

**THE BANGLADESH CHARTERED ACCOUNTANTS
ORDER, 1973**

PRESIDENT'S ORDER NO. 2 OF 1973

[6th January, 1973]

WHEREAS it is expedient to establish an Institute of Chartered Accountants in Bangladesh for the purpose of regulating the profession of accountants and for matters connected therewith;

NOW, THEREFORE, in pursuance of paragraph 3 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Bangladesh Chartered Accountants Order, 1973.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

- (a) "associate" means an associate member of the Institute;
- (b) "chartered accountant" means a person who is a member of the Institute;
- (c) "Council" means the Council of the Institute;
- (d) "existing chartered accountant" means any person who has been enrolled on the Register of Members maintained by the Institute of Chartered Accountants of Pakistan under the Chartered Accountants Ordinance, 1961 (Ord. No. X of 1961);
- ¹[(dd) "Financial Reporting Council (FRC)" means the Financial Reporting Council established under section 3 of the Financial Reporting Act, 2015;]
- (e) "Government" means the Government of the People's Republic of Bangladesh;
- (f) "Institute" means the Institute of Chartered Accountants of Bangladesh constituted under this Order;

¹ Sub-clause (dd) was inserted by section 59(a) of the 'Financial Reporting Act, 2015 (Act No. 16 of 2015).

- (g) “prescribed” means prescribed by the bye-laws of the Institute;
- (h) “Register” means the Register of the Members of the Institute maintained under this Order; and
- (i) “year” means the period commencing on the first day of July of any year and ending on the thirtieth day of June of the succeeding year.

(2) A member of the Institute shall be deemed “to be in practice”, when individually or in partnership with chartered accountants in practice, he, in consideration of remuneration received or to be received,-

- (i) engages himself in the practice of accountancy; or
- (ii) offers to perform or performs services involving the auditing or verification of financial transactions, books, accounts, or records or the preparation, verification or certification of financial accounting and related statements or holds himself out to the public as an accountant; or
- (iii) renders professional services or assistance in or about matters of principle or detail relating to accounting procedures, costing techniques or the recording, presentation or certification of financial facts or data; or
- (iv) renders professional services or assistance in or about matters of accounting methods, systems and techniques involving forecasting, planning, organising, motivating, co-ordinating, controlling and communicating which, assist management in its task of formulating policies, programmes, management systems and procedures for maintaining or improving efficiency (such professional services or assistance hereinafter termed as “management consultancy services”); or
- (v) renders such other services as, in the opinion of the Council, are or may be rendered by a chartered accountant in practice and the words “to be in practice” with their grammatical variations and cognate expressions shall be construed accordingly.

Explanation.- An associate or a fellow of the Institute who is salaried employee of a chartered accountant in practice or a firm of such chartered accountant shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of articled students.

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

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

4. (1) Any of the following persons shall be entitled to have his name entered in the Register, namely,-

- (i) any person, being a citizen of Bangladesh, who is an existing chartered accountant at the commencement of this Order;
- (ii) any person who has passed such examination and completed such training as may be prescribed;
- (iii) any person who has passed such other examination and completed such other training outside Bangladesh of such Institute of Accountancy and admitted as member of that Institute as may be recognised by the Council as being equivalent to the examination and training prescribed for members of the Institute:

Provided that in the case of any such person who is not a citizen of, or permanently residing in, Bangladesh, the Council may impose such further conditions as it may deem fit;

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

Provided that any such examination or training of such Institute of Accountancy was recognised before the commencement of this Order for the purpose of conferring the right to be registered as a member under the Chartered Accountants Ordinance, 1961 (Ord. No. X of 1961);

- (b) any person, being a citizen of Bangladesh, who at the commencement of this Order is studying for any foreign examination and is at the same time undergoing training, whether within or outside Bangladesh, of such Institute of Accountancy, or who having passed such foreign examination of such Institute of Accountancy is at the commencement of this Order undergoing training whether within or outside Bangladesh:

