

GOVERNMENT OF PAKISTAN
SECURITIES AND EXCHANGE COMMISSION OF PAKISTAN

-.-.-

Islamabad the 18th September, 2017

NOTIFICATION

S.R.O. 928 (I)/2017.- The following draft Shariah Advisors Regulations, 2017 proposed to be made by Securities and Exchange Commission of Pakistan in exercise of the powers conferred by section 512 read with section 451 of the Companies Act, 2017 (XIX of 2017) are hereby published for information of all persons likely to be affected thereby and notice is hereby given that objections and suggestions, if any, received within fourteen days from the date of its placement on the Commission's website, shall be taken into consideration, namely:-

DRAFT REGULATIONS

CHAPTER I

PRELIMINARY

1. Short title and commencement.- (1) These regulations may be called Shariah Advisors Regulations, 2017.

(2) They shall come into force at once.

(3) These regulations shall be applicable on:

(a) every person providing Shariah advisory services;

(b) every company claiming to be a Shariah compliant company except-

(i) an insurance company, a Takaful Operator or a window Takaful Operator; and

(ii) a banking company or any other company which is required to follow the Shariah governance framework of the State Bank of Pakistan; and

(c) every company or entity claiming its securities to be Shariah compliant securities.

2. Definitions.- (1) In these regulations unless there is anything repugnant in the subject or context:

- (a) **“Act”** means the Companies Act, 2017 (XIX of 2017);
- (b) **“Annexure”** means annexures appended to these regulations;
- (c) **“Commission”** means the Securities and Exchange Commission of Pakistan established under Section 3 of the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997);
- (d) **“Form”** means form appended to these regulations;
- (e) **“Islamic financial services”** means financial services as defined in clause (ka) of sub-section (1) of section 2 of the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997) that are certified by a Shariah advisor as Shariah compliant;
- (f) **“limited liability partnership (LLP)”** shall have the same meaning as assigned to it in Limited Liability Partnership Act, 2017 (XV of 2017);
- (g) **“panel of Shariah advisors”** means panel of Shariah advisors maintained by the Commission under these regulations and displayed on the website of the Commission;
- (h) **“securities”** shall have the same meaning as assigned to it in clause (61) of sub-section (1) of section (2) of the Act;
- (i) **“Shariah advisor”** means a person who meets the fit and proper criteria specified in these regulations and whose name is included in the panel of Shariah advisors;
- (j) **“Shariah advisory services”** means advisory services provided by the Shariah advisor for the purposes of section 451 of the Act and includes issuing a Shariah pronouncement; and
- (k) **“Shariah pronouncement”** means a *fatwa* (فتوى), certificate or a Shariah opinion issued by a Shariah advisor for the purposes of section 451 of the Act in the manner as specified in these regulations.

(2) Words and expressions used but not defined in these regulations shall have the same meanings as are assigned to them in the Act, any administered legislation or subordinate legislation.

CHAPTER II

SHARIAH ADVISORS

3. Prohibition.- No person shall act as a Shariah advisor for a company or entity unless his name is included in the panel of Shariah advisors:

Provided that a Shariah advisor already engaged by a company or entity for providing Shariah advisory services shall comply with the requirements of these regulations within one hundred and eighty (180) days.

4. Ineligibility.- An individual shall be ineligible to become a Shariah advisor or a director or a partner of a Shariah advisor if he-

- (a) is a minor;
- (b) is of unsound mind;
- (c) has applied to be adjudicated as an insolvent and his application is pending;
- (d) is an undischarged insolvent;
- (e) has been convicted by a court of law for an offence involving moral turpitude;
- (f) has been debarred from holding such office under any provision of any law administered by the Commission;
- (g) is lacking fiduciary behavior and a declaration to this effect has been made by the court at any time during the preceding five years;
- (h) has been declared by a court of competent jurisdiction as defaulter in repayment of loan to a financial institution;
- (i) in case of a Pakistani national, is not a tax filer with the Federal Board of Revenue;
- (j) in case of foreign national, is not a registered tax payer, if applicable, in respective jurisdiction of residence or nationality;
- (k) has been convicted of any criminal offence involving fraud, negligence or criminal breach of trust and financial impropriety;
- (l) does not have a good reputation of ethical professional and social conduct befitting a Shariah advisor as judged by the Commission; or
- (m) has an adverse Credit Information Bureau (CIB) report.

