

**THE AUDITORS AND ACCOUNTANTS (REGISTRATION)
ACT, 1972**

TABLE OF CONTENTS

Section

Title

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

PART II

THE BOARD

3. Establishment of Board.
4. Functions of Board.
5. Limitation of liability of members.
6. Appointment of Registrar.

PART III

REGISTRATION

7. Registers of accountants and auditors.
8. Publication of register and list.
9. Publication of *prima facie* evidence of registration.
10. Qualifications for registration of authorized accountants and auditors.
11. Temporary registration as authorized auditor or accountant.
12. Qualifications for registration of approved accountants and auditors.

PART IV

CONTROL OVER CONDUCT OF REGISTERED AUDITORS AND ACCOUNTANTS

13. Power to cancel registration.
14. Restoration to the register.
15. Powers to suspend registration, etc.
16. Proceedings at inquiry.
17. Disobedience of summons and refusal to give evidence.

*Section**Title***PART V**

APPEALS

- 18. Appeals against decisions of the Board.
- 19. Composition and proceedings of Appeals Board.

PART VI

EFFECT OF REGISTRATION AND CONSEQUENCES OF NON-REGISTRATION

- 20. Use of certain styles and titles.
- 21. Offences relating to use of styles and titles.
- 22. Restriction on private practice as auditor or accountant.
- 23. Restriction on employment of accountants.
- 24. Compulsory employment of authorized auditor or accountant.
- 25. Provisions relating to income tax returns.
- 26. Authorized auditors may carry on business as authorized accountants.
- 27. Exemptions.
- 28. No prosecution for offences committed within twelve months after commencement of this Act.

PART VII

ACTIVITIES OF THE BOARD AND FINANCIAL PROVISIONS

- 29. Board may delegate its functions.
- 30. Accounts and audit.
- 31. Registrar's report.
- 32. Funds of Board.
- 33. Power to invest.
- 34. Annual statement of accounts and Registrar's report to be laid before National Assembly.
- 35. Minister may give directions.

PART VIII

GENERAL PROVISIONS

- 36. Offences.
- 37. Consent of Director of Public Prosecutions.
- 38. Regulations by Minister.
- 39. By-laws by Board.
- 40. Proceedings of Board not to be invalid by reason of irregularity.
- 41. Repeal.

THE UNITED REPUBLIC OF TANZANIA



No. 33 OF 1972

I ASSENT,

Julius K. Nyerere
President

23RD NOVEMBER, 1972

An Act to provide for the Establishment of a National Board of Auditors and Accountants, the conduct of Professional Examinations in Auditing and Accountancy, the Registration of Auditors and Accountants and for matters incidental thereto and connected therewith

[_____]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Auditors and Accountants (Registration) Act, 1972 and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint. Short title

2. (1) In this Act unless the context otherwise requires- Interpretation
 "accountant" means any person trained or qualified, or holding himself out as trained or qualified, to keep books of accounts or similar financial records in respect of any business or a person a significant portion of whose time is utilized for the purpose of keeping books of account or similar financial records in respect of any business or financial activities, whether carried on by himself or any other person or body of persons, whether corporate or unincorporated and includes a person who keeps, prepares, advises on, revises or submits financial records, return or accounts for or on behalf of any other person, whether for reward or otherwise;
 "Appeals Board" means the Appeals Board referred to in section 19;
 "approved accountant" means any person registered as an approved accountant;

"auditor" means any person trained, qualified or holding himself out as trained, qualified or experienced in the auditing of the accounts of the business of any person or body of persons, including any body of persons of which he is a member, partner, shareholder, director or employee;

"authorized accountant" means any person registered as an authorized accountant;

"authorized auditor" means any person registered as an authorized auditor;

"Board" means the National Board of Accountants and Auditors established by section 3;

"member" in relation to the Board or the Appeals Board, includes the Chairman or, where the Chairman is absent and the Vice-Chairman is presiding, the Vice-Chairman;

"Minister" means the Minister for the time being responsible for finance;

"register" means the "Register of Authorized Auditors", the "Register of Authorized Accountants" or the "Register of Approved Accountants", as the case may be, maintained by the Board in accordance with the provisions of this Act;

"registered accountant" means an accountant whose name is for the time being entered on the Register of Authorized Accountants or, as the case may be, the Register of Approved Accountants;

"registered auditor" means an auditor whose name is for the time being entered on the Register of Authorized Auditors;

"Registrar" means the Registrar of Accountants and Auditors appointed in accordance with the provisions of section 6.

