



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

No. CLD/CCD/Co.42/17/2005-

Islamabad, the 5th April, 2016

CIRCULAR NO. 13 /2016

Subject: **GRANT OF LICENCE OR RENEWAL THEREOF UNDER SECTION 42 OF THE COMPANIES ORDINANCE, 1984**

The Securities and Exchange Commission of Pakistan has partially modified its Circular No.28/2015 dated 10th August, 2015, pertaining to the conditions and requirements for grant of licence or renewal thereof under section 42 of the Companies Ordinance, 1984, in the following manner:

(i) Sub-para (i) of the Circular No.28/2015 shall be substituted to read as under:

A person shall not be considered as a fit and proper if any overdue/past due payment to a financial institution, irrespective of amount, is appearing in the overdue column of latest CIB report of the person and of the companies, firms, sole proprietorship etc. where the person is a chief executive, director (other than nominee director), owner or partner etc. However, exception can only be provided in the following cases:

- a) Amount overdue is under litigation and the same is also appearing as amount under litigation in CIB report; or
- b) No overdue payment appearing in the overdue column in the subsequent latest CIB report.

2. Moreover, it is pertinent to mention here that Affidavit by Chief Executive and all directors affirming that they are not defaulters of loans, etc. required vide para 4 (vi) (e) of Circular 29/2008 dated 24.12.2008 has now been revised (new format attached.)

(Muhammad Siddique)

Executive Director (CCD-Regulation)

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, Karachi
5. Pakistan Centre for Philanthropy (PCP), Islamabad
6. All CROs
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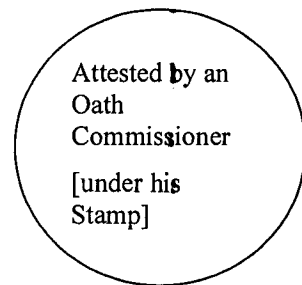
AFFIDAVIT

I, Mr. _____ son of _____ resident of _____ and promoter of _____, do hereby, solemnly affirm and testify that the contents of the application for grant 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, firms, sole proprietorship etc. where I am chief executive, director (other than nominee director), owner or partner etc has no overdue payment of any financial institution;
- (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 offend 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 shall be spent for objects of the proposed Foundation and for other lawful purposes.

DEPONENT

(Signature)
Dated: _____



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