

SECURITIES AND EXCHANGE COMMISSION OF PAKISTAN

**** NOTIFICATION ****

14th May, 2013

S.R.O. 387(I)/2013.- In exercise of the powers conferred by section 10 of the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997) read with section 20(4)(o) thereof, and in continuation of its notification SRO. 1354(I)/2012 dated 31st October, 2012, the Securities and Exchange Commission of Pakistan (the Commission), subject to such conditions and limitations as it may from time to time impose, hereby delegates the powers and functions of the Commission listed below, in addition to the powers and functions already delegated vide SRO. 1354(I)/2012 dated 31st October, 2012, to its Commissioner and officers.

The powers and functions of the Commission under the Companies Ordinance, 1984 ("Ordinance") delegated hereby and through SRO. 1354(I)/2012 dated 31st October, 2012 shall be exercised by the Commissioner and officers of the Commission to the extent of insurance companies and insurance brokers only, whether listed or not.

1. Commissioner (Insurance)

S No.	Relevant section of the SECP Act, 1997	Nature of power/function
1	32(A)	To issue such directions to give effect to the Commission's orders or to prevent abuse of its process, including but not limited to, seeking the assistance of the local administration or Police.
2	40(B)	To issue directives, circular and guidelines.

S No.	Relevant section of the Companies Ordinance, 1984	Nature of power/function
1	264	To require the applicants requesting for investigation of company to provide sufficient evidence and deposit security for payment of the costs of investigation.
2	269	To exercise the powers of the Commission as provided in section 269.

S No.	Relevant section of the Insurance Ordinance, 2000	Nature of power/function
1.	7(1)	To register the insurer as authorized to carry on life insurance business or authorized to carry on non-life insurance business as the case may be.
2.	10(2)	To issue to the insurer a written certificate of registration.
3	41(4)	To direct the insurer to make modifications in his reinsurance arrangements.
4	45(5)(c)	To approve, manner other than those mentioned in clauses (a) and (b) of sub-section (5) of section 45.
5	50(7)	To order an actuarial investigation in respect of such class or sub-class of non-life insurance business.

S No.	Relevant Rules of the Insurance Rules, 2002	Nature of power/function
1	7	To allow reinsuring facultatively outside Pakistan, any insurance business or any part thereof underwritten by it in Pakistan.

S No.	Relevant rule of the Takaful Rules, 2012	Nature of power/function
1	7(1)	To specify the requirements for transformation of a General Insurer to a Takaful Operator.
2	9(4)	To direct an Operator to cease entering into new Takaful Contracts.
3	10(1)(j)	To specify the reserves to be carried by the Participant Takaful Fund at all times.
4	11(1)(c)	To specify such other condition on the Window Takaful

		Operators.
5	11(1)(d)	To specify the relevant experience and knowledge for Head of window takaful operations.
6	16	To specify the form of the register of takaful contracts.
7	21(5)	To specify the surplus distribution mechanism for general takaful operators.

2. **Director (Insurance)**

S No.	Relevant section of the Insurance Ordinance, 2000	Nature of power/function
1	63(1)	To issue direction to the insurer to cease entering into new contracts of insurance.
2	63(2)	To issue a direction to cease entering into new contracts of insurance.
3	112(1)	To issue license to insurance surveyor.
4	112(6)	To cancel the license of insurance surveyor.

3. **Joint Director (Insurance)**

S No.	Relevant section of the Companies Ordinance, 1984	Nature of power/function
1	158(1)	To grant extension in period for holding AGM beyond the due date.
2	158(2)	To allow a listed insurance company to hold a particular meeting at a place other than the town in which the registered office of the company is situated.

3	195(1)	To accord approval for the grant of a loan or give any guarantee or provide any security in connection with a loan made by any other person to a director of the company, for purposes specified therein.
4	220(6)	To require an insurance company to furnish copy of register of director's shareholding.
5	233(1)	To grant extension in the period for laying the annual accounts of a listed company in the AGM beyond the due date.

S No.	Relevant section of the Insurance Ordinance, 2000	Nature of power/function
1	31	To approve refund of deposit.
2	51(1) (Proviso)	To extend time, on application by an insurer, allowed by sub-section (1) of section 51 for furnishing of returns.
3	51(2)(Proviso)	To extend the time allowed for furnishing returns on application by an insurer by a further period not exceeding fifteen days.
4	56	To take action as per provisions (a) to (d) of section 56 for inaccurate or defective submission of returns.
5	61(1)	To direct an insurer to supply the Commission with any information relating to its insurance business.
6	61(2)	To direct that the information supplied may be certified by the principal officer of the insurer.
7	61(3)	To direct the chief executive or principal officer of an insurer to discuss with the Commission any matter pertaining to the business or management of the insurer.
8	62(2)	To call for such information and opinions or certificates with the plan of action under sub-section (1) of section 62.
9	67(3)	To require the applicant to submit further documents to

		make an informed decision about the transaction in the interest of policy holders and the shareholders.
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S No.	Relevant Rules of the Insurance Rules, 2002	Nature of power/function
1	7	To allow reinsuring facultatively outside Pakistan, any insurance business or any part thereof underwritten by it in Pakistan.

S No.	Relevant rule of the Securities and Exchange Commission (Insurance) Rules, 2002	Nature of power/function
1	30	To require any person carrying on such activities in Pakistan to withdraw any written, electronic or other material issued by it for mass communication or communication with a policyholder or prospective policyholder.

S No.	Relevant rule of the Takaful Rules, 2012	Nature of power/function
1	5(1)	To specify application form along with documents and information for authorization as Takaful Operator.
2	5(2)	To require an applicant to furnish further information or clarification on filing application for authorization as Takaful Operator.
3	6(1)	To specify application form along with documents and information for authorization as Window Takaful Operator.

4	6(2)	To require an applicant to furnish further information or clarification on filing application for authorization as Window Takaful Operator.
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In addition to above, powers of the Commission as per rules prescribed or regulations made under a particular section of the Companies Ordinance, 1984 and Insurance Ordinance, 2000 are also delegated to the Commissioner or the officer concerned, if powers and functions of the Commission provided in the section of the Ordinance relevant to the said rules or regulations have been delegated to him;

In case of vacancy or unavailability Director (Insurance) the powers and functions delegated to him/her through this notification or through SRO. 1354(I)/2012 dated 31st October, 2012 shall, as far as may be possible, be exercised by Commissioner (Insurance);

In case of vacancy or unavailability Joint Director (Insurance) the powers and functions delegated to him/her through this notification shall, as far as may be possible, be exercised by Director (Insurance);

The Chairman shall have the authority to exercise all powers delegated above to the Commissioner and officers, concurrently.

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(BUSHRA ASLAM)
Secretary to the Commission