PART II

THE BOARD

Establishment of Board

3.(1) There is hereby established a Board to be known as the National Board of Accountants and Auditors.

(2) The Board shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) for and in connection with the purposes of this Act, be capable of acquiring, holding and disposing of movable, and immovable property in its corporate name.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and otherwise in relation to the Board.

(4) The Minister may, by order published in the *Gazette*, amend, add to, vary or revoke and replace the provisions of the Schedule to this Act.

Functions of Board

4. Subject to the provisions of this Act and any regulations made hereunder the functions of the Board shall be-

- (a) to promote and provide opportunities and facilities for the study of, and for the training in, accountancy, auditing and allied subjects;
- (b) to conduct examinations and to grant diplomas, certificates and other awards of the Board in accountancy, auditing and allied subjects-

- (c) to sponsor, arrange and provide facilities for conferences, seminars, discussions and consultations on matters relating to accountancy and auditing;
- (d) to arrange for the publication and general dissemination of materials produced in connection with the work and activities of the Board;
- (e) to maintain registers of accountants and a register of auditors, to consider and decide upon applications for registration and to effect registration of accountants and auditors;
- (f) to regulate the activities and conduct of accountants and auditors;
- (g) to carry out such other functions as the Minister may, after consultation with the President, by writing authorize or direct.

5. A member of the Board shall not be personally liable for any act or default of the Board done or omitted in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon, the Board. Limitation of liability of members

6. The Minister shall appoint a Registrar of the Board who may be a person holding an office of emolument in the public service and who shall hold and vacate office in accordance with the terms of his appointment. Appointment of Registrar

PART III REGISTRATION

7. (1) The Registrar shall keep and maintain a Register of Authorized Auditors, a Register of Authorized Accountants, and a Register of Approved Accountants in which the name of every person entitled to have his name entered therein as an authorized auditor, an authorized accountant or an approved accountant, as the case may be, shall be entered as soon as is practicable after his being accepted by the Board for registration, showing against his name- Registers of accountants and auditors

- (a) the date of such entry;
- (b) his address-
- (c) his qualifications;
- (d) the classification, if any, under which he is registered;
- (e) such other particulars as the Board may from time to time direct.

(2) All changes in the particulars registered under subsection (1) shall be entered in the appropriate register by the Registrar.

8.-(1) The Registrar shall cause to be published in the *Gazette*, as soon as may be practicable after registration, the name, address and qualifications of each authorized auditor and authorized accountant and, subject to the directions of the Board, may cause to be so published any amendment to or deletion from the register. Publication of register and list

(2) The Registrar shall cause to be published in the *Gazette*, as soon as conveniently may be after the first day of January in each year, a list containing the names, addresses and qualifications of all registered

accountants and auditors remaining on the registers at the close of the previous year.

Publication of list *prima facie* evidence of registration

9.-(1) A publication under the provisions of section 8 shall be *prima facie* evidence that the persons named therein are registered under this Act, and the deletion from the register of the name of any person notified by such publication shall be *prima facie* evidence that such person is, not so registered.

(2) The registers, lists and all copies thereof or extracts therefrom which purport to have been certified under the hand of the Registrar shall be receivable in all courts and tribunals or other bodies authorized to receive evidence as *prima facie* evidence of the facts stated therein.

Qualification for registration of authorized and auditors

10.-(1) Subject to the provisions of this section, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act and to have his name entered in the Register of Authorized Auditors or, as the case may be, the Register of Authorized Accountants if he is-

- (a) a member of an institute of accountants or an institute of auditors, the membership of which is recognized for the time being by the Board as furnishing a sufficient guarantee of academic knowledge of and practical experience in accountancy or as the case may be, auditing; or
- (b) a person who is the holder of a degree, diploma or certificate or other award of the Board, or of a university or school of accountancy or auditing which may be recognized for the time being by the Board as furnishing a sufficient guarantee of an adequate academic training in accountancy or auditing; or
- (c) a person who has sat for and passed an examination conducted by or under the authority of the Board, being an examination prescribed by the Board as qualifying examination for authorized auditor or, as the case may be, authorized accountant.:

(2) Notwithstanding the provisions of paragraphs (a) and (b) of subsection (1), the Board may require any person to whom either of the said paragraphs applies to pass such examination as the Board may prescribe, before such person is entitled to registration.

