Statutes of the Accountants and Auditors Association of Mozambique (OCAM)

Law nr. 8/2012

of 8th February

Maputo, 2nd August, 2013

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of 08th February

Having a need to create a body that regulates the profession of accountants and auditors under the provisions of paragraph 1 of Article 179 of the Constitution, the Assembly of the Republic determines:

ARTICLE 1

It is created The Accountants and Auditors Association of Mozambique and approved its Statute, annexed to this Act, forming an integral part.

ARTICLE 2

This Law shall enter into force on the date of its publication.

ARTICLE 3

Approved by the Assembly of the Republic, on the 30th day of November, 2011.

- The President of the Assembly of the Republic, Veronica Nathaniel Macamo Ndlovo
Promulgated on the 18th day of January 2012.
To be Published.
The President of the Republic, ARMANDO EMÍLIO GUEBUZA

Statutes of the Accountants and Auditors Association of Mozambique

CHAPTER 1

General Provisions

ARTICLE 1
(Definitions)

For the purpose of this Statute, it is understood by:

a) Certified Accountant, who exercises the Accountancy profession;
b) Certified Auditor, the Certified Accountant who is engaged in audit activity;
c) Honorary Members, natural or legal persons, national or foreign, performing activities of public interest to the profession,
d) Group Members, the Societies of Certified Accountants and Societies of Certified Auditors established in accordance with this Statute and its internal regulations, as well as companies that are exercising their own activities of the profession, a single or multi-disciplinary, provided that, on the date of entry into force of this Statute, have been duly licensed for that purpose, under the current rules.

ARTICLE 2
(Definition and Nature)

1. The Order of Accountants and Auditors of Mozambique, hereinafter OCAM is a legal person of public law, independent of the state and any public and private organizations, inscribed on it.
2. The OCAM develops a non-profit activities in the public interest, is governed by this Statute, by its internal regulations and other applicable legislation.
3. The OCAM has legal personality, with administrative, financial, patrimonial, scientific, technical autonomy and regulatory.

ARTICLE 3
(Headquarters)

The OCAM has its headquarters in the city of Maputo and may be, whenever it deems necessary to achieve its purpose, open branches or other forms of representation throughout the national territory.

ARTICLE 4
(Scope)

The OCAM has a national scope.

ARTICLE 5
(Objectives)

The objectives of OCAM are:

a) The definition of rules of access and practice of the professions of accountancy and audit and certification of occupational categories of Certified Accountant and Certified Auditor by issuing their Professionals Licenses.
b) The superintendence of all matters relating to the access and practicing of the professions of accountancy and audit, to ensure their technical and functional independence, human dignity and prestige of its members, as well as its rights and prerogatives, the affirmation of the social function of the profession and the promotion and respect of their ethical principles:
c) The Representation of professional interests of all those engaged or to be engaged in professional accounting and auditing activities in Mozambique
d) The exercise of disciplinary jurisdiction over all its members;
e) The promotion of the highest technical standards and performance levels of the members.

ARTICLE 6
(Assignments)

The functions of OCAM:

a) Organize and maintain updated records of its members and attest, whenever requested, that they are in full exercise of their functional capacity under this Statute;
b) Develop, disseminate, promote and enforce the principles and rules of professional ethics of accounting and auditing;
c) Set technical standards of the profession taking into account the internationally accepted standards namely those emanating from the International Federation of Accountants:
d) Propose to the competent authorities, legislative measures, regulations or of any other nature relating to the Accounting System of Business Sector and the other sectoral plans of accounting, in general terms, to the matters that can cope with the legitimate rights and interests and the ethics or professional conduct of its members:
e) Express opinion on any draft legislation or regulations relating to the matters mentioned in the preceding paragraph, when requested;
f) Work with the State and other public entities with public or private establishments, legally qualified to teach Accounting, Auditing and related disciplines in the creation or reformulation of accounting plans of important disciplines for the practicing of profession, taking into account the internationally accepted standards;
g) Cooperate with any national and foreign entities in the promotion and realization, dissemination of studies, papers, research projects and dissemination and exchange of acts generally aimed at the improvement and dissemination of principles, concepts and techniques of accounting and auditing;
h) Organize courses, seminars, conferences, symposia and traineeships designed to its members, to promote quality improvement of their professional skills;
i) Monitor the quality and ethics of its members, according to the international ethical standards established by the International Federation of Accountants;
Grant scholarships and other incentives to members or students attending higher courses or equivalent in the areas of Accounting, Audit , Business and Management, Economics, Finance and others of a similar nature;
j) Organize and update a library of technical nature and promote the editing of technical professional publications;
k) Organize and maintain the Internet page of OCAM;
l) Promote solidarity among its members, supporting the creation of supplementary social security therefor;
m) Support the establishment of an insurance cover for professional civil liability of OCAM members;
n) Performing other duties that may be assigned by these Bylaws, by internal rules and legal provisions, i.e. necessary to pursue the purposes set out in the previous article.

