

THE FLYING CLUBS (APPOINTMENT OF ADMINISTRATORS)
ORDINANCE, 1978

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THE FLYING CLUBS (APPOINTMENT OF ADMINISTRATORS)
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(ORDINANCE NO. XXVII OF 1978)

[9th June, 1978]

An Ordinance to provide for the appointment of Administrators of Flying Clubs.

WHEREAS it is expedient to provide for the appointment of Administrators for the management of the affairs of Flying Clubs;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the laws (Continuance in Force) Order, 1977, (C.M.L.A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Flying Clubs (Appointment of Administrators) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) “Administrator”, in respect of a Club, means the Administrator of the Club appointed under section 4;

(b) “Committee”, in respect of a Club, means the Managing Committee of the Club; and

(c) “Club” means a Flying Club.

3. Ordinance to override other laws, etc. The provisions of this Ordinance shall have effect notwithstanding anything contained in the Companies Act, 1913 (VII of 1913.), or any memorandum or articles of association or bye-laws.

4. Appointment of Administrator.—(1) If at any time the Federal Government has reason to believe that the Committee is unable to function properly for any reason whatever or that for the proper management of the affairs and business of a Club it is necessary or proper so to do, the Federal Government may, after giving to the Committee an opportunity of showing cause against the action proposed to be taken, appoint an Administrator to manage the affairs and business of the Club.

(2) The Administrator shall receive such remuneration as the Federal Government may direct and shall hold office during the pleasure of the Federal Government.

(3) On the appointment of the Administrator, the management of the affairs and business of the Club shall vest in the Administrator and the Committee shall be divested of that management and the members thereof shall cease to hold Office.

(4) The Administrator shall, subject to such directions as the Federal Government may issue from time to time, exercise and perform all the powers and functions of the Committee, including powers and functions connected with or incidental to the management of the affairs and business of the Club, such as the powers to have the accounts of the Club audited, institute inquiries and initiate proceedings, both civil and criminal, against any person responsible for committing irregularities in financial, flying, administrative and other matters connected with the Club.

(5) The Federal Government may, on the recommendation of the Administrator, make such modifications in the articles of association of the Club as it may consider necessary for the efficient management of the affairs of the Club; and such modifications shall form part of the articles of association.

5. Termination of appointment of Administrator.—(1) If at any time it appears to the Federal Government that the purpose of the order appointing the Administrator has been fulfilled, the Federal Government may require the Administrator to have a Committee elected in accordance with the articles of association of the Club within such time as the Federal Government may specify.

(2) After the Committee has been elected in pursuance of sub-section (1), the Federal Government shall cancel the order appointing the Administrator and thereupon the Administrator shall be divested of the management of the affairs and business of the Club, which shall best in the Committee.

6. Penalty for withholding property, etc. from Administrator. If any member of the Committee or any other person fails to deliver to the Administrator any books of account, registers or any other documents in his custody relating to the affairs or business of the Club the management of which has vested in the Administrator, or retains any property of the Club, or obstructs or hinders the Administrator in the exercise or performance of his powers or functions, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

7. Indemnity.—(1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any other officer or authority in respect of any thing which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Federal Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

8. Bar of Jurisdiction. No court shall, grant an injunction, make any order or entertain any proceedings in respect of anything done or action taken, or intended to be done or taken, under this Ordinance

9. Power to make rules. The Federal Government may make rules for carrying out the purposes of this Ordinance.