

The Myanmar Accountancy Council Law
(The Pyidaungsu Hluttaw Law No. 31, 2015)
The 4th Waning of Nayon, 1377 M.E.
(5 June, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I
Title and Definition

1. This Law shall be called **the Myanmar Accountancy Council Law**.
2. The following expressions in this Law shall have the meanings given hereunder:
 - (a) **Council** means the Myanmar Accountancy Council formed under this Law;
 - (b) **Accountancy** means financial accounting, management accounting, cost accounting, and auditing. In this expression, accounting-based subjects are also included;
 - (c) **Accounting** means bookkeeping, preparing accounts, drawing financial statements, internal auditing, examination of financial statements, reviewing the soundness of a statement or submission of an account, or accounting disclosures, computing tax and costs, inventing and prescribing the accounting system, reviewing the accounting system, accounting training, consultancy and advice on accounting matters, providing consultancy and advice in respect of taxation, finance, management, and investment. In this expression, accounting services prescribed from time to time by the Council are also included;
 - (d) **Accounting Field** means professional accounting fields such as public sector accounting field, private sector accounting field, Government sector accounting field, and accounting training field;

- (e) **Apprentice Accountant** means a person who has been undergoing practical training as prescribed by the Council under the certified public accountant training programme;
- (f) **Apprenticeship as an Accountant** means the period of practical training in Accountancy as prescribed by the Council;
- (g) **Examination Certificate** means a certificate issued by the Council to the persons who have passed both examinations of Part I and Part II of Diploma in Accountant Course and Certified Public Accountant Course opened under this Law;
- (h) **Accounting Technician** means a person who has obtained a certificate in accounting recognized by the Council under this Law;
- (i) **Certified Public Accountant (Passed)** means a person who has passed both examinations of Part I and Part II of the Certified Public Accountant Course. In this expression, the persons recognized by the Council under Section 41 of this Law are also applied;
- (j) **Certified Public Accountant (Qualified)** means a person who has passed both examinations of Part I and Part II of the Certified Public Accountant Course and has satisfactorily completed the apprenticeship as an accountant. In this expression, the persons recognized by the Council under Section 41 of this Law are also applied;
- (k) **Professional Accountant** means a person who has obtained a certificate of the Certified Public Accountant (Qualified) or a person who has obtained a certificate of Professional Accountant recognized by a foreign country and has been scrutinized and permitted by the Council;
- (l) **Practising Accountant** means a person who, after registering as a Certified Public Accountant (Qualified), has registered in the Council to practise accounting as his main profession;

- (m) **Public Sector Accounting** means the following services that are carried out by a Practising Accountant who is not an employee of business entities owned by the public, or concerned with public interests, or specified by the Council:
- (i) auditing in accord with the provisions of the law;
 - (ii) signing on any statistics or proclamation or declaration or estimate concerned with the operational results and financial conditions of a business entity that he has audited, or recommended or prepared;
 - (iii) acting as a representative of a business entity in a case in which the business entity has to deal with a Government department under any provision of the law;
 - (iv) reporting the financial inquiry;
- (n) **Private Sector Accounting** means acting as a part-time or full-time accountant or auditor, preparing accounts, drawing up accounts or undertaking audit according to the type of work irrespective of receiving charge or free of charge;
- (o) **Government Sector Accounting** means serving in government organization by accounting profession such as an accountant, internal auditor, or a government auditor;
- (p) **Accounting Training** means providing training by opening the private Accounting Training Schools in accord with the provisions of the law;
- (q) **Association** means the Myanmar Certified Public Accountants Association or the body that succeeds the said association which is formed as a national level body related to accounting in order to implement the objectives of this Law;
- (r) **Foreign Professional Accountant** means a Foreign Certified Public Accountant or similar Professional Accountant who is permitted to register in accord with the regulations by the Council to practise accounting in Myanmar under any existing law or a contract or an

agreement concluded between the Myanmar Government and foreign Government or International Organizations, or under a bilateral or multilateral mutual programme made by accounting entities;

- (s) **Business Entity** means a State-owned or private economic enterprise, management service, public utility service, and non-profit-making business, organizations carried out by the contribution in cash, in kind, support and donation of the State or people and organizations formed under any existing law or notification;
- (t) **Manager of a Business Entity** means a person or an organization which manages practically a business entity for shareholders or on their behalf or for the owner or on his behalf, or on behalf of the State. In this expression, organizations that have different names such as the Management Committee, Board of Directors, Executive Committee, Trustee, Administrative Committee are also included;
- (u) **Financial Reporting** means submitting the operational conditions, financial conditions and cash flow statement as financial statements prepared by the manager of a business entity to shareholders, prospective investors, customers and the relevant department organizations to know and use as may be necessary;
- (v) **Registrar** means a person appointed by the Council to keep register a list of Diploma Accountants, Certified Public Accountants (Passed), Certified Public Accountants (Qualified), Apprentice Accountants and Practising Accountants and a list of Private Accounting Training Schools under this Law and to publish them as may be necessary.

Chapter II

Objectives

3. The Objectives of this Law are as follows:

- (a) to increase qualified Professional Accountants and Accounting Technicians for supporting the economic development of the State;

- (b) to modernize accountancy;
- (c) to observe the code of ethics of Practising Accountants and fulfill the quality of accounting;
- (d) to enable to carry out financial report of both Government and private sectors in accord with the International Accounting Standards and Auditing Standards;
- (e) to open up more employment opportunities by the development of professional accounting business.

Chapter III

Formation of the Myanmar Accountancy Council

4. The Union Government shall form the Myanmar Accountancy Council with the following persons:

- | | |
|--|---------------------|
| (a) Auditor- General of the Union | Chairperson |
| (b) Deputy Auditor-General | Vice-Chairperson(1) |
| (c) Chairperson of the Association | Vice-Chairperson(2) |
| (d) Division and State Auditors-General | Members |
| (e) Vice-Chairperson, Central Bank of Myanmar | Member |
| (f) Director General, Internal Revenue Department | Member |
| (g) Director General, Directorate of Investment and Companies Administration | Member |
| (h) Rectors from the Universities of Economics not exceeding 5 in number | Members |
| (i) Nine representatives from the Association | Members |
| (j) Vice-Chairperson, Union of Myanmar Federation of Chambers of Commerce and Industry | Member |
| (k) suitable citizen accounting professionals not exceeding 5 in number | Members |

(l) Director General, Administration, Training and Research Secretary
Department, Office of the Union Auditor-General

(m) Secretary of the Association Joint-Secretary

5. The term of the Council is four years from the date of commencement of the formation.

6. The Council is an independent body that operates in accord with law.

7. The Council is the only body that has the right to decide on matters of accounting policy.

8. The Union Government shall terminate a member of the Council from membership if any of the following events occurs:

- (a) resignation;
- (b) failure to attend the meeting for three times consecutively without requesting the Council for leave;
- (c) keeping untouched with the Council for one year and above;
- (d) revoking for a specified period, or cancelling a Practising Accountant Certificate or a Certified Public Accountant Certificate.
- (e) being convicted for committing any offence related to moral character;
- (f) being unable to carry out the functions of the Council due to mental illness or any other causes.

9. The Council shall have perpetual succession, the right to use its own seal, to sue and to be sued.

10. The Council shall hold a meeting at least three times a year. A special meeting shall be convened if necessary.

11. The Council shall carry out matters relating to reformation when the term is expired and matters relating to re-selection and appointment in accord with the stipulations if any member is vacant.

Chapter IV

Formation of the Executive Committee

12. The Council shall, in order to carry out its functions, form the Executive Committee as follows:

- | | |
|---|------------------|
| (a) Chairperson of the Council | Chairperson |
| (b) Vice-Chairperson of the Council | Vice-Chairperson |
| (c) Chairperson of the Association | Vice-Chairperson |
| (d) six representative members of the Council
from the Association | Members |
| (e) five members of the Council | Members |
| (f) Secretary of the Council | Secretary |
| (g) Joint-Secretary of the Council | Joint-secretary |

13. Eleven members of the Council in sub-sections (d) and (e) of Section 12 shall be selected and appointed at the first meeting of the Council. During the term of the Council, the vacancies of the members shall be replaced by selection and appointed at the nearest meeting of the Council. •

14. The term of the Executive Committee shall be the same as that of the Council.

15. A meeting of the Executive Committee shall be held in accord with the stipulations. A special meeting shall be convened if necessary.