ARTICLE 7
(Representation OF OCAM)

1. The OCAM is represented in and out of court by the President and, in his absence, the Vice - President of the General Council.
2. Notwithstanding the preceding paragraph, the OCAM can be further represented by residents of Colleges in relation to technical matters that fall within their College.

CHAPTER II

Members of OCAM

ARTICLE 8
(Categories of members)

1. The OCAM has staff, associates, trainees and group members.
2. The effective members of OCAM are:
   a) The Certified Accountants;
   b) The Certified Auditors;
3. May be associate members of OCAM:
   a) The honorary members;
   b) Natural persons of complementary professions, particularly those who act in public or private entities such as financial managers, lawyers specialized in economic and financial matters, or as teachers of accounting, internal audit and related disciplines;
   c) The professionals who are engaged in relevant public functions similar to those of professional accounting and auditing enrolled in OCAM, including public officials engaged in the accountants activity.
4. Trainee members are those who have obtained acceptance of a patron to perform the training for access to the categories referred to in paragraph 2 of this Article.
5. The Group members are referred to in accordance with Article 49 of this Statute.

ARTICLE 9
(Rights of members)

1. The rights of the members, other than those provided for in this Statute, internal rules or the general law are:
   a) Obtain license or certification of their professional category and refer to this License or certification in all acts and documents related to the profession;
   b) Exercise nationwide activities of their professional category, practicing all acts of its own;
   Elect and be elected or appointed to organs of OCAM in particular to the respective College, under the conditions laid down in this Statute and internal regulations;
   c) Participate in activities of OCAM, including the meeting of their bodies where it has sitting, discussing, voting, requesting and presenting motions and proposals they deem appropriate;
   d) Enjoy the services and benefits imposed by OCAM and attend the premises intended to use by members;
   e) Accessing financial information of OCAM, in terms and periods stipulated in internal regulations and request, in writing, at any time , clarification on this matter;
   f) Request the convening of the General Assembly of the respective College, as defined in internal regulation;
   g) Refer to the General Council of the disciplinary sanctions that have been applied and any decision of the Constitutional Council with a direct impact on their professional statute.
2. Notwithstanding the reservation of professional activity being committed only to full members, associate members of OCAM may participate in all activities under this Statute concerning him, in particular, integrating technical committees and benefit from social, cultural activity and Science, including attending training courses and receive information and publications.

ARTICLE 10
(Duties of the members)

1. The duties of members are:
   a) Comply with the precepts of the present Statute, the Rules of OCAM, the operating regulations of the respective bodies and all applicable legislation to it;
   b) Observe and comply with all principles and standards in the OCAM Code of Ethics and professional ethics;
   c) Observe in their profession activity, all principles and accounting standards accepted by OCAM;
   d) Meet the continuing professional development program set by the respective Colleges;

e) Submitting to the quality control program defined by the respective Colleges;
f) Accept the decisions of the organs of OCAM that comply with the law, statute, regulation and other internal operating regulations;
g) Pay the quotas, fees and charges set by OCAM;
h) Ensure the good name and reputation of OCAM the respective Colleges, not compromising the actions or statements that prove detrimental to the interests or rights of their members.

2. The associate members of OCAM referred to in points a), b) and c) of paragraph nr.3 of Article 8 shall observe the provisions of paragraphs nr.1 a), f), g) and h) of this Article.

ARTICLE 11
(Exclusivity of professional designation titrated)

1. The designations of "Certified Accountant" and " Certified Auditor are reserved exclusively to members enrolled in OCAM, which may, following their name to identify themselves as such.
2. The invocation of the misuse of designations of Certified Accountant or Certified Auditor by those not authorized to do so incurs the crime of illegal practice titrated.

ARTICLE 12
(Professional Qualification)

1. The Certified Accountants may exercise, when requested, the following functions:
   a) Planning, organize and coordinate the implementation of accounting entities that should have regularly organized accounts according to the accounting system of the Business Sector officially apply;
   b) Assume responsibility for technical regularity in accounting and tax areas of the entities referred to in the preceding paragraph;
   c) Provide advisory and consultancy services in specific matters related to the exercise of their professional category;
   d) Carry out teaching in particular issues related to the exercise of their professional category and those in auxiliary or supplementary materials.
2. The Certified Auditors may, in the exercise of functions of audit and when required;
   a) Undertake audit on the public or private entities accounts;
   b) Issue an independent opinion on the accounts prepared by the management of public or private entities, expressed in the report;
   c) Perform limited review to public or private entities and issue a report thereon;
   d) Monitoring compliance with legal and statutory requirements of businesses or other entities without prejudice of competence conferred by law and their respective bodies and members;
   e) Carry out other characteristic acts of the profession of Certified Auditor, in accordance with norms and standards internationally set by the International Federation of Accountants.
3. The Certified Accountants wishing to act as auditors must register for that purpose in the respective College, according to the rules of its functioning.
3. The members with the category of Certified Auditor can perform all the functions of the Certified Accountant Category, including the functions provided for in paragraphs nr. 1 c) and d) of this Article, provided that the exercise of such functions do not strife ethical standards of the profession.

