

THE NORTH-WEST FRONTIER PROVINCE MEDICAL & HEALTH INSTITUTIONS AND REGULATION OF HEALTH-CARE SERVICES

AMENDMENT ACT , 2010

Courtesy:



**CHAIRMAN
NWFP HEALTH REGULATORY AUTHORITY
PESHAWAR**

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.



**EXTRAORDINARY
GOVERNMENT**

**REGISTERED NO. P.III
GAZETTE**

**NORTH-WEST FRONTIER PROVINCE
PUBLISHED BY AUTHORITY
PESHAWAR, SATURDAY, 20TH MARCH, 2010**

**PROVINCIAL SECRETARIAT,
NORTH-WEST FRONTIER PROVINCE,**

NOTIFICATION

Dated Peshawar, the 20th March, 2010.

No. PA/NWFP/Bills/2010/10577.--- The North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services (Amendment) Bill, 2010 having been passed by the Provincial Assembly of North-West Frontier Province on 12th March, 2010 and assented to by the Governor of the North-West Frontier Province on 16th March, 2010 is hereby published as an Act of the Provincial Legislature of North-West Frontier Province.

**THE NORTH-WEST FRONTIER PROVINCE MEDICAL AND
HEALTH INSTITUTIONS AND REGULATION OF HEALTH-
CARE SERVICES (AMENDMENT) ACT, 2010**

N.-W. F. P. ACT NO. VII OF 2010

[First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the North-West Frontier Province (Extraordinary), dated the 20th March, 2010.]

AN

ACT

Further to amend the North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services Ordinance, 2002.

Preamble. --- WHEREAS it is expedient further to amend the North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services Ordinance 2002 for the purposes hereinafter appearing.

It is hereby enacted as follows:

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

CHAPTER-I

PRELIMINARY

1. **Short title and commencement**----(1) This Act may be called the North-West Frontier Province Medical and Health Institutions and Regulation of Health-Care Services (Amendment) Act, 2010.
 - (2) It shall come into force at once.
 - (3) It extends to whole of the North-West Frontier Province.
 - (3) It shall apply to private institutions, practitioners and other persons engaged in health-care service and such other institutions as Government may establish or may have established under the North-West Frontier Province Medical and Health Institutions Reforms Act, 1999 (N.-W.F.P. Act No. XII of 1999), hereinafter referred to as the repealed Act’ or as may, from time to time, be notified by Government, in case of a medical institution or a health institution already functioning on the commencing day of the repealed Act.
 - (4) It shall come into force at once.

CHAPTER-II

DEFINITIONS

2. **Definition-** In this Ordinance, unless the context otherwise requires,-
 - (a) “Administrator” or “Director” or “Chief Executive” means the administrative head of a medical institution;
 - *(aa) ‘Authority’ or ‘Regulatory Authority’ means the North-West Frontier Province Health Regulatory Authority established under section 20.
 - (b) “blood bank” means an institution or premises where dealing in human blood is carried on;
 - *(bb) ‘Chairperson’ mean the chairperson of the authority.
 - (c) “clinic’ means a premises where only consultation with diagnostic facilities, other than x-ray plant and clinical laboratory is available, under any system of medicine such as Allopathic, Homoeopathic, ayurvedic, Tibb or traditional medicine;
 - (d) “Commencing day” means the day on which the repealed Act came into force;

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- (e) “dental clinic’ means an institution or premises where outdoor dental treatment is available.
- (f) “existing institution” means a medical institution or a health institution in the public sector or directly under Government on the commencing day of the repealed Act;
- (g) “Government” means the Government of the North-West Frontier Province;
- (h) “health institution” means a hospital, nursing home or maternity home, clinic, including medical, dental and x-ray clinics, clinical laboratory and a blood bank, delivering health-care services to the public at large * having teaching arrangements, whether in public or private sector, including institution owned by autonomous or semi-autonomous corporate organization;
- * (i) Deleted
- (j) “hospital” means an institution or premises where both outdoor and indoor medical treatment is provided to patient.
- (k) “institution’ means a medical institution or , as the case may be, a health institution;
- (l) “institutional private practice” means private practice within the premises of an institution in the prescribed manner;
- (m) “laboratory” means a premises where specimens are tested for medical investigation;
- (n) “medical clinic” means an institution or premises where only out door medical treatment is provided to patients by qualified medical practitioners registered with the Pakistan Medical and Dental Council; Homeopathy Council, or Tibb Council;
- (o) “medical institution” means an institution in the public sector or directly under Government having teaching arrangement in addition to the delivery of health-care services to the public at large.
- * (oo) ‘member’ means a member of the Authority;”;
- (p) “nursing or maternity home” means an institution or premises where only in door medical care is provided;
- (q) “prescribed” means prescribed by rules or regulations made under this Ordinance;