Explanation. – For the purposes of these regulations,

- (i) In case of overdue payment to any financial institution, CIB report from the State Bank of Pakistan shall be examined and if there is any overdue/past due payment to a financial institution, irrespective of amount, the relevant person shall not be considered fit and proper person except in case where, such overdue amount is under litigation and the same is also appearing as amount under

litigation in CIB report or no overdue payment is appearing in the overdue column in the subsequent latest CIB report;

- (ii) In case of any amount appearing in the overdue/write-off column of the CIB report, no rejection shall be made unless the person has been provided an opportunity of making a representation before the Commission.

5. Commission to maintain panel of Shariah advisors.- The Commission shall maintain a panel of Shariah advisors in the manner it deems fit.

6. Application procedure for inclusion in the panel of Shariah advisors.- (1) An individual, a company or an LLP may apply to the Commission to be included in the panel of Shariah advisors along with such particulars as per Form A, supporting documents listed in Form B, an affidavit as per the specimen given in Annexure IV and original bank receipt evidencing the payment of payment of non-refundable application fee as specified in Annexure III.

(2) The Commission may, while considering an application under this regulation, require the applicant to furnish such other information or clarification or documents, as it deems appropriate.

(3) The Commission may require an applicant to appear for an interview before any official of the Commission and/or any one or more members of the Shariah Board of the Commission in person or through any technological means deemed appropriate by the Commission.

(4) The initial application for inclusion in the panel of Shariah advisors under these regulations shall be decided upon by the Commission.

(5) The Commission on being satisfied that the applicant is eligible, meets the fit and proper criteria, enter the name of the applicant in the panel of Shariah advisors subject to such conditions as it may deem fit to impose for the period of three years unless suspended or removed earlier by the Commission.

(6) Where the Commission decides to reject an application for inclusion in the panel of Shariah advisors, it shall first provide a hearing opportunity to the applicant.

7. Renewal.- (1) A Shariah advisor shall, one month prior to the date of completion of the three (3) year term on the panel of Shariah advisors, apply to the Commission as per Form C for renewal of his inclusion along with original receipt evidencing payment of non-refundable fee as specified in Annexure III.

(2) The Commission upon being satisfied, after making such inquiry and obtaining such further information as it may consider necessary that the applicant is eligible for renewal, may renew his inclusion on the panel of Shariah advisors subject to such additional conditions as it may deem fit:

Provided that till such time the renewal application of a Shariah advisor is decided by the Commission, the existing inclusion of such Shariah advisor on the panel of Shariah advisors shall be deemed to be valid.

Provided further that if a Shariah advisor fails to apply within the time specified in sub-regulation (1) or fails to fulfill all the requirements to the satisfaction of the Commission, his name shall be removed from the panel of Shariah advisors and he shall no longer be able to provide Shariah advisory services.

CHAPTER III

FIT AND PROPER CRITERIA AND OTHER CONDITIONS

8. Fit and proper criteria for Shariah advisor.- A Shariah advisor shall meet the following minimum fit and proper criteria-

- (a) in case of an individual, he shall meet the minimum fit and proper criteria specified in Annexure I;
- (b) in case of a company, at least one director shall meet the minimum fit and proper criteria specified in Annexure I and, in addition, every director and the chief executive officer shall meet the minimum fit and proper criteria specified in either Annexure I or Annexure II; and
- (c) in case of an LLP, at least one partner shall meet the minimum fit and proper criteria specified in Annexure I and, in addition, every partner and the chief executive officer shall meet the minimum fit and proper criteria specified in either Annexure I or Annexure II.