16. The performance of the Executive Committee shall be submitted to and obtained the approval from the nearest meeting of the Council.

Chapter V

Duties and Powers of the Council

17. The duties and powers of the Council are as follows:

- (a) opening, permitting to open, managing and supervising diploma accountant training courses, certified public accountant training

courses, departmental training courses and other training courses, holding qualification tests, prescribing regulations related to training courses and examinations and awarding diploma and examination certificates;

- (b) prescribing curriculums for diploma accountant training courses and certified public accountant training courses, departmental training courses and other training courses, revising as may be necessary and preparing textbooks related to subjects for such courses;
- (c) laying down programme and regulations for practical training of Apprentice Accountant and continuous study of accounting;
- (d) prescribing accounting standards, auditing standards, ethical standards, programme, guide, standards, manual, and quality control programme of Practising Accountants be practised; and arranging necessary training courses, issuing directives and publishing books to support textbooks for enabling to practise such stipulations;
- (e) monitoring and checking whether or not the standards and programmes prescribed by the Council are observed and taking action in accord with the provisions of this Law in case of failure;
- (f) communicating with international accounting entities and entering into mutual agreements with international accounting entities with the permission of the Union Government;
- (g) scrutinizing and recognizing local and foreign accounting certificates and degrees, and prescribing the requirements for the registration of citizens who hold such certificates or degrees;
- (h) appointing a suitable person as the Registrar and prescribing his duties and responsibilities;
- (i) assigning responsibilities to certified Public Accountants (Passed) and certified Public Accountants (Qualified) to participate in the activities

of the Council to achieve the objectives of this Law and supervising their performance;

- (j) prescribing the work experience and the term of service, procedures to be adopted and other requirements in terms of accounting fields and types of accounting for the issue of a practising accounting certificate;
- (k) forming committees and working groups with members of the Council, and suitable professional accountants as may be necessary to achieve the objectives of this Law and supervising them;
- (l) issuing necessary guidelines for practising accountants and collecting necessary data from them for the activities undertaken by this Law;
- (m) permitting by scrutinizing the submission for the opening of private accounting training schools for the Diploma Accountant and Certified Public Accountant at standard levels in accord with prescribed curriculums and supervising, and inspecting such schools;
- (n) granting honorarium and allowance to members of the Council, and committee members of the Council who are not civil service personnel;
- (o) advising requirements concerning accountancy and accounting of Government departments and business entities;
- (p) taking action against Practising Accountants, Certified Public Accountants (Passed), Certified Public Accountants (Qualified), Apprentice Accountants and Accounting Technicians who are negligent of their duties, or who violate their code of professional ethics.

Chapter VI

Duties and Powers of the Association

18. The duties and powers of the Association are as follows:

- (a) cooperating with the Council on the matters of accountancy and accounting under the provisions of this Law;

- (b) giving advice to the Council on the curriculums, rules, regulations, standards and procedures that ought to be prescribed or amended in respect of accountancy and accounting;
- (c) cooperating with the international accounting entities for the modernization of accountancy;
- (d) arranging for the continuous study of accountancy;
- (e) recommending to prescribe the programme, guide, standards, manual, quality control programme and professional ethics of practising accountants be practised according to accounting fields or types of accounting to the Council;
- (f) giving advice on accounting matters requested by the Union Ministry, Region or State Governments and Union Territory Council;
- (g) setting up a fund with income, receipts, and contributions in accord with the regulations of the Association or the decisions of the Council;
- (h) scrutinizing and submitting to the Council the grievances or complaints of the Practising Accountants and Professional Accountants;
- (i) submitting the performance of the Association to the meeting of the Council.

19. The Council shall carry out the followings relating to the Association:

- (a) granting appropriate support to the Association and recommending it to the Union Government if necessary;
- (b) co-opting suitable members into the Committees and Working Committees formed by the Council and assigning duties to them;
- (c) delegating the Association to carry out a task or a matter on behalf of the Council.

