

PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

December 20, 2022

No.PAP/Legis-2(159)/2022/78. The Punjab Trusts (Amendment) Bill 2022, having been passed by the Provincial Assembly of the Punjab on the 5th day of December 2022, and assented to by the Governor of the Punjab on the 14th day of December 2022, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB TRUSTS (AMENDMENT) ACT 2022

ACT XLIII OF 2022

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated December 20, 2022.]

An Act

to amend the Punjab Trusts Act 2020

It is necessary to amend the Punjab Trusts Act 2020 (XXI of 2020) for the purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title and commencement.**- (1) This Act may be cited as the Punjab Trusts (Amendment) Act 2022.
(2) This Act shall come into force at once.
2. **Amendment of Act XXI of 2020.**- In the Punjab Trusts Act 2020 (XXI of 2020), for brevity referred to as 'the Act':
 - (a) in section 7, for the words "a natural", the word "any" shall be substituted;
 - (b) in sections 9 and 11, the word "natural" and the Explanation shall be omitted.
3. **Amendment of section 3 of Act XXI of 2020.**- In the Act, in section 3:
 - (a) in clause (b) and (d), for the words "a natural", the word "any" shall be substituted;
 - (b) after clause (o), the following clause (oo) shall be inserted:
"(oo) "regulator" means a regulator as mentioned in clause (1) of Schedule IV of the Anti-Money Laundering Act, 2010 (VII of 2010).";
 - (c) in clause (r), the word "and" at the end shall be omitted;
 - (d) in clause (s), for the full stop at the end, the expression "; and" shall be substituted, and thereafter the following clause (t) shall be added:
"(t) "specialized trust" means a trust created for the establishment of collective investment schemes, collective investment vehicles, private funds, pension funds, real estate investment trust, exchange trade funds, private equity and venture capital funds, debt securities trusts, trusts relating to any security issued by the Federal or a Provincial Government through capital markets, provident funds, gratuity funds, superannuation funds, employee benefit trust or any other trust, administered by the regulator, notified by the Government in the official Gazette."
4. **Amendment of section 7 of Act XXI of 2020.**- In the Act, in section 7, for the words "a natural", the word "any" shall be substituted.

5. **Amendment of section 9 of Act XXI of 2020.**- In the Act, in section 9, the word "natural" and the Explanation shall be omitted.
6. **Amendment of section 11 of Act XXI of 2020.**- In the Act, in section 11, the word "natural" and the Explanation shall be omitted.
7. **Amendment of section 15 of Act XXI of 2020.**- In the Act, for section 15, the following shall be substituted:
"15. Trusts to be registered.- (1) No trust shall be functional unless it is registered with the Director under this Act in such manner as may be prescribed.
 (2) All trusts created under the Trusts Act, 1882 (II of 1882) or registered under the Registration Act, 1908 (XVI of 1908) or under any other law for the time being in force shall get registered under subsection (1) within such timeframe as may be notified by the Government.
 (3) A trust which fails to get registered under this section shall cease to function or operate in any manner, and necessary action shall be initiated against such trust under section 92 of this Act."
8. **Insertion of section 15-A of Act XXI of 2020.**- In the Act, after section 15, the following section 15-A shall be inserted:
"15-A. Registration of specialized trusts.- (1) For registration of a specialized trust under this Act, the trustee shall provide to the Director a No Objection Certificate from the concerned regulator containing the prescribed information.
 (2) Where the trustee provides the No Objection Certificate under subsection (1), it shall be deemed that the requirements for registration of trust under section 16 have been fulfilled, and the Director shall register the specialized trust.
 (3) A specialized trust created prior to commencement of this Act shall be deemed to have been registered under section 15 of this Act.
 (4) A specialized trust, which is deemed to have been registered under subsection (3), shall be issued a certificate of registration under section 16 of this Act.
 (5) A specialized trust which fails to fulfill the requirements of subsection (1) shall cease to function or operate in any manner, and necessary action shall be initiated against such trust under section 92 of this Act."
9. **Amendment of section 20 of Act XXI of 2020.**- In the Act, in section 20:
 (a) for subsection (1), the following shall be substituted:
 "(1) The Director at provincial level and the Assistant Director at tehsil level shall jointly maintain a register of the trusts in such manner as may be determined by the Department."; and
 (b) in subsection (4), for the word "prescribed", the words "determined by the Department" shall be substituted.
10. **Amendment of section 92 of Act XXI of 2020.**- In the Act, in section 92, after clause (c), the following clause (cc) shall be inserted:
 "(cc) when it fails to comply with the requirements contained in section 15 and 15-A of this Act; or".

Inayat Ullah Lak
 Secretary

DLR

THE SCHEDULE-IV⁵³
[see section 6A(1)]
AML/CFT Regulatory Authority

1. The following Regulators are AML/CFT regulatory authorities for the purposes of this Act:

- (i) SBP for any reporting entity licensed or regulated under any law administered by SBP;
- (ii) SECP for any reporting entity licensed or regulated by SECP under any law administered by SECP;
- (iii) Federal Board of Revenue for real estate agents, jewellers, dealers in precious metals and precious stones and accountants who are not the members of ICAP and ICMAP;
- (iv) National Savings (AML and CFT) Supervisory Board for National Savings Schemes;
- (v) Pakistan Post (AML and CFT) Supervisory Board for Pakistan Post; and
- (vi) Any other such entity or regulatory authority as may be notified by the Federal Government.

2. The following SRBs are AML/CFT regulatory authorities for the purposes of this Act:

- (i) the Institute of Chartered Accounts of Pakistan established under the Chartered Accountants Ordinance, 1961 (Act X of 1961) for their respective members;
- (ii) the Institute of Cost and Management Accountants of Pakistan (ICMAP) established under the Cost and Management Accountants Act, 1966 (Act XIV of 1966) for their respective members;
- (iii) the Pakistan Bar Council established under the Legal Practitioners and Bar Councils Act, 1973 (Act XXXV of 1973); for lawyers and other independent legal professionals that are enrolled under the Pakistan Bar Council or Provincial Bar Councils or Islamabad Bar Council; and
- (iv) Any other SRB as may be notified by the Federal Government.

⁵³ Schedule-IV added vide amendments in the AML Act-official Gazette Notification no. F.22(50)/2020-Legis dated 24-Sep-2020

Tentative Check List for Provident Fund

1. Application to AC
2. Instrument of Trust
3. CNIC Copies of Author and Trustees
4. Affidavit of Author and Trustees
5. List of Beneficiaries
6. Bank Statements
7. Tax Returns
8. Audit Report
9. Certificate copy of FBR
10. NOC from concerned regulators