



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 5TH MARCH, 2018.

PROVINCIAL ASSEMBLY SECRETARIAT, KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 5th March, 2018.

No. PA/Khyber Pakhtunkhwa/Bills-162/2018/4841.—The Khyber Pakhtunkhwa Local Government (Amendment) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 21st February, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 28th February, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA LOCAL GOVERNMENT (AMENDMENT) ACT, 2018

(KHYBER PAKHTUNKHWA ACT NO. VI OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 5th March, 2018).

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 enacted as follows:

- 1. Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Local Government (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 36 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 36, for sub-section (2), the following shall be substituted, namely:

“(2) The following arrangements for maintaining of accounts and pre-audit in local government shall be followed:

- (a) the District Accounts Officer shall maintain the accounts of the respective district government and pre-audit all payments from the district fund, before approving disbursement of monies;
- (b) the Tehsil Officer (Finance) shall maintain the accounts of their respective tehsil municipal administration and town municipal administration;
- (c) the Secretary, village or neighborhood council, shall maintain the accounts of their respective councils; and
- (d) the Director, Local Fund Audit shall pre-audit all the payments from the respective fund of tehsil municipal administrations, village or neighborhood councils, as the case may be, before approving the disbursement of money, in the manner as may be prescribed.”.

3. Addition of new section to the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--- In the said Act, after section 123, the following new section shall be added, namely:

“124. Officiating Nazim.---(1) Notwithstanding anything contained in this Act, in case the office of Nazim, district council, tehsil council, or village or neighborhood council, as the case may be, falls vacant by reason of death, resignation, removal or any other reasons, the concerned local council shall elect one of its members to be the Officiating Nazim within ten (10) days, for interim period, till a new Nazim is elected under the provisions of this Act.

(2) The meeting of concerned council shall be called by the Naib Nazim for election of Officiating Nazim, in case the Naib Nazim is absent or his office is vacant for any reason, the senior most presiding officer from amongst the panel of presiding officers shall hold the election Officiating Nazim:

Provided that the Officiating Nazim elected under this section, shall not be a candidate in the election for Nazim.

(3) Where a Nazim district council, tehsil council or village or neighborhood council, as the case may be, is unable to perform his functions for reason of his temporary absence, he may authorize the Naib Nazim of the concerned local council, in writing, to act on his behalf till he resumes his duties.”.

4. Amendment of FOURTH SCHEDULE of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--- In the said Act, in the FOURTH SCHEDULE, in PART-I, after Serial No. 23, the following new entry shall be added, namely:

“24. Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water supply or sewerage system.”.

5. Amendment of FIFTH SCHEDULE of the Khyber Pakhtunkhwa Act No. XXVIII of 2013.--- In the said Act, in the FIFTH SCHEDULE, against Serial No. 9, in column 3, for the existing entry, the following shall be substituted, namely”

“Upto Rs. 50,000/-, but shall not be less than Rs. 10,000/- in any case”.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa