

**THE KHYBER PAKHTUNKHWA LAND-USE AND BUILDING CONTROL
ACT, 2021.**

(KHYBER PAKHTUNKHWA ACT NO. XXXII OF 2021).

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¹ Substituted vide Khyber Pakhtunkhwa Act No. XX of 2024.

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¹ Added vide Khyber Pakhtunkhwa Act No. XX of 2024.

² Substituted vide Khyber Pakhtunkhwa Act No. XX of 2024.

(7) The district land use plan or master plan shall be placed on the website of the District Land-Use Planning and Management Committee and the Authority after its approval.

18. Procedure for modification in district land use plan or master plan.---

(1) Where a District Land-Use Planning and Management Committee, on itself or on the directions of the Authority, proposes to change the land use of a designated area, it shall formulate proposals for change in the approved district land use plan or master plan and the need for the proposed changes and the measures which shall be put into place to deal with them.

(2) A notice, regarding the change, shall be published in two national newspapers and shall be placed on the website of the District Land-Use Planning and Management Committee and Authority. The notice shall also invite objections and suggestions of the residents and others concerned.

(3) Every objection and suggestion shall be heard and decided by the Authority, within thirty days of the publication of the notice.

(4) Once the objections and suggestions have been attended to, the modified plans shall be sent to the Authority for consideration and approval of the Council.

19. Procedure for modification of district land use plans ¹[or] master plans on application of a citizen.---

(1) A citizen, seeking to modify the land use of a designated area, shall submit an application to the District Land-Use Planning and Management Committee for modification in the approved district land use plan or master plan along with the need for the proposed modifications:

Provided that the application for modification of the land use shall pertain only to permissible land use.

(2) Where the District Land-Use Planning and Management Committee, under sub-section (1), receives an application for land use modification, it shall cause a study to be made regarding the need for modification at the cost of the applicants.

(3) Where there is a clear and present need for modification, the District Land-Use Planning and Management Committee shall formulate a proposal for change and the measures which shall be put into place to deal with such a modification.

(4) Once a proposal has been formulated, the procedures prescribed in section 18 of this Act, shall be followed.

Chapter-VI
Planning Control Permissions

20. Planning control permissions.---(1) The following planning control permission shall be required for every land or building under this Act unless specifically exempted by this Act:

- (a) land-use permission; and
- (b) development permission.

¹ Substituted vide Khyber Pakhtunkhwa Act No. XX of 2024.

(2) A land use permission, granted by any law prior to the commencement of this Act, shall be subject to the provision of this Act.

21. Permissions required for land use.---(1) Where a district land use plan or master plan has been notified, no person, including a Government agency, shall use a land or building for permissible uses without the appropriate land use permission.

(2) Where district land use plan or master plan has not been notified under this Act, a person shall not change the existing use of a land or building without a temporary land use permission granted by the Planning Control Officer.

(3) A temporary land use permission, granted by a Planning Control Officer under sub-section (2) above, shall cease to have validity on the expiry of two years of the notification of a district land use plan or master plan.

22. Permission required for development.---(1) Where a district land use plan or master plan has been notified, no person, including a Government agency, shall undertake land development, road remodeling or building construction except in accordance with a development permission granted under this Act.

(2) Where district land-use plan or master plan has not been notified under this Act, no person shall undertake land development or building construction without a temporary development permission issued by the Planning Control Officer.

(3) A temporary development permission, granted by the Planning Control Officer under sub-section (2), shall cease to be valid on the date of the notification of the district land-use plan.

Chapter-VII **Land Use Permission**

23. Applications for land-use or master planning permissions. ---(1) An application for land-use planning permission or master planning permission shall be made to Planning Control Officers of that area.

(2) An application, under sub-section (1), shall be-

- (a) in such form and format and shall be accompanied such documents as may be prescribed; and
- (b) such other additional documents as may be required by the Planning Control Officer.

(3) A land use permission shall only be made by the owner or his authorized representative.

24. Procedure for bringing existing land use in compliance with district land use plan or master plan.--- (1) Where the use of land or building does not comply with a district land use plan or master plan, the owner thereof shall submit a land use conversion plan or master conversion plan to the Planning Control

Officer within three months of the notification of the district land use plan or master plan.

(2) Where a land use conversion plan or master conversion plan is submitted under sub-section (1), the Planning Control Officer shall process the same in the prescribed manner.

(3) Where a land use conversion plan or master conversion plan is not submitted, the Planning Control Officer shall serve notice on the owners of the land or building to submit a land use conversion plan or master conversion plan, within thirty (30) days.

(4) Where a land use conversion plan or master conversion plan is not submitted after service of notice under sub-section (2), the Planning Control Officer shall make a land use conversion plan or master conversion plan and inform the owners of the land or building the plan.

(5) Where a land use conversion plan or master conversion plan is issued by the Planning Control Officer under sub-section (2) or sub-section (4), the owners shall bring the land or building in accordance with the conversion plan.