(3) The Board shall require an applicant for registration under this section to satisfy it that his professional and general conduct has been such as, in the opinion of the Board, to make him a fit and proper person to be registered under this section.

(4) The Board may, if in its opinion, an applicant is not a fit and proper person to be registered as an authorized auditor or an authorized accountant, direct the Registrar to reject the application or to register the applicant-

- (a) in the case of an application for registration as an authorized auditor, as an authorized accountant or an approved accountant;

(b) in the case of an application for registration as an authorized accountant, as an approved accountant, and the Board shall specify the classification under which the Registration shall be effected.

11. (1) Where a person satisfies the Board-

- (a) that he is not ordinarily resident in Tanganyika;
- (b) that he is or intends to be present in Tanganyika in the capacity of a professionally qualified accountant or auditor for the express purpose of carrying out a specific assignment for which he has been engaged; and
- (c) that he is, or, immediately prior to entering Tanganyika, was practising or employed as an accountant or auditor in such a capacity as to satisfy the Board of his fitness to serve the public as an authorized accountant or auditor,

Temporary
registration
as authorized
auditor or
accountant

the Board may, if it thinks fit, direct that such person shall be registered under this section as an authorized auditor or, as the case may be an authorized accountant either for a period not exceeding one year or for the duration of any specific assignment.

(2) An application for registration under this section shall be in the prescribed form, accompanied by the prescribed fee, and the Board may require an applicant to appear before it for the purposes of considering his application and shall require every applicant to produce documentary evidence of his work or employment immediately prior to his entering Tanganyika.

(3) Registration of a person under this section shall continue only for the period or for the duration of the assignment as is directed by the Board under subsection (1) and on its termination such person shall cease to be so registered. In case of doubt the decision of the Board as to the termination of the assignment shall be conclusive.

(4) A person registered under this section shall, in relation to the period or the duration of the assignment as is directed by the Board under subsection (1) and to things done and omitted in the course of such assignment, be treated as being duly registered under this Act as an authorized auditor or, as the case may be, an authorized accountant, but in relation to other matters shall be treated as not so registered.

12.-(1) Subject to the provisions of this Act, a person shall be entitled, on making an application to the Board in the prescribed manner and on payment to the Board of the prescribed fee, to be registered under this Act as an approved accountant and to have his name entered in the appropriate register if he is-

Qualifica-
tion for
registration
of approved
accountants

- (a) a member of an institute of accountants the membership of which is recognized for the time being by the Board as furnishing a sufficient guarantee of academic knowledge of and practical experience in accountancy;

- (b) a person who is the holder of a degree, diploma or certificate or other award of a university or school of accountancy or auditing which may be recognized for the time being by the Board as furnishing a sufficient guarantee of an adequate academic training in accountancy or auditing; or
 - (c) a person who has sat for and passed an examination conducted by or under the authority of the Board, being an examination prescribed by the Board as qualifying examination for approved accountants; or
 - (d) a person in respect of whom his employer for the time being has certified in writing, in the manner prescribed by the Board, that he is a person experienced in such fields of accountancy as may be stated in such certificate.
- (2) Notwithstanding the provisions of paragraphs (a), (b) and (d), the Board may require any person to whom any of the said paragraphs applies to pass such examination as the Board may prescribe, before such person is entitled to be registered as an approved accountant.
- (3) The Board shall require an applicant for registration under this section to satisfy it that his professional and general conduct has been such as, in the opinion of the Board, to make him a fit and proper person to be registered under this section.
- (4) The Board may, if in its opinion an applicant is not a fit and proper person to be registered as an approved accountant, direct the Registrar to reject the application.
- (5) Where the Board approves an application for registration, it shall specify the classification under which the registration shall be effected.

PART IV

CONTROL OVER CONDUCT OF REGISTERED AUDITORS AND ACCOUNTANTS

Power to
cancel
registration

13.-(1) The Board may at any time direct that the name of an authorized auditor, an authorized accountant or an approved accountant be deleted from the relevant register or be transferred, in the case of an authorized auditor, to the Register of Authorized Accountants or the Register of Approved Accountants or, in the case of an authorized accountant, to the Register of Approved Accountants, or be entered on a lower classification, where such person has-

- (a) failed within a period of six months from the date of an enquiry sent by the Registrar by registered letter to the address appearing in the register against his name, to notify the Registrar of his current address; or
- (b) requested that his name be deleted from the register, in which case such person may be required to satisfy the Board by affidavit lodged with the Registrar that no criminal proceedings or proceedings under section 15 or section 16 are being or are likely to be taken against him; or
- (c) been found by the Board to be guilty of such misconduct as is specified in section 15.

(2) The Registrar shall delete from the register the name of every deceased person.

(3) The Registrar shall rectify or delete any entry in any register which has been incorrectly or fraudulently made or procured.

(4) Except in the circumstances specified in paragraph (a) of subsection (1) and in subsection (2), every deletion from a register, transfer to another register or reclassification of registration shall be notified by the Registrar to the person concerned by a registered letter to the address appearing in the register against his name immediately prior to such deletion, transfer or reclassification, as the case may be.

(5) Subject to the provisions of section 14, a person whose name has been deleted from a register under this section shall cease from the date of such deletion to be registered for the purposes of this Act.

14.-(1) Where the name of any person has been deleted from a register under section 13, the name of that person shall not be again to the entered in the register except by direction of the Board.

Restoration
to the
register

(2) Where the name of any person has been deleted from a register, transferred from one register to another or the registration relating to him has been re-classified, or where the effect of the registration of any person has been suspended in the terms of paragraph (d) of section 15, the Board may, either of its own motion or on the application in the prescribed manner of the person concerned, and in either case after holding such inquiry as the Board may deem fit, direct that-

- (a) the deletion, transfer or re-classification be confirmed; or
- (b) the name of that person be restored to the register; or
- (c) the re-classification be cancelled; or
- (d) the suspension of the effect of the registration of that person be terminated.

(3) A direction given by the Board under subsection (2) may include provision for the date upon which restoration to the register, cancellation of the re-classification or the termination of suspension of the effect of registration shall take effect and for the payment by the person concerned of such fee, not exceeding the fee payable on an application for registration, as the Board may determine.

15. If any authorized auditor, authorized accountant or approved accountant is convicted of any offence against this Act or is, after due inquiry held by the Board, found to have been guilty of any act or omission amounting to improper, disgraceful or grossly negligent professional conduct, the Board may-

- (a) caution or censure such registered auditor or accountant; or
- (b) direct that his name be transferred to another register; or
- (c) direct that his name be transferred to a lower classification in a register; or
- (d) direct that, during such period as the Board may specify, the registration of his name shall not have effect; or
- (e) direct that his name be deleted from the register.

Power to
suspend
registration,
etc.

Proceedings
at inquiry

16.-(1) Upon any inquiry held by the Board under section 15, the person whose conduct is being inquired into shall be entitled to appear and to be heard in person but shall not be entitled to be represented by an advocate.

(2) For the purposes of proceedings at any inquiry held by it, the Board shall have power-

- (a) to administer oaths;
- (b) to summon persons to attend and give evidence; and
- (c) to order the production of documents.

(3) All summonses and orders issued under the hand of the chairman or the vice-chairman of the Board shall be deemed to be issued by the Board.

(4) The chairman, or in his absence the vice-chairman, shall record or cause to be recorded a summary of any oral evidence given at an inquiry held by the Board.

(5) Subject to the provisions of this section and of any regulations made under section 38, the Board shall have power to regulate its own procedure at an inquiry held by it.

Cap. 16

(6) For the purpose of Chapter XI of the Penal Code, an inquiry held by the Board shall be deemed to be judicial proceedings.

Disobedience
of summons
and refusal
to give
evidence

17. Any person who, having been served with a summons or an order issued under the provisions of section 16, refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board, or refuses or omits without sufficient cause to produce any document in his possession or under his control which is specified in the order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings:

Provided that every person giving evidence before the Board shall, in respect of any evidence given by him or any document produced by him, be entitled to all privileges to which he would be entitled as a witness before the High Court.

PART V

APPEALS

Appeals
against
decisions
of the
Board

18.-(1) Any person aggrieved by a decision of the Board-

- (a) to refuse to register his name; or
- (b) to delete his name from a register; or
- (c) to transfer his name from one register to another; or
- (d) to reclassify his registration; or
- (e) to refuse to enter his name in the register or under the classification applied for; or
- (f) to refuse to restore his name to the register; or
- (g) to suspend the effect of registration of his name,

may appeal to the Appeals Board against the decision of the Board and in any such appeal the Appeals Board may give such directions in the matter as it thinks proper, and every order of the Appeals Board under this section shall be final, conclusive and binding upon all parties concerned, and shall not be subject to review by any court.

(2) The Board may appear as respondent and be heard on any appeal against its decision and, for the purposes of enabling directions to be given as to the costs of any such appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.

(3) The Attorney-General may make rules regulating appeals to the Appeals Board under this section and providing for the taking of further evidence, the fees to be paid, the procedure to be followed and the manner of notifying the Board of an appeal, and until any such rules are made, and subject to any such rules when made, the provisions of the Civil Procedure Code, 1966 shall apply as if the decision or direction of the Board were a decree of a court exercising original jurisdiction and as if the Appeals Board were the High Court.

Acts, 1966
No. 49

(4) The Appeals Board shall, for the purposes of an appeal under this section, have all the powers which the High Court has in the exercise of its appellate jurisdiction in civil matters.

19. (1) The Appeals Board shall consist of-

- (a) the Attorney-General or a senior law officer nominated in that behalf by the Attorney-General, who shall be the chairman;
- (b) the Principal Secretary to the Treasury or the Treasury Registrar, who shall be the vice-chairman;
- (c) the Controller and Auditor-General or an authorized auditor employed in the Audit Department and nominated by the Controller and Auditor-General;
- (d) the Principal Secretary to Ministry for the time being responsible for commerce;
- (e) an authorized auditor in the employment of the Tanzania Audit Corporation and nominated by the General Manager of the Corporation.

Composition
and
proceedings
of Appeals
Board

(2) The chairman or, in his absence, the vice-chairman and two other members shall constitute a quorum for any meeting of the Appeals Board.

(3) The decision of the majority of the members present shall be the decision of the Appeals Board:

Provided that in the event of an equality of votes the chairman or, if the vice-chairman is presiding, the vice-chairman, shall have a casting vote in addition to his deliberative vote.

PART VI

EFFECT OF REGISTRATION AND CONSEQUENCES OF NON-REGISTRATION

20. Every person whose name has been entered on a register shall, so long as his name remains on the register, be entitled to adopt and use the style and title-

- (a) in the case of a person whose name has been entered on the Register of Authorized Auditors, "Authorized Auditor" or "Registered Auditor";
- (b) in the case of a person whose name has been entered on Register of Authorized Accountants, "Authorized Accountant" or "Registered Accountant";
- (c) in the case of a person whose name has been entered on the Register of Approved Accountants, "Approved Accountant"]

or such contraction of any such style and title as the Board may approve.

Offences relating to use of styles and titles

21. (1) Any person who-

- (a) not being an authorized auditor, an authorized accountant or an approved accountant falsely pretends to be such; or
- (b) not being a person entitled to use any style or title referred to in section 20, uses such style or title or uses any other name, style, title or description, implying, whether in itself or in the circumstances in which it is used, that such person is entitled to use such style or title;
- (c) not being an authorized auditor, holds himself out, whether directly or by implication, to be an authorized auditor,
- (d) not being an authorized auditor or an authorized accountant, holds himself out, whether directly or by implication to be an authorized accountant;
- (e) not being authorized auditor, an authorized accountant or an approved accountant, holds himself out, whether directly or by implication, to be an approved accountant,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Restriction on private practice as auditor or accountant

22. (1) No person other than an authorized auditor or an authorized accountant shall carry on business as an auditor or, as the case may be, an accountant.

(2) For the purposes of this section a person shall be deemed to be carrying on the business of an auditor or, as the case may be, an accountant if he, for a fee, reward or any other material consideration whatsoever, renders to another person in Tanganyika services as an auditor or, as the case may be, an accountant:

Provided that a person shall be deemed not to be carrying on business, of an accountant or an auditor if he renders such services to his employer by whom he is employed under a contract of service on a full-time basis.

(3) It shall be unlawful for a body of persons, whether corporate or unincorporated, to carry on business as auditors or accountants unless all its partners, members or shareholders, as the case may be, are authorized auditors or authorized accountants, as the case may be:

Provided that where the majority of the partners, shareholders or members, as the case may be, of such body of persons are authorized auditors, the remaining being authorized accountants, then the body of persons may lawfully carry on business as auditors.

