

**THE COST AND MANAGEMENT ACCOUNTANTS
ORDINANCE, 1977**

CONTENTS

SECTIONS

1. Short title
 2. Definitions
 3. Incorporation of the Institute
 4. Entry of names in the Register
 5. Disabilities
 6. Associates and fellows
 7. Certificate of practice
 8. Members to be known as Cost and Management Accountants
 9. Constitution and composition of the Council
 10. Election of the Council
 11. Honorary office-bearers of the Council
 12. Resignation of membership and casual vacancies
 13. Duration and dissolution of Council
 14. Functions of the Council
 15. Appointment of officers and employees, etc.
 16. Committees of the Council
 17. Branch Councils
 18. Finance of the Council
 19. Register
 20. Removal of name from the Register
 21. Penalty for falsely claiming to be a member of the Institute, etc.
 22. Penalty for using the name of the Council, etc.
 23. Companies not to engage in cost and management accounting in Bangladesh
 24. Unqualified persons not to sign documents
 25. Offences by companies
 26. Sanction to prosecute
 27. Alteration in the Register and cancellation of certificate
 28. Indemnity
 29. Maintenance of branch offices
 30. Reciprocity
 31. Power to make regulations
 32. Power to give directions for making regulations, etc.
 33. Repeal and savings
-

**¹THE COST AND MANAGEMENT ACCOUNTANTS
ORDINANCE, 1977**

ORDINANCE NO. LIII OF 1977

[14th November, 1977]

An Ordinance to constitute an Institute of Cost and Management Accountants of Bangladesh for the purpose of regulating the profession of cost and management accountants.

WHEREAS it is expedient to constitute an Institute of Cost and Management Accountants in Bangladesh for the purpose of regulating the profession of cost and management accountants and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. This Ordinance may be called the Cost and Management Accountants Ordinance, 1977. Short title

2. (1) In this Ordinance, unless there is anything repugnant in the subject or context,- Definitions

- (a) “associate” means an associate member of the Institute;
- (b) “cost and management accountant” means a person who is an associate or a fellow of the Institute;
- (c) “Council” means the Council of the Institute;
- (d) “dissolved Institute” means the Institute as defined in the Cost and Industrial Accountants Act, 1966 (XIV of 1966);
- (e) “fellow” means a fellow member of the Institute;
- (f) “Institute” means the Institute of Cost and Management Accountants of Bangladesh constituted under this Ordinance;
- (g) “prescribed” means prescribed by regulations made under this Ordinance;

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

- (h) "President" means the President of the Council;
- (i) "Register" means the Register of members of the Institute maintained under this Ordinance;
- (j) "Vice-President" means the Vice-President of the Council.

(2) Save as otherwise provided in this Ordinance, a member of the Institute shall be deemed "to be in practice" when, individually or in partnership with one or more members of the Institute in practice, he, in consideration of the remuneration received or to be received,-

- (a) engages himself in the practice of cost and management accounting; or
- (b) offers to perform services involving the costing or pricing of goods or services, or the preparation, verification or certification of cost accounting and related statements, or holds himself out to the public as a cost and management accountant; or
- (c) renders professional service or assistance in or about matters of principles or detail relating to the cost and management accounting procedures, or the recording, presentation or certification of costing facts or data; or
- (d) renders such other services as, in the opinion of the Council, are or may be rendered by a cost and management accountant in practice;

and the words "to be in practice", with its grammatical variations and cognate expressions, shall be construed accordingly.

Explanation.- An associate or fellow who is a full time salaried employee of any person shall not be deemed "to be in practice" within the meaning of this sub-section.

Incorporation of
the Institute

3. (1) All persons whose names are entered in the Register at the commencement of this Ordinance and all persons who may hereafter have their names entered in the Register under the provisions of this Ordinance, so long as they continue to have their names borne on the Register, are hereby constituted a body corporate by the name of the Institute of Cost and Management Accountants of Bangladesh and all such persons shall be known as members of the Institute.

(2) The Institute shall have perpetual succession and a common seal and shall have power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by its name sue or be sued.