9. Terms and conditions.- A Shariah advisor, which is a company or an LLP shall-

- (a) not provide any services other than such services within the meaning of section 451 of the Act and ancillary professional services pertaining to research, education, and training in Islamic finance services;
- (b) not undertake any business activity that is prohibited in Islam;
- (c) not obtain for itself any financial services other than Islamic financial services;

- (d) be independent of that company or entity;

Explanation. – For the purposes of these regulations,

- (i) the test of independence principally emanates from the fact whether such person can be reasonably perceived as being able to exercise independent judgment without being subservient to any form of conflict of interest;
 - (ii) Wherever a conflict of interest is unavoidable, the Shariah advisor shall declare it in writing to the company or entity. A Shariah advisor shall also report any such conflict in regard to members of their family, business associates or companies in which they have an interest. Where there is such a conflict of interest, or a duty to another party, a Shariah advisor shall abstain from participating in the relevant decision or action on behalf of the company or entity. Where a notification is made of a conflict, it shall be recorded and retained by the company or entity.
- (e) in case there is a change of chief executive or director of a company or a partner or chief executive of an LLP that is a Shariah advisor, provide particulars of the new chief executive, or director or partner, fulfilling the requirements of these regulations, on Form A within fifteen (15) calendar days of such change;
- (f) meet any other condition as the Commission deems fit.

10. Limits on aggregate appointments of a Shariah advisor.– (1) A Shariah advisor may be appointed to perform Shariah advisory services across all sectors, including the banking sector, with companies registered in Pakistan, subject to the following limit:

	Limit on aggregate appointments as a Shariah advisor
Individual	Four (4)
LLP	Four (4) times the number of individual Shariah advisors who are its partners
Company	Four (4) times the number of individual Shariah advisors who are its directors

Provided that the appointments of a Shariah advisor appointed by a Non-banking Finance Company (NBFC) on behalf of different collective investment scheme, pension funds, discretionary and non-discretionary portfolios managed by the NBFC shall be considered as a single appointment:

Provided further that the upper limit shall not apply on research, training, education, and similar ancillary professional services provided by a Shariah advisor:

Explanation:- For the purpose of these regulations, the expression “sector” means a sector as used for the purpose of maintaining All Share Index by the Pakistan Stock Exchange.

For the purpose of these regulations, the aggregate limit does not apply to a security and a company or entity may appoint or engage the same Shariah advisor for issuing any number of securities.

(2) If any director of a company or partner of an LLP who is a Shariah advisor takes an appointment in his capacity as an individual Shariah advisor for a company or entity, the upper limit on aggregate appointments for the company or LLP shall stand reduced by the number of such appointments.

11. Annual reporting by each Shariah advisor.- Each Shariah advisor shall annually report to the Commission as per Form D by 31 January-

- (a) all his appointments, domestic or international, held at any time during the calendar year; and
- (b) details of the continuing professional development activities undertaken during the calendar year.

CHAPTER IV CONDUCT OF A SHARIAH ADVISOR

12. Principles of conduct.- In fulfilling his obligations, a Shariah advisor shall adhere to the principles including but not limited to the following, namely--

- (a) **objectivity.-** While carrying out his duties, a Shariah advisor shall exercise professional independence and not allow any financial or non-financial incentives to affect the objectivity of his judgement;
- (b) **due diligence and responsibility.-** A Shariah advisor shall exercise diligence in his work and not form an opinion without first thoroughly understanding and analyzing relevant issues and shall assume responsibility for his professional work and for the work carried out by those working under him;
- (c) **care and conscientiousness.-** Before accepting an appointment, a Shariah advisor shall carefully consider whether he is in a position to

carry out the work involved keeping in view his competence and available time and shall always strive to-

