

THE PUNJAB TRUSTS (AMENDMENT) ACT 2022
(XLIII of 2022)

CONTENTS

1. **Short title and commencement**
2. **Amendment of Act XXI of 2020**
3. **Amendment of section 3 of Act XXI of 2020**
4. **Amendment of section 7 of Act XXI of 2020**
5. **Amendment of section 9 of Act XXI of 2020**
6. **Amendment of section 11 of Act XXI of 2020**
7. **Amendment of section 15 of Act XXI of 2020**
8. **Insertion of section 15-A of Act XXI of 2020**
9. **Amendment of section 20 of Act XXI of 2020**
10. **Amendment of section 92 of Act XXI of 2020**

TEXT

'THE PUNJAB TRUSTS (AMENDMENT) ACT 2022

(XLIII of 2022)

[20 December 2022]

An

Act

to amend the Punjab Trusts Act 2020

It is necessary to amend the Punjab Trusts Act 2020 (XXI of 2020) for the purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.- (1) This Act may be cited as the Punjab Trusts (Amendment) Act 2022.

(2) This Act shall come into force at once.

2. Amendment of Act XXI of 2020.- In the Punjab Trusts Act 2020 (XXI of 2020), for brevity referred to as 'the Act':

(a) in section 7, for the words "a natural", the word "any" shall be substituted;

(b) in sections 9 and 11, the word "natural" and the Explanation shall be omitted.

3. Amendment of section 3 of Act XXI of 2020.- In the Act, in section 3:

(a) in clause (b) and (d), for the words "a natural", the word "any" shall be substituted;

(b) after clause (o), the following clause (oo) shall be inserted:

"(oo) "regulator" means a regulator as mentioned in clause (1) of Schedule IV of the Anti-Money Laundering Act, 2010 (VII of 2010).";

(c) in clause (r), the word "and" at the end shall be omitted;

(d) in clause (s), for the full stop at the end, the expression "; and" shall be substituted, and thereafter the following clause (t) shall be added:

"(t) "specialized trust" means a trust created for the establishment of collective investment schemes, collective investment vehicles, private funds, pension funds, real estate investment trust, exchange trade funds, private equity and venture capital funds, debt securities trusts, trusts relating to any security issued by the Federal or a Provincial Government through capital markets, provident funds, gratuity funds, superannuation

¹This Act was passed by Provincial Assembly of the Punjab on 05 December 2022; and was assented to by Governor of the Punjab on 14 December 2022; and was published in the Punjab Gazette (Extraordinary), dated: 20 December, pp.2869-2870.

funds, employee benefit trust or any other trust, administered by the regulator, notified by the Government in the official Gazette.”.

4. Amendment of section 7 of Act XXI of 2020.- In the Act, in section 7, for the words “a natural”, the word “any” shall be substituted.

5. Amendment of section 9 of Act XXI of 2020.- In the Act, in section 9, the word “natural” and the Explanation shall be omitted.

6. Amendment of section 11 of Act XXI of 2020.- In the Act, in section 11, the word “natural” and the Explanation shall be omitted.

7. Amendment of section 15 of Act XXI of 2020.- In the Act, for section 15, the following shall be substituted:

“15. Trusts to be registered.- (1) No trust shall be functional unless it is registered with the Director under this Act in such manner as may be prescribed.

(2) All trusts created under the Trusts Act, 1882 (II of 1882) or registered under the Registration Act, 1908 (XVI of 1908) or under any other law for the time being in force shall get registered under subsection (1) within such timeframe as may be notified by the Government.

(3) A trust which fails to get registered under this section shall cease to function or operate in any manner, and necessary action shall be initiated against such trust under section 92 of this Act.”.

8. Insertion of section 15-A of Act XXI of 2020.- In the Act, after section 15, the following section 15-A shall be inserted:

“15-A. Registration of specialized trusts.- (1) For registration of a specialized trust under this Act, the trustee shall provide to the Director a No Objection Certificate from the concerned regulator containing the prescribed information.

(2) Where the trustee provides the No Objection Certificate under subsection (1), it shall be deemed that the requirements for registration of trust under section 16 have been fulfilled, and the Director shall register the specialized trust.

(3) A specialized trust created prior to commencement of this Act shall be deemed to have been registered under section 15 of this Act.

(4) A specialized trust, which is deemed to have been registered under subsection (3), shall be issued a certificate of registration under section 16 of this Act.

(5) A specialized trust which fails to fulfill the requirements of subsection (1) shall cease to function or operate in any manner, and necessary action shall be initiated against such trust under section 92 of this Act.”

- 9. Amendment of section 20 of Act XXI of 2020.**- In the Act, in section 20:
- (a) for subsection (1), the following shall be substituted:
“(1) The Director at provincial level and the Assistant Director at tehsil level shall jointly maintain a register of the trusts in such manner as may be determined by the Department.”; and
 - (b) in subsection (4), for the word “prescribed”, the words “determined by the Department” shall be substituted.

- 10. Amendment of section 92 of Act XXI of 2020.**- In the Act, in section 92, after clause (c), the following clause (cc) shall be inserted:

“(cc) when it fails to comply with the requirements contained in section 15 and 15-A of this Act; or”.