4. (1) The following persons shall be entitled to have their names entered in the Register, namely:-

Entry of names
in the Register

- (a) any person who was, immediately before the commencement of this Ordinance, a fellow or associate of the dissolved Institute;
- (b) any person who has passed such examination and completed such training as may be prescribed by the Council for membership of the Institute;
- (c) any person who has passed such other examination and completed such other training outside Bangladesh of such Institute of Cost and Management Accountancy and admitted as member of that Institute as may be recognised by the Council as being equivalent to the examination and training prescribed for the members of the Institute:

Provided that, in the case of any such person who is not a citizen of Bangladesh, or permanently residing in Bangladesh, he shall fulfil such further conditions as the Council may deem fit to impose.

- (d) any person being a citizen of Bangladesh, who at the commencement of this Ordinance, has passed such other examination and completed such other training outside Bangladesh of such Institute of Cost and Management Accountancy and admitted as member of that Institute:

Provided that any such examination or training of such Institute of Cost and Management Accountancy was recognised, before the commencement of this Ordinance, for the purpose of conferring the right to be registered as a member of the dissolved Institute;

- (e) any person, being a citizen of Bangladesh, who, at the commencement of this Ordinance,-
 - (i) is studying for any foreign examination and is, at the same time, undergoing training, whether within or outside Bangladesh, of such Institute of Cost and Management Accountancy, and passes such examination and completes such training, or

- (ii) having passed such foreign examination of such Institute of Cost and Management Accountancy, is undergoing training whether within or outside Bangladesh and completes such training :

Provided that any such examination or training of such Institute of Cost and Management Accountancy was recognised, before the commencement of this Ordinance, for the purpose of conferring the right to be registered as a member of the dissolved Institute.

(2) The Council shall, as early as possible, take such steps as may be necessary for having the names of all such persons as are mentioned in clause (a) of sub-section (1) entered in the Register without any application being made in that behalf or the payment of any fee and the name of every such person so entered shall be deemed to have been entered at the commencement of this Ordinance for the purpose of sub-section (1) of section 3.

(3) Every person belonging to any of the classes mentioned in clauses (b), (c), (d) and (e) of sub-section (1) may have his name entered in the Register on an application made to, and granted by, the Council in the prescribed manner and on payment of the prescribed fee.

Disabilities

5. Notwithstanding anything contained in section 4, a person shall not be entitled to have his name entered in or borne on the Register if he-

- (a) has not attained the age of twenty-one years at the time of his application for the entry of his name in the Register; or
- (b) is of unsound mind and stands so adjudged by a competent court; or
- (c) is an undischarged insolvent; or
- (d) having been discharged of insolvency, has not obtained from the court a certificate stating that his insolvency was caused by misfortune without any misconduct on his part; or

- (e) has been convicted by a competent court, whether within or without Bangladesh, of an offence involving moral turpitude punishable with transportation or imprisonment, or of an offence, not of a technical nature, committed by him in his professional capacity unless in respect of the offence committed he has either been granted a pardon, or, on an application made by him in this behalf, the Government has, by an order in writing, removed the disability; or
- (f) has been removed from the membership of the Institute on being found on enquiry to have been guilty of such professional or other misconduct as may be prescribed:

Provided that a person who has been removed from membership of the Institute for a specified period shall not be entitled to have his name entered in the Register until the expiry of such period.

6. (1) Save as otherwise provided in this Ordinance, the members of the Institute shall be of two classes designated as fellows and associates.

Associates and fellows

(2) A person, other than a person mentioned in sub-section (3), shall, on his name being entered in the Register, be an associate and, so long as his name remains so entered, shall be entitled to use the letters A.C.M.A. after his name to indicate that he is an associate member of the Institute.

(3) A person who was, immediately before the commencement of this Ordinance; a fellow of the dissolved Institute shall be entered in the Register as a fellow of the Institute, and such person, so long as his name remains so entered, shall be entitled to use the letters F.C.M.A. after his name to indicate that he is a fellow member of the Institute.

(4) A person who has been an associate for a continuous period of not less than five years and who possesses such qualifications as the Council may prescribe, may apply to the Council for admission as a fellow; and if the Council grants his application his name shall be entered in the Register as a fellow.

Explanation.-In computing the continuous period during which a person has been an associate of the Institute, there shall be included any continuous period during which he has been an associate of the dissolved Institute immediately before he became an associate of the Institute.

(5) The decision of the Council on an application made under sub-section (4) shall be final.

Certificate of practice

7. (1) No member of the Institute shall be entitled to practise within Bangladesh unless he holds a certificate of practice granted by the Council.

