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## KHYBER PAKHTUNKHWA

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### PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

#### NOTIFICATION

Dated Peshawar, the 1st February 2013.

No. PA/Khyber Pakhtunkhwa/Bills/2013/4064.— The Khyber Pakhtunkhwa Hotels and Restaurants (Amendment) Bill, 2013 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 15th January, 2013 and assented to by the Governor of the Khyber Pakhtunkhwa on 28th January, 2013 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

#### THE KHYBER PAKHTUNKHWA HOTELS AND RESTAURANTS (AMENDMENT) ACT, 2013

(KHYBER PAKHTUNKHWA ACT NO. X OF 2013)

*(First published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,  
(Extraordinary), dated the 1st February, 2013).*

AN

ACT

*to amend the Pakistan Hotels and Restaurants  
Act, 1976.*

**Preamble.**---WHEREAS it is expedient to amend the Pakistan Hotels and Restaurants Act, 1976 (Act No. LXXXI of 1976), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Hotels and Restaurants (Amendment) Act, 2013.

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

(3) It shall come into force at once.

2. **General amendments in Act No. LXXXI of 1976.**---In the Pakistan Hotels and Restaurants Act, 1976 (Act No. LXXXI of 1976), hereinafter referred to as the said Act, for the words "The Federal Government", "the Federal Government", "Federal Government or Provincial Government", "a Provincial Government", or "any Provincial Government", wherever occurring, the word "Government" shall be substituted.

3. **Amendment of section 1 of Act No. LXXXI of 1976.**---In the said Act, in section 1,-

- (i) in sub-section (1) for the word "Pakistan", the words "Khyber Pakhtunkhwa" shall be substituted; and
- (ii) in sub-sections (2) and (3), for the word "Pakistan", the words "Province of the Khyber Pakhtunkhwa" shall be substituted.

4. **Amendment of section 2 of Act No. LXXXI of 1976.**---In the said Act, in section 2,-

- (a) after clause (f), the following new clause (ff) shall be inserted, namely:  
"(ff) "Government" means the Government of the Khyber Pakhtunkhwa;" and
- (b) in clause (g), for the words "ten lettable bed rooms", the words "fifteen lettable bed rooms" shall be substituted.

5. **Amendment of section 22 of Act No. LXXXI of 1976.**---In the said Act, in section 22,-

- (a) for sub-section (1), the following shall be substituted, namely:  
"(1) Any owner, who fails to apply for registration within the time specified in section 5, shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller shall impose and, in the case of continuing failure, an additional penalty which shall extend to twenty thousand rupees for every day after the first penalty imposed by the Controller. Where the failure persists upto six months, the concerned authority may, on the request of the Controller, disconnect the Electricity, Gas and Water Supplies and the Controller shall also have power to seal the establishment through police and local administration.";
- (b) in sub-section (2), for the words "one thousand", the words "ten thousand" shall be substituted;
- (c) in sub-section (3), for the words "one thousand" the words "ten thousand" shall be substituted;
- (d) in sub-section (4), for the word "one" the words " an amount equal to at least two days rent" and for the word "two" the words "an amount equal to at least one week rent" shall be substituted;

(e) for sub section (5), the following shall be substituted, namely:

"(5) If a restaurant not registered under this Act, fails to carry out the directive issued under clause (iv) of section 19 within the period specified therein, the Controller shall suspend the operation of such restaurant and may also impose a penalty of such sum not exceeding ten thousand rupees as the Controller may impose on the owner of such restaurant. Where the failure persisted upto six months, the concerned authority may, on the request of the Controller, disconnect the Electricity, Gas and Water Supplies and the Controller shall suspend the operation of such restaurant and can ordered to seal the establishment through police and local administration."

6. **Substitution of section 26 of Act No. LXXXI of 1976.**---In the said Act, for section 26, the following shall be substituted, namely:

**"26. Indemnity.**---No suit, prosecution or other legal proceedings shall lie against Government, the Controller, a Deputy Controller, an Assistant Controller, an officer or authority subordinate to Government, or a member of the committee in respect of anything which is in good faith done or intended to be done under this Act."

7. **Amendment of section 28 of Act No. LXXXI of 1976.**---In the said Act, for section 28, the following shall be substituted, namely:

**"28. Delegation of Power.**---Government may, by notification in the official Gazette, direct that all or any of its powers under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercised by any officer or authority subordinate to Government."

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

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(AMANULLAH)  
Secretary,  
Provincial Assembly of Khyber  
Pakhtunkhwa.