
CHARTERED PROFESSIONAL ACCOUNTANTS ACT

CHAPTER 1

Assented to March 25, 2015

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – DEFINITIONS

Definitions

1 In this Act:

- “**board**” means the board of the CPABC established under section 4 [*board of directors*];
- “**bylaw**” means a bylaw of the CPABC made under this Act;
- “**chartered professional accountant member**” means a member described in section 36 (a) [*classes of members*];
- “**court**” means the Supreme Court;
- “**CPABC**” means the Organization of Chartered Professional Accountants of British Columbia established under section 2 (1);
- “**disciplinary committee**” means a disciplinary committee appointed by the board in accordance with the bylaws;

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- “**hearing**” means a hearing under section 53 [*hearing*];
- “**investigation**” means an investigation under section 51 (3) [*practice review and investigation*];
- “**legacy designation**” means a legacy designation prescribed by regulation;
- “**limited liability partnership**” means a partnership registered as a limited liability partnership under Part 6 of the *Partnership Act*;
- “**member**” means a member of the CPABC;
- “**permit**” means a permit issued under section 40 [*professional accounting corporation permits*];
- “**practice review**” means a practice review under section 51 (2);
- “**professional accounting corporation**” means a corporation that holds a valid permit;
- “**register**” means the register under section 48 [*register*];
- “**registered firm**” means a firm registered under section 42 [*registration of firms*];
- “**registrar**” means the person appointed as registrar for the CPABC under section 6 (3) [*officers*];
- “**registration**” means the registration of a firm under section 42;
- “**review committee**” means a review committee appointed in accordance with the bylaws;
- “**review on the record**” means a review on the record under section 55 [*review on the record*].

PART 2 – ORGANIZATION OF CHARTERED PROFESSIONAL ACCOUNTANTS

Division 1 – Organization and Board

Organization established

- 2** (1) The Certified General Accountants Association of British Columbia, the Certified Management Accountants Society of British Columbia and the Institute of Chartered Accountants of British Columbia are amalgamated and continued as a corporation to be known as the Organization of Chartered Professional Accountants of British Columbia.
- (2) The organization may operate under the name Chartered Professional Accountants of British Columbia, CPA British Columbia or CPABC.
- (3) For the purposes of exercising its powers and performing its duties under this Act, the organization has all the powers and capacity of a natural person.

- (4) The head office of the organization must be
 - (a) in the City of Vancouver, or
 - (b) if specified in the bylaws, in another location in British Columbia.

Objects of CPABC

- 3 The CPABC has the following objects:
 - (a) to promote and maintain the knowledge, skill and proficiency of members and students in the practice of accounting;
 - (b) to establish qualifications and requirements for admission as a member and continuation of membership, and for enrollment and continuation of enrollment of students;
 - (c) to regulate all matters, including competency, fitness and professional conduct, relating to the practice of accounting by members, students, professional accounting corporations and registered firms;
 - (d) to establish and enforce professional standards;
 - (e) to represent the interests of members and students.

Board of directors

- 4
 - (1) A board of directors is established and must consist of the following:
 - (a) not less than 9 persons elected by and from the members in accordance with the bylaws;
 - (b) up to 3 persons appointed by the Lieutenant Governor in Council who are not members.
 - (2) The members eligible to be elected under subsection (1) (a) must be
 - (a) resident in British Columbia, and
 - (b) either
 - (i) chartered professional accountant members in good standing, or
 - (ii) members in good standing in another class of members specified in the bylaws.
 - (3) A member of the board
 - (a) elected under subsection (1) (a) serves for a term specified in the bylaws, and
 - (b) appointed under subsection (1) (b) serves for a term specified in the appointment by the Lieutenant Governor in Council.
 - (4) Elections referred to in subsection (1) (a) must be held at least every 24 months.
 - (5) Unless the bylaws otherwise provide, if a vacancy among the elected positions of the board occurs between annual general meetings, the board may appoint a member until the next annual general meeting or special general meeting.

Section 5

Powers of board

- 5** (1) The powers and capacity of the CPABC under section 2 (3) [*organization established*] may be exercised by the board on behalf of the CPABC.
- (2) The board must pass a resolution to exercise a power or capacity under subsection (1).
- (3) A resolution under subsection (2) may provide that a power or capacity may be exercised
- (a) on a specified occasion, or
 - (b) from time to time.
- (4) If a bylaw and a resolution are in conflict, the bylaw prevails.

Officers

- 6** (1) The officers of the CPABC are
- (a) a chair, one or more vice chairs and a treasurer elected by the board from among board members elected under section 4 (1) (a) [*board of directors*],
 - (b) a president and a secretary appointed by the board, and
 - (c) any other officers as specified in the bylaws.
- (2) The president serves as the chief executive officer of the CPABC.
- (3) The president must appoint a registrar in accordance with the bylaws and may delegate the powers of the registrar to another person or a committee.

Meetings of CPABC

- 7** (1) An annual general meeting must be held, in accordance with the bylaws, for
- (a) an election to fill vacancies on the board,
 - (b) the conduct of business specified in the bylaws, and
 - (c) the conduct of other business that may be brought before the meeting.
- (2) The board may call a special general meeting as specified in the bylaws.
- (3) Unless the bylaws otherwise provide, only chartered professional accountant members in good standing are eligible to vote at an annual general meeting or a special general meeting.
- (4) At an annual general meeting or a special general meeting, a member may be represented and vote by proxy under the following conditions:
- (a) a proxy must not be exercised by a person who is not a member;
 - (b) the proxy must be exercised in accordance with the bylaws on voting and proxies.

Benevolent and educational funds

- 8** (1) The CPABC may, directly or indirectly, receive, manage and invest contributions and donations from members or others as
- (a) a benevolent fund for the benefit of any member, or the family of a deceased member, who may require financial assistance, or
 - (b) an educational fund for the benefit of any of the following who may require financial assistance, including the provision of scholarships or bursaries:
 - (i) applicants for enrollment as a student;
 - (ii) students;
 - (iii) members;
 - (iv) applicants for admission as members.
- (2) The CPABC may contribute to a fund referred to in subsection (1) (a) or (b).

Division 2 – Bylaws**Bylaws respecting management and objects of CPABC**

- 9** The board may make bylaws for the purposes of the management and objects of the CPABC.

Bylaws respecting meetings

- 10** Without limiting section 9, the board may make bylaws respecting annual general meetings and special general meetings, including
- (a) the time, place and manner of holding meetings,
 - (b) voting rights, if any, of members in a class, and
 - (c) voting procedures, including procedures for voting by proxy or by electronic means.

Bylaws respecting board elections

- 11** Without limiting section 9, the board may make bylaws respecting the election of members to the board, including
- (a) procedures to be adopted at meetings for elections,
 - (b) terms of office of members elected to the board, including the staggering of terms of office and the setting of terms longer than 24 months to facilitate the staggering of terms, and
 - (c) the election of board members on a regional basis.

Bylaws respecting officers

- 12** Without limiting section 9, the board may make bylaws respecting officers of the CPABC, including the appointment, election and replacement of officers, and the officers' powers, duties and remuneration.

Section 13

Bylaws respecting committees

- 13** Without limiting section 9, the board may make bylaws respecting committees, including
- (a) respecting the establishment of an executive committee, including the composition of an executive committee, the functions, duties and powers of an executive committee and the delegation of the board's functions, duties and powers to an executive committee, and
 - (b) respecting the establishment of a disciplinary committee, a review committee and any other committee, including the composition of a committee which may include persons who are not members of the CPABC, the functions, duties and powers of a committee, the delegation of the board's functions, duties and powers to a committee and the delegation of a committee's functions, duties and powers to one or more panels of a committee.

Bylaws respecting students and other applicants for admission

- 14** Without limiting section 9, the board may make bylaws respecting students and other applicants for admission, including
- (a) establishing procedures for admission of students and other applicants as members,
 - (b) setting the requirements, including fitness and character requirements, for admission of students and other applicants as members,
 - (c) establishing standards for the manner and method of practice of students and other applicants for membership,
 - (d) conducting investigations into the conduct of students or other applicants for membership, and
 - (e) establishing an appeal process in respect of the manner in which examinations for admissions as a member are conducted.

Bylaws respecting fellows

- 15** Without limiting section 9, the board may make bylaws respecting the election of a member as a fellow of the CPABC.

Bylaws respecting classes of members

- 16** Without limiting section 9, the board may make bylaws respecting
- (a) classes of members, and
 - (b) standards of competency, fitness and professional conduct for a class of members.

Bylaws respecting members

- 17** Without limiting section 9, the board may make bylaws respecting members, including
- (a) qualification and competency requirements of members, including establishing those requirements and conducting reviews of members to ensure compliance with those requirements,
 - (b) optional or compulsory learning activities or continuing education for members,
 - (c) certification or licensing requirements for members to provide specified types of accounting services,
 - (d) specification of types of accounting services for the purposes of paragraph (c), and
 - (e) standards for the manner and method of practice of members.