Provided that any such examination or training of such Institute of Accountancy was recognised before the commencement of this Order for the purpose of conferring the right to be registered as a member under the Chartered Accountants Ordinance, 1961 (Ord. No. X of 1961):

Provided further that such person passes the examination and completes the training and is admitted as a member of that Institute of Accountancy;

- (v) any person, being a citizen of Bangladesh, who has passed the final examination held under the Auditor's Certificate Rules, 1950, or the Chartered Accountants Ordinance, 1961 (Ord. No. X of 1961), at any time before the 25th day of March, 1971.

(2) The name of every person belonging to the class mentioned in sub-clause (i) of clause (1) shall be entered in the Register without the payment of any entrance fee or any application being made in that behalf and shall, for the purpose of clause (1) of Article 3, be deemed to have been so entered at the commencement of this Order.

(3) Every person belonging to any of the classes mentioned in sub-clauses (ii), (iii), (iv) and (v) of clause (1) shall have his name entered in the Register on application being made and granted in the prescribed manner and on payment of the prescribed fee, which shall not exceed Taka ¹[two thousand] in any case.

(4) The Council shall take such steps as may be necessary for the purpose of having the names of all persons belonging to the class mentioned in sub-clause (i) of clause (1) entered in the Register.

5. (1) Notwithstanding anything contained in this Order, or any other law for the time being in force, the enrolment of all persons as member of the Institute made, and all examinations held in the territories now comprising Bangladesh for such enrolment, during the period from the 26th day of March, 1971 to the 16th day of December, 1971, shall stand cancelled.

(2) A person whose enrolment is cancelled under clause (1), shall be eligible for fresh enrolment in accordance with the provisions of this Order.

(3) A person who passed any examination which is cancelled under clause (1), may appear at such fresh examination as the Council may held for them.

(4) Notwithstanding the cancellation of enrolment of a person as a member of the Institute under clause (1), all actions taken by such person as a member of the Institute before such cancellation shall be deemed to be valid.

6. (1) The members of the Institute shall be of two classes designated respectively as associates and fellows.

(2) Every person shall, on his name being entered in the Register, become an associate member of the Institute and be entitled to use the letters A.C.A. after his name to indicate that he is an associate member of the Institute.

¹ The words "two thousand" were substituted for the words "five hundred" by section 2 of the Bangladesh Chartered Accountants (Amendment) Act, 1990 (Act No. XL of 1990).

¹[(3) ²[A person who has completed five years as an associate] shall, on payment of the prescribed fee, become a fellow and his name shall be entered in the Register, and such person shall be entitled to use the letters F.C.A. after his name to indicate that he is a fellow of the Institute.

Explanation I.- For the purpose of computing any period as an associate under this clause, there shall be included any period during which a person has been an associate of the Institute of Chartered Accountants of Pakistan constituted under the Chartered Accountants Ordinance, 1961 (X of 1961).

³[* * *]]

7. (1) No member of the Institute shall be entitled to practice within Bangladesh unless he has obtained from the Council a certificate of practice:

Provided that nothing contained in this clause shall apply to any person who, immediately before the commencement of this Order, has been in practice as an existing chartered accountant until one month has elapsed from the date of the first meeting of the Council.

(2) Every such member shall pay such annual fee for his certificate as may be prescribed and such fee shall be due on the first day of July in each year.

(3) The Council may impose such conditions as it may deem fit in connection with the issue and renewal of a certificate of practice to a member.

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

¹ Clause (3) was substituted by section 2 of the Bangladesh Chartered Accountants (Amendment) Ordinance, 1977 (Ordinance No. LIV of 1977).

² The words "A person who has completed five years as an associate" were substituted for the words and commas "A person who has completed ten years as an associate, whether or not he has been in practice during that period, or a person who, being an associate, has completed five years of practice," by section 2 of the Bangladesh Chartered Accountants (Amendment) Ordinance, 1986 (Ordinance No. IX of 1986).

