

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 28TH APRIL, 2021

NO.PAS/Legis-B-09/2021-The Sindh Trusts (Amendment) Bill, 2021 having been passed by the Provincial Assembly of Sindh on 29TH March, 2021 and assented to by the Governor of Sindh on 23TH April, 2021 is hereby published as an Act of the Legislature of Sindh.

THE SINDH TRUSTS (AMENDMENT) ACT, 2021

SINDH ACT NO. VIII OF 2021

AN

ACT

to amend the Sindh Trusts Act, 2020.

WHEREAS it is expedient to amend the Sindh Trusts Act, 2020, in the Preamble. manner hereinafter appearing;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Trusts (Amendment) Act, 2021. Short title and

commencement.

(2) It shall come into force at once.

2. In the Sindh Trusts Act, 2020, hereinafter referred to as the said Act, Amendment of section in Section 2,- 2 of Sindh Act No.

XXIX of 2020.

(i) in clauses (b), for the words “the natural” the word “any” shall

be substituted;

(ii) in clause (c),for the words “the natural” the word “any” shall be substituted;

(iii) —_ after clause (r), the following new clause shall be inserted: -

“(r-i) “regulator” means such authority as provided in clause (1) of Schedule-IV of the Anti-Money Laundering Act, 2010 (Act No. VII of 2010);”;

(iv) in clause (u), for the words “Social Welfare, Zakat,Usher and Religious Affairs”, the words “Industries and Commerce” shall be substituted;

(v) after clause (u),the following new clause shall be inserted:-

“(u-1) "Specialized Trust" means a trust created for the establishment of collective investments schemes, collective investment vehicles, private funds, pensions funds, real estate investment trust, exchange traded funds, private equity and venture capital funds, debt securities trust, trust in relation to any security issued by the Federal or any Provincial

3.

Government through capital markets, provident funds, gratuity funds, pension funds, employee benefit trust or any other trust administered by the Regulator as notified by Government in the Gazette;".

In the said Act, in section 5, in clause (a), the word "natural" shall be

omitted;

4.

6.

In the said Act, in section 7-

- (i) the word "every natural" shall be omitted; and replaced 'with any"
- (ii) the explanation shall be omitted.

In the said Act, in section 9-

- (i) the word " every natural" shall be omitted; and replaced "with any"
- (ii) the explanation shall be omitted.

In the said Act, section 12 shall be re-numbered as sub-section (1) and

thereafter the following new sub-sections shall be added: -

7.

"(2) All trusts created under Trust Act, 1882 (Act No. II of 1882) or registered under the Registration Act, 1908 (Act No. XVI of 1908) or any other law, for the time being in force, shall be required to be registered in accordance with sub-section (1) within the period as Government may, by notification, specify.

(3) Any trust, which fails to register as required under sub-sections (1) and (2) shall cease to function or operate in any manner whatsoever and shall be proceeded against by the Director in terms of section 97.".

In the said Act, after section 12, the following new section shall be

inserted: -

"12-A. Registration of Specialized Trust. - (1) For the purpose of registration of specialized trust under this Act, the trustee shall provide to the Director a No Objection Certification (NOC) from the relevant regulator which shall contain the prescribed information.

(2) Where the trustee provides NOC under sub-section (1), the requirements of sections 13, 14 and 15 shall be deemed to have been fulfilled and the Assistant Director shall thereafter register the

Specialized Trust in accordance with section 16.

(3) All Specialized Trusts created prior to coming into force of this Act shall be deemed to have been registered in accordance with this section and shall be issued a Certificate of Registration under section 16:

Provided that the requirements of section 13, 14 and 15 shall be fulfilled by the trustee within the period as may be notified by Government.

Amendment of section 5 of Sindh Act No. XXIX of 2020.

Amendment of section 7 of Sindh Act No. XXIX of 2020.

Amendment of section 9 of Sindh Act No. XXIX of 2020.

Amendment of section 12 of Sindh Act No. XXIX of 2020.

Insertion of section 12-A in Sindh Act No. XXIX of 2020.

(4) Any Specialized Trust which fails to comply with the requirement under this section shall cease to function or operate in any manner, whatsoever and necessary action shall be initiated by the Director in terms of section 97.”.

8. In the said Act, in section 14, for the word and figures “within 14 days of receiving the request from the Director” the words “within such period and manner as may be prescribed” shall be substituted.

9. In the said Act, after section 16, the following new section shall be inserted:-

“16-A. Renewal of Registration.- (1) The registration of trust shall be renewed annually by the trustee in the manner and on payment of such fees as may be prescribed except a Specialized Trust.

(2) The trustee shall apply for renewal of registration within thirty days prior to expiry of registration of the trust.

(3) In case of any amendment in a trust by the trustee, shall also be registered in accordance with this Act in the manner and on payment of such fees as may be prescribed.”.

10. In the said Act, in section 97, after clause (c), the following new clauses shall be added:-

“(c-i) when it fails to comply with the requirements as provided in section 12 and 12-A of this Act; or

(c-11) when it fails to comply with the provisions of section 16-A; or”.

11. In the said Act, after section 118, the following new section shall be inserted, namely: -

“118-A. Delegation of powers and _ functions.- Notwithstanding anything contained in this Act, Government may, by notification in the official gazette, delegate any power or function under this Act to a regulator with respect to Specialized Trust, to be exercised in such manner and the circumstances as may be specified in the notification.”.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

Amendment of section
14 of Sindh Act No.
XXIX of 2020.

Insertion of section 16-
A in Sindh Act No.
XXIX of 2020.

Amendment of section
97 of Sindh Act No.
XXIX of 2020.

Insertion of section
118-A in Sindh Act No.
XXIX of 2020.