

Appointment Guideline and Procedures

Introduction

The Chairperson /CEO of the South African Institute of Chartered Accountant (SAICA) can nominate an independent expert to deal with a dispute when given authority to do so.

Appointments may include arbitrators, experts, valuers or mediators, as the case may be. Appointments are made in reference to members included on the SAICA's membership database

Advantages of Chairperson/ CEO Appointment

The appointment of an independent expert is usually quicker, cheaper and more private than litigation. In some cases, an agreement (such as a shareholder's agreement) or contract provides for an independent authority or appointing body, such as the SAICA Chairperson/CEO, to make an appointment if the parties cannot reach agreement. Those in dispute should jointly approach such a body to make an appointment. Alternatively, one party may seek to obtain a Court Order in order to ensure that all associated parties fully engage with the process. SAICA will not accept single applications without such a legal authority.

Making an application.

In order to use this service, the parties will need to download and complete the necessary forms found below. You will be liable to pay the fees of the appointee taking on the engagement and will enter into an agreement with them directly.

Once the application form and accompanying documentation have been received you will be sent an acknowledgement email. If the application has been made by a single party, please ensure that the application sets out all the parties to the dispute, including names and contact details. In absence of the court order, no appointment will be made unless all the parties to the matter mutually agree to SAICA making the appointment. On receipt of the application, we will search the SAICA nominations and appointments database for a suitable candidate and request them to consider the application, conduct verifications on good standing and assess potential conflict of interest, before consenting to take on the matter. All parties will be notified in writing once the appointment has been made. At this stage the parties will make contact with the nominated candidate outlining their terms and conditions of business, including fees for services to be rendered and setting out how they intend to progress the appointment.

Does SAICA have any further involvement?

Once an appointment has been made, SAICA would have fulfilled its mandate and will not facilitate any further engagements between the parties and the appointee. SAICA will not be held liable for any acts or omissions on behalf of the appointee. Any challenge to the appointee's authority or to the way the appointment is conducted should be raised with the appointee. Neither the Chairperson/CEO nor SAICA will become involved in such matters. Further Information If you wish to discuss the process, or need any further information, please e-mail appointments@saica.co.za.