Bylaws respecting professional accounting corporations

- 18** Without limiting section 9, the board may make bylaws respecting the issuance of permits to professional accounting corporations, including
- (a) renewal of permits,
 - (b) terms and conditions that must be met to be issued a permit under section 40 [*professional accounting corporation permits*], including terms and conditions relating to the ownership and control of a professional accounting corporation,
 - (c) procedures for granting, suspending and cancelling a permit, and
 - (d) the names and the approval of names, including the type of names, by which a professional accounting corporation may be known.

Bylaws respecting registered firms

- 19** Without limiting section 9, the board may make bylaws respecting the registration of firms, including
- (a) renewal of registrations,
 - (b) classes of registration,
 - (c) terms and conditions that must be met to be registered under section 42 [*registration of firms*],
 - (d) procedures for granting, suspending and cancelling a registration, and
 - (e) the names and the approval of names, including the type of names, by which a registered firm may be known.

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Bylaws respecting limited liability partnerships

- 20** Without limiting section 9, the board may make bylaws respecting limited liability partnerships, including
- (a) granting permission to members to provide accounting services to the public through a limited liability partnership, and
 - (b) establishing prerequisites, conditions, limitations and requirements for members to provide accounting services to the public through a registered firm that is a limited liability partnership.

Bylaws respecting designations

- 21** Without limiting section 9, the board may make bylaws respecting designations, including
- (a) the use and display by a member, a professional accounting corporation or a registered firm of a designation and the initials signifying that designation under this Act, including requiring the use or display of a designation and the initials signifying that designation and setting conditions for the use and display of a designation and the initials signifying that designation, and
 - (b) establishing who may use and display a legacy designation and the initials signifying that designation, including requiring or prohibiting the use or display of a legacy designation and the initials signifying that designation and setting conditions for the use and display of a legacy designation and the initials signifying that designation.

Bylaws respecting practice reviews, investigations, hearings and extraordinary suspensions

- 22** Without limiting section 9, the board may make bylaws respecting practice reviews, investigations, hearings and extraordinary suspensions, including respecting
- (a) the conduct of practice reviews and investigations, including
 - (i) requiring members, professional accounting corporations and registered firms to submit to a practice review, and
 - (ii) requiring members, former members, students, professional accounting corporations, former professional accounting corporations, registered firms and former registered firms to submit to an investigation,
 - (b) the inspection of offices, books, accounts and other records of a person subject to an investigation or practice review,
 - (c) the conduct of hearings,
 - (d) the establishment of a panel for the purposes of section 57 [*extraordinary suspension*] and the conduct of a proceeding under that section, and

- (e) authorizing a person or committee appointed under section 51 [*practice review and investigation*] to resolve a matter, by agreement,
 - (i) in a practice review, with a member who is, or a professional accounting corporation or registered firm that is, the subject of the practice review, and
 - (ii) in an investigation, with a respondent as defined in section 50 [*definitions for this Part*].

Bylaws respecting reviews on the record

- 23** Without limiting section 9, the board may make bylaws respecting reviews on the record of an order of a panel of a disciplinary committee, including
- (a) the procedures for making an application to a review committee,
 - (b) the practice and procedure for conducting reviews on the record, and
 - (c) the circumstances in which a review committee may hear evidence that is not part of the record.

Bylaws respecting tariff of costs

- 24** (1) Without limiting section 9, the board may make bylaws establishing a tariff of costs to partially indemnify
- (a) the CPABC for the expenses it incurs to conduct an investigation,
 - (b) the CPABC for the expenses it incurs to conduct a hearing,
 - (c) the CPABC for the expenses it incurs to conduct a review on the record,
 - (d) the CPABC for the expenses it incurs concerning a proceeding under section 57 [*extraordinary suspension*],
 - (e) if section 54 (1) [*costs*] applies, a respondent in a proceeding referred to in paragraph (a), (c) or (d), other than the CPABC, for the expenses the respondent incurs concerning the proceeding, and
 - (f) if section 54 (1) applies, a respondent in a hearing for the expenses the respondent incurs concerning the hearing.
- (2) A tariff of costs established under subsection (1) must not provide for the recovery of
- (a) the remuneration paid to members of a committee,
 - (b) the remuneration of employees of the CPABC, or
 - (c) legal expenses of the CPABC other than those incurred to conduct a proceeding before a committee.

Bylaws respecting insurance

- 25** Without limiting section 9, the board may make bylaws respecting insurance against professional liability claims, including
- (a) requirements that members, professional accounting corporations and registered firms maintain insurance,

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- (b) the exemption of a member, a category of members, a professional accounting corporation, a category of professional accounting corporations, a registered firm or a category of registered firms from requirements established under paragraph (a), and
- (c) authorization of the CPABC to act as agent for its members, professional accounting corporations and registered firms in obtaining the insurance.

Bylaws respecting chapters, branches and affiliations

26 Without limiting section 9, the board may make bylaws respecting

- (a) the establishment of chapters or branches of the CPABC in British Columbia for the social and educational welfare of its members and students, with the powers as may be provided for in the bylaws, and
- (b) authorization of the CPABC to enter into contracts, in accordance with the bylaws, to affiliate with a body that has objects and purposes similar to those of the CPABC.

General bylaw-making powers

- 27**
- (1) The board may by bylaw amend or repeal a bylaw.
 - (2) Provisions in a bylaw may be different for different categories of persons.
 - (3) The board must deal with a matter referred to in sections 10 to 26 only by
 - (a) enacting a bylaw, or
 - (b) acting as authorized under a bylaw.

Bylaw approval

- 28**
- (1) A bylaw must be confirmed at
 - (a) a special general meeting called for the purpose of considering the bylaw, or
 - (b) the next annual general meeting.
 - (2) The board must file a copy of a bylaw with the minister within 30 days after the bylaw is confirmed at the special general meeting or annual general meeting.
 - (3) A bylaw may be disallowed by the minister within 45 days after the bylaw is filed under subsection (2).
 - (4) Unless the minister disallows the bylaw under subsection (3), a bylaw comes into force
 - (a) 45 days after the date the bylaw is filed under subsection (2), or
 - (b) on an earlier date if the minister declares that the bylaw comes into force on an earlier date.

Ministerial powers in relation to certain bylaws

- 29** (1) If the minister, in order to protect the public interest, considers that a bylaw should be made, amended or repealed under section 18 [*bylaws respecting professional accounting corporations*] respecting the ownership or control of professional accounting corporations, the minister may, by notice in writing to the board, request that the board make a new bylaw or amend or repeal an existing bylaw, under that section in the manner and by the date specified in the notice.
- (2) If the board does not comply with a request under subsection (1), the Lieutenant Governor in Council may make the new bylaw or amend or repeal the existing bylaw in accordance with the request.

PART 3 – STUDENTS AND MEMBERSHIP**Students**

- 30** The board may determine one or more of the following:
- (a) requirements for enrollment and training in accountancy to be met by students;
 - (b) curriculum of studies in accountancy to be pursued by students;
 - (c) standards of skill and competency in accountancy to be met by students;
 - (d) the rules, not contrary to this Act or the bylaws, for examinations or evaluations, including recognizing results from examinations held by other bodies.

Educational programs

- 31** (1) The CPABC may establish educational programs in accountancy for students.
- (2) The CPABC may make arrangements with a post-secondary institution or other educational body for the establishment or delivery of the programs referred to in subsection (1), including for the enrollment and training of students and the conduct and delivery of examinations.

Examinations

- 32** The board must hold examinations for admission as a member, or arrange that examinations for admission as a member be held, at least once a year.

Equivalent examinations

- 33** (1) The board must by bylaw establish the conditions under which persons who have passed the examinations of other corporate bodies that have the same or similar objects may be admitted as members.
- (2) The conditions established under subsection (1) must be reasonable and are subject to amendment by the Lieutenant Governor in Council.

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- (3) If the board omits to pass a bylaw described in subsection (1), the Lieutenant Governor in Council may prescribe the conditions.

Appeals

- 34** (1) In this section, “**appeal process**” means an appeal process of the CPABC established by bylaw or an appeal process of a person who holds examinations for admission as a member.
- (2) A person who has failed to pass an examination for admission as a member may appeal the manner in which the examination was conducted to the court within 3 months from the date of either of the following, as applicable:
- (a) if there is an appeal process, the decision in the appeal process;
 - (b) if there is no appeal process, the publication, by the CPABC or by the person who held the examination, of the result of the examination.
- (3) If there is an appeal process, a person may not initiate an appeal to the court until the person has first exhausted the appeal process.

Admission as member

- 35** (1) The board must admit a person to membership in the CPABC if the person
- (a) passes examinations required by the board,
 - (b) satisfies the board that the person is of good character,
 - (c) pays any applicable fees established by the board, and
 - (d) meets any other requirements for admission to membership specified in the bylaws.
- (2) The board must admit a person to membership in the CPABC if the person is entitled under the *Labour Mobility Act* to be admitted to membership in the CPABC.
- (3) The board may delegate its powers and duties under subsections (1) and (2) to the registrar.

Classes of members

- 36** The classes of members of the CPABC are as follows:
- (a) chartered professional accountants, including fellows;
 - (b) associate members;
 - (c) technologist members;
 - (d) other classes of members established by bylaw.

Honorary members

- 37** (1) The board may confer honorary membership on persons the board considers to have provided outstanding or notable services to the CPABC.

- (2) An honorary membership does not confer the right to be elected to the board, vote as a member or practise as a chartered professional accountant.

Fees, dues and assessments**38** The board may

- (a) establish and collect fees, dues and assessments payable to the CPABC by
 - (i) applicants for enrollment as a student,
 - (ii) students,
 - (iii) applicants for admission as a member,
 - (iv) members,
 - (v) applicants for professional accounting corporation permits,
 - (vi) professional accounting corporations,
 - (vii) applicants for registration as a registered firm,
 - (viii) registered firms, and
 - (ix) persons applying for examination or evaluation,
- (b) provide for special fees, special dues and special assessments to be paid by the persons described in paragraph (a),
- (c) set the date by which fees, dues, assessments, special fees, special dues or special assessments must be paid, and
- (d) exempt a person or a category of persons from payment of a fee, dues, assessment, special fee, special dues or special assessment.

PART 4 – PROFESSIONAL ACCOUNTING CORPORATIONS, REGISTERED FIRMS AND LIMITED LIABILITY PARTNERSHIPS**Definition for this Part**

- 39** In this Part, “**holding company**” means a corporation incorporated under the *Business Corporations Act* or registered under Part 11 of that Act, all the voting shares of which are legally and beneficially owned, directly or indirectly, by chartered professional accountant members in good standing.

Professional accounting corporation permits

- 40** (1) Subject to subsection (3), the board must issue a permit to a corporation that is a company as defined in the *Business Corporations Act*, and that is in good standing under that Act or that is an extraprovincial company as defined in that Act, if the board is satisfied that
- (a) the corporation has complied with this Part and the bylaws,
 - (b) each voting share is legally and beneficially owned by chartered professional accountant members in good standing or by holding companies,

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- (c) all the directors of the corporation are chartered professional accountant members in good standing,
 - (d) the president of the corporation is a chartered professional accountant member in good standing,
 - (e) each non-voting share is legally and beneficially owned by
 - (i) a chartered professional accountant member in good standing,
 - (ii) a holding company,
 - (iii) a person who is a relative of or resides with a chartered professional accountant member in good standing who is a shareholder or who is a shareholder in a professional accounting corporation that is a shareholder,
 - (iv) a corporation, all the shares of which are beneficially owned by one or more of the persons referred to in subparagraph (i) or (iii), or
 - (v) a trust, all the beneficiaries of which are individuals referred to in subparagraph (i) or (iii),
 - (f) each person who provides accounting services in British Columbia to the public on behalf of the professional accounting corporation is
 - (i) a chartered professional accountant member in good standing, or
 - (ii) under the direct supervision of a chartered professional accountant member in good standing who is an employee or shareholder of the professional accounting corporation, and
 - (g) the corporation satisfies any other requirements specified in the bylaws.
- (2) Subject to the bylaws, if a corporation that has been issued a permit under subsection (1) ceases to meet the criteria for a permit set out in subsection (1) because
- (a) a shareholder, director or president of a corporation dies or resigns from the corporation, or
 - (b) a shareholder of a holding company owning shares in the corporation dies or resigns from the holding company,
- the corporation may continue to hold a permit for a period of 6 months after the death or resignation.
- (3) The board may refuse to issue a permit under subsection (1)
- (a) if a professional accounting corporation had its permit cancelled or suspended previously,
 - (b) if a shareholder of the professional accounting corporation was a shareholder of a professional accounting corporation that had its permit cancelled or suspended previously,

- (c) if a shareholder of the professional accounting corporation, or a shareholder of a holding company that owns shares in the firm, had her or his membership cancelled or suspended previously, or had her or his application to renew membership refused previously, or
 - (d) in accordance with the bylaws.
- (4) The board may delegate its powers and duties under subsection (1) to the registrar.

Voting trust, proxy and similar agreements forbidden**41** A shareholder of

- (a) a professional accounting corporation, or
 - (b) a holding company owning shares in a professional accounting corporation
- must not enter into a voting trust agreement, proxy agreement or any other type of agreement that vests in another person who is not a chartered professional accountant member in good standing the authority to exercise the voting rights attached to any or all of the shares of the professional accounting corporation if the exercise of those voting rights could result in persons who are not chartered professional accountant members in good standing holding the majority voting control of the professional accounting corporation.

Registration of firms

- 42** (1) The board may accept any of the following entities for registration as a firm in accordance with the bylaws:
- (a) a partnership, including a limited liability partnership;
 - (b) a professional accounting corporation;
 - (c) a sole proprietorship;
 - (d) an entity specified in the bylaws.
- (2) Subject to the bylaws and subsection (3), the board must register a firm or renew the registration of a firm on application by a person who
- (a) holds a direct or indirect proprietary interest in the firm,
 - (b) is a chartered professional accountant member in good standing, and
 - (c) is authorized by the firm to bring the application.
- (3) The board may refuse to register a firm or renew a registration under subsection (2)
- (a) if the firm had its registration cancelled or suspended previously, or had its application to renew its registration refused previously,
 - (b) if a shareholder, partner or proprietor of the firm, or a shareholder of a holding company that owns shares in the firm, was a shareholder, partner or proprietor of a firm that had its registration cancelled or suspended previously,

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- (c) if a shareholder, partner or proprietor of the firm, or a shareholder of a holding company that owns shares in the firm, had her or his membership cancelled or suspended previously, or had her or his application to renew membership refused previously, or
 - (d) in accordance with the bylaws.
- (4) The board may delegate its powers and duties under subsection (2) to the registrar.

Practice through professional accounting corporation or registered firm does not limit professional accountability

- 43**
- (1) The civil liability for professional negligence as an accountant of a member for her or his own professional negligence is not affected by the fact that the member is carrying on the practice of accounting
 - (a) as an employee, shareholder, officer, director or contractor of a professional accounting corporation or on its behalf,
 - (b) through a registered firm, or
 - (c) through a limited liability partnership.
 - (2) The relationship of a member to a professional accounting corporation, to a registered firm or to a limited liability partnership as
 - (a) an employee, shareholder, officer, director, partner or contractor of the professional accounting corporation or the registered firm,
 - (b) a shareholder of a holding company that owns shares in the professional accounting corporation or the registered firm, or
 - (c) an employee, partner or contractor of the limited liability partnership or on its behalfdoes not affect, modify or diminish the application to the member of this Act or the bylaws.
 - (3) This Act does not affect, modify or limit any law applicable to the fiduciary, confidential or ethical relationships that exist between a member, professional accounting corporation or registered firm and a person receiving accounting services from the member, professional accounting corporation or registered firm.
 - (4) The relationship between a professional accounting corporation and a person receiving accounting services through the professional accounting corporation is subject to all applicable laws relating to the fiduciary, confidential and ethical relationships that exist between a member and the member's client.

PART 5 – DESIGNATIONS AND PROHIBITIONS**Designations**

- 44** (1) A chartered professional accountant member in good standing may use or display the designation “professional accountant” and the designation “Chartered Professional Accountant” or the initials “CPA” signifying that designation.
- (2) A chartered professional accountant member in good standing who is a fellow may use or display the designation “Fellow of the Chartered Professional Accountants” or the initials “FCPA” signifying that designation.
- (3) A member in good standing described in section 36 (b) [*classes of members*] may use or display the designation “Associate of the Chartered Professional Accountants” or the initials “ACPA” signifying that designation.
- (4) A member in good standing described in section 36 (c) may use or display the designation “Associate Accounting Technologist” or the initials “AAT” signifying that designation.
- (5) A person on whom the board has conferred honorary membership under section 37 [*honorary members*] may use or display the designation “Chartered Professional Accountant, Honorary” or the initials “CPA (Hon.)” signifying that designation.
- (6) A professional accounting corporation and a registered firm may use or display the designation “Chartered Professional Accountant” or the initials “CPA” signifying that designation.
- (7) Subsection (6) only applies to a registered firm that is a partnership, including a limited liability partnership, if
- (a) each partner resident in British Columbia is a chartered professional accountant member in good standing or is a professional accounting corporation, and
 - (b) each partner that is not resident in British Columbia and not a chartered professional accountant member or a professional accounting corporation is
 - (i) a member of a body of chartered professional accountants, chartered accountants, certified management accountants or certified general accountants incorporated by an enactment that corresponds to this Act in a province or Bermuda, or
 - (ii) a corporation recognized and approved for the practice of public accounting by a body of chartered professional accountants, chartered accountants, certified management accountants or certified general accountants incorporated by an enactment that corresponds to this Act in a province or Bermuda.

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- (8) A person authorized under subsection (1), (2), (3), (4), (5) or (6) to use or display a designation or initials signifying that designation in the English language is also authorized to use or display the designation or initials signifying that designation together with their equivalent in a language other than English.
- (9) The use or display of a designation or initials signifying that designation under this section must comply with the bylaws.

Use of designations

- 45** (1) Except as authorized by this Act, and in the case of legacy designations, as authorized or required by the bylaws, a person must not
- (a) use or display
 - (i) a designation or the initials signifying a designation authorized to be used or displayed under section 44 (1), (2), (3), (4), (5) or (6), or
 - (ii) a legacy designation,
 - (b) use or display in a language other than English a designation or the initials signifying a designation that is equivalent to the corresponding designation or initials referred to in paragraph (a), or
 - (c) in any other manner, imply, suggest or hold out that the person is a person entitled to use or display a designation or the initials signifying a designation referred to in paragraph (a), or otherwise is a chartered professional accountant, or possesses accounting qualifications granted or approved under the bylaws.
- (2) A person must not, in any manner, imply, suggest or hold out that the person is a certified public accountant or a certified public auditor or use or display the designation “certified public accountant” or “certified public auditor” unless
- (a) the person is a chartered professional accountant member in good standing,
 - (b) the designation or initials are used or displayed together with and follow the designation “Chartered Professional Accountant”,
 - (c) the use or display is accompanied by the name of the jurisdiction where the designation “certified public accountant” or “certified public auditor” were granted, and
 - (d) the jurisdiction where the designation “certified public accountant” or “certified public auditor” were granted authorizes the person to use and display it in that jurisdiction.
- (3) A professional accounting corporation or a registered firm must not, in any manner, imply, suggest or hold itself out as a certified public accountant or a certified public auditor or use or display the designation “certified public accountant” or “certified public auditor”.

- (4) Subject to section 44 (1), a person must not use or display the designation “professional accountant” or the initials “PA” signifying that designation or, in any manner, imply, suggest or hold out that the person is a professional accountant.

Persons not affected

- 46** Subject to section 47, this Act does not affect the right of a person who is not a member to practice as an accountant or auditor in British Columbia.

Professional accounting

- 47** (1) The practice of professional accounting comprises one or more of the following services:
- (a) performing an audit engagement and issuing an auditor’s report in accordance with the standards of professional practice published by the Chartered Professional Accountants of Canada, as amended from time to time, or an audit engagement or a report purporting to be performed or issued, as the case may be, in accordance with those standards;
 - (b) performing any other assurance engagement and issuing an assurance report in accordance with the standards of professional practice published by the Chartered Professional Accountants of Canada, as amended from time to time, or an assurance engagement or a report purporting to be performed or issued, as the case may be, in accordance with those standards;
 - (c) issuing any form of certification, declaration or opinion with respect to information related to a financial statement or any part of a financial statement, on the application of
 - (i) financial reporting standards published by the Chartered Professional Accountants of Canada, as amended from time to time, or
 - (ii) specified auditing procedures in accordance with standards published by the Chartered Professional Accountants of Canada, as amended from time to time.
- (2) No person, other than a chartered professional accountant member in good standing, a professional accounting corporation or a registered firm that is authorized by the CPABC to do so, may provide or perform the services referred to in subsection (1).
- (3) Subsection (2) does not apply to the following:
- (a) a member who is not authorized by the CPABC to provide or perform the services referred to in subsection (1) or a student if the member or student is providing or performing the services referred to in subsection (1) under the direct supervision and control of a chartered professional accountant member in good standing, a professional accounting corporation or a registered firm that is authorized to provide and perform the services referred to in subsection (1);

- (b) a person performing a service for academic research or teaching purposes and not for the purpose of providing advice to a particular person;
- (c) an employee in relation to services provided to her or his employer or in her or his capacity as an employee of an employer that is not a registered firm;
- (d) a person providing advice based directly on a declaration, certification or opinion of a chartered professional accountant member in good standing, a professional accounting corporation or a registered firm that is authorized to provide and perform the services referred to in subsection (1);
- (e) a person providing bookkeeping services, consulting services or income tax return preparation and processing services that do not purport to be based on the standards of the Chartered Professional Accountants of Canada;
- (f) a person acting pursuant to the authority of any other Act.

PART 6 – REGISTER OF MEMBERS, PROFESSIONAL ACCOUNTING CORPORATIONS AND REGISTERED FIRMS

Register

- 48** (1) The registrar must establish and maintain a register of all members, professional accounting corporations and registered firms.
- (2) The register must include the following information:
- (a) the name of each member;
 - (b) the class of membership of each member;
 - (c) the name of each professional accounting corporation;
 - (d) the name of each registered firm;
 - (e) the class of registration of each registered firm.
- (3) Only those members whose names are entered in the register are entitled to the privileges of membership in the CPABC.
- (4) The register, or a copy or an extract of the register certified by the secretary, is proof in the absence of evidence to the contrary in any court that
- (a) a person whose name is entered in the register is a member in good standing,
 - (b) a professional accounting corporation whose name is entered in the register is a professional accounting corporation,
 - (c) a registered firm whose name is entered in the register is a registered firm,
 - (d) a person whose name is not entered in the register is not a member,
 - (e) a professional accounting corporation whose name is not entered in the register is not a professional accounting corporation, and
 - (f) a registered firm whose name is not entered in the register is not a registered firm.

- (5) The register may include the name of a person whose name was previously entered in the register and the period when the name was entered.

Inspection of register

- 49** (1) The registrar must make the register available for public inspection free of charge.
- (2) The registrar may refuse a person access to the register if the registrar reasonably believes that
- (a) access by the person could threaten the safety of another person, or
 - (b) the person is seeking access for commercial purposes.
- (3) If access is refused under subsection (2), the registrar may disclose to the person information from the register that the registrar considers appropriate in the circumstances.

PART 7 – PRACTICE REVIEWS, INVESTIGATIONS AND HEARINGS**Definitions for this Part**

- 50** (1) In this Part:
- “**investigator**” means a person or committee designated under section 51 (1) to conduct an investigation;
- “**party**” means a person subject to
- (a) a practice review, or
 - (b) an investigation;
- “**respondent**” means any of the following subject to a hearing:
- (a) a member;
 - (b) a former member;
 - (c) a student;
 - (d) a professional accounting corporation;
 - (e) a former professional accounting corporation;
 - (f) a registered firm;
 - (g) a former registered firm;
- “**reviewer**” means a person or committee designated under section 51 (1) to conduct a practice review.
- (2) For the purposes of section 22 [*bylaws respecting practice reviews, investigations, hearings and extraordinary suspensions*] and this Part,
- (a) former members include former members of The Certified General Accountants Association of British Columbia, the Certified Management Accountants Society of British Columbia and the Institute of Chartered Accountants of British Columbia, and

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- (b) former registered firms include former licensed firms under the *Accountants (Chartered) Act*.

Practice review and investigation

- 51** (1) An officer, a committee or any other person designated in accordance with the bylaws may conduct a practice review or an investigation.
- (2) A reviewer may conduct a practice review of a person listed in subsection (4) (a) by reviewing the person's professional practice for the purpose of identifying any deficiencies in the practice or the fitness or professional conduct of the person.
- (3) An investigator may conduct an investigation of the conduct of a person listed in subsection (4) (b) to determine whether grounds exist for disciplinary action against that person under section 53.
- (4) The persons
- (a) for the purposes of subsection (2) are as follows:
 - (i) a member;
 - (ii) a professional accounting corporation;
 - (iii) a registered firm, and
 - (b) for the purposes of subsection (3) are as follows:
 - (i) a member;
 - (ii) a former member;
 - (iii) a student;
 - (iv) a professional accounting corporation;
 - (v) a former professional accounting corporation;
 - (vi) a registered firm;
 - (vii) a former registered firm.
- (5) If the reviewer or investigator is satisfied on reasonable grounds that a member or student possesses any information, record or thing that is relevant to a practice review or an investigation, the reviewer or investigator may make a written request to the member or student requiring the member or student to answer inquiries of the reviewer or investigator relating to the practice review or investigation and to produce to the reviewer or investigator the record or thing.
- (6) A person who receives a request under subsection (5) must comply with the request.
- (7) If a person who receives a request under subsection (5) refuses or neglects as soon as practicable to comply with the request, the CPABC may apply to the court for an order requiring the person to comply.
- (8) The court, on being satisfied that a person has contravened subsection (6), may order that the person comply and may impose requirements as to time and manner of compliance.

- (9) A person must not refuse to comply with this section on the grounds of confidentiality.
- (10) A person who, in accordance with this Act and the bylaws, provides the reviewer or investigator with any information, records or things that are confidential or subject to a solicitor-client privilege is deemed conclusively not to have breached any duty or obligation that would otherwise have been owed to a client not to disclose the information, records or things.
- (11) A provision of this section that applies to a member also applies to a professional accounting corporation and a registered firm.

Court ordered production

- 52** On application by the CPABC to the court, the court may order that a person produce to an officer or committee of the CPABC, a reviewer or an investigator any record or thing if the court is satisfied that the record or thing is relevant to and reasonably required by the reviewer for a review of the professional practice of a party or relevant to and reasonably required by the investigator for an investigation of the conduct of a party.

Hearing

- 53** (1) A disciplinary committee may appoint a panel to conduct a hearing under this section.
- (2) Subject to subsection (3), a panel of a disciplinary committee appointed under subsection (1) may inquire, in accordance with the bylaws, into the competence, fitness to practice or professional conduct of a respondent and decide whether the respondent
- (a) is incompetent,
 - (b) is unfit to practice,
 - (c) has committed professional misconduct,
 - (d) has,
 - (i) as a member, engaged in conduct unbecoming a member, or
 - (ii) as a professional accounting corporation or a registered firm, engaged in conduct that, if engaged in by a member, would have been conduct unbecoming a member, or
 - (e) has contravened this Act or the bylaws.
- (3) A panel may not commence a hearing under subsection (2) in respect of a former member, a former professional accounting corporation or a former registered firm if
- (a) the former member has not been a member for more than 6 years,
 - (b) the former professional accounting corporation has not been a professional accounting corporation for more than 6 years, and

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- (c) the former registered firm has not been a registered firm for more than 6 years.
- (4) If, after a hearing, a panel is satisfied that subsection (2) (a), (b), (c), (d) or (e) applies to a respondent, the panel may make an order to that effect and may, by order, do one or more of the following:
 - (a) reprimand the respondent;
 - (b) suspend with or without conditions for a period specified by the panel
 - (i) the membership of the member,
 - (ii) the enrolment of the student,
 - (iii) the permit of the professional accounting corporation, or
 - (iv) the registration of the registered firm;
 - (c) cancel the membership of the member, the enrolment of the student, the permit of the professional accounting corporation or the registration of the registered firm;
 - (d) bar the former member from applying for membership, the former professional accounting corporation from applying for a permit or the former registered firm from applying for registration
 - (i) for the period specified in the order, or
 - (ii) until the conditions specified in the order are met;
 - (e) impose conditions on the continuance of the membership of the member, the enrolment of the student, the permit of the professional accounting corporation or the registration of the registered firm;
 - (f) impose a fine payable to the CPABC of not more than
 - (i) \$25 000 for
 - (A) a professional accounting corporation or a former professional accounting corporation, of which all the voting shares are owned, directly or indirectly, by one member or former member,
 - (B) a registered firm or a former registered firm that is a sole proprietorship, or
 - (C) a member or a former member,
 - (ii) \$100 000 for
 - (A) a professional accounting corporation or a former professional accounting corporation that is not described in subparagraph (i) (A), or
 - (B) a registered firm or former registered firm that is not a sole proprietorship, and
 - (iii) \$4 000 for a student;

- (g) impose costs, based on the tariff established in the bylaws, against the respondent for the expenses the CPABC incurred to conduct an investigation, a proceeding under section 57 [*extraordinary suspension*] or a hearing.
- (5) The panel and any member of the panel has, for the purposes of a hearing, the same power as the court has for the trial of civil actions
 - (a) to summon and enforce the attendance of a person,
 - (b) to compel a person to give evidence on oath or in any other manner, and
 - (c) to compel a person to produce records and things in the person's possession or control.
- (6) For the purposes of subsection (5), the failure or refusal of a person
 - (a) to attend,
 - (b) to take an oath or affirmation,
 - (c) to give evidence, or
 - (d) to produce the records or things in the person's possession or controlmakes the person, on application by the CPABC to the court, liable to be committed for contempt as if in breach of an order or judgment of the court.
- (7) The panel must provide written notice of an order under subsection (4) to the respondent.
- (8) The respondent is deemed to be in receipt of the written notice under subsection (7) on the earlier of
 - (a) the receipt by the respondent of the written notice, or
 - (b) 3 days after the day the CPABC mails the written notice to the respondent at the respondent's last address on file with the CPABC.

Costs

- 54**
- (1) If a panel of a disciplinary committee decides that the allegations giving rise to a hearing were without merit, the panel may impose costs, based on the tariff established by the bylaws, against the CPABC for the expenses incurred by the respondent in respect of an investigation, a proceeding under section 57 [*extraordinary suspension*] or a hearing.
 - (2) Costs imposed under section 53 (4) (g) must not exceed 100% of disbursements, plus 50% of the other actual costs, incurred by the CPABC to conduct an investigation, a proceeding under section 57 or a hearing.
 - (3) Costs imposed under subsection (1) must not exceed 100% of disbursements, plus 50% of the other actual costs, incurred by the respondent regarding an investigation, a proceeding under section 57 or a hearing.

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- (4) Despite subsection (2), if the panel is satisfied that the actual cost to the CPABC to conduct an investigation, a proceeding under section 57 or a hearing was made greater because of the reprehensible conduct of the respondent during these proceedings, the panel may award further costs to the CPABC not exceeding 80% of the actual increase of the cost to the CPABC caused by that conduct.

Review on the record

- 55** (1) This section applies only if the CPABC has made bylaws under section 23 *[bylaws respecting reviews on the record]*.
- (2) Within 30 days after receiving the written notice under section 53 (8) of an order of a panel of a disciplinary committee, a respondent may apply in writing for a review on the record of that order by a review committee.
- (3) Within 30 days after an order of a panel of a disciplinary committee, a disciplinary committee may refer the matter to a review committee for a review on the record by a review committee.
- (4) If, in the opinion of a review committee, there are special circumstances, the review committee may hear evidence that is not part of the record in accordance with the bylaws.
- (5) After a hearing under this section, a review committee may
- (a) confirm the order of the panel of a disciplinary committee, or
 - (b) substitute an order the panel of a disciplinary committee could have made under this Act.

Appeal of disciplinary decision

- 56** (1) The following may appeal an order under section 53 *[hearing]* to the court on a question of law or jurisdiction:
- (a) the respondent against whom the order was made, whether or not the respondent applied for a review on the record;
 - (b) the CPABC, whether or not a disciplinary committee has referred the matter for a review on the record.
- (2) The court may confirm, vary or reverse the order referred to in subsection (1) or send the matter back to the disciplinary committee with directions.
- (3) An appeal under subsection (1) must be brought
- (a) by the respondent within 30 days after receiving the written notice under section 53 (8), and
 - (b) by the CPABC within 30 days of the date the order is made.
- (4) If an order under section 53 is appealed, the order remains in effect until the determination of the appeal.

- (5) An appeal from a decision of the court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

Extraordinary suspension

- 57** (1) If a panel consisting of any 3 members of the board considers that the length of time that would be required to hold a hearing concerning a member, professional accounting corporation or registered firm would be prejudicial to the public interest, the panel, without giving the member, professional accounting corporation or registered firm an opportunity to be heard, may suspend the membership of the person, the permit of the professional accounting corporation or the registration of the registered firm until a hearing and order under section 53 *[hearing]*.
- (2) If the panel decides under subsection (1) to suspend a member, the permit of a professional accounting corporation or the registration of a registered firm, it must give written notice to the member, professional accounting corporation or registered firm of the order, the reasons for the order and the right of the member, professional accounting corporation or registered firm to apply to the court to have the suspension removed.
- (3) The suspension under subsection (1) is not effective until the earlier of
- (a) receipt by the member, professional accounting corporation or registered firm of the written notice, or
 - (b) 3 days after the day the CPABC mails the written notice to the member, professional accounting corporation or registered firm at their last address on file with the CPABC.
- (4) A member suspended, a professional accounting corporation whose permit is suspended or a registered firm whose registration is suspended under subsection (1) may apply to the court to have the suspension removed, and the court may make any order respecting the suspension that the court considers appropriate.
- (5) A member of the board who takes part in the decision under subsection (1) must not sit on any hearing or review on the record with respect to any matter in relation to which the member of the board exercised the power of decision.

Injunction

- 58** (1) The CPABC may apply to the court for an injunction restraining a person from contravening this Act or the bylaws.
- (2) The court may grant an injunction under subsection (1) if the court is satisfied that there is reason to believe that there has been or will be a contravention of this Act or the bylaws.
- (3) The court may grant an interim injunction until the outcome of an application is commenced under subsection (1).

PART 8 – CUSTODIANS

Definitions for this Part

59 (1) In this Part:

“**accountant**” means a member, a former member, a professional accounting corporation, a former professional accounting corporation, a registered firm or a former registered firm;

“**custodian**” means a person appointed by an order under section 60;

“**practice**” includes an accounting practice carried on by a member on behalf of a professional accounting corporation whether as an employee of the professional accounting corporation or otherwise;

“**property**” includes books, records, accounts, funds, securities and any other real or personal property, wherever located,

- (a) in the possession or control of an accountant, if held or used by the accountant for the benefit of a client or other person, or otherwise held or used in the accountant’s capacity as an accountant,
- (b) in the possession or control of a person other than an accountant if the accountant has a duty to account to a client or other person for the property, or
- (c) referred to in paragraph (a) or (b), if held or used by a professional accounting corporation or a registered firm.

