

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

'TKHYBER PAKHTUNKHWA], REGULATION NO. II OF 1976.

[19th April, 1976.]

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

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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 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 Provincially Administered Tribal Area or any part thereof:

NOW, THEREFORE, in exercise of the powers aforesaid, the Governor 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 Areas (Application of Laws) Regulation. 1976.

(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.

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

expressions shall have the meanings hereby respectively assigned to them, that is to say —

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

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

Preamble.

Short title,
extent and
commencement.

Definitions.

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

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

3. The laws specified in column 2 of the Schedule as in force in the *IKhyber Pakhtunkhwa]; immediately before the commencement of this Regulations subject to modifications herein specified and modifications and exceptions, if any, set out in column 3 thereof, and so far as may be, all rules, notifications and orders made or issued thereunder, shall apply to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, Swat, and Malakand Protected Area, hereinafter referred to as the 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 shall 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.

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

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

Application of
certain laws to
Chitral, Dir,
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and Malakand
Protected
Area.

Date of
recovery of
taxes, etc.

Authority to
exercise
powers, etc.

Assessment,
collection and
recovery of
taxes, etc.

Certain laws to
cease to
operate.

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

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

(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.

SCHEDULE.

(See section 3)

Serial No. Laws Modification /Exceptions

1 2 3

1. The Oaths Act, 1873 (Act No. X of 1873.)

2. The Electricity Act, 1910 (Act No. IX of 1910.)

3. The Provincial Insolvency Act, 1920 (Act No. V of 1920.)

4. The Succession Act, 1925 (Act No. XXXIX of 1925.)

5. The Sale of Goods Act, 1930 (Act No. ___ Insection 1, for sub-section (3), the IIT of 1930.) following shall be substituted:

"(3) It shall come into force at once".

6. The Partnership Act, 1932 (Act No. IX ___ Insection 1, for sub-section (3), the

of 1932.) following shall be substituted:---

"(3) It shall come into force at once".

11.

12.

13.

14.

The West Pakistan Vaccination Ordinance, 1958 (W. P. Ordinance No. XXVII of 1958.)

The West Pakistan Suppression of Prostitution Ordinance, 1961 (W. P. Ordinance No. II of 1961.)

The West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance, 1965 (W. P. Ordinance No. II of 1963.)

The West Pakistan Autonomous Bodies Immovable Property (Ejectment of Unauthorised Occupants) Ordinance, 1965 (W. P. Ordinance No. XXXVII of 1965.)

The West Pakistan Government Lands and Buildings (Recovery of Possession) Ordinance, 1966 (W. P. Ordinance No. IX of 1966.)

The West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (W. P. Ordinance No. IX of 1970.)

The West Pakistan Motor Vehicles (Amendment) Amending Ordinance, 1970 (W. P. Ordinance No. XVI of 1970.)

The Law Reforms Ordinance, 1972 (Ordinance No. XII of 1972.)

The '[Khyber Pakhtunkhwa], Sarhad Development Authority Act, 1972
*[Khyber Pakhtunkhwa], Act No. XI of 1973.)

Except section 8.

Except the provisions of the Schedule relating to amendment of

such of the laws as do not apply to
the said Areas.

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

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

