

**THE ¹[KHYBER PAKHTUNKHWA] POWER CRUSHERS (LICENSING)
ORDINANCE, 1980.**

²[KHYBER PAKHTUNKHWA] ORDINANCE NO. XV OF 1980

[26th October, 1980]

**AN
ORDINANCE**

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¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

**THE ¹[KHYBER PAKHTUNKHWA] POWER CRUSHERS (LICENSING)
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**AN
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to provide for the licensing of power crushers in the ³[Khyber Pakhtunkhwa]

WHEREAS it is expedient to provide for the licensing of ⁴[Khyber Pakhtunkhwa], in the manner hereinafter appearing; Preamble

AND WHEREAS the Governor of the ⁵[Khyber Pakhtunkhwa] 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 ⁶[Khyber Pakhtunkhwa] is pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be called the ⁷[Khyber Pakhtunkhwa] Power Crushers (Licensing) Ordinance, 1980. Short title, extent and commencement

(2) It shall extend to whole of the ⁸[Province of the Khyber Pakhtunkhwa].

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁶ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁷ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁸ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(3) It shall come into force at once and shall be deemed to have taken effect on and from 18th October, 1980.

2. In this Ordinance, unless the context otherwise required- Definitions.

- ¹(a) “commercial cane crusher” means a power crusher of more than 12.5 horse power working on one or more than one Karrai (cooking pot) of not more than 36 cubic feet in size and 330 kilograms in capacity;
- ²(aa) “Director” means the Director of Industries, Commerce and Mineral Development, ³[Khyber Pakhtunkhwa];
- (b) “Government” means the Government of the ⁴[Khyber Pakhtunkhwa];
- (c) “prescribed” means prescribed by rules made under this Ordinance;
- (d) “power crusher” means the crushing machine drive by electrical ⁵(power, or a tractor, or other mechanical device or process,) for crushing sugarcane for the purposes of manufacturing Gur as defined in the ⁶[Khyber Pakhtunkhwa] Sugarcane (Control) Order, 1980; and
- (e) “Schedule” means the Schedule appended to this Ordinance.

⁷3. No Person shall crush sugarcane by means of Gur Ghani and power crushers unless,- Power Crushers to be registered / licensed.

¹ Inserted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

² Re lettered vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Inserted vide Khyber Pakhtunkhwa Ordinance No.I of 2001.

⁶ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁷ Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

- (a) in case of Gur Ghani or a power crusher, other than a commercial cane crusher, it is registered, and
- (b) in case of a commercial cane crusher, it is licensed.

Under this ordinance and every such Gur Ghani and power/cane crusher, so registered or licensed, shall be operated subject to such condition and restrictions as may be imposed by the authority empowered in this behalf.

4. ¹(The authority having power to register a Guar Ghani/power crusher, other than a commercial cane crusher , or, as the case may be, to grant licence in respect of a commercial cane crusher, under this Ordinance, hereinafter referred to as the 'licensing authority', shall be the District Officer (Revenue and Estate) of the District concerned): Licensing authority.

Provided that Government may, by notification in the official Gazette, constitute for the whole or any part of the Province such other authority as it may specify in the notification to be the licensing authority for the purpose of this Ordinance.

5. (1) A person operating power crusher immediately before the commencement of this Ordinance, or a person intending to install a power crusher after such commencement, shall apply to the licensing authority, within thirty days of such commencement or, as the case may be, installation, ²(for the registration or, as the case may be, grant of licence,) under this Ordinance. Grant of licence.

(2) The Application for the ³(registration or) grant of licence shall be made in the form specified in Part A of the Schedule and shall be accompanied by—

- (a) a Bank or Treasury challan in token of payment of the ⁴(registration or) licensing fee prescribed under section 6; and

¹ Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

² Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

³ Inserted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

⁴ Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

- (b) the certificate of registration issued by the Director, if such power crusher was, before the commencement of this Ordinance, registered with him under section 3 of the West Pakistan Industries (Control and Enlargement) Ordinance, 1963 (W.P. Ord. IV of 1963).

¹(3) The licensing authority may, if it is a case of registration of a Gur Ghani/power crusher, other than a commercial cane crusher, after making such inquiry as it may deem necessary, register the said Gur Ghani/ power crusher or if it is a commercial cane crusher, if any, if the applicant fulfils the conditions specified in Part B of the Schedule and after making such inquiry as may be deemed appropriate, grant him the licence in the form specified in Part C of the Schedule.

(4) The ²(registration made or the licence) granted under sub-section (3) shall be valid for one year, commencing from the first day of July of the year in which the licence is issued and expiring on the 30th day of June next following, unless renewed at least thirty days before the date of expiry.

³(5) The procedure for the renewal shall be the same as provided for original registration or grant of licence.

⁴6. (1) There shall be charged a fee for the registration of a Gur Ghani/power crusher or grant of a licence under this Ordinance at the following rates: Fee.

- | | | |
|-----|---|------------------------------|
| i. | registration fee for Gur Ghani/.....
Power crusher, other than a
commercial cane crusher; | Rs. 500.00
per year. |
| ii. | licence fee for commercial cane.....
crusher. | Rs.
5,000.00
per year. |

¹ Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

² Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

³ Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

⁴ Substituted vide Khyber Pakhtunkhwa Ordinance No. IIV of 2002.

(2) The fee prescribed under sub-section (1) may be revised by Government from time to time by a notification in the official Gazette.

(3) The fee shall be deposited in the State Bank of Pakistan of any Government Treasury under the head "1300-Miscellaneous Receipts-1390-Receipts from installation /renewal of Power Crushers.

7. (1) If a licensee fails to fulfil the conditions specified in Part B. or fails to observe any of the restrictions imposed by Part D, of the Schedule, the licensing authority may, after giving the licensee an opportunity of being heard, cancel the licence. Cancellation of license.

(2) The cancellation of licence shall be in addition to and not in derogations of any punishment prescribed under this Ordinance or the rules made thereunder.

8. Any person aggrieved by an order of the licensing authority under this Ordinance may, within fifteen days of the order, appeal to such officer or authority as Government may, by notification, appoint in this behalf ¹(and the officer or authority so appointed shall, after giving the appellant an opportunity of being heard, pass such order as may be deemed fit). Appeal.

9. (1) Whoever runs a power crusher in contravention of the provisions of this Ordinance or the rules made thereunder shall be punished with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees or with both. Penalty.

(2) Whoever, having been convicted of an offence under sub-section (1), continues the contravention shall be punished with fine which may extend to five hundred rupees for each day during which the offence continues.

10. No Court shall take cognizance of an offence under this Ordinance, except upon a complaint in writing made by the Cognizance of offence.

¹ Substituted vide Khyber Pakhtunkhwa Act No. II of 1985.

licensing authority.

11. Government may make rules to carry out the purpose of Rules. this Ordinance.

SCHEDULE

PART A

[See section 5 (2)]

Form of application for licence to install and operate a power crusher.

I apply for a licence to enable me to install and operate a power crusher for the purposes of manufacturing 'Gur'.

1. Applicant's name.
2. Applicant's profession.
3. Applicant's residence.
4. Situation of the place where the applicant to install and operate the power crusher.
5. I have carefully read the conditions and restrictions of licence given in Part B, and Part D. of the Schedule to the ¹[Khyber Pakhtunkhwa] Power Crusher (Licensing) Ordinance, 1980.

Signature or thumb impression
of the applicant.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

PART B

[See section 5 (3) and 7(1)].

Conditions of licence.

1. This licence is not transferable.
2. This licence will be renewed on yearly basis.
3. Renewal of the licences will be obtained each year from the competent authority at least thirty days before the date of expiry on payment of prescribed fee.

PART C

[See section 5 (3)].

Licence to operate a power crusher.

No Dated
(Name) son/daughter of (father's
name) of (permanent,
address) is
licensed to operate a power crusher.

2. This licence is valid from to.....
3. So long this licence is valid and is renewed from time to time, the holder is authorised to crush sugarcane for the purpose of manufacturing "Gur" as defined in the ¹[Khyber Pakhtunkhwa] Sugarcane (Control) Order, 1980.

Licensing Authority.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

PART D

[See section 7 (1)].

Restrictions subject to which the licence may be granted.

1. One person will be eligible to own and operate only one power crusher.
2. The person applying for licence will produce document before the licensing authority to prove the ownership of the power crusher.
3. No licensee will sublet to any other party the power crusher licensed in his name.

**LIEUTENANT GENERAL FAZLE HAQ
GOVERNOR OF THE KHYBER PAKHTUNKHWA**

**Peshawar,
Dated the
26th October, 1980**