³ Explanation II was omitted by section 2 of the Bangladesh Chartered Accountants (Amendment) Ordinance, 1986 (Ordinance No. IX of 1986).

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

Provided further that nothing contained in this Article shall be deemed to prohibit a member from using such other description for the management consultancy company or firm, as may be prescribed, where the member renders Management Consultancy services through the medium of a separate unlimited company or firm.

¹[8A. The Institute shall ensure that all members of the Institute shall comply with the Financial Reporting Standards and Auditing Standards issued by the Financial Reporting Council (FRC) pursuant to section 40 of the Financial Reporting Act, 2015.]

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

- (i) has not attained the age of twenty-one years at the time of his application for the entry of his name in the Register ;
or
- (ii) is of unsound mind and stands so adjudged by a competent Court; or
- (iii) is an undischarged insolvent; or
- (iv) having been discharged of insolvency, has not obtained from the Court a certificate stating that his insolvency was caused by misfortune without any misconduct on his part; or
- (v) has been convicted by a competent Court, whether within or without Bangladesh, of an offence involving moral turpitude and punishable with transportation or

¹ Article 8A was inserted by section 59(b) of the ‘Financial Reporting Act. 2015 (Act No. 16 of 2015).

imprisonment or of an offence, not of a technical nature, committed by him in his professional capacity unless in respect of the offence committed, he has either been granted a pardon or, on an application made by him in this behalf, the Government has, by an order in writing, removed the disability; or

- (vi) has been removed from the membership of the Institute on being found on inquiry to have been guilty of such professional or other misconduct, as may be prescribed:

Provided that a person who has been removed from the membership of the Institute for a specified period, shall be entitled to have his name entered in the Register after the expiry of such period ¹];

- (vii) has been removed from the membership of the Institute on being found on inquiry not to have complied with the Financial Reporting Standards and Auditing Standards issued by the Financial Reporting Council (FRC) pursuant to section 40 of the Financial Reporting Act, 2015.]

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

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

- (a) not more than seventeen persons elected from such regional constituencies to be specified by the Government by notification in the Gazette, by the members of the Institute belonging to such constituencies from among the members of at least five years standing, the number of members to be elected from a constituency being such as may be prescribed; and
- (b) three Government officials, not below the rank of Joint Secretary, nominated by the Government, one each from the Ministries of Commerce, Finance and Education:

Provided that this sub-clause conferring upon the Government the right of nomination shall cease to exist on the expiry of the life of the three consecutive Councils:

¹ The Semi-colon (;) was substituted for the full-stop (.) and thereafter the sub-clause (vii) was added by section 59(c) of the 'Financial Reporting Act. 2015 (Act No. 16 of 2015).

Provided further that the date on which sub-clause (b) shall cease to have effect, sub-clause (a) shall automatically stand amended to the effect that *for* the word 'seventeen' in that sub-clause, the word 'twenty' shall be *substituted*.

Explanation.- In computing the period of a person's standing with the Institute for the purpose of sub-clause (a), the period for which he has been an existing chartered accountant before the commencement of this Order shall be reckoned as period of membership of the Institute.

(3) Notwithstanding anything contained in clause (2), the Council existing immediately before the commencement of this Order shall be deemed to be the first Council consisting of members nominated by the Government and shall discharge all the functions of the Council under this Order.

11. (1) Elections under sub-clause (a) of clause (2) of Article 10 shall be conducted in the prescribed manner.

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

Provided that no such reference shall be made except on an application made to the Council by an aggrieved party, within thirty days from the date of declaration of the result of the election.

(3) The expenses of the Tribunal shall be borne by the Institute.

12. If any body of persons referred to in Article 10 fails to elect any of the members of the Council which it is empowered under that Article to elect, the retiring members of the Council from such constituency shall continue until such time as members can be elected. If, however, the retiring members decline to continue, in such event the Council shall have power to co-opt members from other constituencies and any person so co-opted shall be deemed to be a member of the Council as if he had been duly elected.

