

THE PROVINCIALY ADMINISTERED TRIBAL AREAS
(APPLICATION OF LAWS) REGULATION, 1974.

N.W.F.P. REGULATION No. 1 OF 1974.

[17" April, 1974.]

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A
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 North-West Frontier Province 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, 1974.

(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 —

(a) "Government" means the Government of the North-West Frontier Province;

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

Preamble.

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ment.

Definitions.

3. The Laws specified in the Schedule as in force in the North-West Frontier Province immediately before the commencement of this Regulation, subject to modifications herein specified and so far as may be, all rules, notifications and orders made or issued thereunder, shall apply to be Provincially Administered Tribal Area 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 1973-74 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 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 Area 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 commencement, cease to have effect in those Areas.

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

(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,

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taxes etc.

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powers etc.

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Certain laws to cease to
operate.

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.

SCHEDUL

(See section 3).

The Code of Civil Procedure, 1908 (Act No. V of 1908).

The Arbitration Act, 1940 (Act No. X of 1940).

The North-West Frontier Tenancy

Act, 1950 (N.W.F.P. Act No. XXV of 1950).

The West Pakistan Civil Courts Ordinance.

1962 (W.P. Ord. No II of 1962).

The West Pakistan Land Revenue Act, 1967

(W. P. Act No. XVII of 1967).