ARTICLE 13
(Professional License)

1. The supporting membership Professional License pointing the Certificated Accountants or Certificated Auditors referred to respectively in paragraph nr. 2 a) and b) of Article 8 is issued by OCAM according to the model to be adopted by internal regulation.

2. The License must be returned to OCAM, whenever the disciplinary penalty of expulsion or suspension of activity is applied to the holder.

ARTICLE 14
(Incompatibility and Prevention)

Despite the impediments and incompatibilities in the Code of Ethics and Professional ethics are, in particular, prohibited to the effective exercise of the professions of accounting and auditing to:

a) The internal auditors;
b) The technical inspection - General Finance
c) The accountants of the Administrative Court,
d) The Public officials engaged in the occupation of Accountants;
e) The professionals engaged in similar activity to the relevant public service to the professionals enrolled in OCAM.

CHAPTER III
Bodies of OCAM

SECTION 1
Common Provisions

ARTICLE 15
(Bodies/Organs)

1. The OCAM carries out its responsibilities through the following bodies:
   a) General Council;
   b) President;
   c) College of Certified Accountants and the College of Certified Auditors;
   d) Audit Committee;
   e) Constitutional Council;
   f) Board of Associates;
2. The OCAM has a Secretary - General to support the bodies referred to in paragraph 1 and directs its Secretary General;
3. The hierarchy of members of the Board of OCAM will be the following;
   a) The president;
   b) The Vice-President of the General Council;
   c) The Chairman of the Supervisory Board;
   d) The President of the Constitutional Council;
   e) The President of the Colleges;
   f) The Chairman of the Board of Associates.

ARTICLE 16
(Delegations)

1. By resolution of the General Council and a joint proposal of specialization Colleges, can be created regional offices by aggregating several provinces.
2. The regional offices are endowed with an Advisory Board comprising members of OCAM that represent each of the provinces that integrate it.

ARTICLE 17
(Elections)

1. Among the members of OCAM, may only vote and be assigned to the bodies those having a valid registration in the respective lists and have paid the membership fees.
2. The applications, the tabulation of results and other procedures relating to elections and forms of appointment of members to exercise positions in the organs of OCAM are subject to internal rules.

ARTICLE 18
(Eligibility)

1. Only the members with inscription in force and without any punishment of disciplinary nature can only be elected to the bodies of OCAM.

2. For the positions of President, Vice - President of the General Council and the President and Vice-President of the Constitutional Council may be elected members with the following requirements:
   a) have Mozambican nationality;
   b) must not have a criminal record;
   c) be a member with inscription in force;
   d) have at least six years of effective practice of the profession of accountancy and audit.

3. For the purposes of the preceding paragraph, it is considered enrollment the situation when the member has regularized their quotas and not in a situation of impediment.

ARTICLE 19
(Obligation of exercise of functions)

It is the duty of the members to exercise functions in the bodies of OCAM to which have been appointed, constituting cause for disciplinary proceedings to be unfounded refusal to take possession.

ARTICLE 20
(Waiving and suspension of duties)

1. When relevant reasons arise, a member of a particular organ may request the General Council the acceptance of his resignation or temporary suspension from duties.
2. The application should always be examined and the reason be analyzed by the body referred to in the preceding paragraph.

ARTICLE 21
(Mandates)

1. The mandate of the members of elected bodies of OCAM is of three years.
2. By exercising the mandates of elected bodies does not fit any remuneration.
3. The members of the OCAM may be reelected only once.

SECTION III
General Council

ARTICLE 22
(Composition of the General Council)

1. The General Council consists of nine members, of whom:
   a) three representatives of the College of Certified Accountants
   b) three representatives of the College of Certified Auditors
   c) representative of the board of associates;
   d) a representative of the Mozambican Association of Insurers.
2. A General Council of members elect from among six representatives of the two Colleges, the president and vice-president.
3. The president and Vice-President are from different colleges.
4. The members of general council have Mozambican nationality.