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- (r) “private medical institution means a hospital, *including hospitals having teaching arrangements,” nursing or maternity home, clinic, including medical, dental and x-ray clinics, clinical laboratory and a blood bank, other than those owned or administered by Government, a local Government or any other body or authority incorporated by law;
- (s) “private practice” means the practice of consultative, procedural and/or diagnostic nature by a medical practitioner or any other person related to medical profession under any system of medicine such as Allopathic, Homoeopathic, Ayurvedic, Tibb or traditional medicine in the private sector, in relation to a patient who voluntarily opts for it. *
- (t) “proprietor” means a person or a body of persons, including a society or an association, to whom a private medical institution belongs;
- *(tt) ‘section’ means a section of this Ordinance;”.
- (u) “x-ray clinic” means a premises where facilities for x-ray diagnosis are available.

CHAPTER-III

PUBLIC MEDICAL INSTITUTIONS AND HEALTH INSTITUTIONS

3. **Establishment of institution:---** (1) Government may, by notification in the official Gazette;--

- (a) establish such medical institutions and health institutions as it may deem necessary; and
- (b) apply this Ordinance to any existing institution:

Provided that an institution established or notified under the repealed act shall be deemed to have been established or, as the case may be notified under this Ordinance.

(2) A medical institution or a health institution established under this Chapter or an existing institution to which this Chapter applied or is applied shall be, or, as the case may be, shall become, a body corporate having perpetual succession and a common seal, with power to acquire, hold and, subject to sub-section (3), dispose of movable and immovable property and may be its name sue and be sued.

(3) No immovable property shall be disposed of by an institution, except with the prior approval of Government.

4. **Objects of the institutions.---** The objects of a public institution shall be:-

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- (a) to undertake all functions required for providing medical education training and health facilities to the people; and
 - (b) to perform such other functions as are assigned to it by Government.
5. **Administration.**--- (1) The administration and management of the affairs of a medical institution shall, subject to the general supervision and control of Government, vest in the Management Council appointed in accordance with the provisions of section 6 of this Ordinance.
- (2) The administration and management of the affairs of a public health institution shall, subject to general supervision and control of Government, vest in the Management Committee appointed in accordance with the provisions of section 7 of this Ordinance.
6. **Management Council.**-- (1) There shall be a Management Council to administer and manage the affairs of a medical institution, which shall consist of:
- (i) the Chief Executive of the medical institution Chairman
 - (ii) the Dean/Principal of the medical institution Member
 - (iii) the Medical Superintendent of the hospital administered by the medical institution; Member
 - (iv) the Director Finance and Departmental Grants Committee or the Officer-in-Charge of the said Committee of the medical institution by whatever designation known; Member
 - (v) not less than three and not more than five non-official persons to be nominated by Government. Member
 - (vi) a member of the officers and staff members performing institutional private practice; and Member
 - (vii) any other co-opted member; and Member
 - (viii) a representative of each of Health, Finance and Establishment Departments not below the rank of a Deputy Secretary. Members
- (2) A non-official member shall, unless otherwise directed by Government, hold office for a period of three years and shall be eligible for re-appointment.
- (3) The Medical Superintendent shall also act as secretary of the Management Council.
7. **Management Committee.**--- (1) There shall be a Management Committee to administer and manage the affairs of a public health institution which shall consist of-

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- | | | |
|-------|---|----------|
| (i) | District Coordinating Officer; | Chairman |
| (ii) | District Health Officer concerned | Member |
| (iii) | Medical Superintendent; | Member |
| (iv) | not less than two and not more than three non-official members from renowned social workers to be nominated by the district Government concerned; | Member |
| *(v) | a representative of each of Health, Finance and establishment department not below the rank of Deputy Secretary; | Member. |
| (vi) | a member of the officers and staff members performing institutional practice; and | Member |
| (vii) | any other co-opted member | Member |

(2) A non-official member shall, unless otherwise directed by Government, hold office for a period of three years and shall eligible for re-appointment.