Chapter-VIII **Development Permissions**

25. Types of development permissions.---(1) There shall be three types of development permission, namely:

- (a) land development permissions;
- (b) road remodeling permissions; and
- (c) building permissions.

(2) A development permission application shall be accompanied by such fee as may be prescribed.

26. Applications for development permissions.--- (1) An application for development permission shall be made to the Planning Control Officer of that area.

(2) An application for development permission shall be in such form and format and shall be accompanied by-

- (a) such documents as may be prescribed; and
- (b) such other additional documents as may be required by the Planning Control Officer.

(3) A land development permission or building permission may only be made by the owner or his authorized representative.

(4) A road remodeling permission may only be made by the area development authority, the Communication and Works Department, the local government or a land management entity.

27. Cases in which building permission not required.--- A building permission shall not be required in the following cases:

- (a) where building is constructed on a standard building design notified by the Authority for a specified area; and
- (b) where a building is a historic in nature and the same is being repaired, rehabilitated or renovated with the permission of the relevant authority.

28. Procedure for bringing existing buildings in compliance with building regulations.--- (1) Where a building does not comply with a building regulations after issuance of a district land use plan or master plan, the owner or authorized representative shall submit a building conversion plan to the Planning Control Officer, within three (3) months of the notification of the district land use plan.

(2) Where a building conversion plan is submitted under sub-section (1), the Planning Control Officer shall process the same in the prescribed manner.

(3) Where a building conversion plan is not submitted, the Planning Control Officer shall serve notice on the owners of the building to submit a building conversion plan within thirty (30) days.

(4) Where a building conversion plan is not submitted after service of notice under sub-section (3), the Planning Control Officer shall make a building conversion plan and inform the owners of the building of the plan.

(5) Where a building conversion plan is issued by the Planning Control Officer under sub-section (2) or sub-section (4), the owners shall bring the building in accordance with the conversion plan.

Chapter-IX

Certificates and Renewal of Building Stock

29. Certificates.--- (1) Every person, who obtains a development permission, shall, within the time indicated in the permission, submit a compliance certificate of the Planning Control Officer that the development has been undertaken in accordance with the permission and the regulations applicable to the development.

(2) A compliance certificate shall be in the form and accompanied by such documents and certificates, as may be specified by the Authority, or such additional documents as may be required by the Planning Control Officer.

(3) Where the Planning Control Officer finds that the development has been undertaken in accordance with the permission and the regulations applicable on it, he shall issue a compliance certificate in the form specified by the Authority.

30. Renewal of building stock.--- (1) A building may be made subject to a building stock renewal regulations.

(2) Where a building is subject to a renewal regulations the owner or owners of the building shall proceed to renew the building as required by the building stock renewal regulations.

Chapter-X
Improvement of Urban Design etc

31. Improvement proposals.---(1) Where the urban design of an area has been ranked as poor or where the Government so directs, the Authority itself or on its instructions, the Unit shall formulate an improvement proposal within such period as may be specified.

(2) An improvement proposal shall contain-

- (a) a land use change plan, if required;
- (b) a redevelopment plan;
- (c) a building stock renewal program, if required;
- (d) cost of implementing the redevelopment plan;
- (e) cost of building stock renewal program;
- (f) changes that may be required in development and ownership; and
- (g) steps that shall be taken for a smooth and orderly transition to planned development.

(3) Where a land use change plan is proposed, it shall be processed in accordance with the procedures provided in section 18 of this Act.

32. Infrastructure change proposal.--- (1) Where the land use of an area has been changed under section 18 or section 19 of this Act, the Unit shall formulate a physical infrastructure change proposal, within sixty (60) days, to implement the measures which must be put in place to support the land use change.

(2) An infrastructure change proposal shall include mandates for the relevant utilities and agencies to devise plans for provision of municipal services to cater for the needs for municipal services arising due to changed land use.

33. Power to implement an improvement or infrastructure proposal.--- (1) The Unit shall have the power to take all necessary measures to implement an improvement proposal or infrastructure change proposal.

(2) Without prejudice to the generality of the power given in sub-section (1), the Unit directly or through the local government or the urban area development authority, may-

- (a) prepare and execute schemes;
- (b) direct a Government agency to prepare and execute schemes;
- (c) direct that buildings shall be constructed to a standardized plan;
- (d) acquire land;
- (e) enter into public private partnership;
- (f) propose and implement a proposal to reallocate rights in land and buildings with the prior approval of Government; and

- (g) support the establishment of a Real Estate Investment Trust for allocation of shares to persons having rights in land and buildings located in the area under improvement.

34. Betterment fee.--- (1) In order to implement an improvement proposal or infrastructure change proposal, the Unit may charge a betterment fee with the prior approval of Government.

(2) A betterment fee shall be charged on the basis of ownership of physical asset.

(3) Betterment fee may be recovered as arrears of land revenue.

(4) Betterment fee may recover in whole or part of the cost of an improvement proposal.

35. Development charge.--- (1) Where an improvement proposal or infrastructure change proposal is implemented without charging the full amount of the cost through the betterment fee, the Unit may levy a development charge on the owners of physical assets who have benefited by the development.

