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GOVERNMENT



GAZETTE

North-West Frontier Province

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,  
LAW DEPARTMENT.

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NOTIFICATION  
24th September, 2002.

No. Legis:1(15)/71/7076.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:-

THE NORTH-WEST FRONTIER PROVINCE  
HIGHWAYS AUTHORITY (AMENDMENT) ORDINANCE, 2002.

N.-W.F.P. ORDINANCE NO. XXXIV OF 2002.

AN  
ORDINANCE

*to amend the North-West Frontier Province  
Highways Authority Ordinance, 2001.*

WHEREAS it is expedient to amend the North-West Frontier Province Highways Authority Ordinance, 2001 (N.-W.F.P. Ord. XIX of 2001), for the purposes hereinafter appearing;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended upto date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**— (1) This Ordinance may be called the North-West Frontier Province Highways Authority (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment of section 3 of N.-W.F.P. Ord. XIX of 2001.— In the North-West Frontier Province Highways Authority Ordinance, 2001 (N.-W.F.P. Ord. XIX of 2001), hereinafter referred to as the said Ordinance, in section 3, in sub-section (5), the words "in the Works and Services Department", appearing at the end, shall be deleted.
3. Amendment of section 6 of N.-W.F.P. Ord. XIX of 2001.— In the said Ordinance, in section 6, in clause (c), for the words "and review", the comma and the words "review and approve" shall be substituted.
4. Amendment of section 7 of N.-W.F.P. Ord. XIX of 2001.— In the said Ordinance, in section 7, for sub-section (2), the following shall be substituted, namely:
- "(2) The Board shall consist of a Chairman, who shall be the Managing Director, and not more than four members to be appointed by the Council as under:
- (i) a representative of the Finance Department of the rank of an Additional Secretary or equivalent;
  - (ii) a representative of the Works and Services Department;
  - (iii) a representative of the Planning and Development Department; and
  - (iv) an officer of the Authority from the field of Engineering in BPS-19 or 20, to be nominated by the Council, who shall also act as Secretary of the Board."

5. Amendment of section 10 of N.-W.F.P. Ord. XIX of 2001.— In the said Ordinance, in section 10, in sub-section (2), in clause (xvi), for the word "undertake", the word "ensure" shall be substituted.

6. Amendment of section 11 of N.-W.F.P. Ord. XIX of 2001.— In the said Ordinance, in section 11, in sub-section (1), for the words "Frontier Highways", the words "Provincial Highways" shall be substituted.

7. Substitution of section 21 of N.-W.F.P. Ord. XIX of 2001.— In the said Ordinance, for section 21, the following shall be substituted, namely:

"21. Funds and budget of the Authority.— (1) There shall be two separate non-lapsable funds to be known as "Frontier Highways Authority Development Fund" and "Frontier Highways Authority Road Maintenance Fund", vesting in the Authority and shall be utilized by it to meet the expenses in connection with its functions under this Ordinance, including the remuneration payable to its employees.

(2) The amounts at the credit of each of the Funds shall be inter transferable with the approval of the Council.

(3) The Frontier Highways Authority Development Fund and the Frontier Highways Authority Road Maintenance Fund shall be separately kept in a Schedule Bank and shall be operated according to the rules and regulations of the Authority.

(4) The Frontier Highways Authority Development Fund shall have to its credit all the moneys received by the Authority on any of the following accounts:

    - (a) loans obtained from Government, including the Federal Government;
    - (b) any other loan obtained by the Authority, if so permitted by Government;

- (c) grants made or funds provided by Government, and the Federal Government for development;
- (d) foreign aids, grants and loans negotiated and raised by the Authority with the approval of Government.;
- (e) all other sums received by the Authority, such as fees, damages, costs, refunds, forfeiture, sale proceeds, lease moneys, rentals and fines;
- (f) income from sale of assets, lands and vehicles belonging to the Authority; and
- (g) funds from floating bonds, shares or through any other means, if so permitted by Government.

(5) The following provincial receipts, which heretofore formed part of the Provincial Consolidated Fund, shall be credited to the Frontier Highways Authority Road Maintenance Fund for utilization on maintenance of provincial roads and highways:

- (a) renewal of fee of contractors registration;
- (b) grants for maintenance of roads if any;
- (c) sale of tender forms;
- (d) initial fee recoverable from CNG/Petrol Pumps on Provincial Highways;
- (e) income from lease of approaches to service station/CNG/Petrol pumps on Provincial Highways;
- (f) toll tax on Provincial Highways; and
- (g) proportionate share in the sugarcane cess allocated/collected corresponding to use of Provincial Highways in a certain zone.

(5) The budget of the Authority shall be formulated in three separate parts, firstly 'Construction/Development Budget', secondly 'Operational Budget' and thirdly 'Repairs and Maintenance Budget'; provided that any re-appropriation amongst the aforesaid three heads of budgets shall require recommendation of the Council and approval of Provincial Cabinet in the Revised Budget Estimates."

8. Amendment of section 22 of N.-W.F.P. Ordinance of 2001.— In the said Ordinance, in section 22, the following shall be added at the end, namely:

"A copy of these accounts shall be rendered to the Accountant General, North West Frontier Province, by the 31st August each year for incorporation in the Civil Accounts."

Peshawar,  
Dated the 20th Sep , 2002.

**Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,**  
Governor of the North-West Frontier Province.

**SALIM KHAN,**  
Secretary to Government of North-West Frontier Province,  
Law Department.