ARTICLE 23
(Powers of the General Council)

1. The powers of the General Council are as follows:
   a) Approve and coordinate the implementation of major strategic lines of OCAM, taking into account the specific proposals made by each College:
   b) Assign the Fiscal Council, under proposals of the Colleges of Certified Accountants and Certified Auditors;
   c) Designate the Judicial Council, under proposal of the Colleges of Certified Accountants and Certified Auditors;
   d) Decide and approve annually on the annual report of OCAM, taking into account the proposals of the Governing Council of the Colleges and the opinion of the Supervisory Board;
   e) Decide the approval on the plan of activities and budget of OCAM, under proposals from the Executive Councils of the Colleges;
   f) Propose to the competent bodies, amendments to this Statute, upon proposal of the Governing Council of Colleges of specialization in the case and the terms in which both are consistent.

g) Decide and approve the Internal Rules and the Code of Ethics and Professional Conduct of OCAM;
h) Approve the regulations for the operation of Colleges,
i) Admit honorary and associate members in accordance with criteria defined by internal regulations;
j) Set membership quotas of OCAM, upon proposal of the Colleges of specialization, on staffing, and group members
k) Approve the creation of technical committees, defining its functions and composition proposed by the colleges of specialization, Council of Members or on its own initiative;
l) Rectifying the proposals from the technical committees referred to above;
m) Establish the necessary legal actions to defend and pursue the interests of OCAM , and members of the Colleges
n) Ratify the appointment of Secretary - General, upon the proposal of the Secretary - General;
o) Approve the structure of Secretary - General on the proposal of Secretary - General;
p) Ensure the coordination with state and government agencies in relation to the interest of the profession and accounting and auditing professional;
q) Approving the update of content of the web page of OCAM, proposed by the Colleges and the Council of Members or on its own initiative;
r) Establish the National Day of Professional Accounting and Audit;
s) Ratify the decisions of the Installing committee of OCAM;
t) Consider and decide on appeals by members of the OCAM within the disciplinary penalties.

2. The technical committees referred to in paragraph k) above shall have the task of treating matters of interest to the profession, cross Colleges of specialization, particularly those whose mission together with the structures of the formal education system and the implementation of Continuing Professional Development programs.
3. It is also the responsibility of the General Council to approve the following regulations;
   a) Regulation of the Constitutional Council;
   b) Disciplinary Regulations;
   c) Internal Regulation;
   d) Other regulations relating to common or shared functions of the various organs of OCAM;
4. The General Council normally meets once a quarter.

ARTICLE 24
(Powers of the President)

1. The president chairs the General Council and institutionally represents the OCAM, without prejudice to paragraph 2 of Article 7 of this Statute.
2. The president of OCAM shall be responsible for:
   a) Promoting the OCAM in Mozambique and abroad;
   b) Setting dates for holding elections of public bodies of OCAM;
   c) Appointing the Secretary - General;
   d) Confer power to the members of the other organs of OCAM and the Secretary- General;
   e) Propose to the General Council the admission of honorary members, on their own initiative or under proposal of the Colleges;
   f) Convening the General Council;
   g) Proposing actions, including judicial, required defending the interests of OCAM and its members, on its own initiative or at the request of the General Council of Colleges or Regional Offices.

ARTICLE 25
(Powers of the Vice - President of the General Council)

The Vice - President of the General Council:

a) Assisting the president in his duties of administrative management, replacing him in the absence or incapacity;
b) Perform the powers of president.

SECTION III
College of Certified Accountants and College of Certified Auditors

SUBSECTION 1
General Provisions

ARTICLE 26
(Organs of the Colleges)

1. The organs of the Colleges of Certified Accountants and Certified Auditors are as follows:
   a) General Assembly;
   b) Governing Board and its Chairman;
   c) Admissions and Qualifications Committee
2. The Colleges of occupational categories may be organized into sections, whenever appropriate to the functions exercised and internal regulations and other applicable legislation.

SUBSECTION II
General Meetings of Colleges

ARTICLE 27
(Nature and Composition)

1. The General Assembly is the deliberative organ of each College.
2. The General Assembly is composed of members enrolled in each college.
3. The members of each College are entitled to attend meetings of the General Assembly of each College, by themselves or through representatives duly authorized for the purpose; they shall meet the requirements of the rules, including those relating to payment of fees.
4. The board of the General Assembly of each College shall consist of a Chairman and two secretaries, elected by the Assembly,
5. The Secretary - General, or in their absence, their representative, perform administrative assistance to the General Assembly.

ARTICLE 28
(Non-voting Participants)

The other members of OCAM entities or individuals, whose presence is deemed of interest by mutual agreement between the President of the General Assembly and the President of the Governing Council of the respective College, may be invited to attend meetings of the General Assembly of each College.

ARTICLE 29
(Competence)

1. The General Assembly of each College has jurisdiction to rule on matters assigned to it by this Statute and other internal regulations.
2. The powers of the General Assembly of each College are included, in addition to those specifically provided for, in other provisions;
   a) The election and dismissal of members of the Governing Board of the College
   b) The monitoring of the election day for elective bodies of the respective College as well as receive and verify the correctness of applications and, in general, supervise and exercise jurisdiction in all that relates to the electoral process in the context of the College;
   c) Discussion and approval of the proposed budget of the College;
   d) Discussion and approval of the report of the Governing Council and the Balance sheet and accounts of the College, which will be part of yearly accounts of OCAM.

SUBSECTION III
Governing Board and respective Presidents

ARTICLE 30
(Composition)

1. The Governing Board of each College is composed of:
   a) One President:
   b) One Vice - President
   c) Three or five vowels
2. Among the members of each Board, two are representatives of regional offices that have members enrolled in its College;
3. The elements of the Governing Board of each College are members in the list of professionals in their respective category.

ARTICLE 31
(Duties)

1. The Governing Council is the board of directors and management of each College at national level, without prejudice the powers granted to the Regional Offices.
2. The Governing Board shall be:
   a) Assess the proposed Disciplinary Rules, the Code of Ethics and Professional Ethics and other requirements concerning the common features shared by the various organs of OCAM and propose changes it deems appropriate;
   b) Monitor compliance with the precepts of the incompatibility and impediments inherent to the profession;
   c) Propose to the General Council the quotas from members and collective members of the respective Colleges;
   d) Annually submit to the General Council the business plan, the regular and supplemental budgets and the accounts of the year report;
   e) Organize and maintain updated lists of staff and community members of the respective Colleges;
   f) Establish technical committees for the treatment of materials of specific interest of the College and define its functions and composition;
   g) Propose to the General Council the establishment of technical committees pursuant to paragraph 2 of Article 23, defining their functions and their composition;
   h) Carry out the necessary actions to the accomplishment of the exam, traineeship and enrollment in the respective Colleges;
   i) Approve the technical standards and other guidelines;
   j) Propose to the General Council any amendments to this Statute;
   k) Make recommendations as to the content of the Documentation Centre and Library of OCAM to include in the proposed budget;
   l) Approve the disciplinary action proposed by the Constitutional Council and ensure its implementation.
   m) Define the update of technical content associated with the profession of the internet page of OCAM.
   n) Propose to the General Council to update the institutional content of the web page of OCAM.
3. The functioning of the governing board of each College is subject to specific regulations, and shall meet at least once a month.

ARTICLE 32
(Presidents of the Governing Boards)

1. It is responsibility of the Presidents of the Governing Boards to represent the respective College and its members, without prejudice to the powers of the president of OCAM.
2. The President of Governing Boards is inherently presidents of admission and qualification.

SUBSECTION IV
Admissions and Qualification Committee

ARTICLE 33
(Composition)

1. The Admissions and Qualifications Committee of each College is chaired by the President of the Board and additionally composed of two members of professional prestige and ethics, enrolled in college as Certified Accountants or as Certified Auditors.
2. The Admissions and Qualifications Committee may be associated with persons of recognized scientific or professional merit, on permanent or temporary basis.

ARTICLE 34
(Duties)

The Admissions and Qualifications Committee of each College shall:

a) Organize, revise and publish the lists of enrolled professionals;
b) Promote the organization and conduct of entrance examinations, developing its regulations;
c) Promote the organization and carrying out of traineeships, developing its regulations;
d) Define the continuing professional development program and its compliance by each professional;
e) Promote, in a systematic way, the process of monitoring the quality of performance of duties of its members, according to the rules established for this purpose by the respective College
f) Perform such other duties that are set out in the registration examination regulations to be approved by the Governing Council of the Colleges.

SECTION IV
Supervisory Board

ARTICLE 35
(Nature and composition)

1. The Supervisory Board is the supervisory and control body of legality and management.
2. The members of the Supervisory Board are elected by the General Council is composed of:
   a) A member proposed by the College of Certified Accountants;
   b) One member proposed by the College of Certificates Auditors;
   c) A proposed member by the General Council from among the members of OCAM, who shall act as Chairman of the Supervisory Board.
3. The President of the Supervisory Board must come from a separate College of the President's Constitutional Council, which may not be a member of the General board of OCAM.
4. The Supervisory Board meets when convened by the President at least once a quarter and shall be valid only with the presence of at least two of its members.

ARTICLE 36
(Duties)

1. The Supervisory Board shall:
   a) .Monitoring compliance with the law, the statute, internal regulations and resolutions of the General Council and the General Assemblies of the Colleges by all organs of OCAM.
   b) Monitoring the management of OCAM, including administration at regional level;
   c) Verify, whenever it deems such action convenient and in the manner it considers appropriate, cash account and the existence of any kind of goods or assets belonging to the OCAM or received as collateral, deposit or otherwise;
   d) Propose annual report, budget and accounts ,

e) Consider the draft rules of procedures for expenses, as well as other accounting procedures of OCAM, upon proposal of the Secretary- General;
f) Verify the validity of the decisions taken by the organs of OCAM and to inform the President, the Vice President and also the presidents of Governing Boards of Colleges on situations of annulment;
g) Prepare the annual report on its supervisory action

2. In the exercise of its powers, the Supervisory Board may rely on advice from external audits or other technical expertise.

