

**FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA**

**PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 8 /10/2019.

No.PA/Khyber Pakhtunkhwa/Bills-71/2019/ 8832 The Khyber Pakhtunkhwa Tourism Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 30th September, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 4th October, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA TOURISM BILL, 2019.
(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2019)**

(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated the 8 /10/2019).

Act 25-10-19
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(Here print as in the accompaniment).

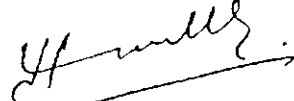

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills-71/2019/ 8833-37 Dated 8 /10/2019

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Director Information, Khyber Pakhtunkhwa.
4. The Director I.T/ Special Secretary, Provincial Assembly of Khyber Pakhtunkhwa.
5. The Secretary to Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

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S.No.	Designation of Officer	No of Copies to be Supplied
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3.	The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.	5

AN
ACT

*to provide for a legal framework to promote culture and tourism in
the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to establish a legal framework for the development, standard-setting, promotion, management and marketing of cultural heritage and sustainable tourism in the Province of the Khyber Pakhtunkhwa and matters connected therewith or incidental thereto;

It is hereby enacted as follows:

**CHAPTER-I
PRELIMINARY**

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Tourism Act, 2019.

(2) It shall extend to the whole Province of the Khyber Pakhtunkhwa.

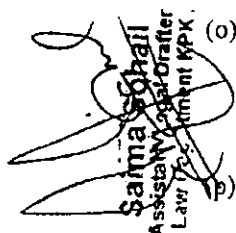
(3) It shall come into force on such date as the Government may notify in the official Gazette and different dates may be notified for different provisions of the Act:

Provided that for each Integrated Tourism Zones (ITZs), the provisions of this Act shall come into force, from the date, an area is notified under section 20 of this Act.

2. **Definitions.**---In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Authority" means the Khyber Pakhtunkhwa Culture and Tourism Authority established under section 6 of this Act;
- (b) "Authorized Officer" means an employee authorized under section 48 of this Act;
- (c) "Appellate Tribunal" means an Appellate Tribunal as provided in section 49 of this Act;
- (d) "Board" means the Board of Directors of the Authority as provided in section 12 of this Act;
- (e) "Corporation" means the Khyber Pakhtunkhwa Tourism Corporation;
- (f) "Chairman" means the Chairman of the Provincial Tourism Strategy Board, or the Board as the case maybe;
- (g) "Department" means the Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums Department;
- (h) "Directorates" means the Khyber Pakhtunkhwa Directorate of Culture and the Directorate of Tourist Services;

- (i) "Director General" means the Director General of the Authority;
- (j) "Ecotourism" means responsible travel to natural areas to view the flora and fauna without disturbance to the ecological and cultural status of the areas;
- (k) "Environment Department" means the Environment, Forestry and Wildlife Department of Government;
- (l) "Fund" means the Tourism Fund established under section 26 of this Act;
- (m) "Government" means the Government of the Khyber Pakhtunkhwa;
- (n) "host" means a resident of a tourism destination, or member of the community in a tourism destination area;
- (o) "hotel" includes a facility such as stadia, lodge, restaurant, refreshment room, camping site, rest house and resort used for the reception of guests and travelers desirous of dwelling or sleeping therein;
- (p) "Institute" means Pakistan Austrian Institute of Tourism and Hotel Management, Swat devolved to the Provincial Government vide notification No.3 (6) 2010 ADMIN dated 31-03-2011;
- (q) "Integrated Tourism Zone" means an area declared by the Government on the recommendation of Provincial Tourism Strategy Board under section 20 of this Act, having such geographical limits as Government may specify;
- (r) "Local Government Department" means the Local Government, Elections and Rural Development Department of Government;
- (s) "littering" means throwing of any refuse (solid or liquid, domestic or commercial, animal or human), debris or rubbish including any glass, metal, cigarette butts, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, construction or demolition material, garden remnants and clippings, soil, sand or rocks, deposited in or on a place or any other material, substance or thing deposited in or on a place if its size, shape, nature or volume makes the place where it has been deposited disorderly or detrimentally affects the proper use of that place;
- (t) "License" mean a License granted under this Act;
- (u) "member" means a member of the Provincial Tourism Strategy Board, or the Board, as the case may be and includes their Chairman;


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- (v) "Mineral Department" means the Mines and Mineral Development Department of Government;
- (w) "prescribed" means prescribed by rules or regulations made under this Act;
- (x) "Province" means the Province of the Khyber Pakhtunkhwa;
- (y) "Provincial Tourism Strategy Board (PTSB)" means the Provincial Tourism Strategy Board established under section 3 of this Act;
- (z) "rules" mean the rules made under this Act;
- (ab) "regulations" mean the regulations made under this Act;
- (ac) "restaurant" means any premises on which the business of supplying food or drink for reward is carried on;
- (ad) "sustainable tourism" means tourism development that meets the needs of present visitors and hosts while protecting and enhancing opportunities for the future;
- (ae) "Tourism Police" means the Tourism Police established under section 24 of this Act;
- (af) "tourism products, activities and services" means any of the good, activities or service, as specified in the Schedule-I of this Act;
- (ag) "Tourism Agencies" means the Provincial Tourism Strategy Board (PTSB), the Authority, the Appellate Tribunal, the Tourism Police, or any other institutions, or business units established by Government under this Act;
- (ah) "tourist attraction" means any site in the Province including a stream, a river, a water way, a water fall, a spring, an archeological site or historical or religious site, or a view point that is generally known as a tourist attraction by the local community;
- (ai) "tourist" means a person travelling to and staying in a place outside his usual abode for leisure, business or other purpose, not being a work-related activity remunerated from within the place visited; and
- (aj) "tourist destination" means any site, area, road, walkway, trek, street, bazaar, water fall, lake, town or city that receives enough tourists to cause emergence of business or ventures or services targeting tourists as clients.

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 Assistant Secretary
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CHAPTER-II
PROVINCIAL TOURISM STRATEGY BOARD

3. Provincial Tourism Strategy Board (PTSB).---(1) On the commencement of this section under sub-section (3) of section 2, Government shall within two months notify a Provincial Tourism Strategy Board (PTSB), consisting of:-

- | | | |
|-----|---|----------------------|
| (a) | Chief Minister, Khyber Pakhtunkhwa; | Chairman |
| (b) | Minister for Sports, Tourism, Culture, Youth Affairs, Archaeology and Museum, Khyber Pakhtunkhwa; | Member |
| (c) | Minister for Finance, Khyber Pakhtunkhwa; | Member |
| (d) | Minister for Environment and Wildlife, Khyber Pakhtunkhwa; | Member |
| (e) | Chief Secretary, Khyber Pakhtunkhwa; | Member |
| (f) | Secretary to Government Sports, Tourism, Culture, Youth Affairs, Archaeology and Museum Department, Khyber Pakhtunkhwa; | Member |
| (g) | Secretary to Government Environment and Wildlife Department, Khyber Pakhtunkhwa; | Member |
| (h) | three private sector professionals, having at least ten years' experience of tourism, culture and heritage, one of whom shall be a woman; and | Members |
| (i) | Director General of the Authority. | Member-cum-Secretary |

(2) The members at clause (h) in sub-section (1) shall be nominated by the Chairman, and shall hold office for a term of three years and shall be eligible for another term.