(3) The Medical Superintendent shall also act as Secretary to the Management Committee.

* **7A. Co-ordination Council.** There shall be constituted a coordination council to ensure strengthening and improvement in the autonomy of the institution, including streamlining the coordination between them. The department of Health will provide secretariat support to the coordination council. The coordination council shall comprise the following:

- | | | |
|-------|--|-------------|
| (i) | Secretary to Government, Health Department | Chairman |
| (ii) | Dean, Postgraduate Medical Institute, Hayatabad: | Coordinator |
| (iii) | Chief Executive of the institution concerned: | Member |
| (iv) | Principal of Khyber Medical college, Peshawar and Ayub Medical College, Abbottabad: | Member |
| (v) | A representative of each of the Establishment/Law and Finance Department not below the rank of Additional Secretary. | Member |

8. Conduct of business:--- (1) All decisions of the Management Council or, as the case may be, Management Committee shall be taken by majority of votes; provided that, in case of equality of votes, the Chairman of the Council or, as the case may be, committee shall have a second or casting vote.

(2) No act or proceeding of the Management Council or, as the case may be, Management Committee shall be invalid merely on the ground of existence of any vacancy or defect in the constitution thereof.

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

(3) It shall be lawful for the Management Council or, as the case may be, Management Committee to start functioning as soon as it is notified by Government in the official Gazette.

9. Chief Executive--- (1) Government shall; in relation to a medical institution, appoint a whole time Chief Executive possessing such qualification and on such terms and conditions as it may determine.

(2) The Chief Executive shall exercise such powers and perform such duties and functions as may be assigned to him by Government or as may be prescribed.

(3) Till such time as a Chief Executive is appointed under sub-section (1),

Government may appoint any person to work as Chief Executive for the interim period.

10. Management of health institution--- The Management Committee constituted under section 7 shall administer and manage the affairs of the health institution in such manner as may be prescribed: provided that till rules or, as the case may be, regulations are made, the Management Committee shall, in the exercise of its powers or performance of its duties, strictly follow the directions issued by Government from time to time.

11. Employees of the public institution--- (1) subject to sub-section (2), the Management Council, in relation to a medical institution, and the Management Committee, in relation to a public health institution, may appoint such persons in the service of the institution concerned as deemed necessary and on such terms and conditions as may be prescribed:

*Provided that a person though selected for appointment in the prescribed manner to a service or post, but appointed on contract basis, shall with effect from the commencement of this Ordinance, or from the date of his continuous appointment, whichever may be latter, be deemed to have been appointed on regular basis in the institutions concerned . Such employee shall, for all intents and purposes be regular employee of the institution concerned, except for the purpose of pension or gratuity. All such employees shall, in lieu of pension and gratuity, be entitled to the benefits of contributory provident fund scheme in the prescribed manner:

Provided further that employees having regular status before their appointment in an institution by the Management Committee or, as the case may be, by the Management Council, shall be entitled to the same benefit as regards pension and gratuity as were admissible to them before joining the institution. Such employees shall, however, cease to be civil servants or Government servants after their appointment in the institution. The seniority may be maintained from the date of appointment.”.

(2) All persons serving in connection with the affairs of an institution to which this Chapter applies or is applied shall continue to serve the institution on the same terms

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

and conditions as applicable to them immediately before the issuance of the notification under sub-section (3) of section (I) till further orders.

(3) If at any time, a public institution reverts to Government for running under its own administration and management for any reason, the employees appointed under sub-section (1), shall continue to serve the institution on the same terms and conditions as applicable to them immediately before such reversion.

* sub sections (4),(5) and (6) deleted

12. Sub-Committees:---- (1) The Management Council or, as the case may be, the Management Committee may, beside constituting the following sub-committees, constitute such other sub-committees as it may deem necessary for giving effect to the provisions of this Ordinance:-

- (a) the Executive Sub-Committee;
- (b) the Finance and Departmental Grants Sub-Committee;
- (c) the Registration and Medical Ethics sub-Committee;
- (d) the Establishment and Medical Staff Sub-Committee;
- (e) the Nursing and Paramedics Sub-Committee; and
- (f) Academic, Research and Publication Sub-Committee.

(2) Subject to the provisions of this Ordinance and the rules made there under, a sub-committee constituted under sub-section (1) shall perform such functions as may be prescribed or otherwise specified by the Management Council or, as the case may be, the Management Committee.

13. Delegation of Powers:--- The Management Council or, as the case may be, the Management Committee may delegate to any person or a sub-committee any of its powers, duties or functions.

14 Private practice:- Subject to such terms and conditions as may be prescribed, Government may allow institutional private practice to be carried out by the doctors of the institutions.

15 Retention of fee:- Notwithstanding anything contained in any law or rules, the institutions shall retain receipts from various fees levied by Government or the institution to meet recurring and development expenditure of the institution.

16 Funds:-- (1) There shall be a fund to be known by the name of the public institution which shall vest in the institution and to which shall be credited all sums received by the

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

institution; provided that the fund established under the repealed Act shall be deemed to have been established under this Ordinance.

(2) The fund shall consist of:-

- (a) grants from Government in such manner as may be notified;
- (b) receipts User Charges as specified by Government or the institution from time to time in such manner as may be prescribed;
- (c) voluntary contributions or donations; and
- (d) grants from other sources.

(3) The funds shall be kept in such custody and shall be utilized and regulated in such manner as prescribed by rules.

(4) The fund account shall be maintained at such Bank or Treasury as may be notified by Government.

17. Budget, audit and accounts:- (1) The budget of a public institution shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed by rules.

(2) Government may order financial, medical and managerial monitoring and audit, on quarterly basis, through a third party nominated by it and paid for by the institution concerned immediately on issuing any such direction by Government.

(3) Government shall consolidate the audit reports of all public institutions and cause the same to be presented to the Provincial Assembly in respect of each financial year.

(4) The Chief Executive of the institution at the close of a financial year shall render accounts of income and expenditure of the institution to the Accountant General, North-west Frontier Province, for incorporation in the Civil Accounts of the Province by the 31st July of each year.

18. Public Servants:- All persons acting or purporting to act in pursuance of any of the provisions of this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

CHAPTER-IV

PRIVATE HEALTH INSTITUTIONS.

19. Registration of Health Institution:- No private health institution shall be established or run unless it is registered with the Regulatory Authority and holds a valid certificate issued by such authority; provided that a health institution in existence on the date coming

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

into force of this Ordinance may, without registration, continue to function for a period not exceeding thirty days from such date, **and in case an application has been made under section 21, it may continue to function without registration until the application is rejected.**

20. Health Regulatory Authority:- (1) As soon as may be after the commencement of this Ordinance, there shall be established the North-West Frontier Province Health regulatory Authority, hereinafter referred to as the Authority.

***(1a)** The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of immovable property and may, by its name, sue and be sued:

Provided that no immovable property shall be disposed of by the Authority, except with the prior approval of Government.

***(1b)** No act or proceeding of the Authority shall be invalid by reasons only of existing any vacancy in, or any defect in the establishment of, the Authority.

(2) The Authority shall consist of four Members, besides the Chairperson and Director General Health Services, whether known by the same title or otherwise to be appointed by Government as under:-

(a) two members shall belong to the medical profession; and

(b) the remaining two members shall belong to different fields as may be determined by Government.

(3) All business of the Authority shall be transacted in such manner as may be prescribed.

(4) Functions:- The Authority shall perform the following functions:

(a) registration of private Health Institutions;

(b) monitoring, through the concerned Management Council or, as the case may be, Management Committee, the institutional private practice;

(c) setting standards for establishment of facilities for clinical care, health institutions, medical institutions (private and public) as may be defined under relevant laws/rules in Government and private sector;

(d) setting standards and define yardsticks for provisions of preventive, promotive, curative, re-habilitative, environmental and occupational health;

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- (e) setting standards for regulation and provisions on modern and scientific lines for the practice of traditional medicines including ayurvedic; homeopathic Tibb etc;
- (f) setting standards for the practice of medical, dentistry, nursing and Para medical profession in accordance with the requirements of their regulatory bodies concerned, wherever applicable, and for issuance of license/permit for practice in North-West Frontier Province for the members of such professions;
- (g) dealing with and deciding cases of mal-practice or violation of standards in the private sector with a view to safeguarding patients rights to good health;
- (h) undertaking research work, regular review and updating of its standards in line with national and international experience;
- (i) undertaking any other functions assigned to it by Government from time to time, suo moto or as requested by it.