ARTICLE 37
(Duties of members)

The duties of the members of the Supervisory Board shall:

a) Participate, without vote, in meetings of the General Council and meetings of Governing Boards of Colleges for which they have been invited or who have rendered accounts;
b) Immediately inform the General Council and the Executive Councils of the Colleges of all illegalities, condition.

SECTIONV
Jurisdictional Council

ARTICLE 38
(Nature and composition)

1. The Jurisdictional Council is the governing body of jurisdiction in the OCAM disciplinary matters.
2. The members of the Jurisdictional Council are elected by the General Council being composed of:

a) Two members nominated by the College of Certified Accountants;
b) Two members nominated by the College of Certified Auditors;
c) A member proposed by the General Council from among the members of OCAM, who shall act as chairman of the Jurisdictional Council.

3. The President of the Jurisdictional Council is elected by his peers, should come from a separate College of Chairman of the Supervisory Board and may not be a member of the General Council of OCAM.

ARTICLE 39
(Competence)

The Jurisdictional Council shall:

a) Ensure compliance with the statute, internal regulations and decisions taken by the competent bodies;
b) Investigate, inquire and instruct disciplinary proceedings for disciplinary offenses committed by members of OCAM for decision of the Governing Councils of the Colleges, in respect of its members or the General Council;
c) Advising on complaints from businesses or entities to whom the Certified Accountants and Certified Auditors provide services in the context of matters relating to the exercise of their professions;
d) Prepare the draft disciplinary regulations, which must be submitted to the governing councils of Colleges and subject to the approval of the General Council;
e) Prepare the draft Code of Ethics and Professional Ethics, and which must be submitted to the governing councils of the colleges subject to the approval of the General Council.
f) Prepare the regulation of the Jurisdictional Council, subject to approval of the General Board;
g) Forward to the General Board the appeals against decisions of other bodies of OCAM;
h) Propose legislative or administrative matters within its competence measures;
i) Perform an advisory role of OCAM, including emerging issues in the exercise of professional duties.

ARTICLE 40
(Operation)

1. The Jurisdictional Council shall meet when convened by the president and can only act in the presence of this and at least two of its members.
2. The Jurisdictional Council shall meet at least once a quarter.
3. The conduct of disciplinary proceedings is responsibility of an instructor which is filled by drawing lots, presenting to the Board of Directors meeting its report and draft decision.

ARTICLE 41
(Legal Counsel)

1. The Jurisdictional Council may be assisted by lawyers, in particular to provide opinions on legal or regulatory issues and advise on all matters concerning the legality of disciplinary procedures.
2. Notwithstanding the preceding paragraph, the direction of the disciplinary process and formulation of the proposed application of disciplinary measures in concrete are the sole responsibility of the Jurisdictional Council.

SECTION VI
Board of Associates

ARTICLE 42
(Composition and Jurisdiction)

1. The Board of Associates is composed by associate members referred to in paragraph 3, Article 8 of this Statute.
2. The board members have powers to:
   a) Propose to the General Council to establish technical committees under the provisions of paragraph 2 of Article 23 of this Statute;
   b) Propose to the General Council to update the institutional content of the website of OCAM.
   c) Propose the General Board other measures to better fulfill their purposes.

ARTICLE 43
(Organs)

1. The bodies of the Board of Associates shall be:
   a) The General Assembly
   b) The President of the Board of Associates

ARTICLE 44
(Periodicity and competence)

The General Assembly meets once a year and have powers to:

a) Elect the President of the Board of Associates;
b) Vote on proposals to the General Council in terms of paragraph 2 of Article 42.

ARTICLE 45
(Powers of the President of the Board of Associates)

The President of the Board of Associates has powers to:

a) Represent the Board of Associates in the General Council of OCAM
b) Submit to the General Council OCAM the proposals of the Board of Associates approved in General Assembly

SECTION VII
Secretary - General

ARTICLE 46
(Secretary - General)

1. The Secretary-General is appointed by the President, who is responsible for the management of the Secretary-General and defining their structure taking into account the needs of OCAM, upon approval of the General Council.
2. The Secretary - General advises the organs of OCAM.
3. The Secretary-General is entitled to monthly remuneration for their activities.

ARTICLE 47
(Duty)

The Secretary -General has the following functions:

a) Preparation of accounts of OCAM;
b) Collecting revenues of OCAM and control of membership fees;
c) Payment of expenses of OCAM in accordance with the provisions in internal Regulation;
d) The administrative support to the functioning of the organs;
e) The update of the technical and institutional content of the web page of OCAM, by definition of the General Council or Colleges;
f) The maintenance of the internet page of OCAM;
g) The custody of documents and works of the Documentation Centre and Library, the management and control of their availability to the members and maintenance and updating;
h) Perform other tasks as may be entrusted by the Secretary - General.