(2) The Council may, subject to such conditions as it may deem fit to impose, grant a certificate of practice to a member of the Institute who applies in the prescribed form and pays the prescribed annual fee for such certificate.

(3) Every member holding a certificate of practice shall pay the annual fee which shall be due on the first day of July in each financial year.

(4) A certificate of practice shall be liable to be cancelled for default in payment of the annual fee for any financial year.

Members to be known as Cost and Management Accountants

8. Every member of the Institute in practice shall, and any other member may, use the designation of Cost and Management Accountant and no member using such designation shall use any other designation, whether in addition thereto or in substitution therefore:

Provided that nothing contained in this section shall be deemed to prohibit any such member from adding any other description or designatory letters to his name, if entitled thereto, to indicate membership of such other institute of accountancy, whether in Bangladesh or elsewhere, as may be recognised in this behalf by the Council, or any other qualification that he may possess, or to prohibit a firm, all the partners of which are members of the Institute and in practice, from being known by its firm name as Cost and Management Accountants.

Constitution and composition of the Council

9. (1) There shall be a Council of the Institute for the management of the affairs of the Institute and for discharging the functions assigned to it under this Ordinance.

(2) The Council shall be composed of the following persons, namely:-

- (a) ¹[twelve] persons to be elected by the members of the Institute from amongst the fellows; and
- (b) four persons to be nominated by the Government.

²[(3) An officer or employee of the Institute shall not be eligible for election or nomination as a member of the Council.]

10. (1) Election of the members of the Council mentioned in clause (a) of sub-section (2) of section 9 shall be held at the annual general meeting of the Institute in such manner as may be prescribed.

Election of the Council

(2) Where any dispute arises regarding any such election, it shall be referred by the Council to a Tribunal appointed by the Government in this behalf and the decision of such Tribunal shall be final:

Provided that no such reference shall be made except on an application made, within thirty days from the date of the declaration of the result of the election, to the Council by an aggrieved party supported by at least five members of the Institute who had attended the election.

(3) The expenses of the Tribunal shall be borne by the Institute or by the aggrieved party as may be ordered by the Tribunal.

(4) If the members of the Institute fail to elect any of the members of the Council mentioned in clause (a) of sub-section (2) of section 9, the Government may nominate any person duly qualified for the purpose to fill the vacancy, and the person so nominated shall be deemed to have been duly elected under that clause.

¹ The word "twelve" was substituted for the word "eight" by section 2 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

² Sub-section (3) was inserted by section 2 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

Honorary
office-bearers of
the Council

¹[11. (1) The Council shall, at a meeting specially called for the purpose, elect from amongst its members the following honorary office-bearers, namely :-

- (a) a President ;
- (b) two Vice-Presidents ;
- (c) a Secretary ;
- (d) a Treasurer.

(2) If the Council fails to elect any of the office-bearers within one month of the election of its members mentioned in clause (a) of sub-section (2) of section 9 or, as the case may be, within one month of the expiry of the term of an office-bearer, the Government may appoint any of the members of the Council to fill in the vacancy, and the office-bearer so appointed shall be deemed to have been duly elected by the Council on the date of such appointment.

(3) The President shall be the chief executive of the Council.

(4) Save as provided in sub-section (5) an office-bearer shall, subject to his being a member of the Council, hold his office for a period of one year from the date on which he is elected or deemed to have been elected.

(5) Notwithstanding the expiry of the term of his office under sub-section (4), an office-bearer shall continue to perform his function until his successor is elected or deemed to have been elected.

(6) Where a vacancy occurs in the office of an office-bearer because of his resignation or ceasing to be a member of the Council, the Council shall elect another office-bearer to fill the vacancy within one month from the date the vacancy occurs.

¹ Section 11 was substituted by section 3 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

(7) If the Council fails to elect a new office-bearer as provided in sub-section (6), the Government may appoint any of the members of the Council to fill the vacancy, and the office-bearer so appointed shall be deemed to have been duly elected by the Council on the date of such appointment.]

12. (1) Any member of the Council may, at any time, resign his membership by writing under his hand addressed to the President, and the office of such member shall be deemed to have fallen vacant from the date of acceptance of his resignation by the President.

Resignation of membership and casual vacancies

(2) The President may, at any time, resign his office by writing under his hand addressed to the Government, and the office of the President including his membership of the Council shall be deemed to have fallen vacant from the date of acceptance of his resignation by the Government.

(3) A member of the Council shall be deemed to have vacated his seat if he absents himself, without sufficient excuse, from three consecutive meetings of the Council, or if his name is, for any cause, removed from the Register under section 20, or remains out of Bangladesh for a continuous period exceeding one year.

(4) A casual vacancy in the Council shall be filled by election, or by nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office for the remaining period of the duration of the Council:

Provided that no election shall be held or no nomination shall be made to fill a casual vacancy occurring within six months prior to the date of the expiry of the duration of the Council, but such a vacancy may be filled by co-option by the Council.

(5) No act done by the Council shall be called in question on the ground merely of the existence of any vacancy in, or defect in the Constitution of, the Council.

13. (1) The duration of the Council shall be three years from the date of its first meeting on the expiry of which a new Council shall be constituted in accordance with the provisions of this Ordinance.

Duration and dissolution of Council

(2) Notwithstanding the expiry of the duration of the Council under sub-section (1), it shall continue to function until a new Council is constituted in accordance with the provisions of this Ordinance, and upon such constitution, the Council so functioning shall stand dissolved.

Functions of the Council

14. (1) The Council shall exercise such powers and perform such functions as may be necessary to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing provision, the powers and functions of the Council shall include-

- (a) the examination of candidates for membership of the Institute and the prescribing of fees for such examination;
- (b) the registration and training of students;
- (c) the prescribing of qualifications for entry of persons as members of the Institute;
- (d) the recognition of foreign qualifications and training or experience for purposes of membership of the Institute;
- (e) the granting, refusal and cancellation of certificates of practice;
- (f) the maintenance of the Register and publication of the list of members of the Institute and also the names of the members who hold certificates of practice;
- (g) the levy and collection of fees from members, students and examinees;
- (h) the removal of names from the Register and restoration to the Register of names which have been removed;
- (i) the regulation and maintenance of the status and standard of professional qualifications of the members of the Institute;
- (j) the carrying out, by giving financial assistance to persons other than members of the Council or in any other manner, of research in cost and management accounting;

- ¹[(jj) the rendering of professional expertise service in the field of Cost and Management Accounting and in such other related fields;]
- (k) the maintenance of libraries and publication of books and periodicals relating to cost and management accounting and allied subjects;
- (l) the exercise of such disciplinary powers over the members, officers and employees of the Institute as may be prescribed;
- (m) the exercise of such other powers and the performance of such other functions as are required to be, or may be, exercised or performed by the Council under this Ordinance or the regulations made thereunder.

15. For the efficient performance of its functions, the Council may-

Appointment of officers and employees, etc.

- (a) appoint such officers and employees as it may consider necessary;
- (b) require and take from officers and employees of the Institute such security for the due performance of their duties as it may consider necessary; and
- (c) fix the salaries, fees, allowances and other conditions of service of the officers and employees of the Institute.

16. (1) The Council shall constitute from amongst its members the following Standing Committees, namely:-

Committees of the Council

- (a) an Executive Committee;
- (b) an Education Committee;
- (c) an Examination Committee; ²[[* * *]
- (cc) a Research and Development Committee ;]
- (d) a Disciplinary Committee.

¹ Clause (jj) was inserted by section 4 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

² The word "and" was omitted and thereafter the clause (cc) was inserted by section 5 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

(2) The Council may also constitute such other Committees from amongst its members as it deems necessary for the purpose of carrying out the provisions of this Ordinance.

(3) The Executive Committee shall consist of the President, ¹[one of the Vice-Presidents nominated by the Council and three] members nominated by the Council from amongst its members.

(4) The Education Committee shall consist of ²[one of the Vice-Presidents nominated by the Council and four] other members as may be nominated by the Council from amongst its members.

(5) The Examination Committee shall consist of ³[one of the Vice-Presidents nominated by the Council and four] members as may be nominated by the Council from amongst its members.

(6) The Disciplinary Committee shall consist of the President ⁴[, Secretary] and two other members nominated by the Council from amongst its members.

⁵[(6A) The Research and Development Committee shall consist of the President, one of the Vice-Presidents nominated by the Council and four members nominated by the Council from amongst its members.]

