

Hazara Forest and Local Government Laws

(AMENDMENT) ORDINANCE, 1978
(ORDINANCE XVIII OF 1978)

[15th November 1978]

An Ordinance further to amend the Hazara Forest Act, 1936 and the North West Frontier Province Local Government Ordinance, 1972.

No. Legis. 1 (17)/71.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information :

Preamble.—Whereas it is expedient further to amend the Hazara Forest Act, 1936 (N.-W. F. P. Act VI of 1937), and the North-West Frontier Province Local Government Ordinance, 1972 (N.-W. F. P. Ordinance III of 1972), in the manner 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 the fifth day of July 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L. A. Order No. 1 of 1977), 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 Hazara Forest and Local Government Laws (Amendment) Ordinance, 1978.

(2) It shall come into force at once and shall,—

(a) in relation to section 6 of this Ordinance, in so far as it relates to power to impose duty, be deemed to have taken effect on and from the 17th day of March 1971 ; and

(b) in relation to section 10 of this Ordinance, be deemed to have taken effect on and from the 15th day of February 1972.

2. Amendment of section 1 of N.-W. F. P. Act VI of 1937.—In the Hazara Forest Act, 1936 (N.-W. F. P. Act VI of 1937), hereinafter referred to as the said Act, in section 1, in subsection (2), in clause (i), for the word "District", the word "Division" shall be substituted.

3. Amendment of section 2 of N.-W. F. P. Act VI of 1937.—In the said Act, in section 2—

(a) in clause (c), for the words "Hazara [District]", the words "District concerned in which the forest is situate" shall be substituted ;

(b) in clause (h). for the words "the Mansehra Tehsil of Hazara District", the words "Mansehra District of Hazara Division" shall be substituted ;

(c) for clause (k), the following clause shall be substituted, namely ;—

"(k) "Commissioner" means the Commissioner of Hazara Division or any other officer who may be invested with the powers of Commissioner for the purposes of this Act" ; and

(d) In clause (1), for the words "the Hazara District", the words "Hazara Division" shall be substituted.

4. **Amendment of section 13 of N.-W. F. P. Act VI of 1937.**—In the said Act, in section 13 in subsection (2), for the words "the Hazara District" the words "Hazara Division" shall be substituted.

5. **Amendment of section 27 of N.-W. F. P. Act VI of 1937.**—In the said Act, in section 27, in subsection (5), for the words "the district", the words "Hazara Division" shall be substituted.

6. **Substitution of section 28 of N.-W. F. P. Act VI of 1937.**—In the said Act, for section 28, the following section shall be substituted, namely :

"28. **Power to impose duty on timber.**—The Provincial Government may levy a duty in such manner, at such places and at such rates *ad valorem* or otherwise, as it may declare by notification in the Official Gazette, on all timber—

(a) which is produced in Hazara Division ; or

(b) which is brought into Hazara Division from any place outside that Division ; or

(c) which is transported from or through Hazara Division to place outside that Division."

7. **Amendment of section 29 of N.-W. F. P. Act VI of 1937.**—In the said Act, in section 29, in clause (a), for the words "Hazara District", the words "Hazara Division" shall be substituted.

8. **Amendment of section 29-A of N.-W. F. P. Act VI of 1937.**—In the said Act, in section 29-A, for the words "the Hazara District", the words "Hazara Division" shall be substituted.

9. **Amendment of section 49 of N.-W.F.P. Act VI of 1937.**—In the said Act, in section 49, in the proviso, the words "of the Hazara District", occurring at the end, shall be deleted.

10. **Amendment of Fifth Schedule to N.-W. F. P. Ordinance III of 1972**—In the North-West Frontier Province Local Government Ordinance, 1972 (N.-W. F. P. Ordinance III of 1972), hereinafter referred to as the said Ordinance, in the Fifth Schedule, in Part I, for item 6, the following item shall be substituted, namely :

"6. Tax on goods exported from or transported through a local area."

11. Validation.—The duty levied, charged, collected or realised in pursuance of any notification issued on or after the 17th day of March 1971, under sections 28 and 29 of the said Act, shall be deemed to have been validly levied, charged, collected or realised, and shall not be liable to be refunded,

(2) The tax imposed, charged, collected or realised in pursuance of any order made or notification issued under section 51 of the said Ordinance read with item 6 of Part I of the Fifth Schedule thereto or under corresponding provisions of any other law relating to local Government shall be deemed to have been validly imposed, charged, collected or realised and all such notifications or orders shall continue in force and shall be deemed always to have continued in force until altered, repealed, amended or rescinded.

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