

**¹[Khyber Pakhtunkhwa] POWER CRUSHERS (INSTALLATION, OPERATION AND
REGISTRATION)
RULES, 1998**

[31st July, 1998]

No. So.IV(IND)2-8/96, dated 31-7-1998.-- In exercise of the powers conferred by section 15 of the ²[Khyber Pakhtunkhwa] Finance Act, 1995 read with section 6 thereof, the Government of the ³[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:--

1. Short title and commencement. ---- (1) These rules may be called ⁴[Khyber Pakhtunkhwa] Power Crushers (Installation, Operation and Registration) Rules, 1998.

(2) They shall come into force at once.

2. Definitions-- In these rules, unless there is anything repugnant in subject or context.

(a) "Act" means the ⁵[Khyber Pakhtunkhwa] Finance Act, 1995 (⁶[Khyber Pakhtunkhwa] Act I of 1995);

(b) "Authority" means the licensing authority specified in section 6(2) of the Act;

(c) "Person" includes a company or firm, or corporation or body of individuals, whether incorporated or not;

(d) "Power crusher" means a machine used for crushing stones, minerals or rocks by application of electrical or mechanical power.

3. Restriction on grant of licence. -- No licence shall be granted for installation of power crusher within a distance of one Kilometre of a strategic location, a school, a hospital or a human dwelling.

4. A person, who is operating a crusher, shall control its emission and comply with the Nation Environmental Quality Standards (NEQS) as notified by the Federal Government.

¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

5. Complaint. -- No prosecution for an offence punishable under the act or these rules shall be instituted, except on a complaint made by the Industrial Development Officer authorised in this behalf by the authority:

Provided that if more than one Industrial Development Officers are so authorised the authority shall also specify the area in which each such industrial Development Officer shall exercise jurisdiction.

6. Penalty for breach-- Contravention of any of the provisions of the Act and these rules shall be an offence punishable with fine which may extend to ten thousand rupees and in the case of continuing offence, with further fine which may extend to five hundred rupees for each day during which the offence continues.

7. Removal of difficulties.-- If any difficulty arises in giving effect to any provision of the Act and these rules, the Authority may make such order not inconsistent with the provisions of the Act and these rules as may appear to be necessary for the purpose of removing the difficulty.

8. Bar of jurisdiction.-- (1) No prosecution shall ordinarily be initiated under these rules unless the person complained against has been given an opportunity to show cause as to why he should not be prosecuted.

(2) No Court shall take cognizance of an offence under these rules, except upon complaint made within one year of the date on which the offence is alleged to have been committed.

(3) On pronouncement of judgment in a case instituted under these rules, the Court shall send copies thereof to the Authority, the person concerned and the Collector of the District in which the power crusher is situated.

9. Protection to person acting under these rules. -- No suit, prosecution or other legal proceeding shall lie against Government, the Authority, the Industrial Development Officers or any other person authorised in this behalf for anything done or purporting to be done, in good faith, under the Act and these rules or order made thereunder.

THE SCHEDULE
FORM A

(See section 6(4) of ⁷[Khyber Pakhtunkhwa] Finance Act, 1995)
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 crushing stones, rocks or minerals.

- (1) Applicant's name.
- (2) Applicant's profession.
- (3) Applicant's address.
- (4) Location where the applicant intends 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.

Signature or thumb-impression of the applicant.

FORM B

(See section 6(5) of ⁸[Khyber Pakhtunkhwa] Finance Act, 1995)

Conditions of licence.

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

⁷ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

FORM C

(See section 6(5) of ⁹[Khyber Pakhtunkhwa] Finance Act, 1995)

Licence to operate a power crusher.

No.....Dated.....

Name..... Son/daughter of (father's.....

Name.....of (Permanent address.....

..... is licensed to operate 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 stones, rocks or minerals.

LICENSING AUTHORITY

FORM D

(See section 6(11) of ¹⁰[Khyber Pakhtunkhwa] Finance Act, 1995)

Restriction 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 license in his name.

⁹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁰ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.