



SECURITIES & EXCHANGE COMMISSION OF PAKISTAN
COMPANY LAW DIVISION
CORPORATIZATION AND COMPLIANCE DEPARTMENT

No. CLD/RD/CO-42/17/2005- 201

Islamabad, 30th January, 2015

CIRCULAR NO. 4/2015


Subject: Renewal of licences granted under Section 42 of the Companies Ordinance, 1984 to Not for Profit Associations

In partial modification of Circular No. 29 of 2008, dated 24.12.2008, Circular No.4 of 2009 dated 27.2.2009 and Circular No.2 of 2015 dated 1.1.2015, it has been decided that the requirements for renewal of licence under Section 42 of the Companies Ordinance, 1984 (the 'Ordinance') contained in sub-para (vi) of para 4 of the referred Circular No. 29 of 2008 and sub-para (b) of first para of the above referred Circular No. 4 of 2009 shall stand substituted with the following:

- (i) The licence shall be issued for a period of five (5) years renewable for further term(s) of five (5) years each on an application to be made by responsible officer of the association (a chief executive, director or company secretary) to the Commission three months before the expiration of period of licence along with the following documents:
 - (a) Original bank challan of Rs.25,000/-, paid as application fee as prescribed in Sixth Schedule of the Ordinance, in the authorized branches of MCB Bank Limited.
 - (b) Resume of each of the existing chief executive and directors (As per Annex-I) in case of any change in the list of promoters/directors as provided at the time of grant of licence/last renewal of licence.
 - (c) Affidavit by chief executive and all directors affirming that they are not defaulters of loans, associated with money laundering or terrorist financing activities, etc. (As per Annex-II)
 - (d) List of existing members with their occupations, residential addresses, contact numbers and copies of CNICs in case of any change in the list of members as stated in the last Form-B filed by the association with concerned registrar (Company Registration Office).
 - (e) Details of the amounts of local and foreign donations and grants received during last five (5) years with details of the donors indicating their names, country of origin (in case of foreign donor) and complete address duly certified by the Chartered Accountants that funds/donations was/were received through banking channel and are in conformity with the books of account of the association.
 - (f) Statement of the work done/projects undertaken by the association during the last three years.

- (g) Evaluation report with regard to the performance of the association for achieving its aims and objects during the preceding three years, preceding the date on which application is made, duly issued by Pakistan Centre for Philanthropy (PCP) (a company set up under section 42 of the Ordinance).
 - (h) Affidavit of the person who has signed the application affirming correctness of contents of the application and enclosures thereof (As per Annex-III).
- (ii) The requirements of this Circular for renewal of licence under section 42 shall not be applicable to Trade Organizations licenced by the Director General Trade Organizations, Ministry of Commerce.

2. Accordingly, all the associations set up in pursuance of licence granted under Section 42 of the Ordinance and registered with the Commission which have already completed five years' time from the issuance date of their licence, are hereby directed to apply to the Commission for renewal of licence.


(Mubasher Saeed Saddozai)
Director (CCD)

Distribution:

1. Chief Executives of all Associations
2. The Institute of Chartered Accountants of Pakistan, Karachi
3. The Institute of Cost and Management Accountants of Pakistan, Karachi
4. The Institute of Corporate Secretaries of Pakistan
5. All CROs
6. Office copy

RESUME

[To be used in application for Renewal of licence under section 42 of the Companies Ordinance, 1984]

Director/CEO's Name: _____
Nationality: _____
NIC (Computerized)/
Passport No. (in case of
foreigner) _____
Old NIC No. _____
National Tax Number: _____
Date of Birth / Age: _____
Father's/Husband's Name: _____

Postal Address: _____

Permanent Address: _____

Email / Telephone / Fax No. _____

Educational Qualifications:

Experience Details (with reference dates, period/length of experience, organizations, nature of projects/work responsibilities regarding each of the office held/job performed to be stated in the following three sections):

A. Now working as (describing offices held at the moment and related work responsibilities):

B. Previous Experience relating to Main Objects of the Association:

1. _____

2. _____

3. _____

C. Other Experience:

1. _____

2. _____

Signature: _____

Name: _____

[To be signed by the Director/CEO himself /herself or the person making application]

Note: If needed, the space for experience detail may be expanded or extra pages annexed.

AFFIDAVIT

I, Mr. _____ son of _____ resident of _____, am Director/CEO of _____, and do hereby, solemnly affirm and testify that the contents of the application for Renewal of licence under section 42 of the Companies Ordinance, 1984 to the proposed Association are true and correct to the best of my knowledge and belief and declare that:

- (a) I have not been associated with any money laundering or terrorist financing activities and neither have approved receipt of nor received such monies and likewise neither have approved disbursement of nor disbursed such monies in any manner for money laundering or terrorist financing purposes;
- (b) I have not been associated with any illegal banking business, deposit taking or financial dealings;
- (c) I and the companies in which I am director or major shareholder have no over-due loans or installments exceeding Rs.300,000/- outstanding towards banks or other financial institutions;
- (d) neither I nor companies in which I am a director or major shareholder have defaulted in paying taxes as on the date of application;
- (e) I have not been a sponsor, director or chief executive of a defaulting cooperative finance society or finance company;
- (f) I have never been convicted of fraud or breach of trust or of an offence involving moral turpitude or removed from services for misconduct;
- (g) I have neither been adjudged an insolvent nor have defaulted in making payments to my creditors; and
- (h) the funds raised /received by the association shall be spent only for objects of the association and for other lawful purposes.

DEPONENT

(Signature)

Dated: _____

Attested by an
Oath
Commissioner
[under his
Stamp]

[To be filed on stamp paper of requisite value duly verified by an Oath Commissioner]

AFFIDAVIT

[under Rule 30 of the Companies (General Provisions and Forms) Rules, 1985]

I, Mr. _____ son of _____ resident of _____ and do hereby, solemnly affirm and testify that the contents of the application for renewal of licence under section 42 of the Companies Ordinance, 1984 and annexed documents are true and correct to the best of my knowledge and belief and declare that:

1. I am director/chief executive/company secretary of M/s. _____ (the 'Company') and fully aware of the affairs of the Company particularly its application for renewal of licence under section 42 of the Companies Ordinance, 1984.
2. Whatsoever has been stated in the application and accompanied documents is true and nothing has been concealed therein.

DEPONENT

(Signature)

Dated: _____

Attested by an
Oath
Commissioner
[under his
Stamp]

[To be filed on stamp paper of requisite value duly verified by an Oath Commissioner]