(3) A member, at clause (h) of sub-section (1) may resign from his office by writing under his hand addressed to the Chairman.

(4) No person shall be appointed or remain as a member of the Board, if he-

- (a) is of unsound mind;
- (b) has applied to be adjudicated as an insolvent and his application is pending;
- (c) is an un-discharged insolvent;
- (d) has been convicted by a Court of law, for an offence involving moral turpitude;
- (e) has been debarred from holding any office, under any provisions of law for the time being in force; or

205

(f) has conflict of interest with such position.

(5) Any vacancy caused due to death, resignation or removal of any member at clause (h) of sub-section (1), shall be filled in through appointment of another person as member and such appointee shall hold such office for the unexpired term of his predecessor.

(6) In addition to mandatory meetings, the Chairman may convene the meeting on such date, time and place, as he may deem appropriate.

(7) The Board shall hold mandatory meetings in order to approve and recommend Provincial Tourism Strategy to Government for approval.

(8) Seven members would constitute the quorum and decision shall be made by simple majority. In case of tie, the Chairman shall have costing vote.

4. **Provincial Tourism Strategy.**—(1) The Provincial Tourism Strategy Board shall, on the advice of the Authority, recommend to Government, a Provincial Tourism Strategy, at least once every five years, in accordance with which the tourism sector shall be developed, managed, marketed and regulated.

(2) The Provincial Tourism Strategy shall provide for the principles, objectives, indicators and incentives for the development, management and marketing of sustainable tourism in the Province and shall, in particular provide for,-

- (a) measures to facilitate and enhance domestic, regional and international tourism;
- (b) priority areas for tourism development, capacity building and training;
- (c) innovative schemes, incentives and ethics, to be applied in the development and marketing of sustainable tourism, cultural heritage including public private partnerships;
- (d) provincial tourism research and monitoring priorities and information systems, including,-
 - (i) collection and management of tourism data and information;
 - (ii) procedures for gathering tourism data and the analysis and dissemination of tourism information; and
 - (iii) tourism management information systems;
- (e) measures necessary to ensure equitable sharing of benefits in the tourism sector;
- (f) adaptation and mitigation measures, to avert adverse impacts of climate change on tourism and tourism products and services; and
- (g) such common approaches in tourism development, marketing and regulation that lead to regional cooperation.

(3) Provincial Tourism Strategy Board (PTSB) shall periodically review the Provincial Tourism Strategy and publish a revised Provincial Tourism Strategy, when approved by Government.

(4) All Government Departments and other relevant public bodies in the Province shall, when exercising or performing any statutory functions, take into account and give effect to the Provincial Tourism Strategy.

5. **Functions of Provincial Tourism Strategy Board (PTSB).---**(1) Provincial Tourism Strategy Board (PTSB) shall assess the impact of any development initiative or project, public or private, and issue guidelines, to bring such development initiative or project in line with Provincial Tourism Strategy. Guidelines so issued, shall be binding on any public or private entity, undertaking such an initiative or project.

(2) The Provincial Tourism Strategy Board (PTSB) shall only take cognizance of any initiative or project under sub-section (1), when the Authority makes a clear case that such a project or initiative is in violation of Provincial Tourism Strategy and refers such a project or initiative to the Provincial Tourism Strategy Board (PTSB).

CHAPTER-III ESTABLISHMENT OF KHYBER PAKHTUNKHWA CULTURE AND TOURISM AUTHORITY

6. **Establishment.**---(1) Government shall, by notification in the official Gazette, establish an Authority in accordance with the provisions of this Act, to be known as the Khyber Pakhtunkhwa Culture and Tourism Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable in its name and shall by its name, sue and be sued.

7. **Headquarter of the Authority.**---The Headquarter of the Authority shall be at Peshawar.

8. **Status of the Corporation, Directorates and Institute.**--- Subject to sub-section (3) of section 1 of this Act, after the notification of the establishment of the Authority in the official Gazette,-

- (i) the Authority shall take over the administrative, financial and regulatory control of all the activities, offices, projects, centers etc. of the Corporation, Directorates and Institute in the prescribed manner and as result thereof-
 - (a) the instruments establishing the Corporation and Institute shall cease to have its effect and the Corporation shall be winded up in the prescribed manner in accordance with the laws for the time being in force; and
 - (b) the Directorates shall cease to be the Attached Department of the Department and shall be merged in to the Authority;
- (ii) all movable and immovable assets and liabilities of the Corporation, Directorates and Institute including furniture, fixtures, equipment, vehicles, record, data etc. shall be

transferred to the Authority and the ownership of such assets shall vest in the Authority;

- (iii) once the Secretary of the Department certifies that the Authority has developed requisite capacity to handle the functions, activities, offices or centers of the Corporation, Directorates and Institute, the provisions of clauses (i) and (ii) above shall be given effect under sub-section (3) of section 1 of this Act.
- (iv) upon taking over by the Authority, the employees of the Corporation, Directorates and Institute shall be dealt in the following manner:

- (a) Government shall create Surplus Pool in the Establishment Department for employees of the Directorates till the retirement of the last incumbent. These employees shall continue to enjoy all the benefits currently admissible to them and shall be entitled to receive their salary and other benefits, as if they had continued to work against existing cadres or posts. The services of such employees shall either-

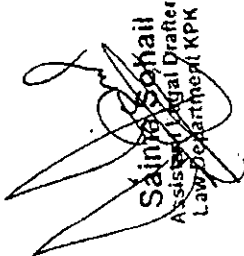
- (i) be utilized by Government in such offices as controlled by Government under such terms and conditions as decided by Government; or
- (ii) absorb the services of the employees of the Directorates at the discretion of Government in various Government Departments, and in such case, the right of promotion shall be in accordance with rules and regulations and terms and conditions of the cadres into which they are absorbed;

10. the employees of the Corporation and Institute shall, be examined by a Scrutiny Committee, to be constituted in the prescribed manner and recommend to the Board for their retention in the service of the Authority or otherwise. Existing employees performance to be evaluated and better human resource be retained. Those Corporation and Institute employees, whose services are regularized under this Act by the Board, shall be governed in accordance with the service regulations, to be made under this Act; and

- (c) to avoid rapid staff turnover, the staff of re-organized Corporation should be hired on long term contract. There should be periodic performance evaluation and those failing to achieve targets shall be removed.

9. Administrative and financial transition.---(1) Until the provisions relating to taking over by the Authority have been given effect under this Act,-

- (i) the Corporation, Directorates and Institute, their field offices, sub-offices and employees shall continue to

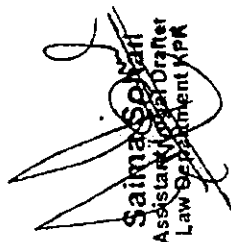

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provide services and perform functions without any interruption; and

- (ii) the Directorate of Tourist Services, Khyber Pakhtunkhwa shall continue their functions under the Khyber Pakhtunkhwa Hotel and Restaurants Act, 1976 (Khyber Pakhtunkhwa Act No. LXXXI of 1976), the Khyber Pakhtunkhwa Tourists Guide Act, (Khyber Pakhtunkhwa Act No. XXVI of 1976) and the Khyber Pakhtunkhwa Travel Agencies Act, 1976 (Khyber Pakhtunkhwa Act No. XXX of 1976) until section 57 has been given effect in term of sub-section (3) of section 1 by Government under this Act.

(2) After notification has been issued regarding taking over,-

- (i) the Board shall authorize the officers of the Authority to act as Controllers, Deputy Controllers and Assistant Controller for the purpose of hotels, restaurants, travel agencies and tourists guide under relevant regulations; and


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- (ii) all fees, rents, charges, which were being charged, levied and collected by the Corporation, Directorates and Institute, or their field offices and sub-offices, shall to be charged, levied and collected by the Authority. Every person liable to pay such fees, rents, charges and accumulated arrears and receivables shall continue to make payment thereof until revised, withdrawn or varied under this Act.

(3) All actions required for giving effect to the provisions of this Act, including administrative and financial transition shall be completed within one year of the commencement of this Act.

10. Objectives of the Authority.--- The Authority shall,-

(1) in relation to entire Province,-

- (a) promote, preserve and revive cultural heritage, cultural traditions, values, festivals and dialects;
- (b) formulate guidelines and prescribe measures for sustainable tourism;
- (c) regulate tourism products and services;
- (d) promote the cultural and religious heritage;
- (e) promote and protect cultural and religious diversity of the Province;
- (f) promote and preserve tangible and intangible cultural assets, values and traditions of the Province;
- (g) register, license and grade all hotels in the Province;

- (h) develop and implement, in consultation with relevant stakeholders, criteria for standardization and classification of tourism products;
- (i) develop and implement a code of practice for the tourism sector;
- (j) ensure development of high quality tourism sector;
- (k) monitor and assess tourist products for adherence to sound principles and practices of sustainable tourism;
- (l) map, record, document and publish cultural assets of the Province;
- (m) provide facilities, incentives, services and recreation to tourists;
- (n) regulate travel agencies, travel agents, tour operators and tourist guides, in the prescribed manner; and
- (o) perform any other functions that are ancillary to the object and purpose of this Act.

(2) in relation to Integrated Tourism Zones,-

- (a) develop, publish and implement regulations in respect of spatial planning;
- (b) develop, publish and implement regulations in respect of building code to ensure, as far as possible, the continuity of local architecture;
- (c) approve and notify any measures to control entry into any Integrated Tourism Zone in order to preserve and sustain either cultural identity of a zone or to sustain carrying capacity of such zone;
- (d) develop, publish and implement regulations in respect of municipal obligations;
- (e) develop, publish and implement regulations in respect of forests, mountains, water features, lakes, waterfalls, flora and fauna;
- (f) develop, publish and implement regulations in respect of wildlife and biodiversity; and
- (g) approve:
 - (i) master plan to regulate "land use";
 - (ii) "building code" to regulate construction of structures including buildings;
 - (iii) "forestry code" to protect and preserve forests and trees;
 - (iv) "municipal code" to regulate municipal obligations and services; and
 - (v) a code for protection and preservation of wildlife and

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biodiversity.

(3) Any other function assigned by Government for furtherance of the purposes of this Act.

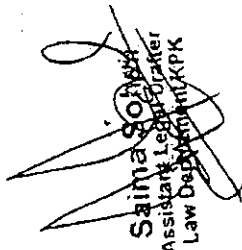
11. **Power to acquire land.**---The Authority shall have the power to acquire land for the purpose of promoting tourism and developing resorts, skiing facilities, hotels and other tourism related activities. Any and all of these activities shall be deemed to be a public purpose in terms of section 6 of the Land Acquisition Act, 1894 (Act No. I of 1894)

12. **Board of Directors.**---(1) The administration, management and general control of the Authority shall vest in the Board of Directors, to be known as the Board, which shall exercise all powers and do all acts and things for furtherance the objectives of this Act.

(2) All acts of the Board, whether executive or otherwise, shall be expressed and taken in the name of the Authority.

(3) The Department shall, by notification in the official Gazette, constitute the Board, which shall consist of the following members, namely:

- | | |
|---|----------|
| (a) Minister Sports, Culture, Tourism and Youth Affairs; | Chairman |
| (b) Additional Chief Secretary, Planning and Development Department; | Member |
| (c) Secretary to Government, Sports, Culture, Tourism and Youth Affairs Department; | Member |
| (d) Secretary to Government, Finance Department; | Member |
| (e) Secretary to Government, Local Government, Election and Rural Development Department; | Member |
| (f) Secretary to Government, Environment and Wild Life Department; | Member |
| (g) Secretary to Government, Irrigation Department; | Member |
| (h) Secretary to Government, Communication and Works Department; | |
| (i) three professionally qualified members, each from discipline of tourism, culture and heritage, one of whom must be a woman; | Members |
| (j) four members from private sector, one of whom shall be a Chartered Accountant and one shall be a woman; and | Members |


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(k) Director General of the Authority.

Member-cum-Secretary

(4) The members at clauses (i) and (j) of sub-section (3), shall be nominated by the Chief Minister. They shall hold office for a term of three years from the date of assumption of charge and after expiry of the term, shall be eligible for another term.

(5) A member at clause (i) and (j) of sub-section (3), may resign from his office, by writing under his hand, addressed to the Chief Minister, or may be removed from the Board through a vote of simple majority.

(6) No person shall be appointed or remain as a member of the Board, if he:

- (a) is of unsound mind;
- (b) has applied to be adjudicated as an insolvent and his application is pending;
- (c) is an un-discharged insolvent;
- (d) has been convicted by a Court of law, for an offence involving moral turpitude;
- (e) has been debarred from holding any office under any provisions of law for the time being in force; or
- (f) has conflict of interest with such position.

(7) Any vacancy caused due to death, resignation or removal of any member at clause (i) and (j) of sub-section (3), shall be filled in through appointment of another person as member. The person so appointed shall hold such office for the unexpired term of his predecessor.

13. Powers and functions of the Board.---(1) The Board shall,-

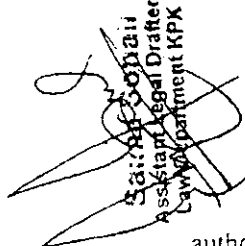
- (a) ensure proper and effective performance of the functions of the Authority;
- (b) approve and ratify the policies of the Authority;
- (c) manage and control the assets of the Authority in a manner that furthers the purposes of this Act;
- (d) receive any gifts, grants, donations or endowments made to the Authority;
- (e) determine the provisions to be made for capital and current expenditure, and for the reserves of the Authority;
- (f) open bank accounts for the funds of the Authority;
- (g) subject to any general instructions of the Finance Department, invest any fund of the Authority, if not immediately required;
- (h) determine and specify the terms and conditions, for the appointment and emoluments of the employees of the

Authority, subject to the provisions of Chapter-VIII of this Act;

- (i) provide strategic guidance for working of the Authority; and
- (j) exercise supervision and control over the affairs of the Authority.

(2) Subject to the provisions of Chapter-VIII of this Act, the Board shall be responsible for-

- (a) determination of regulations for the control of the employees of the Authority;
- (b) determination of the sanctioned strength, creation and deletion of posts, and the terms and conditions of services of the employees of the Authority; and
- (c) authorizing any orders, other than orders in pursuance of any general or special delegation made, which involves re-organization or change in the status of offices in the Authority, or any change in the terms and conditions of service, or the statutory rights and privileges of the employees of the Authority.


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(3) The Board on its own, or through an officer of the Authority so authorized, shall have the powers to approve:

- (a) relinquishment, remission, assignment or grant of No Objection Certificate (NOC) for the purpose of tourism activities;
- (b) grant of lease of land of the Authority;
- (c) imposition and collection of tourism levy, fee, fine or cess including those collected through ticketing;
- (d) floatation of loans;
- (e) budget and revisions thereof;
- (f) appointment of support staff, advisors, consultants and experts and specify terms and conditions for their service and engagement; and
- (g) authorization of any member of the Board to supervise internal audit of receipts and expenditure of the Authority.

(4) The Board shall have the power to approve all developmental schemes, programmes and proposals submitted by offices of the Authority conceived from its own revenue resources while schemes, programmes and proposals that are to be funded from the annual development programmes shall be brought to the forum of PDWP and DDWP as the case maybe.

(5) The Board on its own, or through an officer so authorized shall have the powers to execute schemes of construction, equipment, maintenance, repairs, internal electrification and fixation of rent of all Authority buildings, residential and non-residential, including tents, camping pods, tourist resorts, gazebos, skiing resorts, rest houses and those properties entrusted to the

Authority from other Departments from time to time, or those whose repair and maintenance is essential with or without any ownership of the Authority.

(6) The Board on its own or through an officer so authorized shall have the powers to accord technical sanction in respect of schemes for construction, maintenance and repairs of roads, bridges, ferries rope-ways and dams sites, for the development and promotion of tourism.

(7) The Board may constitute Committees and Sub-Committees for any functions of the Authority.

(8) Subject to the provisions of this Act, the Board may, by resolution generally or in any particular case, delegate to any Committee of the Board or to any member, officer, employee or agent of the Authority, to exercise any of the power or, the performance of any of the function or duty of the Authority under this Act.

(9) Members of the Board shall be paid a fee for attending the meetings of the Board or all meetings of its Sub-Committees at such rates as determined by the Board.

14. **Disclosure of interest.**---A member of the Board, who has an interest in a matter for consideration before the Board shall, disclose in writing, the nature of that interest, and shall not participate in any deliberations of the Board, or the Authority, relating to that matter.

15. **Conduct of meetings and procedure of the Board.**---Procedure for conducting meetings of the Board, making decisions and recording decisions of the Board, shall be governed by Schedule-II of this Act.

16. **Establishment of regional offices.**---The Authority shall establish such regional offices, as the Board may determine with the approval of the Department.

17. **Appointment of Director General.**---(1) Government shall appoint the Director General of the Authority for a period of three years on such terms and conditions as it may determine and may extend his appointment for a second term:

Provided that the entire period of appointment shall not exceed six years.

(2) The Director General shall be a Civil Servant not below the rank of BS-19 or a reputed professional from private sector with at least fifteen years post-qualification experience, preferably in tourism promotion.

(3) In case of appointment of the Director General from the private sector, his terms and conditions shall be settled by the Board, for a term of three (03) years, until and unless such term is modified by the Board for reasons to be recorded in writing:

Provided that the terms and conditions of the Director General can be modified by the Board, only once, during the period of his tenure.

18. **Functions of the Director General.**---The Director General shall,-

- (a) be the Secretary of the Board;
- (b) manage affairs of the Authority under the general supervision of the Board;

- (c) maintain discipline and order in the Authority;
- (d) enforce policy, rules, regulations and decisions of the Board;
- (e) perform as Principal Accounting Officer of the Authority;
- (f) maintain books of accounts for receipts into and expenditure from the Fund;
- (g) be responsible for the day to day administration of the affairs of the Authority and the performance of its functions under this Act;
- (h) perform any other function as determined by the Board; and
- (i) prescribe Key Performance Indicators for the staff of the Authority.

CHAPTER-IV POWER TO CREATE SPECIAL PURPOSE AUTHORITIES

19. Establishment of special purpose Authorities.---(1) Government may establish in the prescribe manner, special purpose Authority(ies) limited either by the geographic jurisdiction, or scope of work or both to carry out purposes of this Act:

Provided that in case of creation of such Authorities, the jurisdiction of Khyber Pakhtunkhwa Culture and Tourism Authority shall accordingly be reduced.

(2) Rules establishing such Authorities shall clearly lay out the purposes, scope, functions, powers and organizational structure of such Authorities:

Provided that such rules shall provide the Authorities so created, to function as independent business units.

(3) Nothing in sub-section (1) and (2), shall stop Government from determining the relationship of such Authorities with the Board, the Fund or the Tourism Police.

CHAPTER-V INTEGRATED TOURISM ZONES

20. Declaration.---(1) Government on the recommendation of Provincial Tourism Strategy Board shall have the power to declare, by notification in the official Gazette, any area within the Province, as an "Integrated Tourism Zone".

(2) Whenever so declaring any area as Integrated Tourism Zone, Government shall specify, as nearly as possible, the situation and limits of such area by roads, rivers, streams, bridges or any other readily intelligible boundaries or by GPS coordinates:

Provided that when an area is notified, then it shall be dealt in accordance with the provisions of this Act, and the following laws or certain provisions of laws shall have no jurisdiction in the said area,-

- (i) the Khyber Pakhtunkhwa Urban Immovable Property Tax Act 1958 (Khyber Pakhtunkhwa Act No. V of 1958);
- (ii) the Khyber Pakhtunkhwa River Protection Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. III of 2002);
- (iii) the Khyber Pakhtunkhwa Forest Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);
- (iv) provisions to be notified by Government from time to time under the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);
- (v) the Khyber Pakhtunkhwa Food Safety Authority Act, 2014 (Khyber Pakhtunkhwa Act No. X of 2014);
- (vi) the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014);
- (vii) the Khyber Pakhtunkhwa Wildlife and Bio-diversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No. I of 2015); and
- (viii) the Khyber Pakhtunkhwa Mineral Sector Governance Act, 2017 (Khyber Pakhtunkhwa Act No. XXVI of 2017).

(3) The Authority may consult other relevant departments in formulating rules relating to Integrated Tourism Zones.

(4) In case any territory or any part thereof, intended to be notified as an Integrated Tourism Zone or part of Integrated Tourism Zone, is a reserved forest within the meaning of sub-section (2) of section 33 of Khyber Pakhtunkhwa Forest Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002), notification under sub-section (1) of this section shall constitute a declaration of such territory or any part thereof as 'no longer a reserved forest', and such forest shall cease to be a reserved forest in terms of section 27 of the Khyber Pakhtunkhwa Forest Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002).

(5) In case any territory or any part thereof, intended to be notified as an Integrated Tourism Zone, or part of Integrated Tourism Zone is a National Park within the meaning of section 29 of the Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No. I of 2015), notification under sub-section (1) of this section shall constitute a declaration of such territory or any part thereof as 'no longer a National Park', and such park shall cease to be a National Park in terms of section 35 of the Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No. I of 2015):

Provided that a declaration under sub-section (1) of this section shall be deemed to have a prior consent of the Board in terms of section 35 of the Khyber Pakhtunkhwa Wildlife and Bio-diversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No. I of 2015).

21. Transition period.---(1) In order to ensure that no legal or administrative vacuum is created in the management of an area or territory, falling in an Integrated Tourism Zones, there shall be a transition period of not more than three years from the date of declaration of any area or territory as Integrated Tourism Zones under sub-section (1) of section 20 of this Act:

Provided that such transition period can be reduced by the Authority once it is satisfied that it has requisite field presence to take over functions currently entrusted to Environment Department, Local Government, Mineral Department and Irrigation Department and the Authority so notifies the said Departments of its field capacity to handle those functions:

Provided further that Environment Department, Local Government, Mineral Department and the Departments of the Government shall be absolved of their responsibilities in respect of areas falling in, Integrated Tourism Zones from the date of notification by the Authority under this section, or on expiry of three years transition, whichever is earlier.

(2) Declaration under sub-section (1) of section 20 shall empower the Authority, its agents, its contractors or any person authorized by the Authority on its behalf, to enter upon and work in an Integrated Tourism Zone as per direction of the Authority without recourse to or permission of any other Government Agency, or department, and all Departments, or Agencies of Government shall have to cooperate with the work of the Authority, its agents, its contractors or persons so authorized under this section.

(3) During the transition period, nothing in section 20 or in this section shall absolve Environment Department, Local Government, Mineral Department and Irrigation Department of their current responsibilities towards the area or territory falling in the Integrated Tourism Zones except for works and actions which are authorized by the Authority to be taken in the said Integrated Tourism Zones.

22. Responsibility to preserve forest, wildlife and bio-diversity.---While approving regulations under clause (e), (f) and (g) of sub-section (2) of section 10 of this Act for the Integrated Tourism Zones, the Authority shall ensure to achieve a healthy balance between the objectives of promoting tourism and preserving forest, wildlife, bio-diversity and local cultural heritage.

23. Tax incentives.---In order to incentivize investment in Integrated Tourism Zones, Government may, through notification in the official Gazette, exempt any businesses or class of businesses from any of the provincial taxes or levies to such extent and for such terms and under such conditions as may be determined by Government.

CHAPTER-VI TOURISM POLICE

24. Establishment of Tourism Police.---(1) Tourism Police shall be established as a specialized police wing in the Authority under the supervision and general command of the Authority.

(2) The Authority shall create the posts of Police personnel of Tourism Police and also abolish the posts as required.

(3) The Authority shall requisition on deputation basis necessary senior and junior rank police from Police Department to act as Tourism Police for the purpose of this Act:

Provided that the Authority may hire their own Tourism Police once the Authority has developed the requisite capacity.

(4) The Police to be posted in the Tourism Police Wing shall be selected by keeping in view the education, behavior and physical fitness.

Saima Sabhat
Assistant Legal Drafter
Law Department KPK

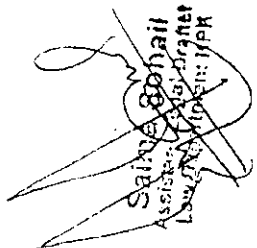
(5) The Police officers and official posted in the Tourism Police shall undergo tourism-facilitation training courses to be designed by the Police Department in consultation with the Authority. The Tourism Police shall wear distinctive uniform.

(6) The Officers and others ranks posted in Tourism Police shall continue to remain part of the cadre to which they belong in Khyber Pakhtunkhwa Police and their promotion and other benefits available to them as a member of the said cadre shall not be varied on account of their selection and posting to Tourism Police.

(7) The Officers so posted may serve in Tourism Police for a period of three years and may be extended for further two years.

(8) All expenditures on Tourism Police shall be borne on the budget of the Authority including any additional incentives paid to its employees as per the incentive structure, determined by the Board.

25. Functions and powers of Tourism Police.--(1) Tourism Police shall,-

- 
- (i) facilitate the tourists by imparting information about location, transport system, facilities, legal assistance, shopping centers accommodation, cultural norms and medical help;
- (ii) perform watch and ward function in tourist destinations in order to curb activities of touts, beggars, unauthorized hawkers, pickpockets, eve teasers, anti-social elements and fraudsters and for this purpose, the Tourism Police shall maintain effective patrolling of tourists' destination and shall provide necessary security to the tourists;
- (iii) keep an updated record of known eve teasers, fraudsters, unauthorized tour guides, harassers and other disreputable elements for each destination;
- (iv) have the power to stop the entry of known eve teasers from a tourist destination or a part thereof; for the purpose, a police officer not below the rank of Superintendent of Police shall have the power to issue orders to restrict entry of such person(s) into any tourists destinations or a part thereof;
- (v) act as first responder in case of any incident and shall hand over the delinquent to the local Police for legal action;
- (vi) write an incident report and handover the culprit to the regular Police Station;
- (vii) in the event, a case is registered by or against the tourist, Tourism Police shall facilitate and provide legal assistance to the tourist;
- (viii) have all the powers of facilitation and regulation available to Traffic Police in area of its deployment under Provincial Motor Vehicle Ordinance, 1965; and
- (ix) receive claims and complaints by the tourists and will either resolve the same on its own or liaise with the concerned

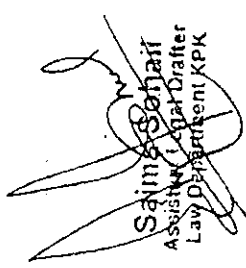
agencies to get it resolved.

(2) The operation of Tourism Police shall be governed under the regulations to be prescribed by the Authority and until such regulations are prescribed, under Standing Operation Procedures (SOPs) already issued or to be issued by the Inspector General of Police, Khyber Pakhtunkhwa.

CHAPTER-VII ESTABLISHMENT OF TOURISM FUND

26. Fund of the Authority.---(1) There shall be established a Fund to be known as "Tourism Fund", which shall vest in the Board and to which shall be credited, all sums received by or on behalf of the Authority.

(2) The sources of income of the Fund shall be,-

- 
- (a) development and operational grants allocated by Government;
 - (b) rents and profits payable or accruing to the Authority from immovable property vested in or managed by it;
 - (c) proceeds or any other profits from bank accounts and investment of the Fund;
 - (d) gifts, grants or contributions by individuals and institutions accepted with the approval of the Board;
 - (e) proceeds of fee charged by the Authority for advisory services, registration, affiliation, licensing;
 - (f) fee, fines, cess imposed for violation of rules or regulations including any fine imposed and collected through Tourism Police or through ticketing;
 - (g) sale proceeds and royalty on publications of the Authority.
 - (h) funds received and charged upon tourism activities and services;
 - (i) grants, donations, bequests or other gifts made to the Fund; and
 - (j) monies from any other source approved by Government.

(3) The Fund shall be kept in such Schedule Bank as approved by the Board.

(4) Monies credited to the Fund shall be expended with the approval of the Board or in accordance with regulations approved by the Board.

27. Object and purpose of the Fund.---The object and purpose of the Fund shall be to,-

- (a) finance the development of tourism products in the Province;
- (b) finance the marketing of the Province as a tourist destination;

- (c) finance such incentives and such activities of the Tourism Police as permissible under this Act and to the extent approved by the Board;
- (d) finance the tourism research, tourism intelligence and the provincial tourism information management system;
- (e) finance training and capacity development activities either of tourism hospitality training institutions as may be established under this Act or transferred to the Authority, or by out sourcing to the private sector;
- (f) mobilize resources to support tourism-related activities;
- (g) finance the development of Integrated Tourism Zone(s);
- (h) finance the acquisition of land for the development and promotion of tourism and culture;
- (i) finance the preservation and development of cultural and religious;
- (j) finance research and development of cultural activities; and
- (k) finance the expenditures on Tourism Agencies.

28. **Budget.**---Before the commencement of a financial year, the Director General shall, prepare in the prescribed manner, a budget for that year and lay it before the Board for approval:

Provided that conditional grants from Government or other sources shall be shown separately in the budget and shall be governed by conditions provided therein.

CHAPTER-VIII EMPLOYEES AND PAY STRUCTURE

29. **Structure of the employees.**---As far as feasible, the Authority shall have a lean structure and shall perform its functions by engaging private sector.

30. **Wings in the Authority.**---(1) The Authority may have inter-alia following wings:

- (a) Planning;
- (b) Marketing;
- (c) Procurement;
- (d) Engineering;
- (e) Contract Management;
- (f) Human Resource Management and Administration;
- (g) Finance and Accounts;
- (h) Culture;
- (i) Inspection and Monitoring; and
- (j) Police.

(2) The Authority may create any new wings as and when deemed necessary.

31. **Method of appointment, pay structure and terms and conditions of the employees.**---The Board shall prescribe the terms and conditions, method of appointment and pay structure of the employees of the Authority through regulations:

Provided all the appointment in the Authority shall be made through competitive process and if a civil servant is selected for appointment to a post, he shall be appointed by way of transfer on deputation and for salary purposes he may either opt for the salary, allowances and special allowance in the Authority or for the market salary in which case he should take extraordinary leave from the Department.

32. **Status of the employment.**--- All employees shall be hired on contract basis for a specific period terminable on one months' notice by either side or payment of one month salary in lieu thereof:

Provided that no extension shall be made in the service of contract employees however he shall be eligible for fresh hiring under a new contract:

Provided further that in fresh hiring, preference shall be given to candidates who have served in the Authority with good performance reports.

CHAPTER-IX TOURISM LICENSING AND TOURISM LEVIES

33. **Licensing.**---(1) The Authority shall frame licensing regulations for tourism products, activities and services as listed in the Schedule-I of this Act and until and unless such regulations are framed, all existing regulatory instruments applicable to tourist products listed in Schedule-I shall remain in force.

(2) Operators of tourists products, listed in Schedule-I shall be entitled for an adjustment period of one year from the date of commencement of relevant licensing regulations by the Authority.

(3) Before the expiry of the adjustment period, all operators of tourists products for whom specific regulations are issued shall obtain a license for continuing their business operation.

34. **Procedure for Licensing.**---(1) A person seeking a license or any variation of a license held by him shall apply to the Authority in such manner as may be prescribed by the Authority.

(2) The Authority may, on receipt of an application under sub- section (1), investigate or require the submission of such further information as it may be necessary in order to enable it to consider the application.

(3) The Authority shall, in considering the license application, have regard to the material considerations which include,-

- (a) the protection of fragile environmental resources, ecosystems; and
- (b) the safety of tourists in the tourist destinations.

(4) After considering an application made under this section, the Authority may grant to the applicant the license or variation applied for or may refuse the grant, and may attach to the license granted, terms or conditions as the Authority may consider necessary.

(5) The license, unless earlier suspended or cancelled in the prescribed manner, shall remain valid for a period of two years and may be renewed in such manner and on payment of such fee, as are prescribed by regulations.

(6) An application for the renewal of an existing licence shall be made at least two months before the expiry date of the existing licence.

35. Transfer of License.---(1) A licence issued under this Act may be transferred by the Authority, after fulfillment of all the pre requisites for transfer as prescribed by regulations.

(2) A transfer of a licence under this section shall take effect on such date as the Authority has notified of that transfer.

36. Suspension of license.---The Authority may, subject to section 37, suspend a license issued under this Act where,-

- (a) a licensee is being investigated in relation to an offence under this Act;
- (b) an allegation of misconduct has been made against a licensee;
- (c) the licensee made a false declaration in the application for the license;
- (d) the licensee has become defaulter of any of the financial institution(s) or declared by the Court of law as bankrupt;
- (e) the licensee has become unsound mind or is incapable to perform the affairs of tourism products;
- (f) on death of the licensee till, the license is transferred by the Authority to his legal heirs; or
- (g) a licensee has contravened any of the provision of this Act.

37. Cancellation of license.---The Authority shall, cancel a license where a licensee,-

- (a) is convicted of an offence under this Act or the regulations made there under; and
- (b) ceases to be qualified for the issuance of a licence under this Act.

38. Representation to the Authority.---Authority shall not suspend or cancel a licence unless the Authority has given the licensee at least fifteen days notice of its intention to suspend or cancel the licence and has provided the licensee an opportunity of correction time of the observations raised by the authorized officer of the Authority.

39. Effect of suspension or cancellation.---A person, whose licence has been suspended or cancelled shall not engage in the tourism products, activities and services in respect of which the licence was granted during the duration of suspension or after cancellation.

40. Records.---(1) The Authority shall keep and maintain registers of,-

- (a) all regulations, standards and plans for the Integrated Tourism Zones;
- (b) all licenses and permits issued under this Act;

- (c) tourism facilities, activities and services licensed under this Act;
- (d) all public and private sector institutions or associations involved in tourism or tourism-related activities and services;
- (e) all institutions offering tourism and hospitality training; and
- (f) any other documents as so decided by the Board.

(2) All registers kept and maintained under this section shall be open for inspection by members of the public during official working hours, at the Authority offices or an office designated by the Authority, on the payment of a fee to be prescribed by the Authority.

41. **Tourism levy.**--- (1) The Authority may, by regulations, require the payment of a tourism levy from persons engaged in tourism products or from tourists.

(2) The tourism levy may differ in relation to different tourism products or different destinations.

(3) A tourism levy may contain provisions as to the evidence by which a person's liability to the tourism levy, or his discharge of that, may be, and as to the time at which any amount payable by any person shall become due.

(4) All monies received in respect of the tourism levy shall made part of the fund established under section 26 of this Act.

Salim Sobail
Assistant Secretary
Law Department KPK

CHAPTER-X ANNUAL ESTIMATES, ACCOUNTS AND AUDIT

42. **Financial year.**---The financial year of the Authority shall be of twelve months period ending on the 30th June in each year.