13. (1) The Council shall elect from among its members a President and one or, if the Council so decides, more than one Vice-Presidents of the Institute, who shall also be the President and Vice-President or Vice-Presidents of the Council respectively and so often as the office or offices of the President

or the Vice-President or Vice-Presidents becomes vacant, the Council shall choose from among its members a President, or a Vice-President or Vice-Presidents, as the case may be:

Provided that on the first constitution of the Council, members of the Council nominated in this behalf by the Government shall discharge the functions of the President and the Vice-President or Vice-Presidents for the term of the first Council.

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

(3) The President and the Vice-President or Vice-Presidents shall hold office for a period of one year from the date on which they are chosen but so as not to extend beyond their term of office as members of the Council, and subject to their being members of the Council at the relevant time, they shall be eligible for re-election for a total period not exceeding three consecutive years.

(4) On the dissolution of the Council, the President of the Council at the time of such dissolution shall continue to hold office and discharge such administrative and other duties as may be prescribed until such time as a new President shall have been elected and shall have taken over charge of his duties.

¹[13A. The functions of the Institute shall be subject to the public interest oversight of the Financial Reporting Council (FRC) in accordance with the Financial Reporting Act, 2015, which shall ensure that the Institute meets its responsibilities to maintain high professional standards and develop the accounting profession.]

14. (1) Any member of the Council may at any time resign his membership by writing under his hand addressed to the President and the seat of such member shall become vacant when such resignation is notified in the Gazette.

(2) A member of the Council shall be deemed to have vacated his seat if he is declared by the Council to have been absent without sufficient excuse from three consecutive meetings of the Council, or if his name is, for any cause, removed from the Register under the provisions of Article 20.

¹ Article 13A was inserted by section 59(d) of the 'Financial Reporting Act. 2015 (Act No. 16 of 2015).

(3) A casual vacancy in the Council shall be filled by fresh election from the constituency concerned or by nomination by the Government, as the case may be, and the person elected or nominated to fill the vacancy shall hold office until the dissolution of the Council:

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

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

15. (1) The duration of the Council constituted under this Order shall be three years from the date of the first meeting of the Council on the expiry of which it shall stand dissolved and a new Council shall be constituted in accordance with the provisions of this Order:

Provided that the first Council nominated by the Government shall cease to exist on the expiry of three months from the date of the commencement of this Order.

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

16. (1) The duty of carrying out the provisions of this Order shall be vested in the Council.

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

- (a) the examination of candidates for enrolment and the prescribing of fees therefore;
- (b) the regulation of the engagement and training of articled students;
- (c) the prescribing of qualifications for entry in the Register;
- (d) the recognition of foreign qualifications and training for purposes of enrolment;
- (e) the granting or refusal of certificates of practice under this Order;

- (f) the maintenance and publication of a register of persons qualified to practice as chartered accountants;
- (g) the levy and collection of fees from members, examinees and other persons;
- (h) the removal of names from the Register and the restoration to the Register of names which have been removed;
- (i) the regulation and maintenance of the status and standard of professional qualifications of the members of the Institute;
- (j) the carrying out, by financial assistance to persons other than members of the Council or in any other manner, of research in accountancy;
- (k) the maintenance of a library or libraries and publication of books and periodicals relating to accountancy;
- (l) the exercise of such disciplinary powers over the members and servants of the Institute as may be prescribed;
- (m) the formation of such Standing Committees as may be prescribed; and
- (n) such other powers as may be necessary for the efficient running of the Institute.

17. For the efficient performance of its duties, the Council may-

- (a) appoint a full-time Secretary who may also, if so decided by the Council, act as Treasurer;
- (b) appoint such other officers and servants as it deems necessary;
- (c) require and take from the Secretary or from any other officer or servant of the Council such security for the due performance of his duties, as the Council considers necessary;
- (d) fix salaries, fees, allowances and other conditions of service of the officers and servants of the Council;

- (e) fix the allowances of the President, Vice-President or Vice-Presidents and other members of the Council and members of its committees.

