

FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 25/08/2020. 4694

No.PA/Khyber Pakhtunkhwa/Bills-114/2020/ 4694 The Khyber Pakhtunkhwa Waqf Properties (Amendment) Bill, 2020 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 11th August, 2020 and assented to by the Governor of the Khyber Pakhtunkhwa on 20th August, 2020 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA WAQF PROPERTIES (AMENDMENT) ACT, 2020.
(KHYBER PAKHTUNKHWA ACT NO. XXXV OF 2020)**

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 25/08/2020).

(Here print as in the accompaniment).



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.

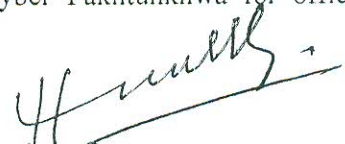
Proof should be sent to this Secretariat before publication.


SECRETARY,

E.No. PA/Khyber Pakhtunkhwa /Bills-114/2020/ 4695-98 Provincial Assembly of Khyber Pakhtunkhwa Dated 25/08/2020

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 Auqaf, Hajj Religious and Minority Affairs Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Deputy Director I.T, Provincial Assembly of Khyber Pakhtunkhwa for official website.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

AN
ACT

*further to amend the Khyber Pakhtunkhwa
Waqf Properties Ordinance, 1979.*

Preamble---WHEREAS, it is expedient further to amend the Khyber Pakhtunkhwa Waqf Properties Ordinance, 1979 (Khyber Pakhtunkhwa Ordinance No. 1 of 1979), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of the Khyber Pakhtunkhwa as follows:

1. **Short title and commencement.** --- (1) This Act may be called the Khyber Pakhtunkhwa Waqf Properties (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Ordinance No. 1 of 1979.**--- In the Khyber Pakhtunkhwa Waqf Properties Ordinance, 1979 (Khyber Pakhtunkhwa Ordinance No. 1 of 1999), hereinafter referred to as the said Ordinance, in section 2,

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

“(a-i) “beneficial owner” means a natural person who owns or controls a waqf property, whether directly or indirectly or by exercising effective control of that waqf property through other means as may be prescribed; and

(a-ii) “beneficiary” means any person who gets any benefit from the waqf property or whose name is listed in the waqf document as benefiting from the waqf property;”;

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

“(b-i) “competent authority” means the Chief Administrator or any other officer including those as prescribed in the Delegation of Power Rules made under this Ordinance; and

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Office of Khyber Pakhtunkhwa
Law Department

(b-ii) "District Collector" means the Chief Officer-in-charge of the revenue administration of a district as defined in the West Pakistan General Clauses Act, 1956 (West Pakistan Act No. VI of 1956);";

(iii) after clause (c), the following new clauses shall be inserted, namely:

"(c-i) "investigating or prosecuting agency" means the investigating or prosecuting agency as defined in the Anti-Money Laundering Act, 2010 (Act No. VII of 2010);

(c-ii) "legal person" means any person or entity, other than a natural person, that can do the things that any person can usually do in law such as entering into contracts, sue and be sued, own property, and so on;

(c-iii) "Manager" means any person or persons as defined in the West Pakistan Auqaf Service Rules, 1962 or in case of private waqf, a person or persons who exercise administrative control or who are in charge of management and maintenance of such waqf property;

(c-iv) "natural person" means an individual or individuals, being capable of assuming obligations and holding rights; and

(c-v) "person" means a natural person or a legal person as defined in this Ordinance;";

(iv) after clause (d), the following new clauses shall be inserted, namely:

(d-i) "Registrar" means an officer as defined in the Registration Act, 1908(Act No. XVI of 1908); and

(d-ii) "reporting entity" means a person or entity as defined in clauses (o) and (u) of the Anti-Money Laundering Act, 2010 (Act No. VII of 2010);"; and

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Govt. of Khyber Pakhtunkhwa
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