¹ The words “one of the Vice-Presidents nominated by the Council and three” were substituted for the words “the Vice-President and three other” by section 5 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

² The words “one of the Vice-Presidents nominated by the Council and four” were substituted for the words “the President and such” by section 5 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

³ The words “one of the Vice-Presidents nominated by the Council and four ” were substituted for the words and commas “the President, or the Vice-President, as the Council may decide; and such other” by section 5 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

⁴ The comma and the word “,Secretary” was inserted by section 5 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

⁵ Sub-section (6A) was inserted after the word “President” by section 5 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

(7) Every other Committee constituted under sub-section (2) shall consist of such members as the Council may decide.

(8) The President shall be the Chairman of every Committee of which he is a member, and, in his absence, the Vice-President, if he is a member of the Committee, shall be the Chairman.

(9) The Standing Committees shall perform such functions as may be prescribed and the other Committees shall perform such functions as the Council may direct.

17. (1) For the purpose of advising and assisting it in the discharge of its functions, the Council may constitute such Branch Councils as and when it deems necessary.

Branch
Councils

(2) A Branch Council shall be constituted in such manner and perform such functions as may be prescribed.

(3) The Council may, at any time, dissolve any Branch Council constituted under sub-section (1).

18. (1) There shall be established a fund under the management and control of the Council into which shall be paid all moneys received by the Council and out of which shall be met all expenses and liabilities properly incurred by the Council.

Finance of the
Council

(2) The Council may invest any money for the time being standing to the credit of the fund in any Government security or in any other security approved by the Council.

(3) The Council shall cause maintenance of proper accounts of the funds distinguishing capital from revenue.

(4) The annual accounts Institute shall be subject to audit by a chartered accountant within the meaning of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973):

Provided that no member of the Council or a person who is in partnership with such member shall be eligible for appointment as auditor under this sub-section.

(5) As soon as may be practicable after the close of each financial year, but not later than the thirtieth day of November next following, the Council shall cause to be published a copy of the audited accounts and the Report of the Council for that financial year and copies of the said accounts and Report shall be forwarded to the Government and to all the members of the Institute.

Register

19. (1) The Council shall maintain in the prescribed manner a Register of the members of the Institute.

(2) The Register shall include the following particulars about every member of the Institute, namely:-

- (a) his full name, date of birth, domicile, residential and professional addresses;
- (b) the date on which his name is entered in the Register;
- (c) his qualifications;
- (d) whether he holds a certificate of practice; and
- (e) such other particulars as may be prescribed.

(3) The Council shall cause to be published, in such manner as may be prescribed, a list of members of the Institute as on the first day of July of each year, and a copy of the list shall be sent to every member of the Institute.

(4) Every member of the Institute shall, on his name being entered in the Register, pay such annual membership fee as may be prescribed and different fees may be prescribed for associates and for fellows.

Removal of
name from the
Register

20. (1) The Council may remove from the Register the name of any member of the Institute-

- (a) who is dead; or
- (b) from whom a request has been received to that effect; or
- ¹[(c) who has not paid any prescribed fee payable by him for a period of three years from the date it fell due;] or

¹ Clause (c) was substituted by section 6 of the Cost and Management Accountants (Amendment) Act, 1990 (Act No. XXXIX of 1990).

- (d) who is found to have been subject at the time when his name was entered in the Register, or who, at any time thereafter, has become subject to any of the disabilities mentioned in section 5, or who, for any other reason, has ceased to be entitled to have his name borne on the Register.

(2) The Council shall remove from the Register the name of any member who is not entitled to remain a member under this Ordinance.

21. A person shall, without prejudice to any other proceedings which may be taken against him, be punishable, on first conviction, with fine which may extend to one thousand taka, and, on any subsequent conviction, with imprisonment which may extend to six months, or with fine which may extend to five thousand taka, or with both, if he-

Penalty for falsely claiming to be a member of the Institute, etc.

- (a) not being a member of the Institute, represents that he is a member of the Institute, or uses the designation of Cost and Management Accountant, or Cost Accountant, Management Accountant, Industrial Accountant or Works Accountant, or any abbreviation thereof in a manner as to impress that he is a Cost and Management Accountant, or uses the letters A.C.M.A. or F.C.M.A; or
- (b) being a member of the Institute, but not having a certificate of practice, represents that he is in practice or practices as cost accountant, management accountant, industrial accountant or works accountant or in some similar profession in the field of cost and management accounting.

22. (1) Save as otherwise provided in this Ordinance, no person shall-

Penalty for using the name of the Council, etc.

