

THE PROVINCIAL MOTOR VEHICLES ORDINANCE, 1965
(WEST PAKISTAN ORDINANCE No. XIX OF 1965.)

[8 June, 1965.]

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* Added vide Khyber Pakhtunkhwa Act No. XXXIV of 2014.

THE '[PROVINCIAL] MOTOR VEHICLES ORDINANCE, 1965
(WEST PAKISTAN ORDINANCE No. XIX OF 1965.)
[8TM June, 1965.]

AN
ORDINANCE

to amend and consolidate the law relating to Motor Vehicles in the Province of West Pakistan.

WHEREAS, it is expedient to amend and consolidate the law relating to motor vehicles in the Province of West Pakistan;

AND WHEREAS, the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred on him by

clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:

CHAPTER-I

PRELIMINARY

1. (1) This Ordinance may be called the *[Provincial] Motor Vehicle Ordinance, 1965.

(2) It extends to the Whole of the *[Pakistan]

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that

is to say—

(1) "ambulance" means a vehicle designed for the carriage of sick, wounded or invalid persons or animals;

Substituted vide P. O. No. 4 of 1975.

* Substituted vide P. O. No. 4 of 1975.

* Substituted vide P. O. No. 4 of 1975.

Preamble.

Short title
and extent.

Definitions.

1d-A) "authorized electronic payment outlet" means an outlet equipped

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with point of sale terminal and as authorized under this ordinance for Traffic Ticketing Management system and Driving Licenses Fee Collection Transactions system by the licensing authority.

Explanation:— The "Traffic Ticketing Management System or Driving Licenses Fee Collection Transactions System" means an online electronic payment platform for driving license and traffic ticket (Challan) fee or the fine collection system duly approved and authorized under this Ordinance.]

"axle weight" means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface where on the vehicle rests;

"[Board]" means the *[Khyber Pakhtunkhwa] Road Transport Board established under section 70;

"certificate of registration" means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter-III;

"contract carriage" means a motor vehicle which carries a passenger or passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum and from one point to another without stopping to pick up or set down along the line of route passengers not included in the contract; and includes a motor cab notwithstanding that the passengers may pay separate fares;

"delivery van" means any goods vehicle the registered laden weight of which does not exceed 5,000 pounds avoirdupois ;

"driver" includes, where a separate person acts as steersman of a motor vehicle, that person as well as any other person engaged in the driving of the vehicle;

"emergency vehicle" means a motor vehicle used solely for police, fire-brigade or ambulance purposes or to relieve distress;

"fares" includes sums payable for a season ticket or in respect of the hire of a contract carriage.

¹ Inserted vide Khyber Pakhtunkhwa Act, No. XIII of 2013.

^{*} Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

³ Substituted vide Khyber Pakhtunkhwa Act, No. IV of 2011.

(10) "goods" include live-stock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle;

(11) "goods vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods, solely or in addition to passengers.

(12) "Government" means the [Provincial Government.]

(13) "heavy transport vehicle" means a transport vehicle the registered axle weight of which exceeds 10,600 pounds avoirdupois, or the registered laden weight of which exceed 14,500 pounds avoirdupois;

(14) "intersection" shall include the area bounded by the side lines, real or projected, of two or more public highways which meet or cross each others;

(15) "invalid carriage" means a motor vehicle the unladen weight of which does not exceed five hundred weights, specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person:

(16) "license" means the document issued by competent authority authorizing the person, specified therein to drive a motor vehicle or a motor vehicle of any specified class or description;

(17) "licensing authority" means an authority empowered to grant licenses under this ordinance;

(18) "light transport vehicle" means any public service vehicle other than a motor cab, or any goods vehicle other than a heavy transport vehicle or a delivery van;

(19) "locomotive" means a motor vehicle which is itself not constructed to carry any load (other than equipment used for the purpose of propulsion), the unladen weight of which exceeds, 16,000 pounds avoirdupois, but does not include a road-roller;

Substituted vide P. O. No. 4 of 1975.

(20) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than ten passengers excluding the driver, for hire or reward;

(21) "motor car" means any motor vehicle other than a transport vehicle, locomotive, road roller, tractor, motor cycle or invalid carriage;

(22) "motor cycle" means a motor vehicle, other than an invalid carriage, with less than four wheels, the unladen weight of which, inclusive of any side-car attached to the vehicle does not exceed 900 pounds avoirdupois;

(23) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the powers of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, [a tractor] and a trailer, but does not include a vehicle running, upon fixed rails or used solely upon the premises of the owner;

(24) "Owner" means the person in whose name the motor vehicle is registered and includes—

(a) a transferee of the motor vehicle from such persons:

(b) in relation to motor vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement :and

(c) where the person in whose name the motor vehicle is registered or the person in possession of the motor vehicle under a hire-purchase agreement is—

(i) a minor, the guardian of such minor:

(ii) a company registered under the companies Act, 1913, the directors of such company;

(iii) a society registered under the Societies Registration Act, 1860, or under any law relating to co-operative societies, the principal officer of such society by whatever designation known:

(iv) a firm, all the partners of such a firm; and

¹Inserted vide Ord. No. VIII of 1978.

(v) any other association of persons, all the members of such association:

Provided that where such company, firm, society or other association of persons has given notice to the registering authority that has nominated a director, partner, office-bearer, member or officer, as the case may be, of the company, firm, society or association to be the owner of the vehicle for the purposes of this Ordinance, the person so nominated shall alone be deemed to be the owner for the purpose of this Ordinance;

(25) "permit" means the document issued by the Provincial Transport Authority or a Regional Transport Authority, authorizing the use of a transport vehicle as a contract carriage or stage carriage, or authorizing the owner as a private carrier or public carrier to use such vehicle;

(26) "prescribed" means prescribed by rules made under this Ordinance;

(27) "private carrier" means an owner of a transport vehicle other than a public carrier who uses that vehicle solely for the carriage of goods which are his property or the carriage of which is necessary for the purposes of his business, not being a business of providing transport, or who uses the vehicle for any of the purposes specified in sub-section (2) of section 44"—;

[27-A. "Province" means the *[Province of Khyber Pakhtunkhwa.]

(28) "public carrier" means an owner of a transport vehicle who transports or undertakes to transport goods, or any class of goods, for another person at any time and in any public place, for hire or reward, whether in pursuance of the terms of a contract or agreement or otherwise, and includes any person, body, association or company engaged in the business of carrying the goods of persons associated with that person, body, association or company for the purposes of having their goods transported;

(29) "public highway" shall include any highway, road, street, avenue, alley, public place, public driveway or any other public way;

(30) "public place" means, a road, street way or other place, whether a thoroughfare or not to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;

¹ Inserted vide Khyber Pakhtunkhwa Ord. No. I of 1972.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

(31) "public service vehicle" means any motor vehicle used or adapted, to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage and stage carriage;

(32) "registered axle weight" means in respect of any vehicle the axle weight certified and registered by the registered authority as permissible for that vehicle;

(33) "registered laden weight" means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

(34) "registering authority" means an authority empowered to register motor vehicles under Chapter III.

(35) "school bus" means any motor vehicle used exclusively for the carriage of students of any educational institution recognized by Government or the managing committee of which is a society registered under the Societies Registration Act, 1860;

(36) "semi-trailer means any vehicle which is so designed that when operated, the forward end of its body or chassis rests upon the body or chassis of the towing motor vehicle —;

'1G6-a) "Single axle weight" means a load of an axle of a goods vehicle transmitted by several wheels attached to that axle to the surface whereon, the wheels rest.]—; and

(37) "stage carriage" means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

(38) "street (roadway)" means that part of the public highway which is intended for vehicular traffic;

*[(38-a) "tandem axle weight" means load of a twin-axle (two axles centre - to-centre spaces between 40 to 48 inches) of a goods vehicle transmitted by the several wheels attached to that twin-axle assembly to the surface whereon the wheels rest.]

(39) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of

¹ Inserted vide Khyber Pakhtunkhwa Act, No. XXXIV of 2014.

² Inserted vide Khyber Pakhtunkhwa Act, No. XXXIV of 2014.

propulsion) the unladen weight of which does not exceed 16,000 pounds avoirdupois; but does not include a road-roller;

(40) "traffic signs" includes all signals, warning sign posts, direction posts, or other devices for the information, guidance or direction of drivers of motor vehicles;

(41) "trailer" means any vehicle other than a side-car drawn or intended to be drawn by a motor vehicle;

(42) "transport vehicle" means a public service vehicle, a goods vehicle, a locomotive or a tractor [.....]

°[(42-a) "tridem axle weight" means the load of a tri-axle (three axles, the outer two axles centre-to-centre spaced between 80 to 96 inches) of a goods vehicle transmitted by the several wheels to tri-axle assembly to the surface whereon the wheels rest; and

(42-b) "tyre pressure" means inflation pressure of tyres of goods vehicles]

(43) "unladen weight" means the weight of a vehicle or trailer including all equipment ordinarily used within the vehicle or trailer when working, but excluding the weight of the driver or attendant; and where alternative parts or bodies are used, the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;

(44) "weight" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

CHAPTER-II LICENSING OF DRIVERS OF MOTOR VEHICLES

3. 3II] No person shall drive a motor vehicle in any public place unless he holds an effective license authorizing him to drive the vehicle; and no person shall so drive a motor vehicle as paid employee or shall so drive a public service vehicle unless his license specifically entitles him so to do:

Provided that a person receiving instructions in driving a motor vehicle may, subject to such conditions as may be prescribed by Government in this behalf, drive a motor vehicle in any public place.

' Omitted vide Ord. No. VIII of 1978.

? Inserted vide Khyber Pakhtunkhwa Act, No. XXXIV of 2014.

* Inserted vide Ord. No. VIII of 1978.

Prohibition
on driving
without
license.

1Q) No person shall drive a Motor Vehicle in any public place unless he has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.]

4. (1) No person shall drive in any public place—

(i) a motor cycle or an invalid carriage, unless he has attained the age of eighteen years;

(ii) a motor car, otherwise than as a paid employee, unless he has attained the age of eighteen years;

(iii) a motor car as a paid employee or a transport vehicle, unless he has attained the age of twenty-one years;

(iv) a heavy transport vehicle, unless he has attained the age of twenty-two years.

2. (a) No person about the age of fifty years shall drive a transport vehicle in any public place unless the license entitling him so to do bears an effective endorsement by the licensing authority that such person has furnished a certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.

(b) The licensing authority shall not make on any license any such endorsement as is referred to in clause (a) unless it appears from the medical certificate furnished by the holder of the license that he is not suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of transport vehicle to be a source of danger to the public or to the passengers.

(c) An endorsement made under the provisions of clause (a) shall be effective for a period of twelve months from the date thereof, but the said period may from time to time, be, extended by the licensing authority by a further period of twelve months at any one time on the production by the holder of the license of a fresh medical certificate as required under clause (a) and on being satisfied there from that the holder of the license is not suffering from any disease or disability referred to in clause (b).

(3) No person shall drive a motor vehicle in a public place with his eyes wholly or partly covered with any cloth or other opaque substance, or in such manner as to interfere in any manner with his vision.

" Inserted vide Ord. No. VIII of 1978.

Age limit

in connection
with driving
of motor
vehicles.

5. No owner or person incharge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.

6. No holder of a license shall permit to be used by any other person.

7. (1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a license, may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application is for a license to drive as a paid employee, in which the employer resides or carries on business for the issue to him of a license.

(2) Every application under sub section (1) shall be in Form A as set forth in the First Schedule, shall be signed by, or bear the thumb impression of the applicant in two places, and shall contain the information required by the form.