Chapter VII

Formation of Committees and Assigning Duties to Them

20. (a) The Council shall form the following committees and necessary committees with the members of the Council, Certified Public Accountants (Qualified) and suitable citizens, and prescribe their duties and powers:
- (i) Supervisory Committee for apprentice accountants and Private Accounting Training Schools;
 - (ii) Curriculum Committee;
 - (iii) Examination Committee;
 - (iv) Accounting Standards Committee;
 - (v) Audit Monitoring Committee;
 - (vi) Accounting Monitoring Committee;
 - (vii) Practising Registration Certificate Scrutiny Committee;
 - (viii) Diploma Accountant and Certified Public Accountant Certificate Scrutiny Committee.
- (b) The term of the Committees formed under sub-section (a) shall be the same as that of the Council.
21. (a) The Council may, when necessary, form the following Board and Committee with the members of the Council, Certified Public Accountants (Qualified) and suitable citizens on a case-by-case basis and assign duties to them:
- (i) Investigation Board;
 - (ii) Disciplinary Committee.
- (b) The duties and term of the Board and Committee formed under sub-section (a) shall be the same as prescribed by the Council.

22. The Council may reform the Committee and respective Boards if necessary. Their prescribed duties may be revised. Sub-committees may be formed if necessary by nature of their work. Their performance shall be reported to the Council in accord with the stipulation.

Chapter VIII

Diploma Accountant and Certified Public Accountant Training Courses

23. The Diploma Accountant and Certified Public Accountant Training Courses shall be conducted at the training school opened by the Council or at the private training schools permitted by the Council under Section 29 of this Law.

24. The Council shall award Diploma Accountant Certificate to the persons who have passed the examination of part II of the Diploma Accountant Course.

25. The Council shall award Certified Public Accountant (Passed) Certificates to the persons who have passed the examination of part II of Certified Public Accountant Course.

26. The Council may:

- (a) limit and scrutinize the qualifications and conduct entrance examination for admission to accountant training courses;
- (b) refuse admission to or dismiss from the training course or cancel the examination certificate that has been awarded if it is clear that application to the training course was applied based on incorrect data;
- (c) determine as failure in the examination, or ban on future examination, or cancel the examination certificate awarded if it is clear that he cheated in the examination.

Chapter IX

Registration of Diploma Accountants and Certified Public Accountants

27. The Council shall allow to register or renew after scrutinizing the applications for registration or renewal as Diploma Accountants or Certified Public

Accountants (Passed) or Certified Public Accountants (Qualified) in accord with the stipulations.

28. A Certified Public Accountant recognized by the Council as a Certified Public Accountant (Passed) and a Certified Public Accountant (Qualified) shall:

- (a) be responsible to participate in the activities of the modernization of accountancy and accounting services;
- (b) abide by the code of accounting professional ethics;
- (c) follow the ethical regulations and standards of accounting.

Chapter X

Private Accounting Training Schools

29. The Council may allow after scrutinizing the applications for the opening of a Private Accounting Training School to conduct Diploma Accountant and Certified Public Accountant Training Courses.

30. The Council shall lay down the scrutinizing policy for opening a Private Accounting Training School and stipulations for its registration.

31. The Council may prescribe the requirement for qualification and experience to be fulfilled for trainers at a Private Accounting Training School.

32. The trainers of a private Accounting Training School shall be registered at the Council.

33. The Council shall prescribe regulations and procedures for the registration of the trainers of a Private Accounting Training School.

34. The Council shall prescribe the duties and rights of a Private Accounting Training School.

35. The powers of the Council relating to Private Accounting Training Schools are as follows:

- (a) rejecting the application for opening a training school, if it is not in conformity with the provisions of this Law;

- (b) scrutinizing and providing guidance on the teaching of a training school;
- (c) terminating temporarily or withdrawing the permit to open a training school if it is found that there is a requirement to reform or fulfill it in opening a training school;
- (d) scrutinizing the application for reopening the training school which has been terminated temporarily or withdrawn, and allowing it to reopen if necessary reform has been made and requirement has been fulfilled;
- (e) prescribing and varying the registration fees and annual fees according to training schools and allowing discount;
- (f) prescribing and varying the registration fees for a trainee and examination fees, and allowing discount.