(4) Where a shareholder, partner or member of a body of persons, whether corporate or unincorporated, carrying on business as auditors or accountants dies, such body of persons may, notwithstanding the provisions of subsection (3), continue to carry on the business until such time as the administration of the estate of the deceased is completed, as if such legal representatives were authorized auditors or, as the case may be, authorized accountants.

(5) Nothing in this Act shall be construed as entitling any body of persons, whether corporate or unincorporated, to be registered as, or as empowering the Registrar to register any body of persons as, authorized auditors, authorized accountants, or approved accountants.

(6) Any person who in contravention of the provisions of this section carries on business as an auditor or as an accountant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(7) The provisions of this section shall not apply to the Controller and Auditor-General or to the Tanzania Audit Corporation established under the Tanzania Audit Corporation Act, 1968.

Acts, 1968
No. 1

23. (1) No person shall employ or continue to employ as an auditor any person who is not an authorized auditor.

(2) No person shall employ or continue to employ as an accountant any person who is not an authorized or an approved accountant.

(3) No person shall take up or continue in any employment as an auditor unless he is an authorized auditor.

(4) No person shall take up or continue in any employment as an accountant unless he is an authorized accountant or an approved accountant.

(5) Any person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(6) In this section "employ" means employ under a contract of service or under a contract for services and "employment" shall be construed accordingly.

(7) Where an employer employs any person as a trainee accountant for the purpose of according such employee an opportunity of being trained as an accountant, this section shall not apply to such employer or such employee in relation to the employee's employment for the period of twelve months immediately following the employment or appointment of such employee in or to the office of a trainee accountant:

Restriction
on
employment
of
accountants

Provided that no person who, having been employed by one employer as a trainee accountant, shall be employed by or take up employment with another or subsequent employer as a trainee accountant save for a period representing the difference between twelve months and the period or the aggregate of periods during which he was employed as such by his previous employer or employers, and any contravention of the provisions of this proviso shall be an offence against this section and be punishable in accordance with the provisions of subsection (5).

(8) The provisions of this section shall extend to every employment as an auditor or accountant in the service of the United Republic, but shall not extend to the employment by the Government or any other person or body of persons, of the Controller and Auditor-General or the Tanzania Audit Corporation.

Compulsory
employment
of
authorized
auditor or
accountant

24. (1) Every body of persons, whether corporate or unincorporated, engaged' in Tanganyika in any trade, business or profession, which has-

- (a) assets in Tanganyika the value of which exceeds ten million shillings; or
- (b) an annual gross turnover in Tanganyika exceeding five million shillings,

shall employ at least one authorized auditor or one authorized accountant.

(2) Any body of persons which contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings.

Provisions
relating to
income tax
returns

25.-(1) No person shall submit his income tax return to the appropriate authority unless such return has been prepared or certified by an authorized auditor, or an authorized accountant.

(2) The provisions of subsection (1) shall not apply to an individual-

- (a) the whole of whose income, is derived from employment; or
- (b) the whole of whose gross annual income is less than one hundred and fifty thousand shillings.

(3) For the purposes of subsection (1)-

"appropriate authority" means the public officer to whom income, tax return is required to be submitted under the Income Tax Management Act;

"income tax" means, the tax payable under the East African Income Tax Management Act;

"income" and " gross income" shall mean income or, as the case may be, gross income as defined in the Income Tax Management Act, but accrued in or derived from the United Republic.

Community
Laws
Cap. 24

(4) Every audited balance sheet or profit and loss account of a body corporate required to be submitted to any public officer or other public authority under the Companies Ordinance, the Companies (Regulation of Dividends and Surpluses and Miscellaneous Provisions) Act, 1972 or any other written law shall be either prepared or certified by an authorized accountant or authorized auditor.

Cap. 212
Acts 1972
No. 22

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

26. Registration under this Act as an authorized auditor shall imply registration as an authorized accountant, and an authorized auditor may lawfully carry on business, or be employed, as an authorized accountant.

Authorized auditors may carry on business as authorized accountants

27. The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Part or modify all or any of the provisions of this Part in their application to any person or class of persons.

Exemptions

28.-(1) No person shall be prosecuted for any offence under this Part where such offence is committed within the period of twelve months immediately succeeding the date of the commencement of this Act.

No prosecution for offences committed within twelve months after commencement of this Act

(2) The Minister may, by order in the *Gazette*, extend the period of twelve months provided for in subsection (1) by such further period as he may specify in such order.