(3) When the application is for a license to drive as a paid employee or to drive a transport vehicle, or where in any other case the licensing authority for reasons to be stated in writing so requires, the application shall be accompanied by a medical certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.

(4) Every application for a license to drive Ta motor vehicle] shall be accompanied by three copies of a recent photograph of the applicant attested by a Magistrate or *[an officer of Government not inferior in rank to an officer in Grade-17 of the National Pay scale.]

(5) If, from the application or from the medical-certificate referred to in sub-section (3) it appears that the applicant is suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorized by the license applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the license:

Provided that—

' Substituted vide Ord. No. VIII of 1978.

* Substituted vide Ord. No. VIII of 1978.

Owners of
motor vehicles
not to permit
contravention
of section 3 or
section 4.

Restriction on
use of license
by person other
than holder.

Grant of
license.

(a) a license limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage;

(b) the applicant may, except where he suffers from a disease or disability specified in the Second Schedule, claim to be subjected to a test of his fitness or ability to drive a motor vehicle of a particular construction or design, and if he passes such test to the satisfaction of the licensing authority and is not otherwise disqualified, the licensing authority shall grant him a license to drive such motor vehicle as the licensing authority may specify in the license.

(6) No license shall be issued to any applicant unless he passes to the satisfaction of the licensing authority the test of competence specified in the Third Schedule:

Provided that where the applicant is for a license to drive a motor vehicle (not being a transport vehicle) otherwise than as a paid employee, the licensing authority may exempt the applicant from the test specified in the Third Schedule, if—

(a) the applicant possesses a driving certificate issued by an automobile association recognized in this behalf by Government, or.

(b) the licensing authority is satisfied that the applicant has previously held a license (or similar document) valid outside the Province and has had not less than twelve months recent experience of driving a motor vehicle of the class to which the application refers:

Provided further that where the applicant, being a serving member of the armed forces of Pakistan, is in possession of a valid army driving license and has been actually driving one or more classes of motor vehicles for not less than three years immediately before the date of application, the licensing authority shall subject to the prescribed conditions, exempt him from the test specified in the Third Schedule and issue to him a driving license for the class or classes of motor vehicles he has been so driving.

(7) The test of competence to drive shall be carried out in a vehicle of the class to which the application refers, and for the purposes of part I of the test—

(a) a person who passes the test in driving a heavy transport vehicle shall be deemed also to have passed the test in driving any motor vehicle other than a motor cycle or a road roller;

(b) a person who passes the test in driving a light transport vehicle shall be deemed also to have passed the test in driving a motor car or a motor cab or a delivery van.

(8) No license shall be issued to any applicant to drive a heavy transport vehicle unless he has held for a period of not less than three years immediately preceding the making of the application an effective license to drive a motor vehicle other than a motor cycle, an invalid carriage or a road-roller.

(9) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness and of his competence to drive and has paid to the authority the prescribed fee, the licensing authority shall grant the applicant a license unless the applicant is disqualified under Section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a license:

Provided that a licensing authority may issue a license to drive a motor cycle or a motor car notwithstanding that it is not the appropriate licensing authority; if the licensing authority is satisfied that there is good reason for the applicant's inability to apply to appropriate licensing authority.

110) No license shall be issued to any applicant unless he has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.]

8. (1) Every license, except a license issued under section 15, shall be in Form C as set forth in the First Schedule and shall have affixed thereto one of the signatures or thumb-impression given on the application for the license and Loe.] one of the photographs referred to in sub section (4) of section 7.

(2) A license shall specify whether the holder is entitled to drive as a paid employee and whether he is entitled to drive a public service vehicle and shall further be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely :-

(a) motor cycle;
(b) motor car;

(c) motor cab;

(d) delivery van;

"Inserted vide Ord. No. VIII of 1978.

* Omitted vide Ord. No. VIII of 1978.

Form and
contents
of license.

- (e) light transport vehicle;
- (f) heavy transport vehicle;
- (g) locomotive;
- (h) tractor;
- (i) road-roller;
- () invalid carriage;
- (k) any other motor vehicle of a specified description.

9. (1) Any person holding a license issued under this Ordinance who is not for the time being disqualified for holding or obtaining a license may apply in Form D as set forth in the First Schedule to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application relates to a license to drive as a paid employee, in which the employer resides or carries on business, for the addition of any class of motor vehicles to the license as is specified in section 8.

(2) The provisions of section 7 shall apply to an application under this section as if the application were for the grant of a license under that section to drive the class of motor vehicle which the applicant desires to be added to his license:

Provided that the provisions of sub-sections (3) and (4) of that section shall not apply where the applicant is the holder of a license to drive as a paid employee or to drive a transport vehicle.

(3) No fee other than a fee for the test of competence to drive shall be charged for an addition to a license under this section.

10. (1) Subject to any rules made by Government, a license issued under the foregoing section shall be effective throughout the Province.

(2) Subject to any rules made by Government, a license to drive a motor vehicle issued by a competent authority in any part of Pakistan not included in the Province shall be valid throughout the Province as if it were a license issued under this Ordinance and it shall be lawful for the holder of such a license to drive and be employed in driving in the Province a motor vehicle of any class or description which he is authorized by such license to drive:

Additions
to licenses.

Extent of
validity
of license.

Provided that the holder of such a license is not disqualified under any of the provisions of this Ordinance for holding or obtaining a license in the Province.

III. A license issued under the foregoing sections shall, subject to the provisions contained in this Ordinance, as to the cancellation of licenses and the disqualification of holders of licenses for holding or obtaining licenses, be effective without renewal for a period up to five years, three years or one year, as may be opened by the applicant:

Provided that no license shall be renewed, unless the holder thereof has in his possession of his own copy of the most recent version of the Pakistan Highways Code published by the Federal Government.]

12. (1) Any licensing authority may on an application made to it renew a license issued under the provisions of this Ordinance.

E:]

3[Provided that no license shall be renewed unless the holder thereof has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government].

(2) A license to drive as a paid employee shall not be renewed so as to be effective for any period after the expiry of five years from the date of the medical certificate furnished by the license holder under section 7 unless he furnishes a fresh medical certificate in Form B as set forth in the First Schedule and signed by a registered medical practitioner in which case the period of five years shall be computed from the date of the last of such certificates.

(3) An application for the renewal of license shall be in Form E as set forth in the First Schedule and shall contain the declaration required by the form; provided that if the applicant does not or is unable to subscribe to the said declaration, the provisions of sub-section (5) of section 7 shall apply.

(4) The fee payable for the renewal of a license shall be as prescribed, and enhanced fee may be prescribed where the application for renewal is made more than thirty days from the date of expiry of the license:

Provided that if the application for renewal is made more than three years after the expiry of the license, the licensing authority may refuse to renew

¹ Substituted vide Khyber Pakhtunkhwa Ord. No. XVII of 2002.

* Substituted vide Ord. No. VIII of 1978.

* Inserted vide Ord. No. VIII of 1978.

Currency
of licenses.

Renewal
of licenses.

the license unless the applicant undergoes and passes to its satisfaction the test of competence specified in the Third Schedule.

(5) When the authority renewing the license is not the authority which issued the license, it shall intimate the fact of renewal to the authority which issued the license.

13. (1) Notwithstanding anything contained in section 11, or section 12, any licensing authority may at any time cancel a license or may require the holder thereof, as a condition of continuing to hold such license, to furnish a fresh medical certificate in Form B as set forth in the First Schedule and signed by a registered medical practitioner, if the licensing authority has reasonable grounds to believe that the holder of the license is, by virtue of any disease or disability, unfit to drive a motor vehicle.

(2) When the authority canceling the license is not the authority which issued the license it shall intimate the fact of cancellation to the authority which issued the license.

14. (1) Where the licensing authority refuses to issue or cancels or refuses to renew any license, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving reasons in writing for such refusal or cancellation.

(2) Upon the issue of any such order the person affected if he is the holder of a license, shall forthwith surrender his license to the licensing authority making the order if the license has not already been surrendered, and the licensing authority shall, if no appeal is preferred against its order as provided in sub-section (3), or where any such appeal has been preferred and been dismissed, destroy the license or cause it to be destroyed.

(3) Any person aggrieved by an order referred to in sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority, who shall decide the appeal after giving the authority against whose order the appeal has been preferred an opportunity of being heard, and that authority shall be bound by the decision of the appellate authority.

15. (1) The authority specified in Part A of the Fourth Schedule may grant licenses, valid throughout the Province, to persons, who has completed their eighteenth year to drive motor vehicles which are the property or for the time being under the exclusive control of the [Federal] Government.

(2) A license issued under this section shall specify the class or classes

¹ Substituted vide P. O. No. 4 of 1975.

* Substituted vide P. O. No. 4 of 1975.

Cancellation
of license on
grounds of
disease or
disability.

Order
refusing
licenses
and appeal
there from.

License to
drive motor
vehicles the
property of
the *[Federal]
Government.

of vehicles which the holder is entitled to drive and the period for which he is so entitled.

(3) A license issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle which is the property or for the time being under the exclusive control of the [Federal Government]

(4) The authority issuing any license under this section shall at the request of Government furnish such information respecting any person to whom a license is issued as Government may at any time require.

16. (1) If a licensing authority is satisfied after giving him an opportunity of being heard that any person—

(a) is a habitual criminal or a habitual drunkard, or

(b) is using or has used a motor vehicle in the commission of a cognizable offence, or

(c) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public, it may, for reasons to be recorded in writing, make an order disqualifying that person for a specified period for holding or obtaining a license.

[(1-A) If a licensing authority is satisfied, after giving him an opportunity of being heard, that in respect of any person an order under sub-section (2) of this section, or a declaration under sub-section(1) of section 18, has been made on more than one occasion, it may, for reasons to be recorded in writing, make an order cancelling the license granted to that person and disqualifying him for holding or obtaining a license for such period as it may deem fit].

(2) Upon the issue of any such order the person affected, if he is the holder of a license, shall forthwith surrender his license to the licensing authority making the order, if the license has not already been surrendered, and the licensing authority shall keep it until the disqualification has expired or has been removed.

(3) Any person aggrieved by an order made by a licensing authority under this section may, within thirty days of the service on him of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and

Substituted vide P. O. No. 4 of 1975.

? Inserted vide Ord. No. VIII of 1978.

Power of
licensing
authority to
disqualify
for holding
all license.

may make such inquiry into the matter as it thinks fit. An order made by any such appellate authority shall be final.

17. (1) A Regional Transport Authority constituted under Chapter IV may, for reasons to be recorded in writing and subject to any prescribed conditions, declare any person disqualified for a specified period, for holding or obtaining a license to drive a transport vehicle in the province.

(2) A Regional Transport Authority making a declaration under sub-section (1) shall, if the person so disqualified is the holder of license, furnish a copy of the declaration to the licensing authority by whom the license was granted, and if the person so disqualified is not the holder of a license, to the licensing authority within whose jurisdiction he ordinarily resides.

(3) upon the making of a declaration under sub-section (1), the person affected, if he is the holder of a license shall forthwith surrender his license to the licensing authority by whom the license was granted, and the licensing authority shall keep it until the disqualification has expired or has been removed.

(4) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the receipt of intimation of such order, appeal against the order to the prescribed authority.

18. (1) Where a person is convicted of an offence under this Ordinance, or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may subject to the provisions of this section, in addition to imposing any other punishment authorized by law, declare the person so convicted to be disqualified for such period as the Court may specify for holding any license or for holding a license to drive a particular class or description of vehicles:

Provided that the Court shall not order the disqualification of an offender convicted for the first or second time of an offence punishable under section 98.