- (a) use any name or common seal which is identical with the name or the common seal of the Institute or so nearly resembles it as to deceive or as be likely to deceive the public; or
- (b) grant or confer any degree, diploma, certificate or designation which indicates or purports to indicate the profession or attainment of any qualification or competence in cost and management accounting similar to that of a member of the institute.

(2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable, on first conviction, with fine which may extend to one thousand taka, and, on any subsequent conviction, with imprisonment which may extend to six months, or with fine which may extend to five thousand taka, or with both.

(3) Nothing contained in this section shall apply to any University established by law or to any institution affiliated thereto.

(4) If the Government is satisfied that any diploma, certificate or designation granted or conferred by any person other than the Institute, which purports to be a qualification in cost and management accounting but which, in the opinion of the Government, falls short of the standard of qualifications prescribed for cost and management accountants and does not in fact indicate or purport to indicate the profession or attainment of any qualifications or competence in cost and management accounting similar to that of a member of the Institute, it may, by notification in the *official Gazette* and subject to such conditions as it may think fit to impose, declare that this section shall not apply to such diploma, certificate or designation.

Companies not to engage in cost and management accounting in Bangladesh

23. (1) No company, whether incorporated in Bangladesh or elsewhere, shall practise as cost and management accountant in Bangladesh.

(2) If any company contravenes the provisions of sub-section (1), then, without prejudice to any other proceedings which may be taken against the company, every director, manager, secretary and other officer of such company who is knowingly a party to such contravention, shall be punishable, on first conviction, with fine which may extend to one thousand taka, and, on any subsequent conviction, to five thousand taka.

Unqualified persons not to sign documents

24. (1) No person, other than a member of the Institute, shall sign any document on behalf of a cost and management accountant, industrial accountant, management accountant or works accountant, or a firm of industrial, cost or management accountants in his or its professional capacity.

(2) Any person contravening the provisions of sub-section (1) shall be punishable, on first conviction, with fine which may extend to one thousand taka, and, on any subsequent conviction, to five thousand taka.

25. (1) If the person committing an offence under this Ordinance is a company, the company as well as every person in-charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,-

- (a) "company", with respect to an offence under section 21 or section 24, means any body corporate and includes a firm or other association of individuals and, with respect to an offence under section 23, a body corporate; and
- (b) "director", in relation to a firm, means a partner in the firm.

26. No person shall be prosecuted under this Ordinance except on a complaint made by or under the order of, the Council or of the Government.

Sanction to prosecute

27. (1) Where an order is made under this Ordinance reprimanding a member of the Institute a record of the punishment shall be entered against his name in the Register.

Alteration in the Register and cancellation of certificate

(2) Where the name of any member is removed from the Register, the certificate of membership and the certificate of practice, if any, granted to him shall be recalled and cancelled.

Indemnity

28. No suit, prosecution or other legal proceeding shall lie against the Government, Council or any Committee thereof, or any officer or employee of the Council in respect of anything which is in good faith done or intended to be done under this Ordinance or of any regulation or order made thereunder.

Maintenance of branch offices

29. (1) Where a cost and management accountant or a firm of such accountants has more than one office in Bangladesh, each one of such office shall be in the separate charge of a member of the Institute:

Provided that the Council may, in suitable cases, exempt any cost and management accountant or a firm of such accountants from the operation of this sub-section.

(2) Every cost and management accountant in practice or a firm of such accountants maintaining more than one office shall send to the Council a list of offices together with the names of the persons in charge thereof and shall keep the Council informed of any change in relation thereto.

Reciprocity

30. (1) Where any country prevents persons of Bangladesh domicile from becoming members of any institution similar to the Institute, or from practising the profession of cost and management accountancy, or subjects them to unfair discrimination in that country, no person of any such country shall be entitled to become a member of the Institute or to practise the profession of cost and management accountancy in Bangladesh.

(2) Subject to the provisions of sub-section (1), the Council may prescribe the conditions, if any, subject to which foreign qualifications relating to cost and management accounting shall be recognised for the purpose of entry in the Register of members.

(3) Nothing contained in sub-sections (1) and (2) shall apply to a person whose services as a cost and management accountant have been obtained by the Government.

