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## North-West Frontier Province

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PROVINCIAL ASSEMBLY SECRETARIAT,  
NORTH-WEST FRONTIER PROVINCE

### NOTIFICATION

29th January, 2005.

No. PA/NWFP/Legis:1/2005/1832.—The North-West Frontier Province Consumers Protection (Amendment) Bill, 2005 having been passed by the Provincial Assembly of North-West Frontier Province on the 17th January, 2005 and assented to by the Governor of the North-West Frontier Province on 19th January, 2005 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE  
CONSUMERS PROTECTION (AMENDMENT) ACT, 2005.

(N.-W.F.P. ACT NO. II OF 2005)

*(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary),  
Dated the 29th January, 2005).*

AN

ACT

*to amend the North-West Frontier Province  
Consumers Protection Act, 1997.*

WHEREAS it is expedient to amend the North-West Frontier Province Consumers Protection Act, 1997 (N.-W.F.P. Act No. VI of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the North-West Frontier Province Consumers Protection (Amendment) Act, 2005.

(2) It shall come into force at once.

**2. General amendments in N.-W.F.P. Act No. VI of 1997.**—In the North-West Frontier Province Consumers Protection Act, 1997 (N.-W.F.P. Act No. VI of 1997), hereinafter referred to as 'the said Act', unless otherwise specifically amended hereunder for the word "Authority", or the words "Authority or the magistrate", or the words "Magistrate or Authority", as the case may be, wherever occurring, the word "Court" shall be substituted.

**3. Amendment of section 1 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 1, in clause (iv),—

(i) after the word "notification", the words "in the official gazette" shall be added; and

(ii) for the word "act", the word "Act" shall be substituted.

**4. Amendment of section 2 of N.-W.F.P. Act No. VI of 1997.**—In the said Act,—

(a) clause (a) shall be deleted;

(b) in clause (b), in sub-clause (iii), for the words "concerned civil Development Authority or a local body", the words "a Local Government" shall be substituted;

(c) after clause (d), a new clause (dd) shall be inserted, namely:

“(dd) "Court" means Consumer Courts established under section 11A;”;

(d) in clause (j), in Explanation, after the words "assembly operation" and "comma", the word and comma "formulation," shall be added;

(e) clause (k) shall be deleted;

(f) in clause (n), after the word "energy", the words and commas "including gas and petrol, water, telephone" shall be inserted; and

(g) in clause (o), in sub-clause (x), after the word "teacher" a comma and the words "spiritual healers" shall be added.

**5. Amendment of section 8 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 8,—

(a) in sub-section (1), for the words "in each Division of the Province", the following shall be substituted, namely:

“on the Provincial and District level, as it may deem necessary, to devise policies for protecting the consumers from unfair trade practices”; and

(b) in sub-section (2), after the words "such other", the words "official and non-official" shall be added.

6. **Amendment of section 10 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 10,—

(a) in sub-section (1), in clause (b), after the word and comma “potency”, the word and comma “formulation,” shall be inserted; and

(b) for sub-section (4), the following shall be substituted, namely:

“All persons, bodies or organizations, both official and non-official, shall extend help to the Council in advancement of its objects and function.”

7. **Insertion of section 11A to N.-W.F.P. Act No. VI of 1997.**—In the said Act, after section 11, the following new section ‘11A’ shall be inserted, namely:

“11A. **Establishment of Consumer Courts.**—Government may, by notification in the official Gazette, establish a Consumer Court in each District of the Province to be presided by a District and Session Judge.”

8. **Amendment of section 12 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 12, for the existing text “(1) Subject to the other provisions of this Act, the Authority having jurisdiction to entertain complaints shall be the Authority within the local limits of whose jurisdiction:”, occurring in the beginning, the following shall be substituted, namely:

“Subject to the provisions of this Act, the Court shall have jurisdiction to entertain complaints within the local limits of whose jurisdiction,—”

9. **Amendment of section 13 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 13, in sub-section (1), for clause (c) the following shall be substituted, namely:

“(c) any recognized consumers association irrespective of the fact that the consumer to whom the goods are sold or delivered or service is provided is or is not a member of such association; or”

10. **Amendment of section 14 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 14,—

(a) in sub-section (1),—

(i) for the existing text occurring before clause (a), the following shall be substituted, namely:

“(1) The Court, on receipt of a complaint, if it relates to any goods—”; and

(ii) in clause (c), for the word “complaint” the word “complainant” shall be substituted;

(b) in sub-section (2), in the proviso, for the word “complaint” occurring at the end the word “complainant” shall be substituted; and



(c) sub-section (4), shall be deleted.

**11. Amendment of section 17 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 17, for the words “Court of Session”, the words “High Court” shall be substituted.

**12. Amendment of section 19 of N.-W.F.P. Act No. VI of 1997.**—In the said Act, in section 19, for the word “five”, the word “ten” shall be substituted.

BY ORDER OF MR. SPEAKER,  
PROVINCIAL ASSEMBLY OF  
NORTH-WEST FRONTIER PROVINCE.

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NAZIR AHMAD  
Secretary,  
Provincial Assembly of N.W.F.P.