- (i) uphold fairness and equity for the stakeholders;
 - (ii) act in a manner that preserves his honesty and integrity;
 - (iii) exercise appropriate discretion in decision-making and take into account both juristic form and economic substance; and
 - (iv) appreciate the diversity of opinions among various schools of thought and differences in expertise among his fellow Shariah advisors;
- (d) **confidentiality.**- A Shariah advisor shall maintain confidentiality of all information with which he is entrusted in his assignment as a Shariah advisor and which is likely to be deemed material and sensitive by the company or entity;
- (e) **alignment of activities.**- A Shariah advisor shall undertake only such activities as are compatible with his profession and shall strive not to be in a position of conflict of interest against the company or entity; and
- (f) **continuing professional development.**- Each person who is required to meet the fit and proper criteria specified in Annexure I or Annexure II of these regulations shall endeavor to continuously develop himself as a professional by taking appropriate steps such as attending training programs and industry events pertaining to the theory and practice of Islamic financial services.

CHAPTER V

SHARIAH PRONOUNCEMENT

13. Shariah Pronouncement.- (1) A Shariah pronouncement for Islamic financial services shall provide the underlying reasoning and references in detail, including but not limited to following, namely:-

- (a) A Shariah pronouncement for Islamic financial services shall, at the minimum, cover the following -
- (i) if the purpose of the financing arrangement is against any Shariah prohibitions;
 - (ii) how the arrangement addresses the prohibited *riba* (ربا);
 - (iii) if the arrangement carries excessive *gharar* (غرر), and if yes, how it has been addressed;

- (iv) whether and to what extent the related agreements and contracts, separately and collectively, are consistent with the Shariah principles;
- (v) how the potential benefits of the arrangement compare with its potential costs in the light of *Maqasid-al-Shariah* (مقاصد الشريعة) or the objectives of the Islamic law; and
- (vi) exceptions, reservations, and qualifications regarding Shariah compliance, if any, and provided in detail.

(2) A company or entity may use an abridged version of a Shariah pronouncement in its publications, where deemed necessary by the company or entity, however, the detailed Shariah pronouncement shall be made publicly available through its website.

(3) A Shariah pronouncement shall be signed by at least one individual who meets the minimum fit and proper criteria provided in Annexure I of these regulations.

(4) A Shariah advisor shall strive to use plain and simple language in a Shariah pronouncement.

(5) A Shariah advisor shall provide a Shariah pronouncement to the company or entity in English along with Urdu translation.

14. Maintenance of record.- A Shariah advisor shall maintain record of all Shariah pronouncements issued by him for at least ten (10) years.

15. Dissemination of Shariah pronouncement.- A company or entity obtaining a Shariah pronouncement shall disseminate it through appropriate means including its website.

16. Restriction on conflicting Shariah pronouncements.- (1) No Shariah advisor shall issue a Shariah pronouncement regarding a company or entity or its security that is not solicited by that company or entity.

(2) Once a company or entity has obtained a Shariah pronouncement from a Shariah advisor declaring the company or entity or its security Shariah compliant, no other Shariah advisor shall issue a Shariah pronouncement declaring the company or entity or its security non Shariah-compliant.

(3) Any dispute or difference of opinion regarding a Shariah pronouncement within the meaning of these regulations shall be referred to the Commission, which may refer it to any relevant forum including the Shariah Board of the Commission.

CHAPTER VI
DUTIES AND OBLIGATIONS OF A COMPANY OR ENTITY

17. Duties and Obligations.- A company or entity shall comply with the following terms and conditions, namely:-

- (a) no company or entity shall appoint any person as a Shariah advisor unless his name is included in the panel of Shariah advisors;
- (b) once a company has obtained a Shariah pronouncement declaring the company or entity or its securities as Shariah compliant, it shall not, in any case whatsoever, avoid fulfilling any resultant contractual obligation by declaring itself or its securities as non Shariah compliant;
- (c) a company or entity seeking Shariah advisory services for the purposes of sub-section (3) of section 451 may obtain Shariah advisory services from a Shariah Board formed or engaged by the company or entity provided that such Shariah Board shall comprise not less than three members whose name is included in the panel of Shariah advisors;
- (d) a company shall disclose in its financial statements details of any compensation paid to its Shariah advisor for providing Shariah advisory services and any other ancillary professional services such as education and training in Islamic financial services; and
- (e) no company or entity or Shariah advisor shall involve itself in the malpractice of *fatwa* shopping to circumvent Shariah compliance and where a company seeks to obtain a Shariah pronouncement from more than one Shariah advisor on the same issue, it shall make full and fair disclosure of the reasons for seeking more than one Shariah pronouncement to each Shariah advisor and the general public through appropriate means.

