

Amendment # ①

AN  
ACT

to amend the Khyber Pakhtunkhwa  
Public Private Partnership Act, 2014

11-08-2016

WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Public Private Partnership (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XX of 2014.**—  
-In the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), hereinafter referred to as the said Act, in section 2,-

(a) in clause (f), the words “ in the sector listed in the Schedule”, appearing at the end, shall be deleted; and

(b) clause (s) shall be deleted.

3. **Amendment of section 3 of the Khyber Pakhtunkhwa Act No. XX of 2014.**—  
-In the said Act, in section 3, in sub-section (2),-

(a) in clause (ix), the word “and” appearing at the end, shall be deleted; and

(b) in clause (x), the full stop , appearing at the end, shall be replaced by a semi-colon and the word “and” and thereafter the following new clause shall be added, namely:

“(xi) Chief Executive Officer, Khyber Member”.  
Pakhtunkhwa Board of Investment and  
Trade.

4. **Amendment of section 9 of the Khyber Pakhtunkhwa Act No. XX of 2014.**—  
-In the said Act, in section 9,-

(a) in sub-section (1), the words “only in respect of the sectors listed in the Schedule” shall be deleted;

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

“(2) The Contracting Authority, in case of projects, costing more than rupees five hundred (500) million, shall obtain the approval of the Chief Minister regarding the application of the provisions of this Act to the projects or otherwise and in case of projects, costing upto rupees five hundred (500) million, the Contracting Authority shall decide itself the mode of its implementation under this Act or otherwise, as the case may be.”; and

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

Asstt. Legal Officer  
Govt. of Khyber Pakhtunkhwa  
Law Department

“(3) Notwithstanding anything contained in sub-section (2), irrespective of the cost, the projects in which leasing of only state land is involved, shall be dealt with in accordance with the lease policy of Government, issued from time to time.”

5. **Amendment of section 11 of the Khyber Pakhtunkhwa Act No. XX of 2014.**---In the said Act, in section 11, in sub-section (1), for the word and figure “section 10”, the words and figures “sections 9 and 10” shall be substituted.

6. **Deletion of Schedule to the Khyber Pakhtunkhwa Act No. XX of 2014.**---In the said Act, the Schedule, appended at the end, shall be deleted.

  
Assit: Legal Officer  
Govt: of Khyber Pakhtunkhwa  
Law Department

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

\_\_\_\_\_  
(AMANULLAH)  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

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Amendment # 2

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
G A Z E T T E

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 20TH OCTOBER, 2016

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

### NOTIFICATION

Dated Peshawar, the 20<sup>th</sup> October, 2016.

No. PA/Khyber Pakhtunkhwa/Bills/2016/10868.—The Khyber Pakhtunkhwa Public Private Partnership (Amendment) Bill, 2016 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 7<sup>th</sup> October, 2016 and assented to by the Governor of the Khyber Pakhtunkhwa on 18<sup>th</sup> October, 2016 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA PUBLIC PRIVATE PARTNERSHIP  
(AMENDMENT) ACT, 2016**

**(KHYBER PAKHTUNKHWA ACT NO. XXVI OF 2016)**

*(First published after having received the assent of the Governor of the  
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,  
(Extraordinary), dated the 20<sup>th</sup> October, 2016).*

**AN  
ACT**

*to amend the Khyber Pakhtunkhwa  
Public Private Partnership Act, 2014*

**WHEREAS** it is expedient to amend the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:

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1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Public Private Partnership (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XX of 2014.**—In the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), hereinafter referred to as the said Act, in section 2,—

(a) in clause (f), the words “in the sector listed in the Schedule”, appearing at the end, shall be deleted; and

(b) clause (s) shall be deleted.

3. **Amendment of section 3 of the Khyber Pakhtunkhwa Act No. XX of 2014.**—In the said Act, in section 3, in sub-section (2),—

(a) in clause (ix), the word “and” appearing at the end, shall be deleted; and

(b) in clause (x), the full stop, appearing at the end, shall be replaced by a semi-colon and the word “and” and thereafter the following new clause shall be added, namely:

“(xi) Chief Executive Officer, Khyber Member”.  
Pakhtunkhwa Board of Investment and Trade.

4. **Amendment of section 9 of the Khyber Pakhtunkhwa Act No. XX of 2014.**—In the said Act, in section 9,—

(a) in sub-section (1), the words “only in respect of the sectors listed in the Schedule” shall be deleted;

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

“(2) The Contracting Authority, in case of projects, costing more than rupees five hundred (500) million, shall obtain the approval of the Chief Minister regarding the application of the provisions of this Act to the projects or otherwise and in case of projects, costing upto rupees five hundred (500) million, the Contracting Authority shall decide itself the mode of its implementation under this Act or otherwise, as the case may be.”; and

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

"(3) Notwithstanding anything contained in sub-section (2), irrespective of the cost, the projects in which leasing of only state land is involved, shall be dealt with in accordance with the lease policy of Government, issued from time to time."

5. Amendment of section 11 of the Khyber Pakhtunkhwa Act No. XX of 2014.---In the said Act, in section 11, in sub-section (1), for the word and figure "section 10", the words and figures "sections 9 and 10" shall be substituted.

