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ISLAMABAD, WEDNESDAY, MARCH 5, 1975

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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 5th March, 1975

The following Acts of Parliament received the assent of the President on the 1st March, 1975, and are hereby published for general information :—

ACT No. XXVII of 1975

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'An Act to provide for the annulment of certain references to arbitration and abatement of certain arbitration proceedings

Whereas the Capital Development Authority has entered into agreements with certain persons for the execution of certain projects and other works required to be undertaken by it under the Capital Development Authority Ordinance, 1960 (XXII of 1960), and for the supply of goods or labour or the performance of certain obligations ;

AND WHEREAS such agreements provide for reference of disputes arising therefrom to arbitration ;

AND WHEREAS pursuant to the aforesaid provision of the said agreements, certain disputes between the Capital Development Authority and the said persons have been, or may hereafter be, referred to arbitration, either by the parties themselves or by order of a Court ;

AND WHEREAS the references made to arbitration pursuant to such agreements have failed to achieve the objects for which provision for such references - was made;

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(e) any dispute referred to arbitration the proceedings whereof have abated by reason of the provisions of this section shall be decided in accordance with the provisions of the law for the time being in force.

(2) The fees to be paid to an arbitrator, arbitrators or an umpire in respect of the proceedings which have abated or an award which has been annulled, under sub-section (1) shall, unless mutually agreed to by such arbitrator or arbitrators or umpire, the Authority and the contractors, be of such amount, and shall be payable by the Authority or the contractors, or in such proportion by the Authority and the contractors, as the Court having jurisdiction to adjudicate in the matter of the dispute referred to arbitration may determine on application made to it in this behalf by the arbitrator, arbitrators or umpire, as the case may be.

(3) In determining the fees to be paid to an arbitrator, arbitrators or an umpire under sub-section (2), the Court shall take into consideration the stage of the proceedings before the arbitrator, arbitrators or the umpire, as the case may be, at which such proceedings abated under this section:

Provided that the fees so determined shall in no case exceed the fees agreed upon by the Authority and the contractors at the time of making the reference to arbitration or at any time thereafter and consented to by the arbitrator, arbitrators or umpire, as the case may be.

4. Limitation.—In computing the period of limitation prescribed for a suit or application relating to any dispute to which the provisions of sub-section (1) of section 3 apply, the time commencing on the date—

(a) of the execution of an agreement of reference to arbitration by the Authority and the contractor ;

(b) of the making of a reference to arbitration; or

(c) of the making of an application to a Court for referring dispute to arbitration ; -

and ending immediately before the coming into force of this Act shall be excluded :

Provided that nothing in this section shall be deemed to have the effect of extending the period of limitation for a suit or an application where such period had expired prior to the execution of an agreement or the making of a reference or an application as is referred to in clause (a), clause (b) or clause (c).

ACT No. XXVIII of 1975

An Act further to amend the Ports Act, 1908

; WHEREAS it is expedient further to amend the Ports Act, 1908 (XV of 1908), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1, Short title and commencement.—(i) This Act may be called the Ports (Amendment) Act, 1975.

(2) It shall come into force at once.

2. Amendment of section 21, Act XV of 1908.—In the Ports Act, 1908 (XV of 1908), hereinafter referred to as the said Act, in section 21,—

(a) in sub-section (1), after the words “in or into”, the commas and words “, or in any place from which the same is liable to be washed as aforesaid into,” shall be inserted ;

(b) in sub-section (2), for the words “five hundred” the words “ fifty thousand ” shall be substituted; and

(c) in sub-section (3), for the words “also be liable to simple imprisonment for a term which may extend to two months” the words “ be punishable with a further fine which may extend to two thousand rupees for each day after the receipt of such notice and also be liable to simple imprisonment for a term which may extend to six months” shall be substituted.

3. Amendment of section 54, Act XV of 1908.—In the said Act, in section 54, for the words “one hundred” the words “ fifty thousand” shall be substituted

ACT No. XXIX of 1975

An Act further to amend the Import of Goods (Price Equalization Surcharge) Act, 1967

Whereas it is expedient further to amend the Import of Goods (Price Equalization Surcharge) Act, 1967 (III of 1967), for the purpose hereinafter appearing :

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It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Import of Goods (Price Equalization Surcharge) (Amendment) Act, 1975.

(2) It shall come into force at once.

2. General amendment.—In the Import of Goods (Price Equalization Surcharge) Act, 1967 (III of 1967), hereinafter referred to as the said Act, for the words “Central Government”, wherever occurring, the words “Federal Government ” shall be substituted.

3. Amendment of section 2, Act IE of 1967.—In the said Act, in section 2, for clause (d) the following shall be substituted and shall be deemed always to have been so substituted, namely :—

“(d) ‘shipping period’ means the period beginning on the first day of July and ending on the thirtieth day of June or such other period as the Federal Government may, from time to time, by notification in the official Gazette, declare to be a shipping period for the purposes of this Act :

Provided that, in the case of a notification issued under sub section (1) of section 4 which declares the highest rate of landed cost in relation to any specified goods imported in any shipping period following a date mentioned in the notification, the shipping period shall be deemed to be the period beginning on the date so mentioned