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## PART-IV

### PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 11<sup>TH</sup> APRIL, 2018

**NO.PAS/LEGIS-B-06/2018**-The Sindh Public-Private Partnership (Amendment) Bill, 2018 having been passed by the Provincial Assembly of Sindh on 02<sup>nd</sup> March, 2018 and assented to by the Governor of Sindh on 30<sup>th</sup> March, 2018 is hereby published as an Act of the Legislature of Sindh.

#### THE SINDH PUBLIC-PRIVATE PARTNERSHIP (AMENDMENT) ACT, 2018.

#### SINDH ACT NO. VIII OF 2018

#### AN ACT

to amend the Sindh Public-Private Partnership Act, 2010.

**WHEREAS** it is expedient to amend the Sindh Public-Private Partnership Act, 2010, in the matter hereinafter appearing; **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Public-Private Partnership (Amendment) Act, 2018. **Short title and commencement**
- (2) It shall come into force at once.
2. In the to amend the Sindh Public-Private Partnership Act, 2010, hereinafter referred to as the said Act, in section 2- **Amendment of section 2 of Sindh Act No. V of 2010.**
  - (i) in clause (b), after the words "local government", the words "but does not include Unit" shall be added:

(ii) in clause (f), after the words "variant of PPP", the words "in terms of Public-Private Partnership Agreement" shall be added;

(iii) for clause (g), the following shall be substituted:-

"(g) "Consortium" means a joint venture of private parties or majority controlled by private parties formed for the purpose of entering into a Public-Private Partnership Agreement directly or through a registered company formed therefor;"

(iv) in clause (j), for the words "which is authorized to identify Public-Private Partnership projects and carry out the initial screening and feasibility studies", the words "in accordance with section 7" shall be substituted;

(v) in clause (o), after the word "means", the words "and includes" shall be inserted;

(vi) in clause (q), after the word "association", the word "individual" shall be inserted and after for the word "Agency", the words "and Unit" shall be added;

(vii) after clause (u), the following shall be inserted:-

"(u-i) "Project Support Facility" means a non-profit company called as the Public Private Partnership Support Facility established by Government under section 42 of the Companies Act, 2017 (Act XIX of 2017), for the purposes enumerated in its Memorandum of Association.";

(viii) for clause (x), the following shall be substituted:-

"(x) "Public Private Partnership Agreements" means all agreements in writing between Government including the Agency and private parties for the purpose of Public Private Partnership;"

(ix) in clause (z), after the word "including", the word "feasibility" shall be inserted;

(x) in clause (bb), for the words "to cover revenue shortfalls through grants, subsidies or guarantees", the words "to support the Project including funds for covering revenue shortfalls through grants, subsidies or guarantees or any other mode as approved by Board under section 22" shall be substituted;

**Amendment of section 3 of Sindh Act No. V of 2010.**

3. in the said Act, in section 3, in sub-section (3), for the words "and its Agencies with the approval of Government", the words "or Agency with the approval of the Board" shall be substituted.

4. In the said Act, in section 4 - **Amendment of section 4 of Sindh Act No. V of 2010.**
- (i) in sub-section (2), after clause (xi), the following shall be added:-  
“(xii) Chief Executive Officer of Project **Member** Support Facility”.
- (ii) in sub-section (3), the words “PPP Policy” shall be omitted;
- (iii) in sub-section (4), for the words “business community, civil society organizations, public sector or any other organization, society or company as Government may deem fit”, the words “private sector and of public sector” and for the words “Business Community”, the words “private sector” shall respectively be substituted;
- (iv) in sub-section (6), after the words “deciding vote”, the words “The Board may also pass resolution by circulation to all members and is approved by a majority of members of the Board” shall be added;
- (v) in sub-section (7), after the word “Directors”, the words “of the Unit” shall be inserted.
5. In the said Act, in section 5 - **Amendment of section 5 of Sindh Act No. V of 2010.**
- (i) in sub-section (1), for the words “The Boards”, the words “Without prejudice to the functions and powers assigned to the Board under any of the provisions of this Act, the Board” shall be substituted;
- (ii) in sub-section (1), in clause (i), the word “guidelines” shall be omitted.
6. In the said Act, in section 6 - **Amendment of section 6 of Sindh Act No. V of 2010.**
- (i) for sub-section (1), the following shall be substituted:-  
“(1) Government shall, by notification, establish the Unit in the Finance Department to promote and facilitate the development of Public-Private Partnerships projects in the Province, assist an Agency in preparing and executing such projects, and act as a catalyst for Public-Private Partnerships. In the performance of its functions, the Unit may consult the Project Support Facility from time to time.”;
- (ii) in sub-section (2) -