(2) The Court shall order the disqualification of an offender convicted of an offence punishable under section 99 or section 100 and such disqualification shall be for a period of not less than six months.

(3) The Court shall order the disqualification of an offender convicted of an offence against the provisions of clause (c) of sub-section(1) of section 92 or of section 94 and such disqualification shall for a period of not less than one months.

(4) The Court shall, unless for special reasons to be recorded in writing, if thinks fit to order otherwise, order the disqualification of an offender—

Power of
Regional
Transport
Authority to
disqualify.

Power of
Court

to order
disquali-
fication.

(a) who having been convicted of an offence punishable under section 101 is again convicted of an offence punishable under that section,

(b) who is convicted of an offence punishable under section 103,
(c) who is convicted of an offence punishable under section 106:

Provided that the period of disqualification shall not exceed, in the cases referred to in clauses (a) and (b), two years, and, in the case referred to in clause (c), one year.

(5) A Court ordering the disqualification of an offender convicted of an offence punishable under section 101 may also direct that the offender shall, whether he has previously passed the test of competency to drive, specified in the Third Schedule or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(6) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals ordinarily lie from any Court may set aside or vary any order of disqualification made by that Court, notwithstanding that no appeal lies against the conviction in connection with which such order was made.

19. (1) A person in respect of whom any disqualification order is made under this Chapter shall be debarred to the extent and for the period specified in such order from holding or obtaining a license and the license, if any, held by such persons at the date of the order shall cease to be effective during such period.

(2) The operation of a disqualification order made under section 18 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.

(3) Any person in respect of whom any disqualification order has been made may, at any time after the expiry of six months from the date of the order, apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may having regard to all the circumstances of the case, remove or vary the order of disqualification:

Effect of
Disquali-
fication
order.

Provided that where an application has been made under this section a second application thereunder shall not be entertained before the expiry of a further period of three months.

20. (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the license, if any, held by the person disqualified, particulars of the order of disqualification and of any conviction for an offence in respect of which an order of disqualification is made; and particulars of any removal or variation of an order of disqualification made under sub-section (3) of section 19 shall be similarly so endorsed.

(2) Any person accused of an offence specified in the Fifth Schedule or any other offence involving the driving of a motor vehicle shall, when attending the Court trying him for such offence bring with him his license if it is in his possession.

(3) The Court by which any person is convicted of an offence specified in the Fifth Schedule or any other offence involving the driving of a motor vehicle shall, whether or not an order of disqualification is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any license held by the persons convicted.

21. (1) An endorsement on any license shall be transferred to any new or duplicate license obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a license issued to him free from endorsement.

(2) Where a license is required to be endorsed and the license is at the time not in the possession of the Court or authority by which the endorsement is to be made, then—

(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a license, he shall produce the license before the Court or authority within such time as the Court or authority may fix, or

(b) if, not being then the holder of a license, he subsequently obtains a license, he shall within five days after obtaining the license, produce it before the Court or authority for the purpose of endorsement; and if the license is not produced within the time specified, the person in respect of whom the endorsement is to be made, shall be deemed to have committed an offence punishable under section 97 and the license shall on the expiry of such time be of no effect until it has been produced for the purpose of endorsement.

Endorsement.

Transfer of
endorsement
and issue of
license free
from

endorsement.

(3) A person whose license has been endorsed shall if during the period of five years since the last endorsement was made no further order of endorsement has been made against him be entitled, on surrendering his license and on payment of the prescribed fee, to receive a copy of the license free from all endorsement; and if the endorsement was only in respect of exceeding a speed limit, he shall be entitled to have a copy of the license free from endorsement issued on the expiration of one year from the date of the order directing the endorsement to be made:

Provided that in computing the said period of five years and one year respectively, the time during which the said person was disqualified for holding or obtaining a license shall be excluded.

(4) When a license is endorsed by or an order of endorsement is made by any Court, it shall send particulars of the endorsement or order, as the case may be, to the licensing authority by which the license was last renewed and to the licensing authority which granted the license.

(5) Where the holder of a license is disqualified by the order of any Court for holding or obtaining a license, the Court shall take possession of the license and forward it to the licensing authority by which it was granted or last renewed and that authority shall keep the license until the disqualification has expired or has been removed and the person entitled to the license has made a demand in writing for its return to him:

Provided that, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, the Court shall endorse the license to this effect and shall send a copy of the order of disqualification to the licensing authority by which the license was granted and shall return the license to the holder.

(6) Where on an appeal against any conviction or order of a Court which has been endorsed on a license, the appellate Court varies or sets aside the conviction or order, the appellate Court shall so inform the licensing authority by which the license was last renewed and the licensing authority which granted the license, and shall amend or cause to be amended the endorsement of such conviction or order.

22. (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;

Power to
make rules.

(b)

(o)

(a)

(e)

(g)

(h)

@

(k)

the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees; provided that no fee so fixed shall exceed two rupees;

the issue of duplicate licenses to replace licenses lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the issue of temporary licenses to persons receiving instruction in driving and the fees to be charged there for;

the conditions subject to which a Regional Transport Authority may disqualify a person for holding a license to drive a transport vehicle;

the medical examination and testing of applicant; for licenses and of drivers and the fees to be charged therefor ;

the fees to be paid for the grant and renewal of licenses;

the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fee payable under this Chapter;

the granting by registered medical practitioners of the certificates referred to in sub-section (2) of section 4, sub section (3) of section 7 and sub-section 1 of section 13;

the communication of particulars of licenses granted by one licensing authority to other licensing authorities;

the control of schools or establishments for the instruction of drivers of motor vehicles and the acceptance of driving certificates issued by such schools or establishments as qualifying the holder for exemption from Part I of the test specified in the Third Schedule;

the exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder.

CHAPTER-HI
REGISTRATION OF MOTOR VEHICLES.

23. (1) No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in [any place] unless the vehicle is registered in accordance with this Chapter and the vehicle carries a registration mark displayed in the prescribed manner.

Explanation.— A motor vehicle shall not be deemed to be registered in accordance with this Chapter if the certificate of registration has been suspended or cancelled.

(2) Nothing in this section shall apply to a motor vehicle while being driven within the limits of jurisdiction of a registering authority to or from the appropriate place of registration for the purpose of being registered under section 24, 26, 40 or 41 or to a motor vehicle exempted from the provisions of this Chapter while in the possession of a dealer in motor vehicles.

*[(23-A.) if any owner of a motor vehicle imported into the country or purchased from any authorized manufacturer in the country, fails to register it within sixty days of its import or purchase, as the case may be, he shall, besides the registration fee prescribed under the rules, be liable to a penalty described in the Table below:

' Substituted vide Ord. No. VIII of 1978.

? Substituted vide Khyber Pakhtunkhwa Act, No. XIII of 2011.

Motor vehicle
not to be
driven without
registration.

Penalty in
default of
registration.

TABLE

S.No.	Motor vehicle type/ Engine	Where the default does not exceed	Where the default exceeds
Capacity of vehicle does not exceed			
6 months (Rs.)	6 months (Rs.)		
1. 2. 3. 4.			
(i) Motor Cycle/scooter	200	500	
(ii) Tractor not being used for agricultural purposes	1000	2000	
(iii) Other vehicles up to 800 CC	1000	2000	
(iv) 801-1000 CC	1500	3000	
(v) 1001-1300 CC	1700	3400	
(vi) 1301-2000 CC	2000	5000	
(vii) Above 2000 CC	5000	10000.]	

24. (1) Subject to the provisions of section 26, section 40 and section 41, every owner of a motor vehicle shall cause the vehicle to be registered by the registering authority of the division in which he has his residence or place of business or in which the vehicle is normally kept.

(2) Government may by rule made under section 43 required that any certificate of registration issued under the provisions of the Motor Vehicles Act, 1939, shall be presented within a prescribed period, to a specified registering authority for entry therein of such further particulars of the vehicles as that authority may, for the purposes of this Ordinance, deem fit to record.

1125. (1) An application for registration of a motor vehicle shall be made to the registering authority by the owner personally or through a duly authorized agent, in Form "F" as set forth in the First Schedule, to this Ordinance, and shall be accompanied by the following:-

(a) Import permit and the bill of lading through which the motor vehicle is imported and papers indicating the payment of customs duty, etc; leviable on the import of such a motor vehicle;

(b) Sale authority letter and invoice issued by the authorized manufacturer of the motor vehicle or by his authorized dealer in Pakistan; and

(c) Incase of re-registration under section 30 of this Ordinance, the registration certificate issued by the original registering authority together with a 'No Objection Certificate (NOC)' issued by it.

(2) The registering authority shall, in accordance with the provisions of this Ordinance, issue to the owner of a motor vehicle a certificate of registration in Form "G" on payment of prescribed fee, as set forth in the First Schedule to this Ordinance and shall enter the particulars of such certificate in the register to be maintained by it in this behalf.

713) The registration authority shall assign to motor vehicle for display thereon, in the prescribed manner, a distinguishing mark (in this Ordinance referred to as registration mark), containing the name of the Province, the name of the *[Region] where the vehicle is registered and such letter or group of letters and figures as may be prescribed:

¹ Substituted vide Khyber Pakhtunkhwa Act No. XVII of 1996.

* Substituted vide Khyber Pakhtunkhwa Act No. XII of 2010.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

Registration
where to
be made.

Registration
how to be
made.

Provided that after coming into force of the Provincial Motor Vehicles (Khyber Pakhtunkhwa) (Amendment) Act, 2010, the owners of motor vehicles to whom personalized numbers were issued, shall cease to display these number plates hence forth and shall start to display the number plates hence forth and shall start to display the number plates provided to them under sub-section (6):

Provided further that an amount of twenty-five thousand rupees received from each owner of vehicle to whom personalized number was issued, shall be refunded to them as per prescribed procedure.]

'PIG-ANI]

(4) The certificate issued under sub-section (2) shall be provisional certificate till documents referred to in clauses (a), (b) and (c) of sub-section (1) are verified from the concerned agencies by the registering authority:

Provided that if the concerned agencies fail to verify the documents within a period of one year from the date of reference, it shall be presumed that the documents produced are fake and the provisional certificate shall stand suspended and cancelled as provided in section 34 and 35 of this Ordinance:

Provided further that the motor vehicle of which the registration certificate is cancelled under the first proviso or the motor vehicles the owners or keepers whereof may fail to produce any valid documents in support of their ownership, shall be seized by Government and disposed of in the prescribed manner.

315) Series of vehicles registration marks shall consist of such digits and numbers as Government may by notification in the official Gazette specify.

(6) The number plates and other registration documents to be affixed or used with the motor vehicle shall be provided by Government or its authorized agent or agents on such payments as may be fixed by Government from time to time.]

4[Provided that the owner of a motor vehicle who may have obtained a personalized number under sub-section (3A) shall prepare the number plate through his own resources, which shall contain on its fourth-fifth portion the personalized number, while on its remaining portion the name of the *[Region] in which it is registered shall be inserted.]

' Inserted vide Khyber Pakhtunkhwa Act No. VI of 2004.

? Deleted vide Khyber Pakhtunkhwa Act No. XII of 2010.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2016.

* Added vide Khyber Pakhtunkhwa Act No. VI of 2004.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

(7) The motor vehicle registered in a [Region] under this section shall not be re-registered in any other “[Region] of the Province.