ARTCILE 48
(Competence)

Besides the Board of the Secretary - General, it is responsibility of the Secretary - General;

a) The operational coordination of OCAM services, particularly for common services or Shared by the different organs;
b) The proposed procedures for expenditure and other accounting procedures;
c) Accountability to the General Council and the College of Specialty;
d) The liability to tax advice in terms of financial implementation of OCAM and compliance with the established rules of procedure;
e) Ensuring compliance by OCAM legal and tax obligations in force in the Republic of Mozambique;
f) Participation in the meetings of the General Board without voting rights, and the preparation of minutes thereof.

CHAPTER IV
Societies of Certified Accountants and Certified Auditors

SECTION I
Common provisions

ARTICLE 49
(Requirements and registration scheme)

1. The registration of the Societies of Certified Accountants and Certified Auditors in OCAM involves the verification of the following assumptions:
   a) Control of the Society by members possessing the professional status of the Certified Auditors and Certified Accountants or recognized foreign companies as Societies of Certified Accountants or Certified Auditors in their country of origin

and represented in Mozambican territory in reciprocal arrangements.

b) Possession of a qualified majority of the shares by the members referred to in the preceding paragraph, associate members or non-national societies engaged in the duties of a Society of Certified Accountants or Certified Auditors in their country of origin.

2. The Societies referred to above are subject to compulsory registration in OCAM, by depositing a full copy of its statute.
3. The enrollment at OCAM is a necessary condition in terms of preceding paragraph for society to exercise functions of the professional categories of Certified Accountant and Certified Auditor in the whole of national territory.

ARTICLE 50
(Signature of documents)

1. The report and audit opinion issued by a certified auditing society in the performance of their duties shall be signed on behalf of the society, by certified auditor responsible for its preparation.
2. The remaining documents from a society of certified auditors are signed on behalf of the society by certified auditor responsible for its preparation, or in his absence, by another certified auditor with sufficient powers.

CHAPTER V
Access to the profession

SECTION I
Common provisions

ARTICLE 51
(General Requirements)

The general requirements to register as a member of OCAM, without prejudice of the related rules to the application process during the transitional period set out in Chapter VIII, the following:

a) Being a Mozambican national or a foreigner, have permission to work in the country or be integrated into Societies of Certified Accountants or Certified Auditors established in the country, as well as to prove knowledge of the Portuguese language and tax and commercial law of the Republic of Mozambique, as defined by OCAM;
b) Have the technical capacity to practice the profession;
c) Not have been convicted for committing a criminal offence namely of fiscal, economic or financial nature, or unless the rehabilitation grant.
d) Not being inhibited or prohibited to exercise the profession.

ARTICLE 52
(Frequency of the registration process)

The procedures of members admissions to OCAM obey at least once a year.

SECTION II
Certified Accountants

ARTICLE 53
(Specific requirements for registration)

1. The enrollment at OCAM as Certified Accountant implies approval in entrance examination, in regulations by the respective College.
2. May undergo the entrance examination referred to above who cumulatively:
   a) Holds a Mozambican higher education degree or diploma of technical schools and vocational training that fosters accounting qualification levels required by OCAM, taking into account the international standards or equivalent qualification obtained abroad and recognized for this purpose by competent Mozambican entities.
   b) Have attended with success the traineeship of admission of one year pursuant to regulation approved by OCAM.

3. The enrollment on the professional training referred to in point b) above implies the acceptance of the candidate by a patron and submission of the traineeship plan pursuant regulated by OCAM.
4. Provided they meet the general requirements of Article 51, may also enroll as Certified Accountants:
   a) The Mozambican graduates abroad who hold equivalent professional qualification certified by the regulatory body of the profession of the State concerned, being exempt for the purpose of the examination under paragraph 1.
   b) The nationals of any member state of SADC, CPLP or Commonwealth who hold equivalent professional qualification by the regulatory body of the profession in that State, exempted from the examination provided for in paragraph 1.
   c) The nationals of any other State, as provided in the preceding paragraphs, provided that there is reciprocal treatment.