***(20A) Principal office.**--- The principal office of the Authority shall be located at Peshawar, but it may set-up its sub-offices at such place or places in the North-West Frontier Province as it may deem appropriate.

***(20B) Term of Chairperson and members.**---(1) The Chairperson and members, other than ex-officio members, unless earlier removed for misconduct or physical or mental incapacity, shall hold office for a period of three years and shall be eligible for re-appointment for similar term or for such other shorter term as Government may determine.

Explanation. (1) For the purpose of this section the expression ‘misconduct’ means conviction for any offence involving moral turpitude and includes conduct prejudicial to good order or unbecoming of a gentleman.

(2) The Chairperson or a member may, by writing under his hand, resign from his office but shall continue to act till such time as his resignation is accepted by Government.

(3) In case a vacancy occurs due to death, resignation, retirement or removal of the Chairperson or any member, Government shall, as soon as possible thereafter, appoint another person to fill up the vacancy, but the term of appointment of such person shall be for the remaining term of appointment of the person whose vacancy he fills in.

(4) The maximum period of appointment of the chairperson or any member shall not exceed two terms.

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

***(20C) Conduct of Business.**--- (1) To conduct its business, the Chairperson shall convene meetings of the Authority from time to time on his own accord or on the request of any member in writing for reason to be specified therein.

(2) The meeting of the Authority shall be presided over by the Chairperson, or in his absence, by a member to be elected by the members present at the meeting from amongst themselves.

(3) One-third of the total members shall constitute quorum for a meeting of the Authority.

(4) All decisions in the meeting shall be taken on majority of votes; provided that in the case of equality of votes the Chairperson shall have a second or casting vote.

***(20D). Powers of the Authority.** -- The Authority shall have all powers necessary for the performance of its functions and duties under this Ordinance.

***(20E) Remuneration.** --- The Chairperson and members shall be entitled to such pay and allowances as may be determined by Government.

***(20F) Delegation.** --- The Authority may, by general or special order, delegate to the Chairperson or a member or an expert, consultant, adviser, or other officer of the Authority, any of its powers under this Ordinance subject to such conditions or restrictions as it may determine:

Provided that the delegation of such power shall not include the power to grant, suspend, revoke or cancel a Registration Certificates.

21 Application for Registration: -(1) Any person intending to establish a health institution, and any person intending that a private health institution already in existence on the coming into force of this Ordinance, should be continued as such, shall make an application to the Regulatory authority on the prescribed form accompanied by the prescribed registration fee:

Provided that in case of any such institution already in existence, the application shall be made within sixty days of the coming into force of this Ordinance:

Provided further that, notwithstanding the registration of a health institution under this Ordinance, no person shall establish a blood bank either independently or as part of a clinical laboratory, except with the permission of the Authority as per international standards and safe blood transfusion practices.

22. Disqualification:- (1) No person shall be allowed to establish or run a private health institution if he-

a) is a minor; or

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- b) is found to be of unsound mind by a court of competent jurisdiction; or
- c) is declared insolvent; or
- d) has been found guilty of criminal mis-appropriation or criminal breach of trust of cheating or any other offence involving moral turpitude or an abetment of or attempt to commit, any such offence, by a court of competent jurisdiction; provided that this disqualification will not operate if a period of three years has elapsed since the completion of the sentence imposed on any person in respect of any such offence.

(2) No private health institution shall be registered under this Ordinance unless it maintains such standard and is equipped with such staff, services and amenities as are for the time being prescribed.

23. Procedure for registration;--- (1) On receipt of an application under section 21, the Regulatory Authority shall make or cause to be made such enquires and inspections as it considers necessary to satisfy itself that the applicant does not suffer from any of the disqualifications under section 22 and otherwise maintains the standard, if any, prescribed under sub-section (2), of section 22:

Provided that if the Regulatory Authority finds that the applicant does not maintain the standard prescribed under sub-section (2) of section 22, it may direct the applicant to improve the conditions to its satisfaction within such period as may be specified.

