out of which shall be paid all administrative and establishment expenses
of the Council and all expenses incurred by the Council in carrying out its functions under this Act and all other liabilities properly incurred by the Council.

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

(3) The Council may invest any moneys standing to the credit of the fund in any security in which trustees are authorized to invest.

(4) The Council may from time to time borrow any moneys required for the purposes of the Council and may mortgage, hypothecate, charge or pledge any or all of its property and assets to secure the amount so borrowed. R.S.O. 1950, c. 302, s. 28.

29.—(1) The Council shall pay,

(a) to the members of the Council such allowances for travelling and subsistence expenses incurred in the discharge of their functions; and

(b) to the secretary and any other officers and employees of the Council such salaries and remuneration and on retirement or death, such pensions and gratuities,

as the Council may determine.

(2) The Council may make provision for the dependants of any of its employees. R.S.O. 1950, c. 302, s. 29.

30. The accounts of the Council and of its officers and of any committee appointed by the Council shall be audited annually by a person licensed under this Act and appointed annually by the Council; provided that a member of the Council or a person who is in partnership with such a member is not eligible for appointment as auditor under this section. R.S.O. 1950, c. 302, s. 30.

31.—(1) Within three months after the end of each financial year, the Council shall forward a copy of the audited accounts of the Council for that year to each qualifying body and to the Provincial Secretary.

(2) Any person licensed under this Act is entitled upon demand to receive a copy of the audited accounts. R.S.O. 1950, c. 302, s. 31.

32.—(1) Subject to the provisions of this Act, the Council shall or may, as the case may be, prescribe by regulation anything that is by this Act required or authorized to be prescribed and may make such further provisions as may seem
to the Council necessary or desirable for carrying out or facilitating any of the purposes of this Act.

(2) The Council shall on receipt of the prescribed charges supply a copy of any regulations made under this Act and of any forms prescribed by such regulations to any person applying therefor.

(3) The Lieutenant Governor in Council may annul any regulation made by the Council under this Act. R.S.O. 1950, c. 302, s. 32.

33. Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed is prima facie evidence of such regulation, licence, notice or other document. R.S.O. 1950, c. 302, s. 33.

34.—(1) Any notice or document required to be given or for the purposes of this Act may be sent by prepaid mail and when so sent shall be deemed to be properly addressed if addressed to the person or body for whom intended at the last address of such person or body appearing in the roll or records of the Council.

(2) Any notice relating to,

(a) the refusal to grant or renew a licence;
(b) the revocation of a licence; or
(c) the removal of the name of any person from the roll,
shall be sent by registered mail. R.S.O. 1950, c. 302, s. 34.

35. Nothing in this Act precludes a registered member of the Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as an industrial accountant, cost accountant or cost consultant, and from designating himself as such. R.S.O. 1950, c. 302, s. 35.

36. No action shall be brought against the Council or any member or former member thereof that is based on the refusal of the Council to grant or renew a licence or that is based on the revocation by the Council of a licence. R.S.O. 1950, c. 302, s. 36.