36. The Council shall stipulate examination centers, hold examination and announce examination results.

Chapter XI

Practical Apprentice Accountant

37. The practical training programme for apprentices shall be included in the training of Certified Public Accountants.

38. The Council shall prescribe the apprenticeship as an accountant to be completed.

39. The Council shall prescribe the followings for the programme of apprentice accountant:

- (a) the Certified Public Accountants and business entities which can provide job training;
- (b) regulations concerning apprentice;
- (c) form of contract for apprentice;
- (d) necessary accounting works to be learned.

40. The board or person delegated by the Council may inspect the training for accounting from time to time.

Chapter XII

Recognition of Citizen Holding Foreign Degree or Certificate of Accounting

41. The Council may recognize a citizen who holds any foreign degree or certificate of accounting that is recognized by the majority of countries as a Certified Public Accountant (Passed) or a Certified Public Accountant (Qualified) in accord with the stipulations. The Council shall publish the list of foreign degree or certificate of accounting recognized by the Council.

42. The Council shall scrutinize application, examine qualification and if necessary, instruct to learn accountancy practically for the purpose of recognition of a citizen who holds a foreign degree or certificate of accounting in accord with the stipulations.

43. The Council:

- (a) may refuse the application for recognition as a Certified Public Accountant if it is not in conformity with the provisions of this Law;
- (b) shall cancel the recognition and blacklist that person if it is found that the application has been made by incorrect documentation after recognizing.

44. The person who has been recognized by the Council as a Certified Public Accountant under Sections 41 shall comply with the provisions of Section 28.

Chapter XIII

Practice of Accounting

45. The Council shall yearly co-ordinate with the Government and respective private organizations on the appointments of staff who holds degree or certificate of accounting in order to compile the strength of and data on Professional Accountants and Accounting Technicians who are practising in the Government sector accounting field and private sector accounting field.

46. The persons who hold Certificates of Diploma Accountant, Certified Public Accountant (Passed) and Certified Public Accountant (Qualified) have the right to practise in accounting training as defined in this Law. The registration or renewal

for registration to practise accounting training shall be applied to the Council in accord with the prescribed manner.

47. Only Certified Public Accountants (Qualified) have the right to practise public sector accounting as defined in this Law. The registration or renewal for registration to practise public sector accounting shall be applied to the Council in accord with the prescribed manner.

48. The work experience, the term of service, procedures to be adopted and other requirements prescribed according to an individual or a business entity that applied for registration or renewal for registration to practise accounting may be prescribed according to the type of work by the Council.

49. After scrutinizing the application of an applicant for registration or renewal for registration to practise accounting, if it is in conformity with the stipulations, the Council shall allow registration and renewal by causing to pay registration fees or renewal fees by the applicant.

50. The Council may classify the types of practising certificate of public sector accounting. The Council shall prescribe the stipulations to be followed and the activities that are not allowed to carry out according to the type of practising certificate.

51. The establishment of entity shall be registered, either individually or organizationally according to the type of the Practising Accountant, at the Council in accord with the stipulations.

52. The Council may refuse the right of registration or the renewal if it is not in conformity with the stipulations when applying under Sections 46 and 47. The registration or the renewal shall be granted only after the requirements have been fulfilled to comply with the stipulations.

Chapter XIV

Permitting a Foreign Professional Accountant to Practise Accounting

53. Only Foreign Professional Accountants who conform with the following particulars are entitled to apply to the Council, in accord with the stipulations, to practise accounting in Myanmar:

- (a) enabling to permit as per the contract made between the Myanmar Government and a foreign Government;
- (b) enabling to permit as per the mutual agreements between countries or international professional accounting organizations.

54. A Foreign Professional Accountant applied under the provision of Section 53 shall initially submit the following particulars with sufficient documents:

- (a) being a person who has obtained a Professional Accounting Certificate and a Practising Accountant Certificate registered at the National Professional Accountancy Organization of the relevant country;
- (b) being recognized as Certified Public Accountants who are Myanmar citizen registered at the Council by the National Professional Accountancy Organization of the relevant country;
- (c) being allowed to practise accounting to Certified Public Accountants who are Myanmar Citizen in the said country like its own citizens.

