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THE FOREIGN CURRENCY ACCOUNTS (PROTECTION)
ORDINANCE, 2001

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THE FOREIGN CURRENCY ACCOUNTS (PROTECTION)
ORDINANCE, 2001

ORDINANCE No. L OF 2001
[28th September, 2001]

An Ordinance to provide for protection to foreign currency accounts

WHEREAS it is expedient to provide for protection to foreign currency accounts and for matters connected therewith or ancillary thereto:

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 Emergency of the Fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance.

1. Short title, extent and commencement.— (1) This Ordinance may be called the Foreign Currency Accounts (Protection) Ordinance, 2001.

(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) "authorised dealer" means a person authorized, under section 3 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), by the State Bank to deal in foreign exchange;

(b) "foreign currency" means the foreign currency other than the Pakistan currency;

(c) "foreign currency accounts" means a foreign currency account opened with an authorized dealer after the 28th May, 1998; and

(d) "State Bank" means the State Bank of Pakistan established under the State Bank of Pakistan Act, 1956 (XXXIII of 1956).

3. Protection of foreign currency accounts.— No person holding a foreign currency account shall be deprived of his right to hold or operate such account or in any manner be restricted temporarily or permanently to lawfully sell, withdraw, remit, transfer, use as security or take out foreign currency there from within or outside Pakistan.

4. Indemnity.—No suit or other legal proceedings shall lie against the Federal Government or any person for anything in good faith done or intended to be done in pursuance of this Ordinance or any rule; direction or order made thereunder.

5. Ordinance to override other laws.—(1) Subject to subsection (2), the provisions of this Ordinance shall have effect notwithstanding anything contained in the Foreign Exchange Regulation Act, 1947 (VII of 1947) the Customs Act, 1969 (IV of 1969), the Income Tax Ordinance, 1979 (XXXI of 1979) or any other law for the time being in force.

(2) The protection provided to a foreign currency account holder under this Ordinance shall be in addition to, and not in derogation of, the protection provided under the Protection of Economic Reforms Act, 1992 (XII of 1992).

6. Power to make rules, etc.— (1) The Federal Government may, in consultation with the State Bank, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) The State Bank may make regulations consistent with the provisions of this Ordinance and the rules made thereunder to provide for all matters for which provision is necessary for the purpose of giving effect to the provisions of this Ordinance.

(3) All rules, regulations, under or instructions in respect of foreign currency accounts made or issued by the Federal Government or, as the case may be, the State Bank, before the commencement of this Ordinance, shall in so far as they are not inconsistent with the provisions of this Ordinance, shall have effect and shall be deemed to have been made or issued under this Ordinance.