

# Panel of Provisional Managers and Official Liquidators Regulations 2019

Effective from 11 November 2019

Securities and Exchange Commission of Pakistan [“SECP”] notified Panel of Provisional Managers and Official Liquidators Regulations, 2019 [“Regulations”] vide S.R.O. 1352 (I)/2019 dated 11 November 2019 in terms of section 315 of Companies Act, 2017 [“Act”]. Provisional managers or official liquidators are appointed for **winding up of companies by the Court** and SECP is required to **maintain a panel** of persons from whom the Court can appoint provisional manager or official liquidator of a company which is ordered to be wound up. These Regulations deal with eligibility criteria and application procedure in order to be included in the said panel.

## Eligibility Criteria

### Educational and Professional Qualification

The applicant must:

- have a **bachelors’ degree** in law;
- have a **masters degree** in business, commerce, accounting, finance, management or equivalent;
- be a **chartered accountant (CA)**;
- be a **cost and management accountant (CMA)**; or
- be an **ACCA** from Association of Chartered Certified Accountants (UK)

*In case of ACCA the body granting certification has been duly named, accordingly, relevant bodies in the case of CA and CMA should also be spelt out in order to avoid confusion.*

### Experience and affiliation

- The applicant must have **at least 10 years’** experience in the field of accounting, finance or law; and in case of
- an **advocate**, his name appearing on common roll of advocates of high and supreme court; or
- a **professional accountant** or **cost and management accountant**, having **membership** of the relevant professional institute; or
- an **insolvency expert**, he have **at least 15 years’** experience in the relevant field.

## Ineligibility

An individual shall be **ineligible** to act as provisional manager or official liquidator, if he:

- is **not a resident person**;
- is of **unsound mind**;

- has applied to be **adjudicated as an insolvent**;
- is an **undischarged insolvent**;
- has been **convicted by a court** of law;
- has been **debarred from being appointed** as provisional manager or liquidator;
- is **lacking fiduciary behavior**;
- has been **declared as defaulter** in repayment of loan to financial institution;
- is **not an income tax filer**;
- has failed to disclose any **conflict of interest**.

**No person** can be appointed as provisional manager or official liquidator of **more than 3 companies** at one point of time.

## Application procedure

Application on **Form-A** to be made to SECP along with all supporting documents as provided in **Annexure-A**.

SECP after being satisfied may **enter the name** of the applicant in the Panel which will remain valid **unless removed** by SECP in the following circumstances:

- if at any time he **becomes ineligible**; or
- **order of his removal is passed** by the Court.

## List of Documents (Annexure-A)

- Attested copy of **CNIC**
- Attested copies of **educational testimonials** from Matriculation/O-Level onwards
- Copies of documents showing **certification / memberships** of professional bodies (if any)
- Copies of documents showing **continuing professional development** courses/trainings (if any)
- Any other document considered necessary.



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