(2) A development charge shall be payable when a physical asset is sold or given on lease exceeding eleven (11) months.

(3) A development fee shall bear a direct correlation to the cost of the development spread over a period of five (5) years.

(4) A development fee shall be charged with the previous approval of Government.

(5) Development charge may be recovered as arrears of land revenue.

Chapter-XI **Enforcement and Penalties**

36. Duties of Planning Control Officers and Planning Control Inspectors.--

(1) The Planning Control Officers shall be responsible for assessing and evaluating applications for planning permissions and shall do such other work as is assigned to them under this Act and the rules made there under.

(2) The Planning Control Inspectors shall be responsible for determining and prosecuting unauthorized land use and development and shall do such other work as is assigned to them under this Act and the rules made there under.

(3) Where a Planning Control Inspector finds a contravention or violation of Unit Act, he shall formulate a contravention report and submit it to the Unit.

37. Power to seal a building or structure or attach an area for violation of this Act, rules or regulations.---(1) An authorized officer of the Authority, a Planning Control Officer or Planning Control Inspector shall have the power to seal any building, structure or any other premises for violation of this Act, rules or regulations made there under.

(2) An authorized officer of the Authority, a Planning Control Officer or Planning Control Inspector shall have the powers to attach any area or open spaces

for violation of any clause of this Act, rules or regulations made there under, as the case may be.

38. Penalties.---A person, who commits any of the offences, specified in the First Schedule, appended to this Act, shall be punished with such penalties, as are provided in the Column of penalties, specified therein.

39. Offences to be cognizable and non-bailable.---The offences, under this Act, shall be cognizable and non-bailable. No Court shall take cognizance of any offence punishable under this Act except upon a complaint by an authorized officer or the District Land-Use Planning and Management Committee, in this behalf.

40. Application of the Code of Criminal Procedure, 1898.--- The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall *mutatis mutandis* be applicable to the offences under this Act.

¹**41. Appellate Authorities.**---(1) Any person, who is aggrieved from any decision or order of the District Land-Use-Planning and Management Committee or Local Planning and Enforcement Unit, may, within fifteen (15) days of the receipt of such decision or order, prefer an appeal to the Director General.

(2) Appeal, against the decision of the Director General, may be made, within thirty (30) days of the receipt of such decision or order, to the Secretary of the Department.

(3) The decision, made by the Secretary of the Department, in appeal, under sub-section (2), shall be final.

(4) The procedure for disposal of the appeal shall be prescribed by regulations.]

42. Responsibility in case of corporate bodies.---Where the person guilty of an offence under this Act, is a company or other body corporate, every director, manager or other officer responsible for the conduct of affairs of such person, shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed guilty of the offence.

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Chapter-XIII **Finance, Accounts and Audit**

46. Authority's Fund. --- (1) There shall be a Fund, to be known as the Authority's Fund, which shall vest in the Authority and shall be utilized by it, in connection with its functions under this Act, including the payment of salaries and other remunerations to the officers, employees, experts, advisors and consultants and running day to day business of the Authority.

(2) The Authority Fund shall consist of-

¹ Substituted vide Khyber Pakhtunkhwa Act No. XX of 2024.

² Deleted vide Khyber Pakhtunkhwa Act No. XX of 2024.

First Schedule
[see section 38]

S. No.	Offences.	Penalties.
1.	Undertaking land development work, except in accordance with the developmental permission and rules / regulations applicable to the development.	Fine which may extend to rupees ten (10) million or imprisonment which may extend to three years ¹ [or with both].
2.	Failure to implement an approved land use or building conversion plan within the stipulated time.	Fine which may extend to rupees ten (10) million or imprisonment which may extend to three years ² [or with both].
3.	Uses land or building otherwise than in conformity with the provisions of this Act or any other law for time being enforced.	Imprisonment which may extend to one (01) year or with fine which may extend to rupees one million but shall not less than rupees five hundred thousand (500,000) or with both.
4.	Enters into or opens a sealed building, other premises or initiates construction in a sealed building or trespassing into an attached area or undertaking any activity in an attached area.	Imprisonment which may extend to one (01) year or with fine which may extend to rupees one million but shall not less than rupees five hundred thousand (500,000) or with both.
5.	Obstructing any authorized officer of the Authority acting for removal of an unauthorized development, including all types of building or for stoppage of unauthorized land-use.	Imprisonment which may extend to one (01) year or with fine which may extend to rupees one million but shall not be less than rupees five hundred thousand (500,000) or with both.
6.	Without any lawful cause, refuses or willfully neglects to provide to any authorized officer of the Authority means necessary for entering into any premises, for purposes of collecting any information or making an examination or enquiry under this Act.	Imprisonment which may extend to one (01) year or with a fine which may extend to rupees five hundred thousand (500,000) or with both.

¹ Inserted vide Khyber Pakhtunkhwa Act No. XX of 2024.

² Inserted vide Khyber Pakhtunkhwa Act No. XX of 2024.