55. If it is found that the submission under Section 54 is incorrect and insufficient, the Council may refuse the application.

56. If it is found that the submission under Section 54 is correct, such Foreign Professional Accountant shall be instructed to apply to the Council to practise accounting in Myanmar with the following documents:

- (a) the documents which grant the permit to enter and stay in Myanmar;
- (b) the original passport and its copy;
- (c) the original examination certificate of accounting issued by the National Professional Accountancy Organization of the relevant country and its copy;
- (d) the original practising certificate issued by the National Professional Accountancy Organization or the relevant department of the respective country and its copy;
- (e) other documents prescribed by the Council.

57. If the submissions under Section 56 are sufficient, it shall be proceeded to scrutinize according to the provision of Section 42 for the recognition of such Foreign Professional Accountant as a Certified Public Accountant (Qualified).

58. A Foreign Professional Accountant who has been recognized as a Certified Public Accountant (Qualified) shall register at the Council by paying the prescribed registration fees.

59. A Foreign Professional Accountant who has registered under Section 58 shall be instructed to apply for a practising certificate and be scrutinized and allowed in accord with the stipulations.

60. International Accounting Entities which are entitled to establish a business in Myanmar with a permit under any other existing law shall practise accounting as per the organizational set-up prescribed by the Council. The application for the permit to practise accounting only with the organizational set-up shall be made to the Council in accord with the stipulations.

61. The Council may allow to register after scrutinizing the application made under Section 60. The application for renewal may be scrutinized and allowed in accord with the stipulations. •

Chapter XV

Stipulations of Financial Reporting

62. A manager of a business entity is responsible for reporting appropriately or accurately as it is and completely on operational condition, financial condition, and cash-flow as per the accounting period or the financial year. For that matter, the financial statements of the business entity shall be prepared and issued in accord with the accounting standards and financial reporting standards prescribed by the Council.

63. In order to be a financial reporting with reliable and quality financial statements, the respective persons shall take the responsibility as follows:

- (a) taking the responsibility only by the Professional Accountants or Accounting Technicians as a person who prepares, signs and approves

the financial statements and business-wise necessary statements of any business entity;

- (b) taking the responsibility by the manager of a business entity as a person who approves and submits those financial statements;
- (c) taking the responsibility by a Certified Public Accountant (Qualified) or a Government Auditor who acts as an auditor under the provision of the related law as a person who discloses the audit opinion on proper disclosure of the said financial statements.

64. The manager of a business entity shall arrange the following requirements to comply with the nature, size and condition of the business entity in order to present the financial statements of the business entity in accord with the financial reporting standards laid down by the Council:

- (a) to organize and assign a sufficient number of Accounting Technicians and Professional Accountants for accounting and preparing the accounts;
- (b) to lay down internal auditing plan which is independent from the said duties of accounting and preparing the accounts.

65. The Council shall inform the respective management authority to take action, as may be necessary, the managers of business entities who breach the provisions of Sections 62 to 64.

Chapter XVI

Duties, Ethics and Rights of Practising Accountants, Certified Public Accountants (Passed), Certified Public Accountants (Qualified) and Apprentice Accountants

66. The Practising Accountants, Certified Public Accountants (Passed), and Certified Public Accountants (Qualified) have the following duties:

- (a) performing honestly relating to the accounting under his responsibility;
- (b) complying with the rules, procedures, orders, and directives issued under this Law and international accounting standards and auditing standards;
- (c) performing dutifully his accountancy duties assigned by the Council.

67. Apprentice accountants have the following duties:

- (a) they shall comply with the regulations for Apprentice Accountants laid down by the Council;
- (b) they shall comply with the regulations for Apprentice Accountants and work discipline laid down by the accounting entity or the Government organization that provides accounting training.

