



## North-West Frontier Province

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PROVINCIAL ASSEMBLY SECRETARIAT  
THE NORTH-WEST FRONTIER PROVINCE.

### NOTIFICATION

Dated Peshawar, 26th December, 2006.

No. PA/NWFP/Legis-I/2006/28421.—The North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services (Amendment) Bill, 2006 having been passed by the Provincial Assembly of the North-West Frontier Province on the 22nd November, 2006 and assented to by the Governor of the North-West Frontier Province on 19th December, 2006 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

### THE NORTH-WEST FRONTIER PROVINCE MEDICAL AND HEALTH INSTITUTIONS AND REGULATION OF HEALTH-CARE SERVICES (AMENDMENT) ACT, 2006.

(N.-W.F.P. ACT NO. XI OF 2006)

*(First published after having received the assent of the Governor of the  
North-West Frontier Province in the Gazette of the N.-W.F.P.  
(Extraordinary), dated the 26th December, 2006.*

AN  
ACT

*to amend the North-West Frontier Province Medical and Health Institutions  
and Regulation of Health-Care Services Ordinance, 2002.*

WHEREAS it is expedient to amend the North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services Ordinance, 2002 (N.-W.F.P. Ord. No. XLVII of 2002), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services (Amendment) Act, 2006.

(2) It shall come into force at once.

2. **Amendment of long title and preamble of N.-W.F.P. Ord. No. XLVII of 2002.**---In the North-West Frontier Province Medical and Health Institutions and Regulations of Health-Care Services Ordinance, 2002 (N.-W.F.P. Ord. No. XLVII of 2002), hereinafter referred to as the said Ordinance, in the long title and the preamble, the words and commas "the private practice of medical practitioners, surgeons and other related staff of the said institutions, and", wherever occurring, shall be deleted.

3. **Amendment of section 2 of N.-W.F.P. Ord. No. XLVII of 2002.**---In the said Ordinance, in section 2,—

(i) after clause (a), the following new clause shall be inserted, namely:

"(aa) "Authority" or 'Regulatory Authority' means the North-West Frontier Province Health Regulatory Authority established under section 20;";

(ii) after clause (b), the following new clause shall be inserted, namely:

"(bb) "Chairperson" means the Chairperson of the Authority;";

(iii) clause (i) shall be deleted;

(iv) in clause (h), the word "without" shall be deleted;

(v) after clause (o), the following new clause shall be inserted, namely:

"(oo) "member" means a member of the Authority;";

(vi) in clause (r), after the word and comma "hospital," the words and comma "including hospitals having teaching arrangements," shall be inserted;

(vii) in clause (s), the words and commas "and includes practice of the same nature by an employee of a medical institution or a public health institution, within the premises of his institution, after duty-hours" shall be deleted; and

(viii) after clause (t), the following new clause shall be inserted, namely:

“(tt) “section” means a section of this Ordinance:”.

4. **Amendment of section 7 of N.-W.F.P. Ord. No. XLVII of 2002.**---In the said Ordinance, in section 7. in sub-section (1), for clause (v), the following shall be substituted, namely:

“(v) a representative of each of Health, Finance Member”  
and Establishment Department not below  
the rank of Deputy Secretary;

5. **Amendment of section 11 of N.-W.F.P. Ord. No. XLVII of 2002.**---In the said Ordinance, in section 11,-

(i) in sub-section (1), for the existing proviso, the following provisos shall be substituted, namely:

“Provided that a person though selected for appointment in the prescribed manner to a service or post, but appointed on contract basis, shall with effect from the commencement of this Ordinance, or from the date of his continuous appointment, whichever may be latter, be deemed to have been appointed on regular basis in the institutions concerned. Such employee shall, for all intents and purposes be regular employee of the institution concerned, except for the purpose of pension or gratuity. All such employees shall, in lieu of pension and gratuity, be entitled to the benefits of contributory provident fund scheme in the prescribed manner:

Provided further that employees having regular status before their appointment in an institution by the Management Committee or, as the case may be, by the Management Council, shall be entitled to the same benefit as regards pension and gratuity as were admissible to them before joining the institution. Such employees shall, however, cease to be civil servants or Government servants after their appointment in the institution. The seniority may be maintained from the date of appointment.”.

(ii) sub-sections (4), (5) and (6) shall be deleted.

6. **Amendment of section 20 of N.-W.F.P. Ord. No. XLVII of 2002.**---In the said Ordinance, in section 20, after sub-section (1), the following new sub-sections shall be inserted, namely:

“(1a) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers to acquire, hold and dispose of immovable property and may, by its name, sue and be sued:



Provided that no immovable property shall be disposed of by the Authority, except with the prior approval of Government.

(1b) No act or proceedings of the Authority shall be invalid by reasons only of existing any vacancy in, or any defect in the establishment of, the Authority.”.

7. Insertion of new sections to N.-W.F.P. Ord. No. XLVII of 2002.---In the said Ordinance, after section 20, the following new sections shall be inserted, namely:

“20A. Principal office.---The principal office of the Authority shall be located at Peshawar, but it may set-up its sub-offices at such place or places in the North-West Frontier Province as it may deem appropriate.

20B. Term of Chairperson and members.---(1) The Chairperson and members, other than ex-officio members, unless earlier removed for misconduct or physical or mental incapacity, shall hold office for a period of three years and shall be eligible for re-appointment for similar term or for such other shorter term as Government may determine.

Explanation.---For the purpose of this section the expression ‘misconduct’ means conviction for any offence involving moral turpitude and includes conduct prejudicial to good order or unbecoming of a gentleman.

