

[AS PASSED BY THE NATIONAL ASSEMBLY]

A
BILL

further to amend the Foreign Exchange Regulation Act, 1947

WHEREAS it is expedient further to amend the Foreign Exchange Regulation Act, 1947 (VII of 1947) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Foreign Exchange Regulation (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Insertion of new section 8A, Act VII of 1947.**- In the Foreign Exchange Regulation Act, 1947 (VII of 1947), hereinafter referred to as the said Act, after section 8, the following new section shall be inserted, namely:-

“8A. Movement of foreign currency within Pakistan. - (1) Any person shall be free to move or transfer foreign currency upto a maximum of ten thousand US dollars or equivalent in other currencies, physically or otherwise within Pakistan, whereas, limits for authorized dealers, exchange companies and money changers shall be prescribed by the State Bank.

(2) Inland movement exceeding the limit under sub-section (1) shall require prior permission of the State Bank subject to procedure and conditions prescribed by the State Bank.”.

3. **Amendment of section 23, Act VII of 1947.**- In the said Act, in section 23,-

(a) In sub-section (1),-

(i) after the word “with”, the word “rigorous” shall be inserted; and

(ii) for the word “two”, the word “five” shall be substituted;

(b) in sub-section (2), the expression “for such period as the Federal Government may from time to time, by notification in the official Gazette, declare” shall be omitted;

(c) in sub-section (3),-

(i) the expression "and not declared by the Federal Government under the preceding sub-section to be cognizable for the time being" shall be omitted; and

(ii) in the proviso, the expression "and is not declared by the Federal Government under the preceding sub-section to be cognizable for the time being" shall be omitted and for full stop, at the end, a colon shall be substituted and thereafter the following new provisos shall be added, namely:-

'Provided further that if a person not authorized under section 3, 3A or 3AA is found involved in illegal foreign exchange business including sale, purchase, exchange or transfer of foreign currency, physically or otherwise, the complaint as required in this sub-section shall not be required:

Provided further that complaint shall also not be required in case a person other than the person authorized under section 3, 3A or 3AA violates section 8A of the Act. However, in case of malicious prosecution, the concerned official of investigation agency shall be proceeded against in accordance with law.'; and

(d) after sub-section (3A) the following new sub-section shall be inserted, namely:-

'(3B) A Tribunal taking cognizance under sub-section (1) shall conclude the proceedings within six months. The Tribunal may, by giving cogent reasons in writing, extend the said period by six months further.'

STATEMENT OF OBJECTS AND REASONS

Foreign exchange policy and operations in Pakistan are governed under the provisions of Foreign Exchange Regulation Act, 1947 (FERA, 1947), which empowers the State Bank of Pakistan to regulate flows of foreign exchange into and out of the country. However, the State Bank of Pakistan does not have explicit powers under FERA, 1947 to issue any regulation / instruction relating to the inland movement of foreign currencies.

Furthermore, it has also been considered necessary to enhance the punishments provided in section 23 of FERA, 1947 to create firmer deterrence against contravention of various provision of the Act.

This bill, therefore, seeks to amend FERA, 1947 in order to enable the State Bank of Pakistan to regulate the foreign exchange regime in Pakistan more comprehensively as well as to strengthen the effectiveness of the Act.

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