(8) Government may, by notification in the official Gazette, allow the motor vehicles already registered in the Province under the old system to continue to display the old registration marks till such time as new registration mark, in the manner specified therein, are assigned to them:

Provided that till such notification is issued, it shall not be unlawful for the owner of such motor vehicles to display the old registration marks.]

3[4](9) Any person found using the number plate other than the one provided to him under sub-section (6) or a registration mark other than one he is allowed to use under sub-section (8) shall be liable to a penalty of five thousand rupees in violation of misuse of registration mark.]]

26. (1) Notwithstanding anything contained in section 24, the owner of a motor vehicle may apply in the prescribed manner to any registering authority to have the vehicle temporarily registered and thereupon such registering authority shall issue to the owner of the vehicle a temporary certificate of registration and assign to the vehicle a temporary mark of registration.

(2) A registration made under this section shall be valid only for a period of one month, and shall not be renewable.

27. The registering authority may, before proceeding to register a motor vehicle, require the person applying for registration of the vehicle to produce the vehicle either before itself or such authority as Government may, by order appoint for this purpose in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of chapter VI and the rules thereunder.

28. (1) The registering authority may, for reasons to be recorded in writing, refuse to register any motor vehicle, if—

(a) the vehicle is mechanically so defective as to render its use unsafe; or

(b) the vehicle does not comply with the requirements of Chapter VI, or of the rules made thereunder ; or

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

> Added vide Khyber Pakhtunkhwa Act No. VIII of 2006.

* Substituted vide Khyber Pakhtunkhwa Act No. XII of 2010.

Temporary registration.

Production of vehicle at the time of

registration.

Refusal of
registration.

- (c) the applicant fails to furnish particular of any previous registration of the vehicle; or
- (d) the applicant fails to produce before the registering authority—

(i) where the vehicle has been previously registered under this ordinance or under any other law relating to the registration of motor vehicles in force in any place in Pakistan, a letter of authority or a certificate of transfer from the person shown as owner in the last registration certificate in respect of such vehicle; or.

(ii) where the vehicle has been imported from any place outside Pakistan and has not been previously registered in any place, in Pakistan, an import license for the vehicle.

(2) Where a registering authority refuses to register a motor vehicle, it shall furnish to the applicant free of cost a copy of the reasons for such refusal.

29. (1) Subject to the provisions of section 30, a motor vehicle registered by a competent authority in any part of Pakistan not included in the Province under the law relating to motor vehicles in force in such part, shall not be required to be registered under this Ordinance.

Provided that there is in force in respect of the vehicle a certificate conforming to and containing substantially the same particulars as the certificate of registration in Form G as set forth in the First Schedule issued by such competent authority in respect of such vehicle.

(2) A certificate complying with the requirements of the proviso to the last preceding sub-section shall be effective throughout the Province as if it were a certificate of registration issued under this Ordinance and the provisions of this Ordinance shall apply thereto.

(3) Sub Section (1) shall not apply to any motor vehicle previously registered in the Province if the certificate of registration of the vehicle is, for the time being, suspended or cancelled to any reason other than that of permanent removal of the vehicle from the Province.

30. (1) When a motor vehicle not required to be registered in the Province by virtue of sub-section (1) of section 29 is kept in the Province for a period exceeding twelve months, the owner of the vehicle shall apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration of the vehicle to that registering authority.

Effectiveness
in West

Pakistan of
registration.

Assignment

of fresh
registration
mark on
removal to
another
Province.

(2) The registering authority, to which application is made under sub-section (1), shall assign the vehicle a registration mark [referred to in section 25] to be carried thence forth on the vehicle and shall enter the mark upon the certificate of registration of the vehicle before returning it to the applicant and shall also, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

(3) Government may make rules under section 43 requiring the owner of a motor vehicle not registered within the Province, which is brought into or is for the time being in the Province, to furnish to the prescribed authority such information with respect to the motor vehicle and its registration as may be prescribed.

31. (1) if the owner of a motor vehicle ceases to have his place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of such change of address, intimate his new address to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered therein.

(2) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority.

(3) Nothing in sub-section (1) shall apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed six months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.

32. (1) Within thirty days of the transfer of ownership of any motor vehicle registered under this Chapter, the transferee shall report the transfer to the registering authority within whose jurisdiction he ordinarily resides and shall forward the certificate of registration of the vehicle to that registering authority together with the prescribed fee in order that particulars of the transfer of ownership may be entered therein.

(2) A registering authority other than the original registering authority making any such entry shall communicate the transfer of ownership to the original registering authority.

" Substituted vide Ord. No. XXXVI of 1981.

Change of
residence
or place of
business.

Transfer of
ownership.

'[32-A. If the owner of a motor vehicle registered by a registering authority having jurisdiction in the Tribal Areas of the Province of Balochistan ceases to reside or to have his place of business in those Areas, or sells or otherwise transfers the motor vehicle to any person who does not reside or have his place of business in those Areas, the certificate of registration and registration mark of the vehicle shall stand canceled as from the day on which he ceases to reside or to have his place of business in those areas or, as the case may be, sells or otherwise transfers the vehicle to such person.

33. (1) If a motor vehicle is so altered that the particulars contained in the certificate of registration are no longer accurate, the owner of the vehicle shall within fourteen days of the making of any such alteration report the alteration, to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration of the vehicle to that authority together with the prescribed fee in order that particulars of the alteration may be entered there in:

Provided that it shall not be necessary to report any change in the unladen Weight of the motor vehicle consequent on the addition or removal of fittings or accessories, if such change does not exceed two per cent of the weight entered in the certificate of registration.

(2) A registering authority other than the; original registering authority making any such entry shall communicate the details of the entry to the original registering authority.

34. (1) A registering authority or any other prescribed authority may, after giving the owner an opportunity of making any representation he may wish to make, for reasons to be recorded in writing, suspend the registration certificate of a motor vehicle ,if—

(a) the vehicle is not insured as required by law; or

(b) any fees or taxes payable in respect of the vehicle under this Ordinance or the rules framed there under, or the West Pakistan Motor Vehicles Taxation Act, 1958, have remained unpaid for a period exceeding three months from the date such fees or taxes were due; or

(c) in the case of a public service vehicle, it is not covered by a valid certificate of fitness; or

(d) the authority has reasons to believe that the vehicle is in such a condition that its use in a public place would constitute a danger

¹ Added vide Ord. No. VIII of 1978.

Areas of
Balochistan
in certain
cases.

Alteration
in motor
vehicle.

Suspension
of
registration.

to the public, or that it fails to comply with the requirements of Chapter VI or of the rules made there under; or

(e) a substantially false statement has been made in the application for registration of the vehicle; or

(f) the registration certificate has been deliberately defaced or mutilated or unauthorized additions or alterations have been made therein;

and such suspension shall remain in force till the vehicle is duly insured as required by law, or the fees or taxes have been paid, or a valid certificate of fitness in respect of the vehicle has been obtained, or the defects are remedied to the satisfaction of such authority, or the false statement in the application for registration has been replaced by a correct statement in the prescribed manner, as the case may be.

(2) A registering authority or any prescribed authority may after giving the owner an opportunity of making any representation he may wish to make and for reasons to be recorded in writing, suspend for a period not exceeding six months, the certificate of registration of a vehicle, if it is satisfied that—

(i) the vehicle is used for subversive activities against the State; or

(ii) the vehicle is used for hire or reward without obtaining a permit from the Provincial or a Regional Transport Authority as required under section 44; or

(iii) the vehicle has been found by a Court to have been used by the owner of the vehicle or with his knowledge or connivance in the commission of a cognizable offence punishable with imprisonment of not less than five years.

(3) An authority other than a registering authority shall making a suspension order under sub-section (1), intimate in writing the act of suspension and the reasons therefore to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(4) A registering authority or other prescribed authority suspending the registration certificate of a motor vehicle under this section shall communicate the fact of suspension together with the reasons therefore in writing to the owner of the vehicle, and the owner shall thereupon forthwith surrender to that authority the certificate of registration and any token or card issued to authorise the use of the vehicle in a public place.

(5) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension, and when the suspension has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended may, if it is the original registering authority, cancel the registration and the entry relating to the vehicle in its records, and if it is not the original registering authority, shall forward the certificate of registration and any token or card surrendered under sub-section (4) to that authority which may cancel it forthwith.

(6) The certificate of registration and any token or card surrendered under sub-section (4) shall be returned to the owner when the order suspending registration is rescinded.

35. (1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, as soon as may be, report the fact to the registering authority within whose jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any token or card issued to authorize the use of the vehicle in a public place.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration, to the original registering authority and that authority shall cancel the registration and the certificate of registration.

(3) Any registering authority may order the examination of another vehicle within its jurisdiction by such authority as Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make it is satisfied that the vehicle is in such a condition that its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may, for reasons to be recorded in writing, cancel the registration of the vehicle.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of the Province, it shall cancel the registration of the vehicle.

(5) A registering authority or any prescribed authority cancelling the registration of a motor vehicle under this section shall communicate the fact, together with the reasons therefore, in writing to the owner of the vehicle and the owner of the vehicle shall thereupon forthwith surrender to that authority the

Cancellation
of
registration.

certificate of registration of the vehicle and any token or card issued to authorize the use of vehicle in a public place.

(6) A registering authority making an order of cancellation under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and if it is not the original registering authority, intimate in writing the fact of cancellation and the reasons therefore, and forward the certificate of registration and any token or card surrendered to it under subsection (6) to the original registering authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(7) The expression "original registering authority" in this section and in section 31, 32, 33 and 34 means the registering authority in whose records the registration of the vehicle is recorded.

36. (1) Any owner of a motor vehicle aggrieved by an order of refusal to register a motor vehicle made under section 28 or to issue a certificate of fitness made under sub-section (1) of section 39 or by an order of suspension or cancellation of registration made under section 34 or 35 or by an order of cancellation of the fitness certificate made under sub-section (3) of section 39 may, within thirty days of the date on which he has received notice of such order, appeal against the order in the prescribed manner to the prescribed authority.

(2) The appellate authority shall give notice of the appeal to the original authority, and after giving opportunity to the original authority and the appellant to be heard either personally or by pleader in the appeal, pass such orders as it thinks fit.

37. (1) A registering authority shall refuse to register any transport vehicle, other than a motor cab unless the application for registration is accompanied by a document in Form H as set forth in the First Schedule signed by the maker of the vehicle or an assembler duly authorized by the maker in this behalf stating the maximum laden weight and maximum axle weights for which the vehicle is and the several axles are designed.

(2) Where a transport vehicle or chassis, as the case may be, has affixed to it a metal plate, bearing the stamp of the maker or assembler and identified as appertaining to the particular vehicle or chassis to which it is attached, which contains the particulars specified in sub-section (1), that plate may at the discretion of a registering authority be deemed to be the document referred to in that sub-section.

Appeals.

Special
requirement
for
registration
of transport
vehicles.

38. A registering authority, when registering a transport vehicle other than a motor cab, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely—

- (a) the unladen weight of the vehicle;
- (b) the number, nature and size of the tyres attached to each wheel;
- (c) the laden weight of the vehicle and the axle weights pertaining to the several axles thereof, determined in accordance with the tyre and Rim Manufacturers Association load ratings for tyres as revised from time to time and approved by the Provincial Transport Authority.
- (d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided,

and the owner of the vehicle shall have the said particulars exhibited in the prescribed manner on the vehicle.

39. (1) subject to the provision of section 40, a transport vehicle shall not be deemed to be validly registered for the purposes of section 23, unless it carries a certificate of fitness in Form I as set-forth in the First Schedule, issued by the prescribed authority, to the effect that the vehicle complies for the time being with all the requirement of Chapter VI and the rules made thereunder; and where the prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for three years unless a shorter period, not being in any case less than six months, is specified in the certificate by the '[authority issuing the certificate] *[.....]

3[Provided that in case of a permit issued under section 60 (1) (a), a certificate of fitness shall remain effective for a period of six months and on the expiry of that period the permit shall be deemed to be suspended until a new certificate of fitness has been obtained;]

(3) The T ceeeeenenee] prescribed authority may, for reasons to be recorded in writing, cancel a certificate of fitness at any time if satisfied that the vehicle to which it relates no longer complies with all the requirements of this ordinance

¹ Substituted vide W. P. Ord. No. IX of 1970.

* Omitted vide W. P. Ord. No. IX of 1970.

* Added vide W. P. Ord. No. IX of 1970.

* Omitted vide W. P. Ord. No. IX of 1970.

Special
Particulars
to be
recorded

on
registration
of transport
vehicles.

Certificate
of fitness
of
Transport
vehicle.

and the rules made thereunder; and on such cancellation, the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter IV shall be deemed to be suspended until a new certificate of fitness has been obtained.

40. (1) The authorities specified in Part B of the Fourth Schedule may register any motor vehicle which is the property or for the time being under the exclusive control of the '[Federal Government;]' and any vehicles so registered shall not, so long as it remains the property or under the exclusive control of the *[Federal] Government, require to be registered otherwise under this ordinance.

(2) A transport vehicle registered under this section shall carry a certificate of fitness in Form I as set forth in the First Schedule issued by the authority referred to in sub-section (1).

(3) An authority registering a vehicle under sub-section (1) shall assign to it a registration mark in accordance with the provisions contained in the Fourth Schedule and shall issue a certificate in respect of the vehicle that the vehicle has been registered under this section.

(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the '[Federal] Government, the provisions of section 24 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to Government all such information regarding the general nature, over all dimensions and axle weight of the vehicle as Government may at any time required.

[°][41. Notwithstanding anything contained in this Chapter and the Sixth Schedule, Government may, by rules prescribe a special procedure for the registration of any class, or type or category of motor vehicles, or motor vehicles belonging to a specified class of persons, and such rules may among other matters provide for—

(a) the appointment of a special registration authority for such motor vehicles; and

(b) special registration mark to be carried by such motor vehicles].

['] Substituted vide P. O. No. 4 of 1975.

[?] Substituted vide P. O. No. 4 of 1975.

^{*} Substituted vide P. O. No. 4 of 1975.

^{*} Substituted vide P. O. No. 4 of 1975.

^{*} Substituted vide W. P. Ord. No. XXXIX of 1965.

Registration
of vehicles,
the property
of the
*[Federal]
Government.

Special
registration
of vehicle.

42. (1) The registration mark assigned to a trailer shall be displayed in the prescribed manner on the side of the vehicle.

(2) No person shall drive a motor vehicle to which a trailer is or trailors are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train, as the case may be.

43. (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,

(a) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities;

(c) the issue of certificates of registration and certificates of fitness and duplicate of such certificates to replace certificates lost, destroyed or mutilated;

(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;

(e) the manner in which registration marks and the particulars referred to in section 38, and other prescribed particulars shall be exhibited;

¹(ee) the authorizing of suitable automobile workshops to issue certificate of fitness, the licensing of such workshops; the equipment and apparatus to be maintained by such workshops, their inspection, the terms and conditions and the period for which, and the authorities by whom, the licenses may be granted and renewed and the fees to be paid for the grant and renewal of the licenses;

(f) the fees to be charged for the issue of alteration of certificates of registration, for certificates of fitness, for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees;

¹Inserted vide W. P. Ord. No. IX of 1970.

Application
of chapter III
to trailers.

Power to
make rules.

- (g) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;
- (h) the forms, other than those set forth in the First Schedule to be used for the purposes of this Chapter;
- (i) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the Province of particulars of such vehicles and of their registration;
- (j) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement;
- (k) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;
- (l) the exemption from the provisions of this Chapter and the conditions and fees for exemption, of motor vehicles in the possession of dealers;
- (m) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder, and the conditions governing such exemption; and the exemption of light goods vehicles from the provisions of section 39 and the conditions governing such exemption.

CHAPTER—IV CONTROL OF TRANSPORT VEHICLES

44, (1) No owner of a transport vehicle shall use or permit the use of, and no driver of a transport vehicle shall drive or cause or permit to be driven, the vehicle in any public place, save in accordance with the conditions of a permit authorizing the use or driving of the vehicle in such place granted or countersigned by a Regional or Provincial Transport Authority :

Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorize the use of the vehicle as a contract carriage:

Transport
vehicles
not to be
used or
driven
without
permit.

Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorize the use of the vehicle as a goods vehicle either when carrying passengers or not:

Provided also that a public carrier's permit shall, subject to any conditions that may be specified in the permit authorize the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

(2) In determining, for the purposes of this Chapter, whether a transport vehicle is or is not used for the carriage of goods for hire or reward—

(a) the delivery or collection by or on behalf of the owner of goods sold, used or let on hire or hire-purchase in the course of any trade or business carried on by him other than the trade or business of providing transport;

(b) the delivery or collection by or on behalf of the owner of goods which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him ; or

(c) the carriage of goods in a transport vehicle by a manufacturer of or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes,

shall not be deemed to constitute a carrying of the goods for hire or reward; but the carriage in a transport vehicle of goods by a person not being a dealer in such goods who has acquired temporary ownership of the goods for the purpose of transporting them to another place and there relinquishing ownership shall be deemed to constitute a carrying of the goods for hire or reward.

(3) Sub-section (1) shall not apply—

(a) to any transport vehicle owned by or on behalf of the [Federal] or any Provincial Government and used for public purposes unconnected with any commercial enterprise;

(b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used

solely for road cleaning, watering or conservancy purposes.

(c) to any emergency vehicle;

Substituted vide P. O. No. 4 of 1975.

- (d) to any transport vehicle used, for any other public purpose prescribed in this behalf;
- (e) to any transport vehicle used solely for conveyance of corpses;
- (f) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;
- (g) to any school bus; or
- (h) to any trailer used for any purpose other than the carriage of goods for hire or reward when drawn by a motor vehicle constructed for the carriage of not more than six passengers excluding the driver.

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if Government by rules made under section 69 so prescribes, apply to any motor vehicle adapted to carry more than nine passengers excluding the driver.

'1(44-A) A transport vehicle registered in any other Province may be allowed to be driven within the Province.—

- (a) in the case of a transport vehicle for which a permit has been issued by general or special resolution of the Provincial Transport Authority; and.
- (b) in any other case, by general or special order of the Government; subject to such terms and conditions as may be specified by the Provincial Transport Authority or Government in the said resolution or order as the case may be.]

45. (1) Government, having regard to—

- (a) the advantages offered to the public, trade and industry by the development of motor transport; and
- (b) the desirability of—
 - (i) in coordinating road and rail transport;
 - (ii) preventing the deterioration of the road system; and

' Inserted vide Khyber Pakhtunkhwa Ord. No. I of 1972.

Permission
to drive
transport
vehicle
registered
in other
Provinces.

Power of
Government
to control
road

transport.

(iii) preventing uneconomic competition among transport vehicles,

and after having heard the representatives of the interests affected and having consulted the Provincial and Regional Transport Authorities concerned, may, for reasons to be recorded in writing, by a notification in the official Gazette—

(i) prohibit or restrict throughout the Province or in any area or on any route within the Province, subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally or of prescribed classes of goods, by private or public carriers; or.

(ii) fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the Province or within any area or on any route within the Province.

(2) Notwithstanding anything in sub-section (1), Government may, by notification under this sub-section, cancel generally or in relation to a specified area any permit or class of permits granted under this Chapter in respect of transport vehicles in order to enable the '[Board] constituted under section 70 to use its transport vehicles on the routes thus rendered vacant:

Provided that the provision of section 22 of the West Pakistan General Clauses Act, 1956 as to previous publication shall apply to a notification under this sub-section, and for the purposes of the said section, a notification under this sub-section shall be deemed to be a rule made under an Act.

(3) Government may direct the Provincial Transport Authority or a Regional Transport Authority not to grant or issue any permit (if already granted but not issued) or to restrict the grant of fresh permits to a specified number on any route or routes or part of a route on which the Corporation is already operating motor transport or intends to do so.

Explanation— For the purpose of this sub-section “route” includes any combination of routes or an elongation of a route.

46. (1) Government shall by notification in the official Gazette, constitute—
(i) a Provincial Transport Authority to exercise and discharge

throughout the Province the powers and functions specified in sub-section (6); and

" Substituted vide Ord. No. V of 1972.

West Pakistan
Act No. VI
of 1956.

Transport
Authorities.

ii) a *TRegional Transport Authority] for each *[Region] in the Province to exercise and discharge throughout the “[Region] concerned the powers and functions conferred on it by or under this Chapter:

Provided that-

(a) permits for vehicles playing within the limits of *[Region] shall be issued by the °[Regional Transport Authority] concerned;

(b) permits for vehicles playing within the limits of two adjoining 7[Regions] shall be issued by the *TRegional Transport Authority] of any of the said two adjoining *[Regions], subject to a no objection certificate issued by the [Regional Transport Authority] of such other adjoining "TRegion]; and

(c) permits for vehicles playing within the limits of more than two ||[Regions] will be issued by Provincial Transport Authority.]

13[(2) The Provincial Transport Authority or a '[Regional Transport Authority] shall consist of such number of official and non-official members as Government may think fit to appoint, but no person who has any financial interest whether as no person who has any financial interest whether as proprietor, employee or otherwise in any transport undertaking, except in his representative character of the proprietors/transporters, shall be appointed or continue as a member of the Provincial Transport Authority or a [Regional Transport Authority.]]

Explanation.— A person shall not be deemed to have any financial interest in a transport undertaking for the purposes of this section merely by

' Substituted vide Khyber Pakhtunkhwa Ord. No. VI of 2002.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

> Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

° Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

7 Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

° Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

1° Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

"Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

" Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

13 Substituted vide Khyber Pakhtunkhwa Ord. No. VI of 2002.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

° Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

reason of the fact that he is a member or an employee of the Railway Board or is a person in the service of Pakistan or serving under the [Board.]

(3) If any person who is appointed as member of the Provincial or a Regional Transport Authority has any such interest in transport undertaking as is referred to in sub section (2) he shall forthwith give notice of the same in writing to Government.

(4) If any member of the Provincial or a Regional Transport Authority during his term of office acquires any such interest in a transport undertaking as is referred to in sub-section (2) he shall within four weeks of acquiring such interest give notice of the same in writing to Government, and shall on the giving of such notice cease to be such member.

(5) If any person becomes a member or continues to remain as a member of the Provincial or a Regional Transport Authority in contravention of the provisions of this section he shall be deemed to have committed an offence against this Ordinance.

(6) The Provincial Transport Authority shall exercise and discharge the following powers and functions, namely:—

(i) to co-ordinate and regulate the activities and policies of the Regional Transport Authorities;

2[(ii) to issue permits for vehicles playing within the limits of more than two *[Regions]];

(iii) to settle all disputes and decide all matters on which differences of opinion arise between the Regional Transport Authorities; and

(iv) to discharge such other functions as may be prescribed.

(7) The Provincial Transport Authority may, subject to such conditions as may be prescribed, issue to a Regional Transport Authority such orders and directions of general character in respect of road transport as it may deem necessary, and the Regional Transport Authority shall give effect to all such orders and directions.

(8) The Provincial Transport authority and any Regional Transport Authority, if authorized in this behalf by rules made under section 69, may

¹ Substituted vide Ord. No. V of 1972.

2 Substituted vide Khyber Pakhtunkhwa Ord. No. VI of 2002.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

delegate such of its powers and functions to such authority, or person and subject to such restrictions, limitations and conditions as may be prescribed by the said rules.

1[47. (1) Every application for a permit shall be made to the [Regional Transport Authority] of the *[Region] concerned or of one of the “[Regions] in which it is proposed to use the vehicle or vehicles and, if the applicant resides or has his principal place of business in any one of those *[Regions], to the [Regional Transport Authority] of that [Region]:

Provided that if the permit or permits applied for is covered by clause (c) of the proviso to sub-section 1 of section 46, the *[Regional Transport Authority] by whom the application is received shall forward the same to the Provincial Transport Authority for such action as is deemed fit by the latter Authority.]

(2) Nothing in sub-section (1) shall apply to road transport services operated by the *[Board].

[48 (1) An application for a permit to use a motor vehicle as a stage carriage

(in this Chapter referred to as a stage carriage permit) shall contain the following particulars, namely:-

(a) the name and address of the applicant;

(b) the registration number, type model and seating capacity of the vehicle in respect of which the application is made;

(c) the route or routes on which or the area within which it is intended to use the vehicle; and

(d) such other matters as may be prescribed.

(2) An application for a permit shall be accompanied by an affidavit of

the applicant to the effect that he is the actual owner of the motor vehicle in respect of which the application is made.

1 Substituted vide Khyber Pakhtunkhwa Ord. No. VI of 2002.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

> Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

° Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

7 Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

° Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1970.

"© Substituted vide W. P. Ord. No. IX of 1970.

General
provisions
as to
applications

for permits.

Application
for stage
carriage
permits.

Explanation. For the purposes of this Chapter, "actual owner" means a person or body of persons having Proprietary right in a motor vehicle, acquired by way of purchase, gift, inheritance, or under a hire-purchase agreement, or as a result of the settlement of a lawful claim].

'149 (1) Where an application for stage carriage permit conforming to the provisions of section 48 has been received by the Regional Transport Authority, it shall, on the payment of the prescribed fee, and on the applicant furnishing to the Regional Transport Authority, a bank guarantee of the prescribed sum as security for payment of any compensation that applicant may be required to pay under the provisions of section 67, grant a permit to the applicant in the prescribed form in respect of the motor vehicle specified in the application:

Provided that where any such permit granted in respect of the vehicle for which the permit is applied for has been suspended or cancelled, the Regional Transport Authority.—

- (a) shall not, during the period of suspension of the previous permit, grant a permit in respect of the vehicle; and
- (b) may, in case of cancellation of previous permit, for reason to be recorded in writing, a copy whereof shall be granted to the applicant free of cost, refuse to grant a permit "[for a period not exceeding three months where after the applicant may make a fresh application for the grant of stage carriage permit.]

3[2. No security in the form of bank guarantee shall be required in respect of:—

- (a) a stage carriage permit authorizing the plying of a stage carriage in an urban area, and
- (b) any other stage carriage permit if :—

'[(i) the applicant furnishes a certificate, duly issued by the West Pakistan Transporter's Mutual Assistance Cooperative Society Limited Lahore, or by any Transporter's Mutual Assistance Co-operative Society registered with the Registrar Co-operative Societies *[Khyber Pakhtunkhwa], showing him him as member thereof.]

' Substituted vide W. P. Ord. No. IX of 1970.

* Inserted vide W. P. Ord. No. XXV of 1970.

* Substituted vide W. P. Ord. No. XXV of 1970.

* Substituted vide Khyber Pakhtunkhwa Ord. No. IV of 1970.

* Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

Procedure
for grant of
applications

for stage
carriage
permits.

(ii) the certificate so issued remains valid; and
(iii) such certificate is not withdrawn.]

150. (1) A condition shall be inserted in every stage carriage permit that in case of death of, or injury to grant passenger in the vehicle to which permit relates arising out of the use of the vehicle, there shall be paid by the permit holder as compensation—

(a) in case of death of a passenger, a sum of rupees eight thousand to the legal representatives of the diseased passenger; and

(b) in case of an injury to a passenger, the amount specified in the Thirteenth Schedule, to the injured passenger.

(2). A Regional Transport authority may attach to a stage carriage permit any prescribed condition or any or all of the following conditions, namely:—

(i) that the service specified in the permit shall be commenced not later than a specified date and be continued for a specified period;

(ii) that a specified number of return trips of daily service shall be maintained on the route or routes specified in the permit and that they may be varied only in accordance with specified conditions;

(iii) that the stage carriage shall be used only on specified routes or in specified areas;

(iv) that copies of the fare table and time table approved by the Regional Transport Authority shall be exhibited on the stage carriage and its stands and stops on the route, and that the time table and fare-table so exhibited shall be observed;

(v) that not more than a specified number of passengers and not more than a specified amount of luggage shall be carried on any stage carriage at any one time;

(vi) that within municipal limits and in such other areas and places as may be prescribed, passengers shall not be taken up or set down except at specified places;

" Substituted vide W. P. Ord. No. IX of 1970.

Conditions
for grant
of stage
carriage
permits.

(vii) that the permit holder shall maintain such accounts and records of the operation of the service and shall submit such financial and statistical returns as may be required by the Regional or Provincial Transport Authority, and that the records and the accounts shall be produced for inspection before the person or persons authorized in this behalf by the Regional or Provincial Transport Authority; and.

(viii) that tickets shall be issued to passengers for the fares paid.

(3). The Provincial Transport Authority or a Regional Transport authority may regulate the timings of departure of stage carriages, whether they belong to one or more owners.]

51. An application for permit to use a motor vehicle as a contract carriage (in this Chapter referred to as contract carriage permit) shall contain the following particulars, namely:-

'I(a) the name and address of the applicant;
(aa) the type and seating capacity of the vehicle;]

(b) the area for which the permit is required;

(d) any other particulars which may be prescribed.

52. A Regional Transport Authority, shall, in deciding whether to grant or refuse a contract carriage permit, have regard to the extent to which additional contract carriage may be necessary or desirable in the public interest; and shall also take into consideration any representations made by persons already holding contract carriage permits in the region or by any authority or police authority in the region to the effect that the number of contract carriages for which permits have already been granted is sufficient for or in excess of the needs of the region of any area within the region.

*Inserted vide W. P. Ord. No. IX of 1970.

* Omitted vide W. P. Ord. No. IX of 1970.

Application
for contract
carriage
permits.

Procedure
of Regional
Transport
Authority in
considering
application
for contract
carriage
permits.

53. [(1)] A Regional Transport Authority may, after consideration of the matters specified in section 52—

(a)

(b)

(o)

fix the number of contract carriages generally or contract carriages of any specified type for which contract carriage permits may be granted in the region or any specified area within the region;

refuse to grant a contract carriage permit or grant a contract carriage permit in respect of a particular contract carriage or a particular service of contract carriages in such form as it may, subject to the rules made under section 69, deem fit; Provided that no person shall be granted a contract carriage permit for any area not specified in the application made by him under section 51;

attach to the contract carriage permit any prescribed condition or all or any one of the following conditions, namely :—

(i) that the contract carriage or contract carriages shall be used, only in a specified area or on a specified route or routes;

(ii) that except in accordance with specified conditions no contract or hiring may be entered into for transporting goods or passengers in the contract carriage or carriages outside a specified area;

(iii) that subject to specified conditions, goods may be carried in a contract carriage to the exclusion of or in addition to passengers;

(iv) that in the case of motor cabs, specified fares shall be charged and a table of fares displayed on the vehicle;

(v) that in the case of vehicles other than motor cabs specified rates of hiring not exceeding specified maximum shall be charged;

(vi) that in the case of motor cabs, a specified weight of passengers, luggage shall be carried free of charge and a specified charge shall be made for any luggage in excess of the luggage to be carried free of charge;

[‘]Inserted vide W. P. Ord. No. IX of 1970.

Power to
restrict the

number of
contract
carriage and
impose
conditions
on contract
carriage
permits.

- (vii) that a taxi meter shall be fitted to every motor cab;
- (viii) that specified conditions of the permit shall be liable to be varied, and that further specified conditions may be attached to the permit by the authority at any time on due notice being given to the permit holder;
- (ix) that the conditions of the permit shall not be departed from save with the approval of the authority.

'1(2) There shall be inserted in every contract carriage permit other than such permit in respect of a motor cab, a condition that in case of death of, or injury to, a passenger in the vehicle to which the permit relates arising out of the use of the vehicle, there shall be paid by the permit holder as compensation—

- (a) In case of death of a passenger, a sum of rupees eight thousand to the legal representatives of the deceased passenger; and
- (b) In case of an injury to a passenger, the amount specified in the Thirteenth Schedule, to the injured passenger.

54. An application for a permit to use a transport vehicle for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a private carrier's permit) shall contain the following particulars, namely:—

- (a) the type and carrying capacity of the vehicle;
- (b) the nature of the goods which the applicant expects normally to carry in connection with his trade or business;
- (c) the area for which the permit is required; and
- (d) any other particulars which may be prescribed.

55. (1) Where an application conforming to the provisions of section 54 for a private carrier's permit has been received by the Regional Transport Authority, it shall, if satisfied that the vehicle or vehicles for which, the permit is required will not be used except in connection with the business of the applicant, such business not being transport business, grant the applicant, on the payment of the prescribed fee, a permit in the prescribed form in respect of the vehicle or vehicles specified in the application:

"Added vide W. P. Ord. No. IX of 1970.

Application
for private
carriers
permits.

Procedure
of regional
transport
authority in

considering
application
for a Private
carrier's
permit.

Provided that the Regional Transport Authority may, for reasons to be recorded in writing, a copy whereof shall be granted free of cost to the applicant, refuse to grant a permit, where—

(i) the applicant is the holder of a private carrier's permit which has been suspended; or

(ii) any such permit previously held by the applicant has been cancelled; or

(iii) any such permit previously granted in respect of the vehicle or vehicles for which the permit is applied for has been suspended or cancelled.

(2) A Regional Transport Authority may in granting a private carrier's permit impose conditions to be specified in the permit relating to the description of goods which may be carried, or the area in which the permit shall be valid, or the maximum laden weight and axle weight of any vehicle used.

(3) A Regional Transport Authority may on the application of the holder of a private carrier's permit granted by it and subject to such conditions as it may attach, extend the operation of the permit to the region or to any area within the region of another Regional Transport Authority, and the requirements of section 65 as to counter-signature of permits shall not be applicable to any such permit:

Provided that nothing in this section shall authorize a Regional Transport Authority to grant a permit effective solely within the region of another Regional Transport Authority.

56. An application for a permit to use a motor vehicle for the carriage of goods for hire or reward (in this Chapter referred to as a public carrier's Permit) shall be made on the prescribed form and shall contain the prescribed particulars.

57. (1) Where an application for a public carrier's permit conforming to the provisions of section 56 has been received by a Regional Transport Authority, it shall, on payment of the prescribed fees, grant a permit in the prescribed form in respect of the vehicle or vehicles specified in the application:

Provided that the Regional Transport Authority may refuse to grant the permit where—

(i) the applicant is the holder of a public carrier's permit which has been suspended; or

Application
for public
carrier's
permits.

Procedure
of Regional

Transport authority in considering application for public carrier's permit.

(ii) any such permit previously held by the applicant has been cancelled; or

(i) any such permit previously granted in respect of the vehicle or vehicles for which the permit is applied for has been suspended or cancelled.

(2) A Regional Transport Authority may on the application of the holder of a public carrier's permit granted by it, and subject to such conditions as it may attach, extend the operation of the permit to the region or to any area within the region of another Regional Transport Authority and the requirements of section 65 as to countersignature of permits shall not be applicable to any such permit:

Provided that nothing in this section shall authorize a Regional Transport Authority to grant a permit effective solely within the region of another Transport Authority.

58. The Regional Transport Authority may attach to a public carrier's permit all or any of the following conditions, namely:—

(i) that the vehicle shall be used only on specified routes or in a specified area;

(ii) that the laden weight and the axle weights of any vehicles used shall not exceed a specified maximum;

(iii) that such records as may be prescribed relating to the plying of the vehicles shall be maintained; and

(iv) that the vehicle used shall comply with such other specified condition or conditions appropriate to the service which the Regional Transport Authority thinks proper to impose in the public interest or with a view to prevent uneconomic competition between road transport services.

[(1) application for a permit of any kind may be made at any time.
712, 3, 4, 5 and 6]

Procedure in applying for and granting permit.

¹ Substituted vide W. P. Ord. No. IX of 1970.

* Omitted vide W. P. Ord. No. IX of 1970.

Power to
restrict the
number of
and attach
conditions
to public
carrier's
permits.

(7) When a Regional Transport Authority refuses an application for a permit of any kind it shall give to the applicant in writing its reasons for the refusal.

60. [(1) A permit other than a special permit issued under section 64 shall be effective without renewal.

(a) in the case of stage carriage permit or a contract carriage permit, not being a permit to ply a motor-cab, for such period not being less than one year and not more than three years, as the Regional Transport Authority may after considering the condition of the bus for route in question in its discretion specify in the permit; and

(b) in the case of any other permit, for such period not being less than three years and not more than five years, as the Regional Transport Authority may, in its discretion specify in the permit].

(2) A permit may be renewed on an application made in that behalf in the prescribed manner and on payment of the prescribed fee for a period specified in sub-section (1).

61. (1) Save as provided in section 62, a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not without such permission operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorized by the permit.

(2) The holder of a permit may, with the permission of the authority by which the permit was granted, replace by another vehicle of the same or substantially similar nature and capacity any vehicle covered by the permit.

(3) The following shall be conditions of every permit:

(a) that the vehicle or vehicles to which the permit relates are at all times so maintained as to comply with the requirement of Chapter VI and the rules made thereunder;

(b) that the vehicle or vehicles to which the permit relates are not driven at a speed exceeding the speed permissible under this Ordinance;

" Substituted vide W. P. Ord. No. IX of 1970.

Duration
and renewal
of permit.

General
condition
attaching
to all
permit.

(o)

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(g)

that any prohibition or restriction imposed and any maximum or minimum fares or freights fixed by notification made under section 45 are observed in connection with any vehicle or vehicles to which the permit relates;

that the vehicle or vehicles to which the permit relates are not driven in contravention of the provision of section 76;

that the permit holder shall furnish to the Provincial Transport Authority or a Regional Transport Authority or an officer of the Transport Department authorized in this behalf, within such period of time as may be fixed by that authority or the officer, such information relating to the vehicle or vehicles covered by the permit or the permit holder's business as a carrier as may be required by that authority or officer;

that the provisions of any law for the time being in force in the Province relating to insurance of motor vehicles so far as they apply to the holder of the permit are observed; and

that the permit holder's business premises shall be according to a design approved by the Provincial Transport Authority and maintained properly.

Explanation— In this clause, business premises include bus stations, shelters, garages and repair shops for the vehicle or vehicles to which the permit relates.

62. (1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit.

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on the breach of any condition specified in sub-section (3) of section 61 or of any other condition contained in the permit; or

if the holder of the permit uses or causes or allows a vehicle to which the permit relates to be used in any manner not authorized by the permit; or

if the holder of the permit ceases to possess the vehicle or vehicles covered by the permit; or

if the holder of the permit has obtained the permit by fraud or mis-representation; or

if the holder of a public carrier's permit fails, without reasonable cause, to ply the vehicle; or

Cancellation
and
suspension
of permit.

(f) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for subversive activities against the State; or

(g) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for the transport of goods the movement of which is banned under any law for the time being in force, or for the commission of a cognizable offence; or

(h) if a forgery has been committed in respect of the permit or it has in any way otherwise been tampered with:

Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to submit his explanation and of being heard.

(2) Where a transport authority cancels or suspends permit, it shall record in writing its reasons for the cancellation or suspension and shall give a copy thereof to the holder of the permit.

63. (1) Where the holder of a permit dies, the person succeeding to the possession of the vehicle or vehicles covered by the permit may, for a period of three months, use the permit as if it had been granted to himself:

Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his intention to use the permit:

Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.

(2) The transport authority may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the possession of the vehicles covered by the permit.

164. (1) Regional Transport Authority may grant special permits, to be effective for one return trip only, authorizing the use of motor vehicle for that trip as a public-service vehicle.

(2) A Regional Transport Authority may, subject to such-conditions as it may impose in this behalf, delegate its powers of issuing a permit under sub section (1) to its chairman, any member or any gazetted Officer of Government].

" Substituted vide W. P. Ord. No. IX of 1970.

Transfer of
permit on
death of
holders.

Special
permits.

(1) Any person —

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aggrieved by the refusal of the Provincial or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him; or

aggrieved by the cancellation or suspension of the permit or by any variation of the condition thereof; or

aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit to the possession of the vehicle or vehicles covered by the permit; or

aggrieved by the refusal of the Provincial or a Regional Transport Authority to countersign a permit, or by any condition attached to such countersignature; or

aggrieved by the refusal to renew a permit; or

being a local authority or police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof or by any condition attached thereto; or

being the holder of a license, who is aggrieved by the refusal of Regional Transport Authority to grant an authorization to drive a public service vehicle, may, within thirty days and in the prescribed manner, appeal to the prescribed authority, who after giving such person and the original authority an opportunity of being heard, pass such order, not inconsistent with the provisions of this Ordinance or the rules framed thereunder, as it may deem fit:

Provided that the appellate authority shall not increase the number of permits granted by the Provincial Transport Authority or a Regional Transport Authority.

(2) No appeal shall lie against any order passed under subsection (2) of section 45.

(3) Save as expressly provided in this Ordinance, no Court or other

authority shall have jurisdiction.—

¹ Omitted vide Ord. No. IX of 1970.

Appeals.

(a) to entertain or adjudicate upon any matter which the Provincial or a Regional Transport Authority or the prescribed authority is empowered by this Ordinance to dispose of or to determine; or.

(b) to question the legality of anything done under this Ordinance by or at the instance of the Provincial or a Regional Transport Authority or the prescribed authority.

(4) No Court or other authority shall be competent to grant an injunction or other order in relation to any proceedings before Provincial or a Regional Transport Authority or the prescribed authority under this Ordinance, or anything done or intended to be done by or at the instance of any such authority under this Ordinance.

'167. (1) In the case of death of, or injury to, a passenger in a stage carriage or a contract carriage, other than a contact carriage constructed, adapted or used to carry not more than six passengers including the driver, arising out of the use of such carriage, there shall be paid, if a permit has been granted in respect of that carriage, by the holder of the permit, and, if no permit has been so granted, by the owner of the carriage, as compensation the amount specified in the Thirteenth Schedule,

(a) in the case of death of a passenger, to the legal representatives of the deceased passenger; and.

(b) in the case of an injury to a passenger, to the injured passenger.

(2) The compensation payable under sub-section (1) shall be in addition to any sum which the person entitled to receive compensation may receive or be eligible to receive under a policy of insurance under the provisions of section 95 of the Motor Vehicles Act, 1939 (IV of 1939).

(3) Any contract for the conveyance of a passenger in a stage carriage or contract carriage, other than a contract carriage constructed, adapted or used to carry not more than six passengers including the driver, in respect of which a permit has been issued under this Chapter shall, so far as it purport to restrict the liability of any person, or to absolve any person from his liability, in respect of any claim made against that person in respect of the death of, or injury to, the passenger who is being carried in, entering or alighting from the vehicle or purports to impose any conditions with respect to the enforcement of any such liability, be void].

" Substituted vide Ord. No. VIII of 1978.

Compensation
for the death
of or injury to
a passenger.

'167-A. (1) Government may, by notification in the official Gazette, constitute a Claims Tribunal for such area or areas as may be specified in the notification, for the purpose of adjudicating upon claims for compensation under section 67.

(2) A claims Tribunal shall consist of one or more members as Government may deem fit to appoint, and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

67-B. (1) An application for compensation under section 67 may be made —
(a) by the person who has sustained the injury; or

(b) where death has resulted, by the legal representatives of the, deceased passenger; or

(c) by an agent duly authorized by the person injured or the legal representatives of the deceased passenger as the case may be.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident resulting in the death or injury, as the case may be, of the passenger and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within ninety days of the accident:

Provided that the Claims Tribunal may entertain an application after the expiry of the said ninety days if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

67-C. On receipt of an application for compensation made under section 67-B, the Claims Tribunal shall hold an inquiry into the claim, giving an opportunity to the parties of being heard, and pass an order determining, in accordance with the provisions of section 67, the amount of compensation payable, and specifying the person or persons to whom the compensation shall be paid.

67-D. (1) In the holding of an inquiry under section 67-C, the Claims Tribunal shall, subject to any rules that may be made in this behalf by Government, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall be deemed to be a civil Court for all the purposes of section 195 and Chapter No. XXXV of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

¹Inserted vide W. P. Ord. No. IX of 1970.

Claims
Tribunal.

Application
for
Compensation.

Award of

Compensation.

Procedure
and powers
of claims
tribunal.

(3) The Claims Tribunal shall have all the powers of a Civil Court—

(a) for the purposes of taking evidence on oath, enforcing the attendance of witnesses and compelling the discovery and production of documents and material objects; and

(b) for such other purposes as may be prescribed.

67-E. (1) Subject to the provisions of sub-section (2), any person aggrieved by an order of the Claims tribunal, awarding or refusing to award compensation, may within ninety days from the date of the order, prefer an appeal to the prescribed authority.

(2) No appeal shall lie under sub-section (1) if the amount in dispute in appeal does not exceed rupees one thousand.

67-F. (1) Where any compensation has been awarded by the Claims Tribunal or the prescribed authority and the same has not been paid to the person to whom it has been awarded within seven days of the order awarding the compensation—

(a) if the compensation is payable by a person who has furnished a bank guarantee under section 49, the bank giving the guarantee shall on being required by the Tribunal deposit with the Tribunal the amount of compensation, or so much thereof as can be paid out of the amount secured under the guarantee; provided that any amount of compensation which cannot be so recovered shall be recoverable in the manner provided in clause (b).

(b) if the compensation is payable by a person who has not furnished a bank guarantee under section 49, the Claims Tribunal or prescribed authority awarding the compensation may on the application of the person entitled to receive the compensation, issue a certificate to the Collector, and the Collector shall, thereupon proceed to recover the amount specified in the certificate in the same manner as an arrear of land-revenue.

2. Where any compensation has been paid under the provision of clause

(a) of sub-section (1) out of any amount secured under section 49 in respect of a stage carriage, the permit in respect of such stage carriage shall stand suspended until the permit holder furnishes to the Regional Transport Authority which issued the permit, a fresh bank guarantee of the prescribed sum under the provisions of section 49.