18. Board of directors to approve appointment or removal of a Shariah advisor.- The decision of a company to appoint or remove a Shariah advisor shall be taken by the board of directors of the company and the board of directors or a committee of the board shall meet the Shariah advisor upon appointment and removal.

CHAPTER VII

DISCIPLINARY PROCEEDINGS

19. Restrictions or suspension.- (1) Where a Shariah advisor or a company or entity contravenes or fails to comply with any provision of these regulations or is not in compliance with any condition or directive, circular or order issued by the Commission, the Commission may, after providing a reasonable opportunity of representation to the Shariah advisor, impose:

- (a) restrictions on his/its activities as Shariah advisor and/or suspend his/its name from the panel of Shariah advisors;
- (b) remove his name from the panel of Shariah advisors; and/or
- (c) impose a penalty as provided in the Act.

(2) Notwithstanding anything contained in sub-regulation (1), where the Commission is satisfied that delay in suspending the name of Shariah advisor from the panel will be detrimental to the interest of stakeholders or the public in general or the financial services industry, the Commission may immediately suspend the name from the panel till the time an opportunity of hearing is provided to the Shariah advisor and a final order is passed under sub-regulation (1):

Provided that where the Commission suspends the name of Shariah advisor from the panel under sub-regulation (2), the opportunity of hearing and final order must be passed within sixty days of the order under sub-regulation (2).

(3) A Shariah advisor who has been suspended under this regulation shall not act as a Shariah advisor during the period of suspension and remove the cause of suspension as specified in the suspension order within a period of one hundred and twenty days from the receipt of the suspension order or such earlier period as provided in the said order.

(4) The Commission while suspending a Shariah advisor may impose such conditions as it deems appropriate.

20. Removal of name from the panel of Shariah advisors.- (1) The Commission, after providing a reasonable opportunity of representation to a Shariah advisor, may remove his name from the panel of Shariah advisors if,-

- (a) in the opinion of the Commission a Shariah advisor has been in violation of these regulations or the restriction imposed under these regulations or fit and proper criteria provided under these regulations or failed to discharge its obligation under these regulations;
- (b) he is found guilty of fraud or any criminal offence; or
- (c) his inclusion in the panel of Shariah advisors has been suspended and the cause of suspension has not been removed within one hundred and

twenty (120) days from the receipt of the suspension order or such earlier period as provided through the order of suspension.

(2) The name of a Shariah advisor, in case of a company or an LLP, shall stand automatically removed if such Shariah advisor,-

- (a) is declared insolvent by a Court; or
- (b) is wound up by an order passed by a Court.

(4) Notwithstanding anything contained in sub-regulation (1), where the Commission is satisfied that delay in removing his name from the panel of Shariah advisors will be detrimental to the interest of investors or the public in general the Commission may immediately remove his name from the panel of Shariah advisors till the time an opportunity of hearing is provided to Shariah advisor and a final order is passed under sub-regulation (1):

Provided that where the Commission remove the name from the panel of Shariah advisors under sub-regulation (3), the opportunity of hearing and final order must be passed within thirty days of the order under sub-regulation (3).

(5) Upon removal of the name of a Shariah advisor from the panel of Shariah advisors, the person removed shall with immediate effect cease to act as Shariah advisor.

