

THE PROVINCIALLY ADMINISTERED TRIBAL AREAS (APPLICATION OF LAWS), REGULATION, 1976.

'TIKHYBER PAKHTUNKHWA] REGULATION NO. I OF 1976.

[5th January, 1976.]

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THE PROvincially Administered Tribal Areas (Application of Laws), Regulation, 1976.

'IKHYBER PAKHTUNKHWA]] REGULATION NO. I OF 1976.

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A
REGULATION

to apply certain laws to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, Swat and Malakand Protected Area.

WHEREAS it is expedient to apply certain laws to the Provincially Preamble. Administered Tribal Areas of Chitral, Dir, Kalam, Swat and Malakand Protected Area;

AND WHEREAS clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan provides that the Governor of a Province, with the prior approval of the President, may, with respect to any matter within the legislative competence of the Provincial Assembly, make Regulation for a Provincial Administered Tribal Area or any part thereof.

NOW, THEREFORE, in exercise of the powers aforesaid, the Governor of the Province of the *[Khyber Pakhtunkhwa] with the approval of the President, is pleased to make the following Regulation: —

1. (1) This Regulation may be called the Provincially Administered Tribal Short title,

Areas (Application of Laws) Regulation, 1975. extent and commencement.

(2) It extends to the Provincially Administered Tribal Areas of Chitral, Dir Kalam, Swat and Malakand Protected Area.

(3) It shall come into force at once.

1 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

2. In this Regulation, unless the context otherwise requires,—

(a) "Government" means the Government of the Province of the '[Khyber Pakhtunkhwa],

(b) "Schedule" means the Schedule to the Regulation.

3. The laws specified in column 2 of the Schedule as in force in the *[Khyber Pakhtunkhwa], immediately before the commencement of this Regulation, subject to modifications herein specified and those set out in column 3 of the Schedule, and so far as may be, all rules, notifications and orders made or issued there under, shall apply to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, and Swat and Malakand Protected Area, hereinafter referred to as said Areas.

4. All taxes, fees, duties, tolls or surcharges recoverable under the provisions of any law, rule, notification or order, so applied, shall become due and recoverable with effect from the date of commencement of this Regulation and in so far as such taxes, fees, duties, tolls or surcharges relate to a complete financial year, the same shall be levied for the financial year, 1975-76, with proportionate reduction.

5. Where under any law, rule, notification or order, so applied, any power, function or duty is to be exercised, performed or discharged by any person or authority, such power, function or duty may be exercised, performed or discharged by such person or authority as Government may, by notification in the official Gazette, appoint.

6. Where in any law, rule, notification or order, so applied, any procedure is prescribed for the assessment, collection and recovery of any tax, fee, duty, toll or surcharge, such tax, fee, duty, toll or surcharge shall be assessed, collected and recovered in such manner as Government may, by notification in the official Gazette, specify.

7. (1) If, immediately before the commencement of this Regulation, there was in force in the said Areas any law, instrument, custom or usage having the force of law corresponding to the provisions of any of the laws applied to those Areas by this Regulation, such law, instrument, custom or usage shall, upon such commencement, cease to have effect in those Areas.

(2) Nothing in sub-section (1) shall effect—

(a) the previous operation of any such law, instrument, custom or usage; or

1 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

Definitions.

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Date of
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(b) the recovery of any tax, fee, duty, toll or surcharge recoverable under any such law, instrument, custom or usage before the commencement of this Regulation, and any such tax, fee, duty, toll or surcharge shall be recoverable as if sub-section (1) had not come into force; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence punishable under such law., instrument, custom or usage; or

(d) any investigation proceeding or remedy in respect of any such penalty, forfeiture or punishment and any such investigation, proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if sub-section (1) had not come into force.

8. The West Pakistan Small Industries Corporation Ordinance, 1960 (W. Repeal. P. Ord. No. XIII of 1960), as in force in the said Areas, is hereby repealed.

SCHEDULE.

(See section 3)

Serial No. Short title Notification

1 2 3

1. The Opium Act, 1857 (Act No. XIII of 1857).

2. The West Pakistan Muslim Personal Law (Shariat) Except the proviso, to

Application Act, 1962 (W. P. Act No. V of. 1962), Section 3 and section 7.

3. The '[Khyber Pakhtunkhwa] Small Industries Except section 39.40 Development Board Act, 1972 ("[Khyber and 41. Pakhtunkhwa], Act No. II of 1973).

1 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