68. The Practising Accountants, Certified Public Accountants (Passed), and Certified Public Accountants (Qualified) shall not act any manners that are contrary to the Code of ethics contained in the provisions of the Myanmar Auditing Standards prescribed by the Council in addition to the following acts that are contrary to the Code of ethics of accounting:

- (a) proclaiming beyond his responsibility, or his qualification, or experience, and advertising his entity with particulars that adversely affect the other practising accountant in publicizing his accounting entity;
- (b) demanding fees based on the percentage of profits;
- (c) failing to submit particulars relating to accounts required by the Council;
- (d) disclosing the information to others that he solely knows without permission of the employer or any existing law;
- (e) performing accountancy services assigned to him without due care;
- (f) performing the services in sub-section (m) of Section 2 in cooperation with the persons who are not practising accountants;
- (g) accepting the post without communicating with the former auditor or demanding the accounting performed by the other person for himself;
- (h) accepting the appointment that is not in conformity with the provisions of the Myanmar Companies Act or of other relevant law relating to the appointment of auditors;
- (i) giving estimates and approving future profits for publication or approving for publication of average profit statements for more than one year without specifying profits and losses separately for each year in the

prospectus of company or by any other means, but it shall not apply to the matters to be drawn up and submitted as per work requirement;

- (j) failing to keep necessary accounting records and separate bank accounts in order to show that such money are managed in a systematic manner if the money entrusted by his client is managed;
- (k) describing the incorrect profit or loss of the business and failing to disclose the findings as such.

69. The Apprentice Accountant shall not do the following acts which are not conformity with the Code of ethics to be upheld in learning accounting:

- (a) not dutifully performing the duties assigned by the relevant accounting entity or Government department providing training during the practical Apprenticeship;
- (b) failing to follow the regulations laid down by the relevant accounting entity or Government department providing accounting training during the practical Apprenticeship;
- (c) using destroying, misusing, and copying without permission the accounts, documents, and properties of the relevant accounting entity or Government department providing accounting training for his benefit;
- (d) leaking the accounts, and information relating to his apprentice work.

70. A Practising Accountant is entitled to:

- (a) practise it as a profession;
- (b) demand reasonable fees;
- (c) advise to the Council;
- (d) submit grievances to the Council.

71. An Apprentice Accountant is entitled to:

- (a) enjoy the rights in the apprenticeship agreement;

- (b) advise to the Council;
- (c) submit grievances to the Council.

Chapter XVII

Taking Administrative Action on Apprentice Accountants, Certified Public Accountants (Passed), Certified Public Accountants (Qualified), and Practising Accountants

72. The Council may form and assign the Investigation Body with 5 members comprising at least 2 Council members to investigate the Apprentice Accountants, Certified Public Accountants (Passed), Certified Public Accountants (Qualified) and Practising Accountants who have failed to follow any duty prescribed in Sections 66 and 67 or who are alleged of violation of any Code of ethics prescribed in Sections 68 and 69.

73. The Investigation Body shall submit a report of its finding to the Disciplinary Committee formed with 5 Council members for this purpose.

74. The Disciplinary Committee may make any of the following administrative decisions:

- (a) warning;
- (b) revoking the certificate of a Practising Accountant or of a Certified Public Accountant (Passed) or of a Certified Public Accountant (Qualified), or the right to practise as an Apprentice Accountant by prescribing a limited period;
- (c) cancelling a certificate of a Practising Accountant or of a Certified Public Accountant (Passed) or of a Certified Public Accountant (Qualified), or the right to practise as an Apprentice Accountant;

75. The Disciplinary Committee may take any action contained in sub-sections (b) and (c) of Section 74 against a person who has been convicted of a moral offence by any Court.

76. (a) A person who has been revoked, by prescribing a limited period, the right to practise as an Apprentice Accountant, or the certificate of a Practising Accountant (Passed) or of a Certified Public Accountant (Qualified), or of a Practising Accountant may apply to the Council to re-practise or to re-register as an Apprentice Accountant after the limited period has expired.

- (b) The Council may permit the applicant to re-practise or re-register as an Apprentice Accountant after causing the prescribed fees to be paid.

Chapter XVIII

Appeal

77. A person who is dissatisfied with the decision made by the Disciplinary Committee under Section 74 or 75 may appeal to the Council within 60 days from the date on which such decision was made.

78. The Council has the following powers in respect of the appeals submitted under Section 77:

- (a) re-investigation;
- (b) cancellation;
- (c) revision;
- (d) making approval.