- (2) If the Regulatory Authority as a result of the enquiry made by it is satisfied that the provision of the preceding sub-section have been complied with, it shall grant to the person making the application a certificate in the prescribed manner, subject to such terms and conditions as it may deem fit to impose, and shall register in the prescribed manner the medical institution in respect of which the application has been made and endorse the fact of registration on the certificate.
- (3) The Regulatory Authority shall record its reasons where it refuses to grant the certificate.
- (4) The person to whom the certificate is granted shall be responsible for due compliance of the provisions of this Ordinance, the rules made there under and the terms and conditions, if any, on which the certificate is granted.

24. Renewal of registration:- (1) A certificate of registration issued under section 23 shall be valid for a period of one year from 1st January to 31st December of the year during which the certificate has been issued and shall be renewable annually.

(2) If the holder of a certificate of registration wishes to get the certificate renewed, he shall, within thirty days preceding the date of expiry of the certificate, apply to the Regulatory authority in the prescribed form accompanied by the prescribed renewal fee and the Regulatory Authority shall, unless the applicant has rendered

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

himself disqualified under sub-section (1) of section 22 or has contravened any of the terms and conditions of the registration, renew the certificate.

- (3) The Regulatory Authority if it refuses to renew the certificate shall record reasons thereof.
- (4) If a person fails to apply for the renewal of his certificate of registration within the period specified in sub-section (2), the Regulatory Authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for renewal of registration certificate on payment of the renewal fee with--
 - (a) a penalty equal to half of the renewal fee, if the application is made within one month; or
 - (b) a penalty equal to the renewal fee, if the application is made within two months; or
 - (c) a penalty equal to three times of the renewal fee, if the application is made within three months; from the last date on which the renewal was due.

25 . Cancellation or suspension of registration;-- The Regulatory Authority may, by an order in writing, cancel or suspend a certificate for such period not exceeding three months for a first breach and not exceeding six months for a second or subsequent breaches, as may be specified in the order, if it is satisfied that the private medical institution has committed a breach of any of the conditions of the certificate or has contravened any of the provisions of this Ordinance or rules made there under.

* “CHAPTER-IV A

ADMINISTRATION

***25A. Employees of the Authority.**--- To carry out the purposes of this Ordinance, the Authority may, from time to time, engage such expert, consultants, advisers and other officers and officials on such terms and conditions as it may determine.

***25B Fund.**--- (1) There shall be established a fund to be known as “Health Regulatory Authority Fund”, hereinafter referred to as “Fund”, which shall vest in the Authority and shall be utilized by the Authority to meet charges and expenses in connection with the affairs of the Authority.

(2) The Fund shall consist of-

- (i) seed money, if any, sanctioned by Government.
- (ii) fees from issuance of registration Certificates for establishing and operating a Medical Institution or a Health Institution;

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

- (iii) grants made by Government, including the Federal Government;
 - (iv) foreign aid and grants, if any, on such terms and conditions as may be approved by the provincial government.
 - (v) Loan obtained with the special sanction of the Government and
 - (vi) any other sums received by the Authority from any other source.
- (3) The Authority shall operate its accounts through a schedule bank approved by the government.

***25C. Budget.**--- The Authority shall, in respect of each financial year, prepare its own budget and submit it to Government three months before the commencement of every financial year for information, provided that for meeting any new or unforeseen expenditure the Authority shall obtain prior permission of Government.

***25D. Accounts and audit.** ---(1) The Authority shall maintain complete and accurate books of accounts of its actual expenses and receipts in such form as Government may, in consultation with the local Audit Department, determine.

(2) The Authority shall cause to be carried out audit of its account by an approved Chartered Accountant.

(3) Government may cause a special audit of the Authority as and when it deems appropriate.

***25E. Power of Government to issue directives.**--- Government may, as and when it considers necessary, issue directives to the Authority on matters of policy and such directives shall be binding on the Authority. If a question arises whether any matter is a matter of policy or not, the decision of Government shall be final.

***25F. Annual Report.** The authority shall submit an annual report on its activities and accounts for each financial year to Government and shall also arrange for its publication for the information of public at large.”