6. Deletion of Schedule to the Khyber Pakhtunkhwa Act No. XX of 2014.---In the said Act, the Schedule, appended at the end, shall be deleted.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMANULLAH)  
Secretary,  
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,  
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

EXTRAORDINARY  
GOVERNMENT

Amendment # (3)



REGISTERED NO. P.H.

GAZETTE

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 25<sup>th</sup> APRIL, 2017.

PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

## NOTIFICATION

Dated Peshawar, the 25<sup>th</sup> April, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/14710.—The Khyber Pakhtunkhwa Public Private Partnership (Amendment) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 14<sup>th</sup> April, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 21<sup>st</sup> April, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

### THE KHYBER PAKHTUNKHWA PUBLIC PRIVATE PARTNERSHIP (AMENDMENT) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. XI 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 25<sup>th</sup> April, 2017).*

AN  
ACT

further to amend the Khyber Pakhtunkhwa  
Public Private Partnership Act, 2014.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), for the purpose hereinafter appearing;

It is hereby enacted as follows:

1116

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Public Private Partnership (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XX of 2014.**--- (1) In the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), in Section 2,-

(i) for clause (a), the following shall be substituted, namely:

“(a) “Bidder” or “bidders” means a person, including a group or associations of persons or company as defined in section 80 of the Income Tax Ordinance, 2001 thereof, that participate in selection proceedings concerning any project;” and

(ii) for the existing clause (l), the following shall be substituted, namely:

“(l) “Person” means a company, an entity, a consortium, a firm, an association, a body of individuals, or a sole proprietor other than a Contracting Authority and includes an entity, agency, corporation, company, a consortium or other body or Institution owned or controlled by the Federal Government or a Provincial Government;”.

3. **Insertion of section 28A to the Khyber Pakhtunkhwa Act No. XX of 2014.**--- (1) In the said Act, after section 28, the following new section shall be inserted, namely:

“28A. **Special exemption.**---(1) Notwithstanding anything contained in this Act or in the Public Procurement Rules, requirement of section 14 to 27 (both inclusive) and section 29 shall not apply to-

(a) projects that are undertaken in Public Private Partnership mode but where the Concessionaire is an entity, agency, corporation; company a consortium or other body or Institution owned or controlled by the Federal Government of Provincial Government;

(b) projects where the Concessionaire is a person wherein the majority shareholder therein is state owned enterprise, entity, agency, corporation or company, owned or controlled directly or indirectly by a foreign state; and

(c) projects undertaken in result of international obligation, commitment or arrangement of the Government arising out of an international agreement or arrangement with a foreign state or states, or any international multilateral financial institution or a person.

(2) Provisions relating to competition, advertisement, and response time so provided in Public Procurement Rules shall not apply to the projects undertaken under this section."

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

( AMANULLAH )  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,  
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

FOR THE EXTRAORDINARY GAZETTE OF THE KHYBER PAKHTUNKHWA **Amendment # 4**

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA 7220  
26.10.17

NOTIFICATION

25  
Dated Peshawar, the 25/10/2017.

No.PA/Khyber Pakhtunkhwa/Bills/2017/ 10138 The Khyber Pakhtunkhwa Public Private Partnership (Amendment) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 18<sup>th</sup> October, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 20<sup>th</sup> October, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA PUBLIC PRIVATE PARTNERSHIP (AMENDMENT) ACT, 2017  
(KHYBER PAKHTUNKHWA ACT NO. XXIX 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 25/10/2017).

(Here print as in the accompaniment).

*[Signature]*  
SECRETARY,  
Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

*[Signature]*  
SECRETARY,  
Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills/2017/ 10139-43 Dated 25/10/2017

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Planning and Development Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.

*[Signature]*  
SECRETARY,  
Provincial Assembly of Khyber Pakhtunkhwa

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3.	The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.	10

amendment # 5

AN  
ACT

Further to amend the Khyber Pakhtunkhwa  
Public Private Partnership Act, 2014.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa  
Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of  
2014), for the purposes hereinafter appearing;

It is hereby enacted as follows:

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

(2) It shall come into force at once.

2. Amendment of section 28A of the Khyber Pakhtunkhwa Act No. XX  
of 2014.--- In the Khyber Pakhtunkhwa Public Private Partnership Act, 2014  
(Khyber Pakhtunkhwa Act No. XX of 2014) hereinafter referred to as the "said  
Act", in section 28A, in sub-section (1), before clause (a), for the figure "14" the  
figure "16" shall be substituted.

3. Amendment of section 32 of the Khyber Pakhtunkhwa Act No. XX of  
2014.--- In the said Act, in section 32, for sub-section (2), the following shall be  
substituted, namely:

(2) The proponent shall be invited to participate in the selection  
proceedings initiated by the Contracting Authority pursuant to sub-section  
(1) and shall be given the first right to match the lowest bid, and if he fails  
to match the bid, the Contracting Authority shall direct the best bidder to  
reimburse to him the reasonable costs incurred on project preparation as  
may be specified in the bid document.

4. Amendment of section 33 of the Khyber Pakhtunkhwa Act No. XX of  
2014.--- In the said Act, in section 33, in sub-section (4), for the words "any  
incentive or other benefit that may be given to the person who submitted the  
unsolicited proposal" the words "the first right to match the best bid of the  
proponent of the unsolicited proposal" shall be substituted.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)

Asstt. Legal Drafter  
Govt. of Khyber Pakhtunkhwa  
Law Department