(2) The Chairperson or a member may, by writing under his hand, resign from his office, but shall continue to act till such time as his resignation is accepted by Government.

(3) In case a vacancy occurs due to death, resignation, retirement or removal of the Chairperson or any member, Government shall, as soon as possible thereafter, appoint another person to fill up the vacancy, but the term of appointment of such person shall be for the remaining term of appointment of the person whose vacancy he fills in.

(4) The maximum period of appointment of the Chairperson or any member shall not exceed two terms.

20C. Conduct of business.---(1) To conduct its business, the Chairperson shall convene meetings of the Authority from time to time on his own accord or on the request of any member in writing for reason to be specified therein.

(2) The meetings of the Authority shall be presided over by the Chairperson, or in his absence, by a member to be elected by the members present at the meeting from amongst themselves.

(3) One-third of the total members shall constitute quorum for a meeting of the Authority.

(4) All decisions in the meeting shall be taken on majority of votes; provided that in the case of equality of votes the Chairperson shall have a second or casting vote.

**20D. Powers of the Authority.**---The Authority shall have all powers necessary for the performance of its functions and duties under this Ordinance.

**20E. Remuneration.**---The Chairperson and members shall be entitled to such pay and allowances as may be determined by Government.

**20F. Delegation.**---The Authority may, by general or special order, delegate to the Chairperson or a member or an expert, consultant, adviser, or other officer of the Authority, any of its powers under this Ordinance subject to such conditions or restrictions as it may determine:

Provided that the delegation of such power shall not include the power to grant, suspend, revoke or cancel a Registration Certificate."

**8. Insertion of a new Chapter to N.-W.F.P. Ord. No. XLVII of 2002.**---In the said Ordinance, after Chapter IV, the following new Chapter IVA shall be inserted, namely:

**"CHAPTER-IVA**  
**ADMINISTRATION**

**25A. Employees of the Authority.**---To carry out the purposes of this Ordinance, the Authority may, from time to time, engage such experts, consultants, advisers and other officers and officials on such terms and conditions as it may determine.

**25B. Fund.**---(1) There shall be established a fund to be known as "Health Regulatory Authority Fund", hereinafter referred to as "Fund", which shall vest in the Authority and shall be utilized by the Authority to meet charges and expenses in connection with the affairs of the Authority.

(2) The Fund shall consist of-

- (i) seed money, if any, sanctioned by Government;
- (ii) fees from issuance of Registration Certificates for establishing and operating a Medical Institution or a Health Institution;
- (iii) grants made by Government, including the Federal Government;



- (iv) foreign aid and grants, if any, on such terms and conditions as may be approved by Government;
- (v) loan obtained with the sanction of Government; and
- (vi) any other sums received by the Authority from any other source.

(3) The Authority shall operate its accounts through a scheduled bank approved by Government.

**25C. Budget.**---The Authority shall, in respect of each financial year, prepare its own budget and submit it to Government three months before the commencement of every financial year for information; provided that for meeting any new or unforeseen expenditure, the Authority shall obtain prior permission of Government.

**25D. Accounts and audit.**---(1) The Authority shall maintain complete and accurate books of accounts of its actual expenses and receipts in such form as Government may, in consultation with the Local Audit Department, determine.

(2) The Authority shall cause to be carried out audit of its account by an approved Chartered Accountant.

(3) Government may cause a special audit of the Authority as and when deemed necessary.

**25E. Power of Government to issue directives.**---Government may, as and when it considers necessary, issue directives to the Authority on matters of policy and such directives shall be binding on the Authority. If a question arises whether any matter is a matter of policy or not, the decision of Government shall be final.

**25F. Annual Report.**---The Authority shall submit an annual report on its activities and accounts for each financial year to Government and shall also arrange for its publication for the information of public at large.”.

**9. Amendment of section 27 of N.-W.F.P. Ord. No. XLVII of 2002.**---In the said Ordinance, in section 27,—

(a) in sub-section (1), the word “simple” shall be deleted and for the words “six months”, the words “seven years” shall be substituted;

(b) for sub-section (2), the following shall be substituted, namely:

“(2) The offences under this Ordinance shall be non-bailable and cognizable.”; and

- (c) after sub-section (2), as so substituted, the following new sub-section shall be added, namely:

“(3) The Authority may authorize an officer under its control or any other Government servant in basic scale 17 or above to inspect a private health institution with the power to lock and seal any such institution, if, in his opinion, found to be working in contravention of any of the provisions of this Ordinance.”.

10. Deletion of section 28 of N.-W.F.P. Ord. No. XLVII of 2002.---In the said Ordinance, section 28 shall be deleted.

11. Amendment of section 32 of N.-W.F.P. Ord. No. XLVII of 2002.---In the said Ordinance, in section 32, for the words “The Management Council or the Management Committee”, appearing in the beginning, the words and commas “The Authority, the Management Council or the Management Committee, as the case may be,” shall be substituted.

12. Insertion of new section 33A to N.-W.F.P. Ord. No. XLVII of 2002.---In the said Ordinance, after section 33, the following new section 33A shall be inserted, namely:

“33A. Overriding effect.---Notwithstanding anything to the contrary contained in any other law, under the law making authority of the Provincial Assembly, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of inconsistency to this Act shall cease to have effect.”.

BY ORDER OF MR. SPEAKER,  
PROVINCIAL ASSEMBLY OF  
NORTH-WEST FRONTIER PROVINCE.

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NAZIR AHMAD  
Secretary,  
Provincial Assembly of N.-W.F.P.