

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 14th APRIL, 2017.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 14th April, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/13292.—The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 11th April, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th April, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT (AMENDMENT) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. X OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 14th April, 2017).

AN

ACT

*further to amend the Khyber Pakhtunkhwa
Local Government Act, 2013.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), for the purposes hereinafter appearing;

It is hereby enacted as follow:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2017.

(2) It shall come into force at once.

(3) The provisions of this Amendment Act shall remain in force for a period of five (05) years from the date of its commencement and shall stand repealed on the expiration of the said period.

2. Amendment of section 9 of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), hereinafter referred to as the said Act, in section 9, after sub-section (3), the following new sub-sections shall be added, namely:

“(4) Notwithstanding anything contained in this Act or in any other law, rules, regulations, bye-laws, for the time being in force, in any master plans relating to use of land or in any judgment or order of the Supreme Court or High Court, as the case may be, after the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2017, any land or building in the University Town, Peshawar, shall be permissible for commercial, educational, Government or semi-Government offices, diplomatic mission offices, financial institutions, guest houses, clinical and for mix use as residential and commercial activities for a period, not exceeding five (05) years, with such limitations and restrictions as prescribed in rules and on payment of such fees by the owner of the land or building as the Government may prescribe by rules:

Provided that change in site plan shall be allowed as per building laws or rules:

Provided further that any land or building in the University Town, Peshawar, which is already in use for commercial purposes mentioned in this sub-section but permission for which has not been obtained or not allowed for any reason, the owner of such land and building shall apply to Government within a period of three (03) months after the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2017, for conversion of his residential land or building for commercial purposes on payment of prescribed fees and in case he fails to do so, he shall be liable to pay penalty or fine in the prescribed manner.

(5) Government shall, within thirty (30) days of the commencement of the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2017, make rules for carrying out the purposes of this section, in accordance with the parameters specified in Eight Schedule.”.

3. Amendment of Fourth Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.---In the said Act, in the Fourth Schedule, in Part-I, at Serial No. 12, in the beginning, the following shall be added, namely:

“Subject to sub-sections (4) and (5) of section 9”.

4. **Addition of Eighth Schedule of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.**---In the said Act, after Seventh Schedule, the following new Schedule shall be added, namely:

“EIGHTH SCHEDULE

[see section 9(4)(5)]

Land Use Rules

1. Change or conversion in use of land from the one originally provided in an approved scheme, site development plan or master plan to commercial, educational, Government or semi-Government offices, diplomatic mission offices, financial institutions, guest houses, clinical and mix use except industrial use and its classifications.
2. Procedure for application and entire process of conversion in use of land from one originally provided in an approved scheme, site development plan or master plan to other classification of land use.
3. Non-conversion of public parks and land used for public amenities.
4. Procedure for clarification on ambiguity in classification of land use.
5. Strict compliance with relevant provisions of law regarding environment, including environment impact assessment or initial environmental examination.
6. Mode of payment of fee for conversion for use of land from the one originally provided in an approved scheme, site development plan or master plan to other classification.
7. Procedure for declassification of conversion of land use to the one originally provided in an approved scheme, site development plan or master plan by the Government in case of non-compliance of conditions made under the rules or on the application of the owner of the land.
8. Procedure for appeal in case of refusal of conversion of land use.”.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa