

IRBA: Committee independence and experience requirements arising from the amended APA – Board members, INVESCO members and DISCOM members

I, _____ (full name) hereby confirm the following:
(please tick the relevant block per requirement)

Requirement	True	False
1. I am not a Registered Auditor		
2. I am independent of the auditing profession		
3. I do not share directly or indirectly in any of the profits or interests of a registered auditor or any person related* to a registered auditor		
4. I do not receive payments, excluding pension benefits, from a registered auditor		

related means any persons connected to one another in any manner contemplated in the Companies Act section 2(1)(a) to (c) read with section 2(2) [extract of this section of the Companies Act set out at end of this document for ease of reference]*

Should your answer be false on any of the above requirements, please provide details:

False response	Details
Requirement 1	
Requirement 2	
Requirement 3	
Requirement 4	

If applicable: As a legal practitioner do you have 10 years' post qualification experience in practising law?

YES NO

If your answer to the above is yes, please provide details below.

Date of Admission as a Legal Practitioner (Attorney or Advocate): _____

Please provide details of your post admission experience below, indicating each period you spent in practice under a specific firm or Bar Council:

Dates in practice (mm/yy to mm/yy)	Name of law firm / Bar Council

If applicable: As a previously registered auditor do you have 10 years' experience in taking overall responsibility as engagement partner for an audit and signing the audit opinions?

YES NO

If your answer to the above is yes, please provide details below of the relevant periods and firms under which audit opinions were signed:

Dates as an audit partner signing opinions (mm/yy to mm/yy)	Name of firm

Note: only the period within which you were actively involved in audits as an engagement partner and signing audit opinions should be reflected above.

I confirm that the above information is complete and correct.

Signature

Date

Extract from the Companies Act on the meaning of “related person”

2. (1) For all purposes of this Act—

(a) an individual is related to another individual if they—

(i) are married, or live together in a relationship similar to a marriage; or

(ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;

(b) an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with subsection (2); and

(c) a juristic person is related to another juristic person if—

(i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2);

(ii) either is a subsidiary of the other; or

(iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2).

(2) For the purpose of subsection (1), a person controls a juristic person, or its business, if—

(a) in the case of a juristic person that is a company—

(i) that juristic person is a subsidiary of that first person, as determined in accordance with section 3(1)(a); or

(ii) that first person together with any related or inter-related person, is—

(aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or

(bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

(b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;

(c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or

(d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c).

[first degree consanguinity = parents, siblings, children]

[second degree consanguinity = grandparents, grandchildren, aunts, uncles, nephews, nieces]