43. **Annual estimates.**--- (1) At least three months before the commencement of each financial year, the Authority shall cause to be prepared estimates of the revenue and expenditures for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year and in particular, the estimates shall provide for,-

- (a) the payment of the salaries, allowances and other charges in respect of the staff;
- (b) the proper maintenance of its assets;
- (c) the maintenance, repair and replacement of the equipments; and
- (d) the creation of reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of any other matters.

44. **Accounts, audit and annual reports.**--- (1) The Authority shall cause to be kept all proper books and records of accounts of the income, expenditure,

assets and liabilities of the Authority.

(2) Subject to provisions of this Act, the accounts of the Authority shall be maintained and audited in the manner applicable to Government Departments.

(3) Board may commission a special audit of the Fund in addition to the annual audit, by requesting Auditor General's office or by engaging an external auditor from the market.

(4) The Director General shall, not later than 15th day of September, in each year, prepare a report regarding performance of the Authority during the preceding year ending on 30th day of June.

(5) The report shall be submitted to the Board for consideration in its annual review meeting in November.

CHAPTER-XII OFFENCES, PENALTIES AND ENFORCEMENT

45. Enforcement and Prosecution.--- (1) An Authorized Officer shall have the power to summon any person engaged in the business of any tourism products, activities and services.

(2) The Tourism Police authorized under section 49 of this Act shall have the power to arrest any offender if the offence is cognizable under Schedule-III of this Act and in so doing, he shall have all the powers available to a Station House Officer under Criminal Procedure Code, 1898 (Act No. of 1898).

(3) An Authorized Officer shall have the power to seal any premises or part thereof or seize any property in relation to an offence or for failure to pay fine or tourism levy, duly imposed under this Act.

(4) An Authorized Officer for the purpose of this Act shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commission for examination of witnesses.

(5) The Authorized Officer may either impose fine against the person who violates any of the provisions mentioned in Part-A, Schedule-III of this Act.

(6) In case of failure to pay the fine the other officer may file a complaint in the Court as provided in Part-B of Schedule-III.

46. Cognizance of an offence.--- (1) No Court shall take cognizance of an offence punishable under this Act, except upon a complaint, made in writing by an officer of the Authority so duly authorized.

(2) Procedure governing cognizance, bail and trial will be in accordance with Schedule -III of this Act.

47. **Power to amend Schedules.**--- Government may amend any of the Schedule of this Act from time to time on the recommendations of the Authority.

48. **Authorized Officer.**--- (1) Authority may, in writing, declare any employee of Government or an employee of any entity controlled by the Government, to be an Authorized Officer for the purposes of carrying out the provisions of this Act:

Provided that authorization made under this section shall specify exhaustively the limits of such authorization.

(2) Notwithstanding foregoing sub-section (1), the Authority may declare any class of officers of District Administration or Police, as authorized officers for specific purposes.

49. **Appellate Tribunal.**--- (1) Any person aggrieved by any decision or order of the Director General, or any other officer of the Authority, acting under powers of the Authority may, within fifteen (15) days of the receipt of such decision or order may appeal to an Appellate Tribunal to be established under this Section.

(2) Government shall notify an Appellate Tribunal consisting of:

- | | |
|--|----------------------|
| (a) Secretary Sports, Youth Affairs, Tourism, Culture, Archaeology and Museum, Khyber Pakhtunkhwa; | Chairperson |
| (b) one private member of the Board to nominated by the Chief Minister; | Member |
| (c) one private person familiar with tourism business to be appointed by Chief Minister; and | Member |
| (d) Deputy Secretary Archaeology, Museums, Culture, Sports, Tourism and Youth Affairs Department. | Member-cum-Secretary |

(3) Salary and other benefits of the member-cum-secretary will be determined by the Board and shall be paid out of the Authority Fund.

(4) Members of the Appellate Tribunal shall be paid a fee for attending proceedings of the Tribunal or all meetings relating to, at such rates as determined by the Board.

(5) The decisions made by the Tribunal shall be appealable before the Peshawar High Court.

50. **Bar to proceeding.**---No suit, prosecution or other legal proceedings shall lie against the Authority, or any of its employees for anything done or intended to be done in good faith under this Act.

Saima Sohail
Assistant Secretary
Law Department KPK

CHAPTER-XIII GENERAL PROVISIONS

51. **Common seal.**---The common seal of the Authority shall be kept in safe custody and shall not be used, except on the order of Director General, or an officer authorized by him for the purpose.

52. **Act to override.**--- The provisions of this Act shall have an overriding effect, notwithstanding anything contained in any other law, rule, regulation, bye-law, or any other instrument having the force of law, rule, regulation or bye-law having bearing on the subject, for the time being in force.

53. **Removal of difficulties.**---Government may, on the recommendations of the Board, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

54. **Indemnity.**---No suit, prosecution or other legal proceeding shall lie against the Authority or any of the officer authorized by the Authority in respect of anything which is done or intended to be done in good faith under this Act, the rules or regulations made under this Act.

55. **Power to make rules.**---Government may make rules for carrying out the purposes of this Act.

56. **Power to make regulations.**---Board may make regulations for carrying out the purposes of this Act.

57. **Repeal.**---The Khyber Pakhtunkhwa Tourists Guide Act, (Act No. XXVI of 1976), the Khyber Pakhtunkhwa Travel Agencies Act, 1976 and the Khyber Pakhtunkhwa Hotel and Restaurant Act, 1976 (LXXXI of 1976) shall be deemed to be repealed from the date of adjustment period provided under section 33 of this Act expires in respect of regulations made by the Authority to govern the businesses (i.e. tourist operators, hotels and restaurants) currently being dealt with by the said laws.

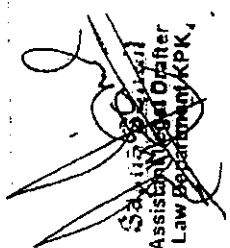
58. **Saving clause.**--- Save as otherwise specifically provided, nothing in this Act, or any repeal and revocation effected thereby shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rules, regulations, bye-laws, appointment, conveyance, mortgage, deed, document or agreement and contract made or saved, fee levied, tax imposed or assessed, scheme prepared or executed, resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of any law, rules, regulations or any other instrument repealed or revoked by this Act and any such thing, action, investigation, proceedings, order, rule, regulation, by-laws, appointment, conveyance, mortgage, deed, document, agreement, contract, fee, tax, resolution, direction, proceedings or instrument, suits, rights or claims shall, if in force at the commencement of this Act and not inconsistent with any of the provisions of this Act, continue to be in force, and have effect as if it were receptively done, taken, commenced, made, directed passed, given, executed, instituted, acquired or issued under this Act.