Annexure I

Minimum fit and proper criteria for an individual Shariah advisor

1. An individual seeking to become a Shariah advisor shall, at the minimum, have any one of the following qualifications as a minimum:
 - holds *Shahadat-ul- Aalamiyyah* (شهادة العالمية) Degree (*Dars-e-Nizami* درس نظامی) from any recognized Board of Madaris with minimum seventy percent (70%) marks and Bachelor's degree by Higher Education Commission (HEC) of Pakistan with minimum 2nd Class with at least five (5) years' experience of giving Shariah rulings in *Fiqh- ul- Muamulat* (فقه المعاملات), that is, Islamic commercial jurisprudence including the period of *Takhasus fil Ifta* (تخصص الافتا) (فى)
 - or
 - holds a post graduate degree in *Kuliyyatush Shariah* (كلية الشريعة) or *Kuliyyah Usooluddin* (كلية اصول الدين) or L.L.M. (Shariah), with a minimum GPA of 2.5 or equivalent, from an institution recognized by Higher Education Commission (HEC) of Pakistan;
2. An individual seeking to become a Shariah advisor shall, at the minimum, have any one of the following types of work experience:
 - at least five (5) years' experience of giving Shariah rulings in *Fiqh- ul- Muamulat* (فقه المعاملات), that is, Islamic commercial jurisprudence including the period of *Takhasus fil Ifta* (تخصص فى الافتا)
 - or
 - at least five (5) years' experience in teaching or research or training in Islamic financial services;
 - or
 - at least five (5) years' experience in working in relevant departments of an institution offering Islamic financial services.

Explanation: A combination of eligible work experience shall be acceptable. For example, two years' experience in teaching or research or training in Islamic financial services and three years' experience in working in relevant departments of an institution offering Islamic financial services shall meet the work experience requirement.
3. An individual seeking to become a Shariah advisor shall have adequate command of English language to comprehend legal documents pertaining to financial transactions.

Annexure II

Minimum fit and proper criteria for chief executive, director, and partner of a Shariah advisor that is a legal person

1. **Qualification and professional experience:** The chief executive, partners or directors, as the case may be, of a Shariah advisor that is a legal person shall have the following qualification and professional experience as a minimum:

Shahadat-ul- Aalamiyyah (شهادة العالمية) (*Dars-e-Nizami* درس نظامی) from any recognized Board of Madaris and Bachelor's Degree recognized by Higher Education Commission of Pakistan and good understanding of banking, finance, capital markets; and at least four (5) years' experience in Islamic finance or Islamic banking; or at least five (5) years' post qualification experience in teaching, research and development in Islamic Finance;

or

Post graduate degree in *Kuliyatush Shariah* (كلية الشريعة), *Kuliyah Usooluddin* (كلية اصول الدين), L.L.M. (Shariah) or equivalent from any recognized University; and four (4) years' experience in teaching, research and development or professional experience in Islamic finance or Islamic banking;

or

Doctorate in Islamic banking, Islamic Finance, Islamic Economics, Shariah Law, *Usooluddin* (اصول الدين) or Doctorate in Economics, Commerce, Finance, Management Sciences with concentration in Islamic banking or Islamic finance; and eight (8) years' experience teaching, research and development or professional experience in Islamic finance or Islamic banking;

or

Member of recognized body of International Federation of Accountants, or Member of recognized body of Investment Professionals, or Member of recognized body of Financial Analysts, or Member of recognized body of Risk Professionals, or Master Degree in Finance, Banking, Accounting, Commerce; and ten (10) years' experience in teaching, research and development or professional experience in Islamic finance or Islamic banking.

or

M.Phil., M.S., M.Sc., or post graduate degree or B.Sc. in Islamic Finance, Islamic Economics, Islamic Commercial Jurisprudence, *Usooluddin* (اصول الدين), Shariah Law, L.L.M. or equivalent from any HEC recognized University; and ten (10) years' experience in teaching, research and development or professional experience in Islamic finance or Islamic banking;

or

He, in the opinion of the Shariah Board of the Commission, is a person who has adequate understanding of Shariah, legal, and financial issues pertaining to Islamic financial services and is distinguished by his intellectual contribution to the same.