(2) For the purposes of the definition of “accountant”,

- (a) former members include former members of The Certified General Accountants Association of British Columbia, the Certified Management Accountants Society of British Columbia and the Institute of Chartered Accountants of British Columbia, and
- (b) former registered firms include former licensed firms under the *Accountants (Chartered) Act*.

Appointment of custodian

60 (1) The CPABC may apply to the court, with or without notice to anyone, for an order appointing the CPABC, a member in good standing, a professional accounting corporation, a registered firm or any other person as a custodian of the practice of an accountant to

- (a) take possession of or control over all or part of the property of the accountant, and
- (b) determine the status of, manage, arrange for the conduct of and, if appropriate, wind up or sell the practice of the accountant.

- (2) The court may grant a custodianship order under subsection (1), if, in the opinion of the court,
 - (a) the accountant consents to the appointment of a custodian,
 - (b) if the accountant is a member, the accountant dies or resigns or otherwise terminates membership in the CPABC,
 - (c) if the accountant is a professional accounting corporation or a registered firm, the accountant terminates a permit or registration,
 - (d) the accountant is unable to practice as an accountant because of physical or mental illness or for any other reason,
 - (e) the accountant disappears or neglects or abandons the accountant's practice,
 - (f) if the accountant is a member, the accountant's membership was suspended or cancelled, or
 - (g) if the accountant is a professional accounting corporation or a registered firm, the corporation's permit or firm's registration was suspended or cancelled.
- (3) An order under this section must direct that any person receiving notice of the order must retain all the accountant's property that is in or comes into that person's possession or control, until directed otherwise by the custodian or by an order of the court.
- (4) An order under this section may
 - (a) direct a sheriff to search for, seize, remove and place into the possession or control of the custodian all or part of the accountant's property,
 - (b) authorize the sheriff, for the purpose of paragraph (a), to enter
 - (i) any building or place other than an accountant's private residence and open any safety deposit box or other receptacle, and
 - (ii) the accountant's private residence and open any safe or other receptacle, if there are grounds to believe that the accountant's property may be found there,
 - (c) direct any savings institution or other person to deal with, hold or dispose of the accountant's property as the court directs, and to deliver to the custodian or otherwise, as the court directs, one or more of the following:
 - (i) the accountant's property;
 - (ii) a copy of records relating to the accountant's practice;
 - (iii) a copy of other records, when necessary for the effective conduct of the custodianship,
 - (d) give directions to the custodian respecting the disposition of the accountant's property and the manner in which the custodianship should be conducted,

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- (e) make provision for remuneration, disbursements, costs and indemnification of a custodian out of the accountant's property, or otherwise as specified by the court,
 - (f) give directions as to the service of an order made or notice required under this Part, and
 - (g) include other orders or give other directions to facilitate the conduct of the custodianship and any terms or conditions the court considers necessary.
- (5) Unless otherwise directed by the court, the custodian must cause an order made under this Part to be served on the accountant as soon as practicable.
- (6) A sheriff executing an order under this Part has the same powers and entitlements to fees and disbursements as that person has in the execution of a writ of seizure and sale.

If CPABC appointed as custodian

- 61** If the CPABC is appointed as a custodian, the president must
- (a) designate a person who is
 - (i) an employee of the CPABC, and
 - (ii) a chartered professional accountant member in good standing, or
 - (b) retain the services of a chartered professional accountant member in good standing, a professional accounting corporation or a registered firm
- to perform the duties and functions and exercise the powers of a custodian on behalf of the CPABC.

Powers of custodian

- 62** A custodian may do any or all of the following:
- (a) notify a client of the accountant, or any other person, of the custodian's appointment, and communicate with that client or person respecting the conduct of the custodianship;
 - (b) if appropriate, inform a client of the accountant, or any other person, that the client or person may
 - (i) have an interest in the accountant's property examined by the custodian, and
 - (ii) apply for delivery of the property or copies of any documents or papers regarding transactions the client or person had with the accountant;
 - (c) continue accounting services for a client of the accountant, in place of that accountant, in respect of any accounting services that accountant was engaged in at the time a custodian was appointed, to the extent necessary to preserve the interests of the client;
 - (d) conduct or authorize an examination of the accountant's property;

- (e) require from the accountant or any other person records and information that may be reasonably necessary to facilitate the conduct of the custodianship and, if necessary, apply to the court for an order to enforce the requirement;
- (f) report to an insurer any facts of which the custodian becomes aware that indicate that the accountant in that accountant's professional capacity may be liable to a client or other person;
- (g) cooperate with an insurer respecting any claim arising out of the accountant's practice, to the extent required by the policy;
- (h) deal with the assets and liabilities of the accountant's practice to the extent necessary to protect the interests of the accountant's clients and, subject to the interests of clients,
 - (i) pay all or part of the expenses and disbursements of and incidental to any acts done or proceedings taken under this Part, and
 - (ii) preserve the value of the practice;
- (i) employ or retain assistance in the conduct of the custodianship.

CPABC access to property

- 63** (1) An officer or employee of the CPABC may at any time examine and make copies of any of the accountant's property in the possession or control of the custodian.
- (2) Copies made under subsection (1) must be made at the CPABC's expense and only for the CPABC's own use.

Property in custody of custodian

- 64** (1) A custodian may deliver property in the custodian's possession or control to a person claiming the property if the custodian is satisfied that
- (a) the person is entitled to the property, and
 - (b) the president of the CPABC has been given a reasonable opportunity to examine the property under section 63.
- (2) A delivery under subsection (1) is not a determination of any proprietary rights in the property.

Application to court

- 65** (1) A custodian, the CPABC, the accountant concerned or any other interested person may apply to the court for an order under this section, with or without notice to anyone.
- (2) On an application under subsection (1), the court may do one or more of the following:
- (a) discharge the custodian, unless the CPABC shows cause why the custodianship should be continued;

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- (b) appoint another chartered professional accountant member in good standing, professional accounting corporation or registered firm or any other person as a custodian;
 - (c) direct that the accountant's property in the custodian's possession or control is delivered to the accountant;
 - (d) include any terms or conditions the court considers necessary;
 - (e) make no order.
- (3) Despite anything in this Part, the court may at any time extend or shorten the time within which anything is required to be done or dispense with any of the requirements of this Part.

Costs

- 66** (1) No costs may be awarded against a custodian, the CPABC or a person acting for either of them in relation to a court application made under this Part.
- (2) Unless the court otherwise orders, the accountant or the estate of a deceased accountant must pay to the CPABC the fees, expenses and disbursements of and incidental to any acts done or proceedings taken under this Part, including the fees, expenses and disbursements of a custodian.

PART 9 – GENERAL**Protection against actions**

- 67** (1) Subject to subsections (2) and (3), no legal proceeding for damages lies or may be commenced or maintained against a person because of anything done or omitted
- (a) in the performance or intended performance of any duty under this Act, or
 - (b) in the exercise or intended exercise of any power under this Act.
- (2) Subsection (1) does not apply to the CPABC if the CPABC is performing a duty or exercising a power other than a duty or power under Part 8 [*Custodians*].
- (3) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted by that person in bad faith.
- (4) No legal proceedings for damages lies or may be commenced or maintained against a custodian or person acting on behalf of a custodian or against the CPABC or a person acting on behalf of the CPABC because of anything done or omitted
- (a) in the performance or intended performance of any duty under Part 8, or
 - (b) in the exercise or intended exercise of any power under Part 8.
- (5) Subsection (4) does not apply to a person referred to in that subsection, including the CPABC, in relation to anything done or omitted by that person in bad faith.

- (6) Subsection (1) does not absolve the CPABC from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force except as provided in subsection (4).

Offences

- 68** (1) Section 5 of the *Offence Act* does not apply to this Act or to the bylaws made under it.
- (2) A person who contravenes one of the following sections commits an offence:
- (a) section 45 [*use of designations*];
 - (b) section 47 (2) [*professional accounting*];
 - (c) section 69.

Confidentiality

- 69** (1) A person acting under this Act must keep confidential all facts, information and records obtained or provided under this Act or under a former enactment, except so far as the person's public duty requires or this Act or the bylaws permit the person to disclose or to report or take official action on the facts, information and records.
- (2) Insofar as the laws of British Columbia apply, a person must not give, or be compelled to give, evidence in a court or in proceedings of a judicial nature concerning knowledge gained in the exercise of a power or in the performance of a duty under Part 7 [*Practice Reviews, Investigations and Hearings*] unless
- (a) the proceedings are under this Act, or
 - (b) disclosure of the knowledge is authorized under subsection (1) or under the bylaws.
- (3) The records relating to the exercise of a power or the performance of a duty under Part 7 are not compellable in a court or in proceedings of a judicial nature insofar as the laws of British Columbia apply unless
- (a) the proceedings are under this Act, or
 - (b) disclosure of the knowledge is authorized under subsection (1) or under the bylaws.