SCHEDULE-I

(see section 2, clause (af))

PROVISIONS RELATING TO TOURISM PRODUCTS

(a) Class "A" Enterprises

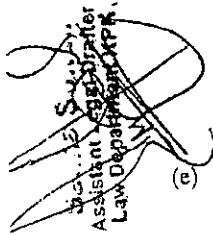
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- (i) Hotels;
 - (ii) Members clubs;
 - (iii) Motels;
 - (iv) Inns;
 - (v) Hostels;
 - (vi) Health and spare sorts;
 - (vii) Retreat lodges;
 - (viii) Eco lodges;
 - (ix) Service flats;
 - (x) Service apartments;
 - (xi) Cottages;
 - (xii) Holiday cottages;
 - (xiii) Tented camps;
 - (xiv) Cultural homes and centers;
 - (xv) Villas on rent;
 - (xvi) Home stays;
 - (xvii) Guesthouses; and
 - (xviii) Entertainment facilities i.e. cinemas, theaters, restaurants and other food and beverage services including cafes etc. in Integrated Tourism Zones;

(b) Class "B" Enterprises

- (i) Tour operators;
- (ii) Tourist service vehicle hire;
- (iii) Tourist service Helicopter hire;
- (iv) Paragliding service;
- (v) Travel agency;
- (vi) Water sports;
- (vii) Boat excursions;
- (viii) Jump line;
- (ix) Zip Line; and
- (x) Rafting.

(c) Class "C" Enterprises

- (i) Game fishing outfitters;


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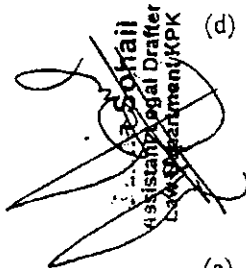
- (ii) Enterprises offering camps and camping equipment for hire;
- (iii) Nature parks;
- (iv) Nature trails ;and
- (v) Amusement parks.
- (d) Class "D" Enterprises
 - (i) Local traditional boat operators;
 - (ii) Professional photographers;
 - (iii) Curio vendors;
 - (iv) General vendors; and
 - (v) Adventure Tour Operators.
- (e) Class "D" Enterprises.
Conference and event services.
- (f) Class "E" Enterprises
Tourism and hospitality training institutions.

SCHEDULE -II

(see section 15)

**PROVISIONS RELATING TO THE MEETINGS OF THE
BOARDS OF THE AUTHORITY**

- (a) in addition to mandatory meetings, the Chairman may convene the meeting on such date, time and place as he may deem appropriate;
- (b) the Board shall have two mandatory meetings that is to say Budget Meeting and Annual Review Meeting to be held in the financial years respectively;
- (c) in its budget meeting, the Board shall consider and approve:
 - i. annual budget and revised estimates;
 - ii. schedule of annual activities of the Authority; and
 - iii. development plans;
- (d) in its annual review meeting, the Board shall:
 - i. review report of the Authority for the preceding year;
 - ii. review implementation status of its decisions, plans and programmes; and
 - iii. consider revision of targets and proposals for course correction;
- (e) no proceedings or decision of the Board shall be invalid by reason only of the existence of a vacancy or defect in the constitution of Board;
- (f) presence of simple majority shall constitute the Quorum. However for approval of annual budget, quorum shall be two third; and
- (g) the decisions of the Board shall be taken by the majority of present votes and in case of a tie, the person presiding over the meeting shall have a casting vote.


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SCHEDULE-III

(see section 45 and 46)

PART-A

TABULAR STATEMENT OF OFFENCES

S. No	Offence	Fine through ticketing (in Rs.)	Through
1.	Violation of licensing regulations governing Tourism Products (a)(i), (a)(iii), (b)(i), (c) (i) and (c) (v) of Schedule-I of this Act.	500,000	Authorized Officer
2.	Violation of licensing regulations governing Class 'A' tourism products excluding (a)(i), (a)(iii) of Schedule-I of this Act.	50,000	Authorized Officer
3.	Violation of licensing regulations governing Class 'B' tourism products excluding (b)(i) of Schedule-I of this Act.	10,000	Authorized Officer
4.	Violation of licensing regulations governing Class 'C' tourism products excluding (c) (i) and (c) (v) of Schedule-I of this Act.	10,000	Authorized Officer
5.	Violation of tourism levy regulations.	Two times of amount of levy	Authorized Officer
6.	Violation of regulations relating to littering.	10,000	Authorized Officer
7.	Violation of 'building code' regulations in the Integrated Tourism Zones.	50,000	Authorized Officer
8.	Violation of 'land use' regulations in the Integrated Tourism Zones.	500,000	Authorized Officer
9.	Violation of 'forestry code' regulations in the Integrated Tourism Zones.	50,000	Authorized Officer
10.	Violation of Wildlife and bio-diversity regulations in the Integrated Tourism Zones.	50,000	Authorized Officer
11.	Violation of municipal obligations regulations in the Integrated Tourism Zones.	10,000	Authorized Officer
12.	Violation of pollution regulations in Integrated Tourism Zones.	50,000	Authorized Officer
13.	Violation of General Prohibitions.	10,000	Authorized Officer
14.	General Penalty.	10,000	Authorized Officer

Saima Sobail
Assistant Legal Officer
Law Department KPK

TABULAR STATEMENT OF OFFENCES

S.No	Offence	Whether Bailable or not	Imprisonment on conviction by the Court	Fine on conviction by the Court upto (in Rs.)	By what Court Triable
1.	Violation of licensing regulations governing Tourism Products (a)(i),(a)(iii), (b)(i), (c) (i) and (c) (v) of Schedule-I of this Act.	Non-bailable	Upto 3 months	5 million	Magistrate 1 st Class
2.	Violation of licensing regulations governing Class 'A' tourism products excluding (a)(i),(a)(iii) of Schedule-I of this Act.	Bailable	Upto 3 months	01 million	Magistrate 1 st Class
3.	Violation of licensing regulations governing Class 'B' tourism products excluding (b)(i) of Schedule-I of this Act.	Bailable	Upto 3 months	100,000/-	Magistrate 1 st Class
4.	Violation of licensing regulations governing Class 'C' tourism products excluding (c) (i) and (c) (v) of Schedule-I of this Act.	Bailable	Upto 3 months	50,000	Magistrate 1 st Class
5.	Violation of tourism levy regulations.	Bailable	Upto 3 months	Five times of amount of levy	Magistrate 1 st Class
6.	Violation of regulations relating to littering.	Bailable	Upto 3 months	500,000	Magistrate 1 st Class
7.	Violation of 'building code' regulations in the Integrated Tourism Zones.	Bailable	Upto 3 months	500,000	Magistrate 1 st Class
8.	Violation of 'land use' regulations in the Integrated Tourism Zones.	Non-Bailable	Upto 6 months	5 million	Magistrate 1 st Class
9.	Violation of 'forestry code' regulations in the Integrated Tourism Zones.	Non-Bailable	Upto 3 months	As per assessment	Magistrate 1 st Class
10.	Violation of Wildlife and bio-diversity regulations in the Integrated Tourism Zones.	Bailable	Upto 3 months	100,000/-	Magistrate 1 st Class
11.	Violation of municipal obligations regulations in the Integrated Tourism Zones.	Bailable	Upto 3 months	50,000/-	Magistrate 1 st Class
12.	Violation of pollution regulations in Integrated Tourism Zones.	Non-Bailable	Upto 3 months	5 million	Magistrate 1 st Class

~~Samuel Soban
Assistant Leg-Ed after
Law Department KPK~~

13.	Violation of General Prohibitions.	Bailable	Upto 6 months	100,000/-	Magistrate 1 st Class
14.	General Penalty.	Bailable	Upto 3 months	100,000/-	Magistrate 1 st Class

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
 Secretary
 Provincial Assembly of Khyber Pakhtunkhwa