CHAPTER -V

GENERAL

26. Appeal :- Any employee of the institution aggrieved by an order passed by the Management Council or Management Committee under Section 11 or any person aggrieved by an order passed under Section 25 may, within thirty days of passing of the order, prefer an appeal to Government and the Government shall within thirty days make decision on such appeal which shall be final:

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

Provided that an employee of the institution may, within thirty days from the date of communication of the order in appeal, submit a review petition to Government. (**)

27. Offences:- (1) Contravention of any of the provisions of this Ordinance shall be punishable with * imprisonment which may extend to * seven years or with fine which may extend to one million rupees or with both.

(2) The offences * under this Ordinance shall be non-bail able and cognizable.”; and

*(3) the Health Regulatory Authority may authorize an officer of the Authority or any other Government servant in basic scale 17 or above to inspect a private health institution with the power to lock and seal any such institution, if, in his opinion, found to be working in contravention of any of the provisions of this ordinance.”

* 28. Deleted.

29. Jurisdiction of the Court.- No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

30. Indemnity:- No suit, prosecution or other legal proceedings shall lie against the Authority or any person acting or purporting to act, in good faith, under this Ordinance.

31. Rules:- Government may make rules for carrying out the purposes of this Ordinance.

32. Regulation:- *The Authority, the Management Council or the Management Committee, as the case may be, may make regulations, not inconsistent with the provision of this Ordinance and the rules, for carrying out the purposes of this Ordinance.

33. Removal of difficulties:- If any difficulty arises in giving effect to any of the provisions of this Ordinance, Government may give such directions as it may consider necessary for the removal of such difficulty.

***33A. Overriding effect.** Notwithstanding anything to the contrary contained in any other law, under the law making authority of the Provincial Assembly, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of inconsistency to this Act shall cease to have effect.

34. Repeal (1) The Private Medical Institutions (Regulation of Services) Ordinance, 1984 (N.-W.F.P. Ordinance. No. VII of 1984) and the Medical and Health Institutions Reforms Act, 1999 (N.-W.F.P. Act No. XII of 1999), are hereby repealed.

(2) Notwithstanding the repeal of the Act and Ordinance under sub-section (1), all employees serving in connection with the affairs of the Medical Institutions and public Health Institutions shall continue to serve the said institutions on the existing terms and conditions, under the supervision and control of the respective management appointed for the said institutions under this Ordinance.

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.

(3) All rules, regulations and orders made or issued under the repealed Act and the Ordinance shall continue to be in force, unless altered, amended or repealed under this Ordinance.

Peshawar,
Dated the 29th Oct., 2002.

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,
Governor of the North-West Frontier Province.

SALIM KHAN,
Secretary to Government
of North-West Frontier Province,
Law Department.

N.W.F.P, AMENDMENT ACT NO. XI OF 2006 PASSED BY THE PROVINCIAL ASSEMBLY OF NORTH WEST FRONTIER PROVINCE ON 22 NOVEMBER 2006 AND ASSENTED BY THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE ON 19TH DECEMBER 2006 AND HEREBY NOTIFIED BY THE GOVERNMENT GAZETTE AND PUBLISHED BY AUTHORITY OF MR. SPEAKER, PROVINCIAL ASSEMBLY OF NORTH WEST FRONTIER PROVINCE AND MR. NAZIR AHMAD, SECRETARY PROVINCIAL ASSEMBLY, NWFP ON 26TH DECEMBER 2006

N.W.F.P. MEDICAL AND HEALTH INSTITUTION AND REGULATION OF HEALTH-CARE SERVICES, AMENDMENT ACT 2010 PASSED BY THE PROVINCIAL ASSEMBLY OF NORTH WEST FRONTIER PROVINCE ON 20 MARCH 2010 AND ASSENTED BY THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE ON 12TH MARCH 2010 AND HEREBY NOTIFIED BY THE GOVERNMENT GAZETTE AND PUBLISHED BY ORDER OF MR. SPEAKER, PROVINCIAL ASSEMBLY OF NORTH WEST FRONTIER PROVINCE AND MR. AMANULLAH, SECRETARY PROVINCIAL ASSEMBLY, NWFP

* Amended by NWFP Amendment Act No. XI of 2006.

** Amended by NWFP Amendment Act 2010.