PART VII

ACTIVITIES OF THE BOARD AND FINANCIAL PROVISIONS

29. The Board may delegate its functions under this Act to any officer or committee of the Board.

Board may delegate its functions
Accounts and audit

30.-(1) The Board shall cause to be kept proper accounts and shall as soon as practicable after the end of each financial year cause such accounts relating to such financial year together with-

- (a) a statement of income and expenditure during such financial year; and
- (b) a statement of the assets and liabilities of the Board on the last day of such financial year,

to be submitted to and audited by the Tanzania Audit Corporation.

(2) Copies of the statements referred to in subsection (1) and a copy of the auditors' report shall be forwarded to the Minister.

31. The Registrar shall, at the end of each financial year, prepare a report of the activities of the Board during that financial year and submit such report to the Minister.

Registrar's report

32. The funds and resources of the Board shall consist of-

- (a) such sums as may be provided for the purposes of the Board by Parliament, either by way of grant or loan;
- (b) such sums as the Board may receive by way of grant or loan from any person or organization;
- (c) such sums as the Board may, from time to time, with the consent of the Minister, borrow for the purposes of the Board;
- (d) such sums as may in any manner become payable to or vested in the Board either under the provisions of this Act or any other written law, or incidental to the carrying out of its functions.

Funds of Board

Power to invest

Acts 1967 No. 33

33. The Board shall have power to invest its funds in such investments as are authorized by, and subject to such conditions as are prescribed by, the Trustee Investments Act, 1967, in relation to investments of funds by a trustee.

Annual statement of accounts and Registrar's report to be laid before National Assembly

34. The Minister shall cause to be laid before the, National Assembly, as soon as may be practicable after he has received them-

- (a) copies of the statements referred to in subsection (1) of section 30 together with a copy of the auditors' report;
- (b) a copy of the Registrar's report.

Minister may give directions

35. The Minister may, by writing under his hand, give the Board directions of a general or specific nature, and the Board shall comply with every such direction.

PART VIII

GENERAL PROVISIONS

Offences

36. Any person who-

- (a) fraudulently makes, or causes or, permits to be made, any false or incorrect entry in the register or any copy thereof; or
- (b) fraudulently procures or attempts to procure, whether for himself or any other person, registration as an accountant or auditor;
- (c) knowingly and wilfully makes any statement which is false in a material particular, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or both such fine and such imprisonment.

Consent of D.P.P.

37. No person shall be prosecuted for an offence under this Act save with the consent of the Director of Public Prosecutions.

Regulations by Minister

38. Subject to the provisions of section 39, the Minister may make regulations generally for the better carrying out of the provisions of this Act and any such regulations may, without prejudice to the generality of the foregoing, provide for-

- (a) the conduct of the business of the Board and the procedure to be followed by the Board in any inquiry under this Act;
- (b) the appointment by the Board amongst its members of sub-committees and the co-option of persons thereto;
- (c) the duties of the Registrar;
- (d) persons who shall be entitled to registration, notwithstanding the requirements prescribed by this Act; and
- (e) anything which is, permitted or required by this Act to be prescribed, other than any matter or thing to be prescribed by the Board.

39.-(1) With the consent of the Minister the Board may make by-laws for the better carrying out of its objects and functions and without Prejudice to the generality of the foregoing may make by-laws-

By-laws by
Board

- (a) Prescribing degrees, diplomas, certificates awards and other qualifications which shall be recognized as entitling the holder to registration under this Act;
- (b) prescribing diplomas, certificates and other awards which may be conferred or granted by the Board;
- (c) prescribing the conditions which must be satisfied before any diploma, certificate or other award may be granted;
- (d) Prescribing the manner in which diplomas, certificates or other awards may be granted;
- (e) regulating the conduct of examinations;
- (f) prescribing fees for admission to any course offered by the Board;
- (g) prescribing fees payable by the candidates for any examination held or conducted by the Board;
- (h) Providing for and regulating disciplinary proceedings against the officers of the Board, the students and candidates;
- (i) Prescribing rules for professional conduct and ethics for accountants and auditors;
- (j) Prescribing the fees to be paid on application for registration, the issue of certificates of registration and for extracts, copies and lists of, or in relation to, entries in the registers;
- (k) prescribing classification within the registers for different levels or types of qualifications and competence;
- (1) prescribing the scale of fees which may be charged by accountants, and auditors for services rendered by them;
- (m) authorizing the Registrar to arbitrate on any dispute as to fees charged by any accountant or auditor and providing for the Registrar's award being subject to appeal to the Appeals Board;
- (n) prescribing any thing which may, or is required to, be prescribed by the Board.