79. The decision of the Council shall be final.

Chapter XIX

Prohibitions

80. The manager of a business entity shall not present inaccurately and issue the operational condition, financial condition and cash-flow statement of the business entity.

81. The manager of a business entity shall not carry out accountancy and preparation of account to affect the proper statement of the accounts and not interfere with those who take responsibility for accounting by exercising undue influence.

82. A Practising Accountant shall not act any conduct that is not in conformity with the Code of ethics in the provisions of the Myanmar Accounting Standard issued by the Council in addition to the provision of Section 68.

83. No one shall carry out the following accounting entity without holding the certificate of public sector accounting:

- (a) public sector accounting entity;
- (b) acting as an external auditor to be audited by law in the companies and organizations established under the Myanmar Companies Act or the Special Companies Act, 1950 or any other existing laws.

84. A person, whose Practising Accountant Certificate has been revoked or cancelled for a limited period, shall not fail to return it to the Council within 30 days from the date on which the decision was made by the Disciplinary Committee.

85. A Practising Accountant shall not mention or endorse any information which he knows to be incorrect in any account, notice, statement, report, cash book, certificate or form.

86. A Practising Accountant shall not approve or allow anyone else to sign on his behalf a balance sheet, profit and loss account or any account which has not been supervised and examined by himself or a partner of his firm or his staff.

87. No person shall open the Private Diploma Accountant or Certified Public Accountant Training School without the permission of the Council.

88. No Practising Accountant shall accept and carry out activities involving interests, conflicts of interests, contrary, independence which can be affected.

Chapter XX

Penalties

89. The manager of a business entity who violates any provisions of Section 80 or 81 shall, on conviction, be punished with imprisonment for a term not exceeding three years or with a fine not exceeding ten million kyats or with both.

90. A Practising Accountant who violates the provision of Section 82 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding one million kyats or with both.

91. Whoever violates the provision of Section 83 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding one million kyats or with both.

92. Whoever violates the provision of Section 84 shall, on conviction, be punished with a fine not exceeding five hundred thousand kyats.

93. Whoever violates any provision of Section 85 or 86 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding three hundred thousand kyats or with both.

94. Whoever violates the provision of Section 87 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding five million kyats or with both.

95. Whoever violates the provision of Section 88 shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding one million kyats or with both.

Chapter XXI

Miscellaneous

96. (a) The expenditures of the Council shall be incurred from the budget of the Office of the Union Auditor-General and the receipt shall be paid into the budget of the Office of the Union Auditor-General.

(b) The organizational set-up shall be prescribed to carry out the functions of the Council with the approval of the Union Government.

97. If it is referred as a registered accountant in any existing law, or in any contract, or in any record, such reference shall be deemed as a Certified Public Accountant (Passed) or a Certified Public Accountant (Qualified) defined in this Law.

98. The Myanmar Accountancy Council formed under the Myanmar Accountancy Council Law, 1994 (The State Law and Order Restoration Council

Law No. 1/ 94) shall continue to carry out its duties and powers before the Council under this Law has been formed.

99. The persons who hold practising accountant certificates on the date on which this Law comes into force have the right to continue to practise until the expiry of the term of the certificate. When applying for renewal of the practicing certificate, it shall be applied for registration according to category of accounting under this Law to the Council in accord with the stipulations.

100. The members of the Council and the members of the Committees and Body formed by the Council who are not civil service personnel shall, in performing the duties and functions in this Law, be deemed as public servants under Section 21 of the Penal Code.

101. The rules, procedures, notifications, orders and directives issued under the Myanmar Accountancy Council Law, 1994 (State Law and Order Restoration Council Law No. 1/94) may continue to exercise in so far as they are not contrary to this Law.

102. To implement the provisions of this Law:

- (a) the Office of the Union Auditor-General may issue rules, regulations and by-laws with the approval of the Union Government;
- (b) the Office of the Union Auditor-General and the Council may issue notifications, orders, directives and procedures.

103. The Myanmar Accountancy Council Law, 1994 (State Law and Order Restoration Council Law No. 1/ 94) is hereby repealed by this Law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd.) Thein Sein
President

The Republic of the Union of Myanmar