



Securities and Exchange Commission of Pakistan (Insurance Division)

Circular No. 01 of 2019

Islamabad, January 15, 2019

SUBJECT: LICENSING OF INSURANCE SURVYORS UNDER SECTION 112 OF THE INSURANCE ORDINANCE, 2000 – UNDERTAKING REQUIRED UNDER AML NOTIFICATION DIRECTIVE S.R.O. 1525 (I)/ 2018

This is with reference to Commission's Statutory Notification S.R.O. 1525 (I) / 2018 dated December 14, 2018 (the "Directive") whereby the Securities and Exchange Commission of Pakistan (the "Commission") has directed all the regulated, licensed and associated persons and entities which fall under the domain of insurance sector regulated by the Commission to comply with the requirements prescribed in the Directive, in addition to the requirements that the Commission has already notified either through Rules, Regulations, or through other legislative instrument.

2. Clause 1 of the Directive requires from every eligible person, who has made application for issuance/ renewal of license, as an insurance surveyor, pursuant to section 112 of the Insurance Ordinance, 2000, to provide to the Commission an undertaking (on the prescribed format attached herewith as 'Annexure – A'), duly signed by the sponsors, promotors, directors, and their ultimate beneficial owners that they have not been convicted in criminal breach of trust, fraud, offences of money laundering including predicate offences as provided in the AML Act, 2010 or contravened any provision of SECP (AML-CFT) Regulations, 2018 or any other AML/CFT requirements notified by the Commission.

3. Accordingly, all insurance surveyors are required to ensure full compliance with the directions given in aforesaid Paras 1 and 2 read with S.R.O. 1525(I)/2018 dated December 14, 2018, with immediate effect from the date of this Circular.

Syed Nayyar Hussain
Director (Insurance)

Distribution:

Chief Executive Officers of all Insurance Surveyors

UNDERTAKING

(On Stamp Paper of Appropriate Value)

I, _____ son/daughter/wife of _____ adult, resident of _____ and
 holding CNIC/ Passport No. _____ do hereby state on solemn
 affirmation as under:-

- (a) I have not been convicted in criminal breach of trust, fraud, offences of money laundering including predicated offences as provided in the Anti-Money Laundering Act, 2010 (VII of 2010) or contravened the provision of any regulations/directives issued by the Commission, etc.;
- (b) I have not been convicted of an offence involving moral turpitude;
- (c) I have not been subject to adverse findings, after conducting an inquiry, by the Commission or any other regulatory or professional body or government agency;
- (d) I have not been involved in the financial irregularities or malpractices in a Company due to which the registration or license of the Company has been revoked or cancelled or which has gone into liquidation or other similar proceedings;
- (e) I am not ineligible or disqualified, under the Companies Act, 2017 and any other legislation from acting as a director;
- (f) I have not entered into a plea bargain arrangement with the National Accountability Bureau or any other regulatory body;
- (g) I have not been defaulter in repayment of loan to a financial institution or defaulter of a stock exchange;
- (h) I have not applied to be adjudicated as an insolvent and such application is not pending;
- (i) I am not an un-discharged insolvent;
- (j) I shall not be a director in any other insurer engaged in a similar line of insurance business in Pakistan, such as life or non-life insurance business;
- (k) I shall not have any direct or indirect ownership or management interest in any insurance surveyor or insurance broker (if applicable);
- (l) I shall not be a member of stock exchange or director or employee of a brokerage house registered with any stock exchange or a spouse of such person, provided that this clause is not applicable on the chief executive or director of an insurance broker;
- (m) I confirm that my name has not been placed on the exit control list maintained by Ministry of Interior, Government of Pakistan.
- (n) I confirm that I and the companies, firms, sole proprietorships, etc. where I am a chief executive, director (other than nominee director), owner or partner, etc. have no overdue payment of any financial institution except the following:
- (o) I confirm that I have not been refused the right or restricted in the right to carry on any trade, business or profession for which a specific license, registration or other authorization is required by law in any jurisdiction;
- (p) I confirm that I have not been issued a prohibition order under any Act administered by any regulator or have not been prohibited from operating in any jurisdiction by any financial services regulatory authority;
- (q) I confirm that I have not been censured, disciplined, suspended or refused membership or registration by any regulator, any other regulatory authority, an operator of a market or

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clearing facility, any professional body or government agency, whether in Pakistan or elsewhere;

- (r) I confirm that I have not contravened or abetted another person in breach of any laws or regulations, business rules or codes of conduct, whether in Pakistan or elsewhere;
- (s) I confirm that I am not or have not been unable to fulfil any of my financial obligations, whether in Pakistan or elsewhere;
- (t) I confirm that I am not subject to a judgment debt which is unsatisfied, either in whole or in part, whether in Pakistan or elsewhere.

Deponent

Solemnly affirmed before me on this _____ day of _____ at _____ by the Deponent above named who is identified to me by _____, Advocate, who is known to me personally.

Signature _____
(Name and Seal)

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