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

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

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

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

(3) The Council shall cause to be published, in such manner as may be prescribed, a list of members of the Institute as on the first day of July of each year, and shall, if requested to do so by any such members, send to him a copy of such list.

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

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

- (a) who is dead; or
- (b) from whom a request has been received to that effect; or
- (c) who has not paid any prescribed fee required to be paid by him; or

- (d) who is found to have been subject at the time when his name was entered in the Register, or who at any time thereafter has become subject, to any of the disabilities mentioned in Article 9, or who for any other reason has ceased to be entitled to have his name borne on the Register.

21. (1) For the purpose of advising and assisting it on matters concerning its functions, the Council may constitute such Regional Committees as and when it deems fit for one or more of the regional constituencies that may be specified by the Government under sub-clause (a) of clause (2) of Article 10.

(2) The Regional Committees shall be constituted in such manner and exercise such functions as may be prescribed.

22. Any person who-

- (i) not being a member of the Institute,-
 - (a) represents that he is a member of the Institute; or
 - (b) uses the designation Chartered Accountant or any abbreviation thereof in a manner as to impress that he is a chartered accountant; or
 - (c) holds himself out to be a chartered accountant; or
- (ii) being a member of the Institute, but not having a certificate of practice, represents that he is in practice or practises as a chartered accountant, shall be punishable on first conviction with fine which may extend to Taka one thousand and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to Taka five thousand or with both.

23. (1) No person shall-

- (i) use a name or a common seal which is identical with the name or the common seal of the Institute or so nearly resembles it as to deceive or as is likely to deceive the public;

- (ii) award any degree, diploma or certificate or bestow any designation which indicates or purports to indicate the possession or attainment of any qualification or competence possessed by a person by virtue of his being a member of the Institute;
- (iii) seek to regulate in any manner whatsoever the profession of chartered accountants; or
- (iv) seek to represent the cause of chartered accountancy profession or chartered accountants by forming group, society, association or in any manner whatsoever.

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

24. (1) No company, whether incorporated in Bangladesh or elsewhere, shall practice as chartered accountants:

Provided that nothing contained in this Article shall be deemed to prohibit an unlimited company termed as such in the Companies Act, 1913 (Act VII of 1913) from rendering Management Consultancy services.

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

25. (1) No person other than a member of the Institute shall sign any document on behalf of a chartered accountant in practice or a firm of such chartered accountants in his or its professional capacity.

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

26. No person shall be prosecuted under this Order except on a complaint made by or under the order of the council.

27. (1) Where a chartered accountant in practice or firm of such chartered accountants has more than one office in Bangladesh, each one of such offices shall be in the separate charge of a member of the Institute:

Provided that the Council may, in suitable cases, exempt any chartered accountant in practice or a firm of such chartered accountants from the operation of this clause.

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

28. (1) The Council may, by notification in the Gazette, make bye-laws for the purpose of carrying out the objects of this Order, and a copy of such bye-laws shall be sent ¹[to the Government and to each member] of the Institute.

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

- (a) the standard and conduct of examinations under this Order;
- (b) the qualifications for the entry of the name of any person in the Register as a member of the Institute;

¹ The words “to the Government and to each member” were substituted for the words “to each member” by section 3 of the Bangladesh Chartered Accountants (Amendment) Act, 1990 (Act No. XL of 1990).

- (c) the conditions under which any examination or training may be treated as equivalent to the examination and training prescribed for the membership of the Institute;
- (d) the conditions under which any foreign qualifications may be recognised;
- (e) the manner in which and the conditions subject to which applications for entry in the Register may be made;
- (f) the fees payable for membership of the Institute and the annual fees payable by associates and fellows of the Institute in respect of their certificates;
- (g) the manner in which elections to the Council and the Regional Committees may be held;
- (h) the particulars to be entered in the Register;
- (i) the functions of Regional Committees;
- (j) the training of articled students and the cancellation of articles for misconduct or for any other sufficient cause;
- (k) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;
- (l) the carrying out of research in accountancy;
- (m) the maintenance of a library and publication of books and periodicals on accountancy;
- (n) the management of the property of the Council and the maintenance and audit of its accounts;
- (o) the summoning and holding of meetings of the Council, the times and places of such meetings, the conduct of business there at and the number of members necessary to form a quorum;
- (p) the powers, duties and functions of the President and the Vice-President or Vice-Presidents of the Council;
- (q) the functions of the Standing and other Committees and the conditions subject to which such functions shall be discharged;

- (r) the terms of office and the powers, duties and functions of the Secretary and other officers and servants of the Council;
- (s) the rules of professional and other misconduct, and the exercise of disciplinary powers; and
- (t) any other matter which is required to be or may be prescribed under this Order.

(3) All bye-laws made by the Council under this Order shall be subject to the condition of previous publication ¹[* * *].

(4) Notwithstanding anything contained in clauses (1) and (2), the Government may frame the *first bye-laws* for the purposes mentioned in this Article, and such bye-laws shall be deemed to have been made by the Council, and shall remain in force from the date of the coming into force of this Order until they are amended, altered or revoked by the Council.

29. (1) Where any country prevents persons of Bangladesh domicile from becoming members of any institution similar to the Institute of Chartered Accountants of Bangladesh or from practising the profession of accountancy or subject them to unfair discrimination in that country, no subject of any such country shall be entitled to become a member of the Institute or practise the profession of accountancy in Bangladesh.

(2) Subject to the provisions of clause (1), the Council may prescribe the conditions, if any, subject to which foreign qualifications relating to accountancy shall be recognised for the purposes of entry in the Register of Members.

(3) Nothing contained in clauses (1) and (2) shall apply to the case of a person whose services in any capacity have been obtained by the Government.

30. Any reference to a chartered accountant or a registered accountant or any existing chartered accountant or a certified or qualified auditor in any other law or in any document whatsoever shall be construed as a reference to a chartered accountant in practice within the meaning of this Order.

¹ The words “and to the approval of the Government” were omitted by section 3 of the Bangladesh Chartered Accountants (Amendment) Act, 1990 (Act No. XL of 1990).

31. If any difficulty arises in giving effect to the provisions of this Order, the Government may make such order, not inconsistent with the provisions of this Order, as may appear to it to be necessary for the purposes of removing the difficulty.

32. In section 144 of the Companies Act, 1913 (Act VII of 1913), *for* sub-section (1), the following sub-section shall be *substituted*, namely-

“(1) No person shall be appointed as a auditor of any company unless he is a chartered accountant within the meaning of the Bangladesh Chartered Accountants Order, 1973:

Provided that a firm whereof all the partners practising in Bangladesh are chartered accountants may be appointed by its firm name to be auditors of a company and may act in its firm name.”.

33. Notwithstanding the amendment of section 144 of the Companies Act, 1913 (Act VII of 1913), made by the preceding Article, the Auditors' Certificate Rules, 1950, shall so far as applicable, continue in force as if they are bye-laws made under this Order.

34. Anything done or action taken or purported to have been done or taken by any *Ad hoc* Committee or the Council constituted by the Government under notification No. SEC-XII/IM-132/72/318(50), dated the 27th March, 1972, issued by the Ministry of Trade and Commerce, after the 16th day of December, 1971, and before the commencement of this Order, shall be deemed to have been validly done or taken, and shall have and shall be deemed always to have had effect accordingly, and shall not be called in question in any court.

35. The provisions of the Chartered Accountants Ordinance, 1961 (Ord. No. X of 1961), shall, in so far they are not inconsistent with any of the provisions of this Order, continue in force until repealed or altered or amended by law.