2. The chief executive, partners or directors, as the case may be, of a Shariah advisor that is a legal person shall have adequate command of English language to comprehend legal documents pertaining to financial transactions.

Annexure III

[SCHEDULE OF FEES FOR SHARIAH ADVISORS]

S. No.	Application type	Fee in Rupees
1	Individual Shariah advisor - initial application	10,000/-
2	Individual Shariah advisor - renewal	5,000/-
3	Company or an LLP - initial application	20,000/-
4	Company or an LLP - renewal	10,000/-

Annexure IV

[Affidavit]

(Specimen)

(This affidavit is to be provided on Stamp Paper worth Rs. 100/- duly attested by Oath Commissioner/Notary Public)

Dated:

Islamic Finance Department, SECP Head office, Islamabad

Dear Sir,

I Mr. /Ms..... bearing CNIC No..... hereby declare that all information provided in and with this application is correct and if it is found at any stage before or after inclusion in the SECP panel of Shariah advisors that the information provided by me was false or incorrect, the application may be rejected or name may be removed from the SECP panel of Shariah advisors. I also undertake to keep all the information up to date by communicating any change therein within twenty-one (21) days of such change in information.

Name and signature of the applicant

Form A

PROFORMA - PARTICULARS OF SHARIAH ADVISOR

**To be submitted by every individual Shariah advisor, each director, each partner, and
CEO of a company or an LLP**

1. Full name: _____

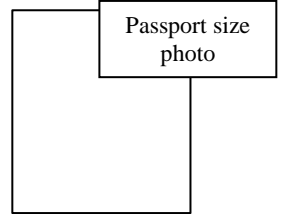
2. Father's name: _____

3. Date of Birth (dd/mm/yyyy): _____

4. Religion: _____ Nationality: _____

5. C.N.I.C. Number/Passport No.: _____ National Tax
Number _____

6. Correspondence address: _____



7. Phone and email:

Landline No. _____ Mobile Phone
No. _____

E-mail: _____

8. Education:

a) Details of qualification: (starting from Matriculation)

S. No.	Qualification	Board/ University	Year of completion	Percentage Marks	Grade/ GPA/ Division

b) Major subjects studied in Bachelors/Masters degree:

Bachelors	
Masters	

c) Continuing Professional Development courses/trainings attended, if any:

Sr. #	Year	Title	Provided by

d) Certification / memberships of professional bodies, if any:

Certifications	
Memberships of professional bodies	

e) Language Skills in English, Arabic and Urdu

Proficiency (basic, intermediate, advanced)	English	Arabic	Urdu
Writing			
Reading			
Speaking			

f) Research / Teaching / Fatwa experience

Research experience	
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Teaching experience	
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Fatwa experience	
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g) Experience in Islamic financial services

Sr.#	Name of organization	Designation / Job Title	From (mm/yyyy)	To (mm/yyyy)

9. Have you ever been terminated or dismissed from any institution, firm or a company?

Yes_____ No_____ If yes, provide reasons for termination:

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10. Does any of the following circumstance (or similar) apply to you? If you

- have applied to be adjudicated as an insolvent and his application is pending;
- are an undischarged insolvent;
- have been convicted by a court of law for an offence involving moral turpitude;
- have been debarred from holding such office under any provision of the Act;

- are lacking fiduciary behavior and a declaration to this effect has been made by the court at any time during the preceding five years;
- have been declared by a court of competent jurisdiction as defaulter in repayment of loan to a financial institution;
- in case of a Pakistani national, are not a registered tax payer (filer) in Pakistan and do not hold a valid National Tax Number given by Federal Board of Revenue;
- in case of foreign national, are not a registered tax payer, if applicable, in respective jurisdiction of residence or nationality;
- have been convicted of any criminal offence involving fraud, negligence or criminal breach of trust and financial impropriety or moral turpitude; or
- have an overdue / past due payment in the CIB report

Yes_____ No_____

11. Are you aware of any conflict of interest with the company or entity that has appointed you as a Shariah advisor?

Yes_____ No_____

Explanation (if Yes)

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12. References.

