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THE EXPORT DEVELOPMENT FUND ACT, 1999

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THE EXPORT DEVELOPMENT FUND ACT, 1999
Act No. VI of 1999

[28th July, 1999]

An Act to provide for the establishment of export development fund.

WHEREAS, it is expedient to establish an export development fund to strengthen and develop infrastructure for promotion of exports and to provide for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Export Development Fund Act, 1999.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,-

(a) “Board” means the Board of Administrators constituted under section 5;

(b) “Chairman” means the Chairman of the Board;

(c) “Executive Committee” means the Committee constituted under section 10;

(d) “Fund” means the Export Development Fund established under section 3;

(e) “member” means a member, permanent or co-opted, of the Board;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “Secretary” means Secretary of the Board; and

(h) “Vice-Chairman” means the Vice-Chairman of the Board.

CHAPTER II

ESTABLISHMENT OF EXPORT DEVELOPMENT FUND

113. Establishment of Export Development Fund.—(1) The Federal Government shall establish a Fund to be known as the Export Development Fund.

(2) The Fund shall consist of.—

- (i) the whole receipts of Export Development Surcharge;
- (ii) donations and endowments;
- (iii) grants made by the Federal Government; and
- (iv) any income accruing to the Fund from its investments and property.

(3) Each year, the Principal Accounting Officer (PAO) with the approval of the Board, shall prepare annual estimates of receipts into and plan-based payments out of the Fund and shall submit the same to the Finance Division, by end of April, for inclusion in the Annual Budget Statement.

(4) The Fund shall be non-lapsable and shall be maintained in the Public Account of the Federation, in accordance with the provisions of the Public Finance Management Act, 2019, and the

Rules, Regulations and Procedures made thereunder.]

4. Administration of Export Development Fund. The Fund shall be administered by the Board and the money in the Fund shall be utilized for the following purposes, namely:—

- (i) establishment of training institutes for export oriented trading and industrial sectors;
- (ii) subsidizing of delegations and sale missions going abroad;
- (iii) establishment of offices abroad of the Federation of Pakistan Chambers of Commerce and Industry and Exporters Association;
- (iv) subsidizing participation in exhibitions abroad including single country fairs;
- (v) publicity;
- (vi) research and Development activities of Exporters Association, Federation of Pakistan Chambers of Commerce and Industry;

'Subs. by the Finance Act, 2022 (XIII of 2022) s.3A.

(vii) market and product Development by trade associations, Federation of Pakistan Chambers of Commerce and Industry, Chambers of Commerce and Industry and individual exporters;

(viii) engagement of consultants;

(ix) strengthening of Pakistan Trade Offices abroad;

(x) establishment and maintenance of display centers in and outside Pakistan;

(xi) support to export services; and

(xii) any other activity which is relevant for promotion of exports and approved by the Board.

CHAPTER III

CONSTITUTION OF THE BOARD OF ADMINISTRATORS

5. Board of Administrators of Export Development Fund.—(1) There shall be a Board of Administrators consisting of the following members, namely:—

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

Minister of Commerce. Chairman, ex-officio

Secretary, Ministry of Commerce. Vice-Chairman-I,
ex-officio

‘Chief Executive, Trade Development Authority of Pakistan Member, ex-officio]

A member of Majlis-e-Shoora (Parliament) to be nominated by the Member
Minister for Commerce.

Secretary, Ministry of Finance '[or his representative not below the Member, ex-officio
rank of BPS-20].

Secretary, Ministry of Industries Finance '[or his representative not Member, ex-officio
below the rank of BPS-20].

A senior official of the State Bank of Pakistan nominated by the Member, ex-officio
Governor State Bank of Pakistan.

President, Federation of Pakistan Chambers of Commerce and Member, ex-officio Industry.

'TSecretary, Trade Development Authority of Pakistan]. Member, ex-officio

'Subs. by the Finance Act, 2022 (XIII of 2022) s.3A.

(10) Three members to be appointed by the Federal Government from Members private sector.

(11) Joint Secretary, dealing with the subject, Ministry of Commerce. Secretary, ex- officio
(2) The Federal Government may appoint additional members as and when considered necessary.

6. Appointment of non-official members.— (1) The persons to be appointed members from the private sector shall preferably be from among the Presidents of the Associations and Chambers of Commerce and each one shall hold office for one year from the date of verification.

(2) A non-official member may, in writing under his hand addressed to the Chairman, resign his office.

(3) A non-official member shall cease to be a member of the Board if he fails to attend three consecutive meetings of the Board without obtaining prior written or verbal permission of the Chairman unless the Federal Government decides otherwise.

(4) A vacancy of non-official members occurring during the course of appointment of a member shall be filled in for the rest of the period.

CHAPTER IV

CONDUCT OF BUSINESS FUNCTIONS AND POWERS OF THE BOARD

7. Powers of the Board. The board shall have powers to —

(a) frame rules for the administration of the Fund;

(b) administer all matters of the Fund in accordance with the rules;

(c) approve annual budgets of the Fund's operations and make such re-appropriation therein as may be necessary;

(d) incur expenditure within the sanctioned budget;

(e) delegate to the Chairman such powers as may be necessary;

(f) appoint committees and delegate to the committees such powers as may be necessary; and

(g) accept donations and endowments provided that these are consistent with objectives of the Fund and rules made under this Act.

8. Meetings.— (1) Every meeting of the Board shall be presided over by the Chairman and, in his absence, by the Vice Chairman.

(2) Four members of the Board shall constitute quorum for a meeting of the Board.

(3) The date, time and place of the meeting shall be notified not less than a week in advance and in case of emergent nature meeting, the meeting may be held on short notice.

(4) At least two meetings of the Board shall be held every year commencing on the 1st day of July and terminating on the 30th day of June.

(5) All disputed questions at any meeting of the Board shall be decided by a majority of the members present at the meeting and the Chairman shall have a casting vote.

(6) Any business, which may be necessary for the Board to transact urgently, may be carried out by circulation among all its members and any proposal so circulated and approved by the majority of the members shall require the approval of the Chairman.

(7) The Secretary shall record all the proceedings of the meetings of Board.

9. Secretariat of the Board. The secretariat functions of the Fund shall be performed by the Ministry of Commerce.

10. Executive Committee.—(1) There shall be an Executive Committee of the Board consisting of—

(1) Secretary Commerce. Chairman, ex-officio

(2) Secretary Finance or his representative. Member, ex-officio

(3) '[Secretary, Trade Development Authority of Pakistan]. Member, ex-officio

(4) Joint Secretary concerned Ministry of Commerce. Member, ex-officio

(5) A representative of the Federation of Pakistan Chambers of Member

Commerce and Industry to be appointed by the Board.

(2) The Board may appoint additional members in the Executive Committee as and when considered necessary.

11. Meeting of the Executive Committee.—(1) Meetings of the Executive Committee shall be held whenever required.

(2) The Secretary shall record all the proceedings of the meetings of Executive Committee.

12. Decisions to be placed before the Board. Decision taken by the Executive Committee shall be placed before the Board for confirmation.

'Subs. by the Finance Act, 2022 (XIII of 2022) s.3A.

13. Employment of officers and servants. The Board may employ such officers and servants or appoint such experts, consultants or advisers, from time to time, as it may consider necessary for the performance of its functions on such terms and conditions as it may deem fit.

14. Recruitment and terms and conditions of service and disciplinary powers. The Board shall prescribe the procedure for appointment and conditions of service for its officers and servants including disciplinary action and penalties.

15. Financial powers.—(1) The powers to incur expenditure shall be as follows:—

- (i) The Board Full powers
- (ii) Executive Committee [Tas delegated by the Board]

(2) Expenditure from the Fund shall be made according to the merits and feasibility of projects sponsored and export promotion needs of the exporters, trade promotion offices and trade bodies.

16. The budget shall be prepared and submitted to the Board on the specified dates by the Secretary on financial year basis.

CHAPTER V ACCOUNTS AND AUDIT

17. Maintenance of accounts.— The Federal Government may, with the approval of the Auditor General of Pakistan and the Ministry of Finance, make financial rules and procedures for maintenance of accounts.

18. Audit.—(1) The accounts of the Fund shall be audited every year by the Auditor General of Pakistan.

(2) A copy of the Audit Report shall be sent to the Secretariat of the Board for comments and remedial action.

1119. Statements of Account.— With the approval of the Board, the Principal Accounting Officer shall submit quarterly and annual statements of actual receipt and expenditure to the relevant Accounting Office or Federal Treasury Office, and the Finance Division.]

20. Submission of annual reports.—(1) As soon as possible, an annual report on the conduct of its affairs shall be submitted by the Board to the Federal Government after the end of the every financial year but before the last day of December next following during the year.

'Subs. by the Finance Act, 2022 (XIII of 2022) s.3A.

(2) A copy of the report referred to in sub-section (1) together with a copy of the audit report referred to in section 18 shall be placed by the Federal Government before the National Assembly.

(3) The Federal Government may call upon the Board to supply any information pertaining to its responsibilities under this Act and the Board shall comply with such requirements without unnecessary delay.

CHAPTER VI MISCELLANEOUS

21. Officers and servants, etc to be public servants —(1) The Chairman, members, officers and servants of the Board and Committee shall, when acting or purporting to act, in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

22. Delegation The Board may, by general or special order, delegate to the Chairman, member or an officer of the Board any of its powers, duties or functions under this Act subject to such conditions as it may think fit to approve.

23. Power to make rules.— The Federal Government may make rules for carrying out the purposes of this Act.

24. Power to make regulations— The Board may, with the approval of the Federal Government, make regulations not inconsistent with the rules, for conduct of its business and its meetings.

25. Repeal.— The Government of Pakistan, Ministry of Commerce, Resolution S.R.O. No. 843(D/92, dated the 1st September, 1992, is hereby repealed.

26. Savings. Upon the commencement of this Act.—(a) all funds, properties, rights and interests of whatsoever kind issued, used, enjoyed, possessed, owned or vested in the Board set up under Government of Pakistan, Ministry of Commerce Resolution No.843 (1/92, dated the 1st September, 1992, and all liabilities legally subsisting against the said Board shall stand transferred to the Board established under this Act; and

(b) everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, powers conferred, funds or trusts created, donations or grants made, orders issued and rules or regulations made by the Board established under the Resolutions referred to in clause (a) shall be deemed to have been respectively done, taken, incurred, acquired, appointed, authorised, conferred, created, made or issued under this Act.