Power to make regulations

- 70** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting any matter for which regulations are contemplated by this Act.

PART 10 – TRANSITIONAL PROVISIONS, REPEALS AND CONSEQUENTIAL AMENDMENTS

Division 1 – Transitional Provisions

Transition – definitions

71 In this Division:

“**CGA-BC**” means The Certified General Accountants Association of British Columbia under the former CGA Act;

“**CMABC**” means the Certified Management Accountants Society of British Columbia under the former CMA Act;

“**former Acts**” means the former CA Act, the former CGA Act and the former CMA Act;

“**former CA Act**” means the *Accountants (Chartered) Act*, R.S.B.C. 1996, c. 3;

“**former CGA Act**” means the *Accountants (Certified General) Act*, R.S.B.C. 1996, c. 2;

“**former CMA Act**” means the *Accountants (Management) Act*, R.S.B.C. 1996, c. 4;

“**former entities**” means the CGA-BC, the CMABC and the ICABC;

“**ICABC**” means the Institute of Chartered Accountants of British Columbia under the former CA Act.

Transition – regulations

72 (1) Despite this Act, the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting any matter that the Lieutenant Governor in Council considers is not provided for, or is not sufficiently provided for, in this Act or in another Act affected by this Act;
- (b) making provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of more effectively bringing this Act into operation;
- (c) making provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in bringing this Act into operation;
- (d) making provisions that the Lieutenant Governor in Council considers necessary or advisable for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in respect of this Act;
- (e) resolving any errors, inconsistencies or ambiguities arising in this Act.

- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may do any of the following:
 - (a) provide exceptions to a provision;
 - (b) establish limits on the application of a provision;
 - (c) modify the rules, or the effect of the rules, that would otherwise apply under a provision;
 - (d) establish rules that operate in place of or as an alternative to a provision;
 - (e) establish conditions in relation to the operation of an exception, limit, modification or rule established under this section;
 - (f) provide for the application or continued application of the former Acts.
- (3) In making a regulation under subsection (1), the Lieutenant Governor in Council may do any of the following:
 - (a) establish different categories of persons or things for the purposes of this Act;
 - (b) make different provisions, including exceptions, for different categories referred to in paragraph (a).
- (4) A regulation under subsection (1) may be made retroactive to the day after the date of First Reading of this Act or a later date, and if made retroactive is deemed to have come into force on the specified date.
- (5) To the extent of any conflict between a regulation under subsection (1) and another enactment, the regulation prevails.
- (6) This section and any regulations made under this section are repealed 2 years after the date this Part comes into force.

Transition – interim board

- 73** (1) On the date this Part comes into force,
- (a) the appointment of each member of the Board of Governors under the former CGA Act is rescinded, and members of the Board, whether appointed or elected, cease to hold office,
 - (b) the appointment of each member of the council under the former CA Act is rescinded, and members of the council, whether appointed or elected, cease to hold office, and
 - (c) the appointment of each member of the board of directors under the former CMA Act is rescinded, and members of the board, whether appointed or elected, including the most recent past president if that person is on the board, cease to hold office.

Section 74

- (2) The minister must, by order,
 - (a) appoint, in accordance with subsection (4), persons to an interim board of directors of the CPABC, who hold office until the time at which board members referred to in section 4 (1) [*board of directors*] are first elected, and
 - (b) specify the date on or before which the first election referred to in paragraph (a) must be held.
- (3) For the purposes of subsection (2) (b), the minister may specify more than one date to allow for staggered elections.
- (4) The minister
 - (a) must appoint the members to the interim board of directors of the CPABC as follows:
 - (i) 6 persons who
 - (A) held office on the Board of Governors under the former CGA Act on the date this Part comes into force, and
 - (B) were elected by and from the members of the CGA-BC;
 - (ii) 6 persons who
 - (A) held office on the council under the former CA Act on the date this Part comes into force, and
 - (B) were elected to the council of the ICABC;
 - (iii) 3 persons who
 - (A) held office on the board of directors under the former CMA Act on the date this Part comes into force, and
 - (B) were elected under the bylaws by certified members from those certified members resident in British Columbia, and
 - (b) may appoint up to 3 persons to the interim board of directors of the CPABC who are not members of a former entity on the date this Part comes into force and may set the term of their appointment.

Transition – bylaws

- 74** Despite section 28 (4) [*bylaw approval*], the initial bylaws made by the interim board appointed under section 73 come into force when the bylaws are made.

Transition – property, liabilities and agreements

- 75** (1) All property, rights and interest of each former entity continue to be the property, rights and interests of the CPABC.
- (2) The CPABC continues to be liable for the obligations of each former entity.
- (3) On the date this Part comes into force, a reference to the following in any commercial paper, contract, lease, licence, permit or other instrument or document is deemed to be a reference to the CPABC:

- (a) The Certified General Accountants Association of British Columbia or Board of Governors of The Certified General Accountants Association of British Columbia;
 - (b) the Certified Management Accountants Society of British Columbia or the board of directors of the Certified Management Accountants Society of British Columbia;
 - (c) the Institute of Chartered Accountants of British Columbia or the council of the Institute of Chartered Accountants of British Columbia.
- (4) The amalgamation of the former entities does not constitute an assignment by operation of law, a transfer or any other disposition of the property, rights and interests of a former entity to the CPABC.

Transition – legal proceedings

- 76** (1) Any legal proceeding by or against a former entity on the date this Part comes into force may be commenced or continued, by or against the CPABC, and may not be commenced or continued against the former entity.
- (2) A conviction against a former entity may be enforced against the CPABC, and may not be enforced against the former entity.
- (3) A ruling, order or judgment in favour of or against a former entity may be enforced by or against the CPABC, and may not be enforced by or against the former entity.
- (4) A cause of action or claim against a former entity existing on the date this Part comes into force must be commenced or continued against the CPABC.
- (5) Subject to subsections (1) to (4), a cause of action or claim existing on the date this Part comes into force is unaffected by anything done under this Part.

Transition – students

- 77** A person who, immediately before the date this Part comes into force, is enrolled with the CGA-BC or the ICABC as a student, or is a student member of the CMABC, is deemed to be a student of the CPABC.

Transition – members

- 78** A person who, immediately before the date this Part comes into force, is
- (a) a member of the CGA-BC under the former CGA Act is deemed to be a chartered professional accountant member of the CPABC,
 - (b) a chartered accountant member of the ICABC under the former CA Act is deemed to be a chartered professional accountant member of the CPABC,
 - (c) a certified member of the CMABC under the former CMA Act is deemed to be a chartered professional accountant member of the CPABC,
 - (d) an associate member of the ICABC under the former CA Act is deemed to be an associate member of the CPABC,

Section 79

- (e) a technologist member of the CMABC under the former CMA Act is deemed to be a technologist member of the CPABC, or
- (f) an honorary member of one of the former entities is deemed to be an honorary member of the CPABC.

Transition – corporations

- 79** (1) A corporation that, immediately before the date this Part comes into force, is one of the following is deemed to hold a permit under section 40 [*professional accounting corporation permits*]:
- (a) a corporation in respect of which a member of the CGA-BC has consent from the CGA-BC to be associated with the corporation in accordance with rules and requirements of the board of the CGA-BC for granting consent to members of the CGA-BC to be associated with a corporation engaged in the practice of public accounting, as those rules and requirements read on the day after the date of First Reading of this Act;
 - (b) a corporation in respect of which a permit has been issued to a Public Practicing Certified Member or a technologist member of the CMABC under Rule 408.2 of the Rules of Professional Conduct of the CMABC, as that rule read on the day after the date of First Reading of this Act;
 - (c) a corporation that holds an incorporation licence under the bylaws of the ICABC.
- (2) A corporation in respect of which a permit has been issued to a technologist member of the CMABC under Rule 408.2 of the Rules of Professional Conduct of the CMABC, as that rule read on the day after the date of First Reading of this Act, may use or display the designation “Associate Accounting Technologist” or the initials “AAT” signifying that designation.

Transition – practice reviews and investigations

- 80** (1) If, before the date this Part comes into force, a practice review or an investigation under a former Act has started but has not been concluded, the practice review or investigation must be continued under this Act.
- (2) If, before the date this Part comes into force, a practice review has been referred to
- (a) the Practice Review Committee of the CGA-BC,
 - (b) the Practice Review Committee of the CMABC, or
 - (c) the Practice Review and Licensing Committee of the ICABC,
- and the committee has not concluded the practice review, a person or committee designated under section 51 (1) [*practice review and investigation*] must
- (d) refer the matter back to the applicable committee referred to in paragraphs (a), (b) or (c) to conclude the practice review, or
 - (e) continue the practice review under this Act.