SECTION III
Certified Auditors

ARTICLE 54
(Specified requirements of enrollment)

1. The enrollment at OCAM as Certified Auditor implies approval for entrance examination pursuant regulated by the respective College.
2. May undergo the entrance examination referred to above who cumulatively:
   a) Hold a Mozambican higher education degree or equivalent that provides skill levels required by OCAM, taking into account the international standards of the International Federation of Accountants, or equivalent qualification obtained abroad and recognized for the purpose by the competent authorities;
3. It is still allowed to take entrance examination in OCAM as Certified Auditor who, cumulatively:
   a) Be enrolled in OCAM as Certified Accountant;
   b) Have successfully attended, two-year traineeship under regulated by the College of Certified Auditors.
4. The enrollment on the traineeship referred to in point b) of paragraph 2 and 3 implies acceptance of the candidate by a patron and the submission of the traineeship Plan, pursuant regulated by the College of specialty.
5. Since meeting the requirements under Article 51, may also register as Certified Auditor, as exempted from traineeship and entrance examination:
   a) Mozambicans who had a degree overseas, holding equivalent professional qualification certified by the regulatory body of the profession in that country, standing for exempt purpose of the examination under paragraph 1;
   b) The nationals of any member state of SADC, Commonwealth or CPLP, who hold equivalent professional qualification certified by the regulatory body of the profession in question in the state of origin, is exempted from the examination provided for in paragraph 1.
   c) The nationals of any other state, as provided in the preceding paragraphs, provided that there is reciprocal treatment.

CHAPTER VI

Responsibility for exercising Profession

ARTICLE 55
(Disciplinary Responsibility)

1. All members are subject to the exclusive jurisdiction of the disciplinary bodies of OCAM in accordance with this Statute and its Disciplinary Regulations.
2. Disciplinary offenses are violations by members of OCAM, by act or omission, even for negligence, general or special duties set forth herein, the Code of Ethics and professional conduct or disciplinary regulation.

ARTICLE 56
(Principles and rules of disciplinary procedure)

1. The disciplinary proceedings and the investigation process are confidential, to deduct the disciplinary notice, and for ensuring the defense of the accused, the adversarial principle and the principle of unity of penalty.
2. Having into account the standards and principles of this status, including disciplinary regulation defines the rules governing the definition of offenses to the exercise of disciplinary power, the application of penalties and measures the degree of penalties, the accumulation of offenses, the mitigating and aggravating, the investigation of the disciplinary procedure, the investigation and review of disciplinary decisions.

ARTICLE 57
(Disciplinary penalties and characterization)

1. For the offenses they have committed to members of OCAM, the following disciplinary penalties may be applied:
   a) Notice;
   b) Registered notice;
   c) Censorship;
   d) Penalty value set in the disciplinary regulations;
   e) Suspension from 30 days to 5 years;
   f) Expulsion;
2. The registered penalties of warning, of censure and penalty can be awarded the inhibition effect, up to five years for the exercise of functions in the bodies of OCAM, always determining the suspension.

3. Cumulatively with any of the aforementioned penalties, the repayment of sums, documents or objects and, jointly or separately, may be imposed, loss of fees.

ARTICLE 58
(Disciplinary Powers)

1. The exercise of instructor function of disciplinary power and processes of inquiry is responsibility of the Constitutional Council undertaking the proposed classification of the offense and the penalty applied.
2. The decision on the penalty to be applied is for the Governing Board of the respective College.
3. Having the decision referred to in paragraph 2, it is for the General Board.
4. The enforcement of sentences is responsibility of the Governing Board of the respective College.

ARTICLE 59
(Civil, Professional and Criminal Liability)

1. The disciplinary action is independent of any liability, professional or criminal in terms of the general laws of the Republic of Mozambique.
2. The OCAM should inform the competent authorities with criminal offenses of its members that have knowledge at the end of a disciplinary procedure.

ARTICLE 60
(Professional Indemnity Insurance)

In performing its functions, the civil liability of professional accounting and auditing, must be provided by personal insurance professional indemnity set by the governing board of each College.

CHAPTER VII
Financial provisions

ARTICLE 61
(Incomes from OCAM)

1. The incomes of OCAM are as follows:
   a) The fees and dues are set by bodies of OCAM;
   b) The proceeds from sale of publications edited by OCAM or by the Colleges;
   c) Incomes from congresses, training and scientific events;
   d) Incomes from other activities promoted by OCAM;
   e) The Income from assets assigned to OCAM;
   f) Interest on bank deposits;
   g) The inheritances, legacies, donations, grants allocated to OCAM by public or private entities, including foreign counterpart organizations.
2. The balances of d year ended incomes revert to the OCAM budget.

ARTICLE 62
(Provisions of OCAM)

1. The expenses of OCAM are of installation and personnel, maintenance, operation and all other necessary pursuit of its purposes and duties.
2. The procedures for holding costs and other charges under the accounting of OCAM are regulated by the General Board and the Supervisory Board.

CHAPTER VIII
Final and transitional provisions

ARTICLE 63
(Transitional period)

1. A transitional period of one year for the election and installation of the governing bodies of OCAM is established.
2. The installing Commission is responsible for the registration of members of OCAM in compliance with all statutes process.
3. The installing Commission is also responsible for organizing the election process of OCAM.