Sr. #	Name	Address	Contact #
1			
2			
3			

(Signature)

Form B

APPLICATION FOR INCLUSION IN THE PANEL OF SHARIAH ADVISORS

To be submitted by an individual Shariah advisor, a company or an LLP

To: Islamic Finance Department, SECP Head Office, Islamabad

Dear Sir/Madam,

I/We hereby apply for inclusion in the panel of Shariah advisor(s) as per Shariah advisors Regulations, 2017. I/We hereby furnish the following information/certified copies of documents:

For an individual

- (a) Particulars of individual Shariah advisor (as per Form A)
- (b) HEC certified copy / equivalence certificate of highest qualification for each person.
- (c) Certified copies of CNIC, NICOP etc. for each person.
- (d) National Tax Number certificate, (a print from FBR website is acceptable)
- (e) Challan evidencing payment of fee as per the schedule of fees specified in these regulations.
- (f) Two passport size photographs with names and signatures of the individual on the back.
- (g) An affidavit as per specimen in Annexure-IV signed by the individual.

For an LLP

- (a) Particulars of each partner, and chief executive (as per Form A)
- (b) Certificate of Registration of LLP
- (c) Relevant constitutive documents (Partnership Deed)
- (d) HEC certified copy / equivalence certificate of highest qualification for each partner.
- (e) Certified copies of CNIC, NICOP etc. for each partner.
- (f) National Tax Number certificate, (a print from FBR website is acceptable)
- (g) Challan evidencing payment of fee as per the schedule of fees specified in these regulations.
- (h)** An affidavit as per specimen in Annexure-IV duly signed by all partners

For a company

- (a) Particulars of each director and chief executive (as per Form A)
- (b) Certificate of incorporation of company, Form 29, and
- (c) Relevant constitutive documents (Memorandum / Articles of Association)
- (d) Certified copies of CNIC, NICOP etc. for each director.
- (e) National Tax Number certificate, (a print from FBR website is acceptable)
- (f) Challan evidencing payment of fee as per the schedule of fees specified in these regulations.
- (g) An affidavit as per specimen in Annexure-IV duly signed all directors .

A receipt of fee of rupees [(Rs. _____)] deposited in----- on ----- is enclosed.

(Name, designation, signature and date)

Form C
RENEWAL APPLICATION FOR INCLUSION IN THE PANEL OF SHARIAH ADVISORS

**To be submitted by every individual Shariah advisor, each director, each partner, and
CEO of a company or an LLP**

To: Islamic Finance Department, SECP Head Office, Islamabad

Dear Sir,

I/We, hereby apply for renewal on the panel of Shariah advisors according to Shariah Advisors, 2017.

I/We hereby furnish the following information, __

- a) Affidavit from the individual, each partner of LLP or director or Chief Executive of the company stating that he meets the eligibility conditions as specified in these regulations.
- b) Particulars on Form A for individual Shariah advisor, and for each partner, director and chief executive of a company or an LLP.
- c) Original paid bank challan evidencing payment of registration fee as specified in these regulations.

Signature

Name

Correspondence
Address

Date

Form D

Annual reporting by a Shariah advisor for all individuals required to meet the minimum criteria specified in Annexure I or Annexure II

To: Islamic Finance Department, SECP Head Office, Islamabad

Dear Sir,

I hereby furnish the following information:

a) Continuing Professional Development courses/trainings attended, if any:

Sr. #	Year	Title	Provided by

b) Details of Appointments/ Engagements as Shariah advisor in Islamic financial services:

Sr.#	Name of organization	From (mm/yyyy)	To (mm/yyyy)

Note: A company or an LLP to provide detail of appointments/engagements as a Shariah advisor while individual Shariah advisors (including partners/directors of Shariah advisor or a company or an LLP) will provide details of appointments/engagements undertaken by them in their individual capacity.

Signature

Name

Correspondence Address

Date

No.SY/SECP/8/13


(Bilal Rasool)
Secretary to the Commission