31. (1) The Council may, by notification in the *official Gazette*, make regulations for carrying out the purposes of this Ordinance. Power to make regulations

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) the standard and conduct of examination under this Ordinance;
- (b) the qualifications for entry of the name of any person in the Register as a member of the Institute;
- (c) the qualification for the purpose of sub-section (4) of section 6;
- (d) the conditions under which any examination or training may be treated as equivalent to the examination or training prescribed for the membership of the Institute;
- (e) the conditions under which any foreign qualifications may be recognised;
- (f) the manner in which, and the conditions subject to which, applications for entry in the Register may be made;
- (g) the fees payable for membership of the Institute and the annual fees payable for certificate of practice;
- (h) the manner in which elections to the Council and the Branch Councils may be held;
- (i) the particulars to be entered in the Register;
- (j) the functions of the Branch Councils;
- (k) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;
- (l) the carrying out of research in cost and management accounting;
- (m) the maintenance of libraries and publication of books and periodicals relating to cost and management accounting and allied subject;

- (n) the management of the property of the Institute and the maintenance and audit of its accounts;
- (o) the summoning and holding of meetings of the Council and Committees thereof, the times and places of such meetings, the procedure to be followed thereat and the number of members necessary to form a quorum;
- (p) recording and certifying minutes of meetings of the Council and the annual general meeting and extraordinary meetings;
- (q) appointment and removal of auditors of the Institute;
- (r) the manner in which the annual list of members of the Institute shall be published;
- (s) the powers, duties and functions of the President, Vice-President, Secretary and Treasurer of the Council, and the honorarium to be paid to the honorary office bearers and other members of the Council and its Committees;
- (t) the functions of the Standing Committees and other Committees and the conditions subject to which functions shall be discharged;
- (u) the powers, duties and functions of the officers and other employees of the Council;
- (v) rules of professional and other conduct and the exercise of disciplinary powers in relation thereto;
- (w) the terms and conditions of service of the officers and employees of the Institute;
- (x) the registration of students and the fees to be charged for such registration; and
- (y) any other matter which is required to be, or may be, prescribed under this Ordinance.

(3) All regulations made by the Council under this Ordinance shall be subject to the condition of previous publication and to the approval of the Government.

(4) The Council shall, as soon as practicable, send a copy of any regulation made by it to every member of the Institute.

32. (1) Where the Government considers it expedient so to do, it may, by order in writing, direct the Council to make any regulation, or to amend or rescind any regulation already made within such period as it may specify in this behalf.

Power to give directions for making regulations, etc.

(2) If the Council fails or neglects to comply with such direction within the specified period, the Government may make or amend, with or without modifications, or rescind, any regulation directed to be made, amended or rescinded; and any regulation so made, amended or rescinded by the Government shall be deemed to have been made, amended or rescinded by the Council and shall have effect accordingly.

33. (1) Upon the constitution of the Institute under section 3, the Cost and Industrial Accountants Act, 1966 (XIV of 1966), hereinafter referred to as the said Act, shall stand repealed.

Repeal and savings

(2) Upon the repeal of the said Act,-

- (a) the dissolved Institute and the Council of the dissolved Institute constituted under the said Act shall stand dissolved:

Provided that persons who were honorary office bearers and other members of the Council of the dissolved Institute and functioning immediately before the repeal of the said Act shall, until such time as the Council is constituted under section 9, be the honorary office bearers and other members and perform the functions of, and be deemed to be, the Council constituted under this Ordinance;

- (b) all assets, rights, powers, authorities and privileges and all properties, both movable and immovable, cash and bank balances, funds of the dissolved Institute and all other interests and rights in, or arising out of, such property shall stand transferred to, and vested in, the Institute;
- (c) all debts, liabilities and obligations of whatever kind of the dissolved Institute subsisting immediately before its dissolution shall, unless the Government otherwise directs, be the debts, liabilities and obligations of the Institute;

- (d) all suits and other legal proceedings instituted by or against the dissolved Institute before its dissolution shall be deemed to have been instituted by or against the Institute;
 - (e) services of all officers and employees of the dissolved Institute shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of service, stand transferred to the Institute and they shall be deemed to be officers and employees of the Institute appointed by it on the same terms and conditions of service as were applicable to them in the dissolved Institute unless such terms and conditions are altered, not being to their disadvantage, by the Institute;
 - (f) any certificate of practice or other document granted or made under the said Act and in force immediately before the commencement of this Ordinance shall be deemed to have been granted or made under the corresponding provisions of this Ordinance.
-