(2) By-laws made under paragraphs (i), (1) or (m) shall not bind the Controller and Auditor-General or the Tanzania Audit Corporation.

(3) It shall not be necessary for the by-laws made under this section to be published In the *Gazette*.

40. No act or proceeding of the Board shall be invalid by reason only of the number of the members not being complete at the time of such act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time in question disqualified or disentitled to act as such.

Proceedings
of Board
not to be
invalid by
reason of
irregularity

41. The Accountants (Designations) Ordinance is repealed.

Repeal
Cap. 314

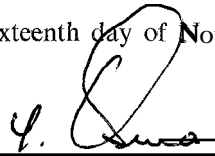
SCHEDULE

Composition of the Board, chairman and members tenure of office	<p>1.-(1) The Board shall consist of a chairman appointed by the President and not less than nine and not more than fifteen other members.</p> <p>(2) The Minister, the Minister for the time being responsible for Commerce and the Minister for the time being responsible for National Education shall each appoint not less than two and not more than four members, and such members so appointed shall appoint not more than three other members:</p> <p>Provided that, save in the case of first appointments following the commencement of this Act, not less than three members shall be either authorized auditors or authorized accountants.</p> <p>(3) A member of the Board shall continue to hold office until such time as he dies, or resigns or otherwise vacates his office, or his appointment is revoked by the appointing authority.</p> <p>(4) The appointing authority may fill any casual vacancy occurring in the membership, and may revoke the appointment of any member, and appoint a replacement in accordance with the system of representation provided for in sub-paragraph (2).</p> <p>(5) A member may resign by giving notice in writing to the, appointing authority of his intention to do so.</p> <p>(6) In this paragraph "appointing authority" means the Minister or, as the case may be, the members appointed by the three Ministers, by whom the member was appointed.</p>
Election of vice-chairman	<p>2.-(1) The members shall elect a vice-chairman of the Board from amongst their number.</p> <p>(2) The vice-chairman shall hold office for a period of two years from the date of his election and shall be eligible for re-election.</p>
Meetings of the Board	<p>3.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Board shall meet not less than four times in every year and all meetings of the Board shall be convened by the chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, who shall appoint a suitable time, place and date for the holding of each meeting.</p> <p>(2) The chairman, or in his absence from the United Republic or incapacity through illness, the vice-chairman, shall convene special meeting of the Board on a request in writing signed by not less than four members of the Board for such a meeting and shall cause the meeting to be held within twenty-one days of the receipt by him of such request.</p> <p>(3) The chairman, or in his absence, the vice-chairman shall preside at the meeting of the Board. In the absence of both the chairman and the vice-chairman the members present at the meeting shall elect one of their number to be chairman for that meeting.</p>
Quorum and voting at meetings	<p>4.-(1) Five members shall constitute a quorum at any meeting of the Board.</p> <p>(2) All acts, matters and things authorized to be done by the Board shall be decided by resolution at a meeting of the Board at which a quorum is present.</p> <p>(3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.</p> <p>(4) Every member of the Board shall have one vote and in the event of an equality of votes the chairman of the meeting shall have a second or casting vote in addition to his deliberative vote.</p> <p>(5) Notwithstanding the provisions of sub-paragraph (2), where the chairman so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Board.</p>
Minutes of meetings	<p>5. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the chairman of the meeting.</p>
Procedure	<p>6. Subject to the provisions of this Schedule and to any regulations which may be made under this Act, the Board shall have power to regulate its own procedure.</p>
The seal of the Board	<p>7. The seal of the Board shall not be affixed to any instrument except in the presence of the chairman, the vice-chairman or the secretary and of one other member of the Board.</p>

8. The Registrar shall act as the secretary of the Board and shall be entitled to be Registrar to present and speak, but not to vote, at the meetings of the Board. be secretary

9. The Board may, with the consent, of the Minister, appoint such other officers Staff as it may consider necessary on such terms and conditions as may be prescribed by regulations made under section 38 of this Act.

Passed in the National Assembly on the sixteenth day of November 1972.



Clerk of the National Assembly