- (3) If, before the date this Part comes into force, an investigation has been referred to
- (a) the Ethics Committee of the CGA-BC,
 - (b) the Professional Conduct Enquiry Committee of the CMABC, or
 - (c) the Professional Conduct Enquiry Committee of the ICABC,
- and the committee has not concluded the investigation, a person or committee designated under section 51 (1) must
- (d) refer the matter back to the applicable committee referred to in paragraphs (a), (b) or (c) to conclude the investigation, or
 - (e) continue the investigation under this Act.
- (4) If a practice review or an investigation is referred back to a committee under subsection (2) (d) or (3) (d), the persons who were members on the committee immediately before the date this Part comes into force continue to be members on the committee and may continue with the practice review or investigation, as applicable.
- (5) For certainty, for the purposes of this section,
- (a) a former member referred to in section 51 (4) (b) (ii) includes a former member of the CGA-BC, the CMABC and the ICABC, and
 - (b) a former registered firm referred to in section 51 (4) (b) (vii) includes a former licensed firm under the former CA Act.

Transition – hearings

- 81** (1) If, before the date this Part comes into force, a matter was referred to an inquiry under a former Act but no committee or panel of a committee was appointed to conduct the inquiry, the inquiry must be conducted as a hearing under this Act.
- (2) If, before the date this Part comes into force, a panel of a committee has started an inquiry under a former Act,
- (a) the members of the panel of the committee conducting the inquiry are deemed to be members of a panel of a disciplinary committee under this Act, and
 - (b) the inquiry must be continued as a hearing under this Act.
- (3) If a panel member withdraws from a hearing referred to in subsection (2), a disciplinary committee may do one of the following:
- (a) if at least 2 panel members remain on the committee or panel, authorize the remaining panel members to hear the matter, and the vacancy does not invalidate the hearing;
 - (b) remove the remaining panel members hearing the matter and appoint a new panel of a disciplinary committee under this Act to conduct a new hearing under this Act.

Section 82

Transition – appeals

- 82** If, before the date this Part comes into force, an appeal under section 23 (2) of the former CGA Act has been started,
- (a) the members of the committee of the board of the CGA-BC who have started to hear the appeal must continue to sit on the committee and hear the appeal, and
 - (b) the appeal must be continued under the former CGA Act.

Transition – professional accounting services

- 83** Section 47 (2) [*professional accounting*] of this Act does not apply to a person who, immediately before the date this Part comes into force,
- (a) is a technologist member of the CMABC, and
 - (b) has authorization under the former CMA Act to provide or perform the services referred to in section 47 (1) of this Act, and
- continues not to apply to the person as long as that person remains a technologist member of good standing of the CPABC.

Division 2 – Repeals**Repeals**

- 84** The following Acts are repealed:
- (a) the *Accountants (Certified General) Act*, R.S.B.C. 1996, c. 2;
 - (b) the *Accountants (Chartered) Act*, R.S.B.C. 1996, c. 3;
 - (c) the *Accountants (Management) Act*, R.S.B.C. 1996, c. 4.

Division 3 – Consequential Amendments*Business Corporations Act*

- 85** *Section 205 of the Business Corporations Act, S.B.C. 2002, c. 57, is amended*
- (a) *by striking out “of a company if” and substituting “of a company only if”, and*
 - (b) *by repealing paragraph (a) and substituting the following:*
 - (a) the person is a member of, or is a partnership whose partners are members of, a provincial or territorial institute or order of chartered accountants, or a provincial or territorial organization of chartered professional accountants, within Canada, .

86 *Section 221 (3) is amended by repealing paragraphs (a) to (c) and substituting the following:*

- (a) 3 individuals who are members of the Organization of Chartered Professional Accountants of British Columbia and who are authorized to act as auditors, and .

Business Practices and Consumer Protection Act

87 *Section 142.1 (2) of the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, is amended by repealing paragraphs (a) to (c) and substituting the following:*

- (h.1) the *Chartered Professional Accountants Act*; .

Community Charter

88 *Section 171 (2) of the Community Charter, S.B.C. 2003, c. 26, is amended by striking out “Canadian Institute of Chartered Accountants” and substituting “Chartered Professional Accountants of Canada”.*

Cooperative Association Act

89 *Section 110 (1) of the Cooperative Association Act, S.B.C. 1999, c. 28, is amended*

- (a) *by striking out “under section 111 and if” and substituting “under section 111 and only if”, and*

(b) by repealing paragraph (a) and substituting the following:

- (a) the person is a member of, or is a partnership whose partners are members of, a provincial or territorial institute or ordre of chartered accountants, or a provincial or territorial organization of chartered professional accountants, within Canada, .

Credit Union Incorporation Act

90 *Section 39.51 (a) of the Credit Union Incorporation Act, R.S.B.C. 1996, c. 82, is repealed and the following substituted:*

- (a) a person who is a member of, or a partnership whose partners are members of, a provincial or territorial institute or ordre of chartered accountants, or a provincial or territorial organization of chartered professional accountants, within Canada, or .

Financial Institutions Act

- 91** *Section 118 (1) of the Financial Institutions Act, R.S.B.C. 1996, c. 141, is amended by repealing paragraphs (f) and (g) and substituting the following:*

(f) if the auditor is a chartered professional accountant, to a provincial or territorial organization of chartered professional accountants of which the auditor is a member, or, if the auditor is a chartered accountant, to a provincial or territorial institute or ordre of chartered accountants, of which the auditor is a member within Canada, and .

Freedom of Information and Protection of Privacy Act

- 92** *Schedule 3 of the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended by striking out “Certified General Accountants Association of British Columbia”, “Certified Management Accountants Society of British Columbia” and “Institute of Chartered Accountants of British Columbia” and substituting “Organization of Chartered Professional Accountants of British Columbia”.*

Greater Vancouver Sewerage and Drainage District Act

- 93** *Section 60 (1) of the Greater Vancouver Sewerage and Drainage District Act, S.B.C. 1956, c. 59, is amended by striking out “chartered accountant” and substituting “chartered professional accountant”.*

Greater Vancouver Water District Act

- 94** *Section 24 of the Greater Vancouver Water District Act, S.B.C. 1924, c. 22, is amended by striking out “chartered accountant” and substituting “chartered professional accountant”.*

International Business Activity Act

- 95** *Section 2 (2) (p) of the International Business Activity Act, S.B.C. 2004, c. 49, is amended by striking out “Handbook of The Canadian Institute of Chartered Accountants” and substituting “CPA Canada Handbooks”.*

Legal Profession Act

- 96** *Section 61 (8) of the Legal Profession Act, S.B.C. 1998, c. 9, is amended by striking out “chartered accountant or certified general accountant” and substituting “chartered professional accountant”.*

Notaries Act

- 97** *Section 52 (7) of the Notaries Act, R.S.B.C. 1996, c. 334, is amended by striking out “chartered accountant or certified general accountant” and substituting “chartered professional accountant”.*

School Act

- 98** *Section 158 (2) of the School Act, R.S.B.C. 1996, c. 412, is amended by striking out “The Canadian Institute of Chartered Accountants or the Certified General Accountants’ Association of British Columbia” and substituting “the Chartered Professional Accountants of Canada or the Organization of Chartered Professional Accountants of British Columbia”.*

Small Business Venture Capital Act

- 99** *Section 28.97 (1) (b) of the Small Business Venture Capital Act, R.S.B.C. 1996, c. 429, is amended by striking out “chartered accountant, certified general accountant” and substituting “chartered professional accountant”.*

Society Act

- 100** *Section 42 (a) of the Society Act, R.S.B.C. 1996, c. 433, is repealed and the following substituted:*

- (a) a member of, or a partnership whose partners are members of, a provincial or territorial institute or ordre of chartered accountants, or a provincial or territorial organization of chartered professional accountants, within Canada, or .

South Coast British Columbia Transportation Authority Act

- 101** *Section 172 (1) (c) of the South Coast British Columbia Transportation Authority Act, S.B.C. 1998, c. 30, is amended by striking out “the council of the Institute of Chartered Accountants of British Columbia” and substituting “the board of the Organization of Chartered Professional Accountants of British Columbia”.*

Vancouver Charter

- 102** *Section 230 (1) and (2) of the Vancouver Charter, S.B.C. 1953, c. 55, is amended by striking out “chartered accountants or certified general accountants” and substituting “chartered professional accountants”.*

Vancouver Foundation Act

103 *Section 5 (1.2) (c) of the Vancouver Foundation Act, R.S.B.C. 2000, c. 1, is repealed and the following substituted:*

- (c) a member of the Organization of Chartered Accountants of British Columbia who has been nominated by the Organization of Chartered Professional Accountants of British Columbia in accordance with the bylaws of the foundation and whose nomination has been accepted by the board; .

Commencement

104 This Act comes into force by regulation of the Lieutenant Governor in Council.