Appeal.

Recovery of amount of compensation.

67-G. No Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by a Claims Tribunal, and no injunction in respect of any action taken or to be taken by or before a Claims Tribunal in respect of any claim for compensation shall be granted by a civil Court].

68. (1) Government may make rules in respect of stage carriages and contract carriages—

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to provide for the licensing of persons acting as conductors of such carriages;

to regulate the conduct of persons licensed to act as drivers of, and the conduct and duties of conductors of such vehicles, when acting as such; and

to regulate the conduct of passengers in such vehicles.

2. Without prejudice to the generality of the foregoing provisions, such

rules may—

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authorize the removal from such vehicle by the driver or conductor, or on the request of the driver or conductor, or any passenger by any police officer, of any person infringing the rules;

require a passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand;

require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket provided there for;

require, on demand being made for the purpose by driver or conductor or other persons authorized by the owner of the vehicle production during the journey and surrender at the end of the journey by the holder there of any ticket issued to him;

require a passenger, if so requested by the driver or conductor, to leave the vehicles on the completion of the journey for which he has paid the fare;

Bar of
Jurisdiction.

Power to
make rules
to stage
carriages
and contract
carriages.

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(g)

require the surrender by the holder thereof on the expiry of the period of journey for which it is issued, of a ticket issued to him;

require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers may record any complaints in the same.

69. (1) Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

(2) without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely: —

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(i)

the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities [the delegation of powers by them to their respective Chairmen or any Members] and the reports to be furnished by them;

the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

(iii) the forms to be used for the purposes of this Chapter, including

the forms of permit;

(iv) the issue of copies of permits in place of permits mutilated,

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defaced, lost or destroyed;

the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;

(vi) the badges and uniform to be worn by drivers and conductors of

stage carriages and contract carriages;

(vii) the fees to be paid in respect of permits, duplicate permits,

plates and badges;

¹Inserted vide W. P. Ord. No. IX of 1970.

Power to
make rules
for the
purpose of
this chapter.

(viii) the exemption of prescribed persons or classes of persons from

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payment of all or any portion of the fees, payable under this Chapter;

the custody, production and cancellation on expiration, of permits, and the return of permits which have become void or have been cancelled;

the conditions subject to which a permit issued in one region shall be valid in another region;

the authorities to whom, the time within which and the manner in which appeals maybe preferred;

the construction and fittings of, and the equipment to be carried in by, stage and contract carriages, whether generally or in specified areas;

(xiii) the determination of the number of passengers a stage or

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contract carriage is adapted to carry and the number of passengers which may be carried;

the conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;

the safe custody and disposal of property left in a stage or contract carriage;

regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;

the conveyance in stage or contract carriages of corpses or

persons suffering from any infectious contagious disease or goods likely to cause discomfort or injury to passengers, and the inspection and disinfection of such carriages, if used for such purposes;

(xviii) the provision of fitting taxi-meters of approved standard type on

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motor cabs and the examining, testing and sealing of taxi meters;

prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting

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places, and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;

the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision or adequate facilities for the convenience of the users thereof, the fees, if any, which may be charged for the use of such stands or places, the staff to be employed then at and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean condition;

the regulation of motor cab ranks;
requiring the owners of transport vehicles to notify any change

of address or to report the failure of or damage to any vehicle used for the conveyance of passengers for hire or reward;

(xxiii) authorizing specified persons to enter at all reasonable times and

inspect all premises used by permit holders for the purposes of their business;

(xxiv) requiring a person in charge of a stage carriage to carry any

(xxv)

person tendering the legal or customary fare;

the conditions under which, the types of containers or vehicles in which and the seasons during which animals or birds may or may not be carried;

(xxvi) the licensing of and the regulation of the conduct of agents or

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convassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit business for such vehicles;

the licensing of and the regulation of the activities of agents in the business of collecting, forwarding and distributing of goods

carried by transport vehicles;

the inspection of transport vehicles and their contents and of the permits relating to them;

the carriage of persons other than the driver in goods vehicles;

(xxx) the records to be maintained and the return to be furnished by the owners of transport vehicles; '[..... if

*I(xxi) the classification of routes for the purposes of issuing of stage carriage permits;

(xxxii) the form in which application should be made for grant of permits;

(xxxiii) the amount of security which should be made for grant of stage carriage and contract permits; and]

*{(xxxiv)] any other matter which is to be or may be prescribed.

CHAPTER—V

4SIKHYBER PAKHTUNKHWA] ROAD TRANSPORT BOARD]

70. (1) Government may establish a 'I'[Khyber Pakhtunkhwa] Road Transport Board] for the purpose of operating road transport service in the Province and the 8° [Khyber Pakhtunkhwa] Road Transport Board] so established shall be a body corporate by the name of the '°"[Khyber Pakhtunkhwa] Road Transport Board] having perpetual succession and a common seal, and shall by that name sue and be sued.

'4((2) The Board shall consist of a Chairman and such number of members as may from time to time be appointed by Government.]

(3) The term of office, of the Chairman or a member shall be three years;

Provided that where the Chairman or member is a person in the service of Pakistan, his term of office shall be such as may be determined by Government.

' Omitted vide W. P. Ord. No. IX of 1970.

? Added vide W. P. Ord. No. IX of 1970.

* Added vide W. P. Ord. No. IX of 1970.

* Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

* Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

° Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

7 Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

* Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

° Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁰ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

¹¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

¹² Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

¹³ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁴ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

213, Khyber
Pakhtunkhwa]
Road Transport
Board].

(4) On the expiry of the term of his office, the Chairman or a member shall be eligible for re-appointment for another term or for such shorter term as Government may determine.

(5) The Chairman or any member may at any time resign his office; provided that his resignation shall not take effect until it is accepted by Government.

(6) The Chairman or each member shall receive such salary and allowances as may be determined by Government and shall perform such duties as may be assigned to them under this Ordinance or the rules framed thereunder.

(7) Government may, by notification in the official Gazette remove the Chairman or any member—

(i) if he refuses or fails to discharge or becomes in the opinion of Government incapable of discharging his responsibilities under this Ordinance; or

(ii) if he has been declared insolvent; or

(iii) if he has been declared to be disqualified for employment in, or has been dismissed from the service under the '[Federal] Government or the Provincial Government or has been convicted of an offence involving moral turpitude; or

(iv) if he has knowingly acquired or continues to hold, without the permission in writing of Government, directly or indirectly or through a partner any share or interest in any contract or employment with or by or on behalf of the *[Board] or in any land or property which to his knowledge is likely to benefit or has benefited as a result of the operations of the *[Board].

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{(7a) A person employed for the purposes of an organization

established under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act No. XLV of 1860)].

(8) Government shall consult the *[Board] in all matters relating to the co-ordination of road and rail transport and in the fixation of areas and freights under Chapter IV.

' Substituted vide P. O. No. 4 of 1975.

? Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

* Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

* Added vide Ord. No. VIII of 1978.

* Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

(9) Government may make rules not inconsistent with the provisions of this Ordinance, prescribing the powers and functions of the '[Board].

71. (1) The *[Board] may operate motor transport on any route it may think fit, and where it so operates such transport, the Provincial Transport Authority and a Regional Transport Authority shall, notwithstanding anything in this Ordinance, have no jurisdiction in relation to that transport.

(2) The Provincial Transport Authority or the Regional Transport Authorities shall not grant or issue stage carriage permits on new route or routes wholly lying within an urban area to be notified in this behalf by Government, unless an offer has first been made to the *[Board] to operate its services on such route or routes and the "[Board] has declined to operate its services on such route or routes:

Provided that if the '[Boards fails to operate its services on such route or or routes within three months of the date on which the offer of the Provincial Transport Authority or the Regional Transport Authorities, as the case may be, was communicated to it, it shall be presumed that the "[Board] has declined to operate its services on such route or routes.

72. (1) The "[Board] shall have power to acquire any property, movable or immovable, used in, or for or ancillary to, the operation of any motor transport conducted under this chapter.

(2) Such acquisition may be made by serving a notice of acquisition on the owner of the property, or if such owner is not readily traceable or the ownership is in dispute, by a notice of acquisition published in the official Gazette and shall take effect from the beginning or the day on which the notice is served or published.

(3) For any property so acquired there shall be paid compensation equivalent to the market value of the property acquired to be-calculated in such manner as Government may prescribe.

(4) If any dispute arises as to the amount of compensation payable under sub-section (3), it shall be referred to the arbitration of a person who is or has been a High Court Judge and his award shall be final and binding on the parties

¹ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

² Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

³ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

⁴ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

⁵ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

⁶ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

⁷ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

⁸ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

⁹ Substituted vide Khyber Pakhtunkhwa Ord. No. V of 1972.

in respect
of motor
transport
operated
by the
*[Board].

Power of
the °[Khyber
Pakhtunkhwa
Road
Transport
Board] to
acquire
Property

for motor
transport
operated

by it.

and shall not be called in question in any Court of law nor shall anything in the Arbitration Act, 1940, apply to such an arbitration.

CHAPTER—VI

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES,

73. Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the persons driving the vehicles.

74. (1) Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers.

(2) Without prejudice to the generality of the foregoing power, Government may make rules governing any of the following matters either generally in respect of motor vehicles or trailers or motor vehicles or trailers of

a particular class or in particular circumstances, namely: —

(a) the width, height, length and overhang of vehicle and of the load to be carried therein;

(b) Seating arrangement in public service vehicles and the protection of passengers against the weather;

(c) the size, nature and condition of tyres;

(d) brakes and steering gear;

(e) the use of safety glass;

(f) signaling appliances, lamps and reflectors;

(g) speed governors;

(h) the emission of smoke, visible vapour, sparks ashes; grit or oil;

(i) the reduction of noise emitted by or caused by vehicles;

() Prohibiting or restricting the use of audible signals at certain times or in certain places;

(k) prohibiting the carrying of appliance likely to cause annoyance or danger;

General
provision
regarding
construction
and
maintenance.

Power to
make rules.

- (1) the periodical testing and inspection of vehicles by prescribed authorities;
- (m) the particulars, other than registration marks, to be exhibited by vehicles and the manner in which they shall be exhibited;
- (n) the use of trailers or semi-trailers with motor vehicles; and
- (o) prohibiting or requiring the painting in particular colours of motor vehicles of particular description or for particular purposes or in particular area.

CHAPTER-VII CONTROL OF TRAFFIC

75. (1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed fixed for the vehicle by or under this Ordinance or by or under any other law for the time being in force:

Provided that such maximum speed shall in no case exceed the maximum fixed for the vehicle in the Eight Schedule.

(2) Government or any authority authorized in this behalf by Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the official Gazette, fix such maximum speed limits as it thinks fit for motor vehicles or any specified class of motor vehicles or for motor vehicles to which a trailer is attached either generally or in a particular area or on a particular road or roads, and where any such restrictions are imposed, cause appropriate traffic signs to be placed or erected under section 79 at suitable places in such area or on or near such road or bridge, as the case may be.

(3) Nothing in this section shall apply to any vehicle registered under section 40 while it is being used in the execution of military manoeuvres within the area and during the period specified in a notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938.

76. (1) Government may prescribe conditions for the issue of permits for heavy transport vehicles by the Provincial or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route within the Province.

Limits of speed.

Limit of weight and limitation on use.

(2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic tyres, [and is not exceeding the axle load as mentioned in in Fifteenth Schedule.]

(3) No person shall drive or cause or allow to be driven in any public place any motor vehicle or trailer—

(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle; or

(b) the laden weight of which exceeds the registered laden weight specified in the certificate of registration; or

(c) any axle weight which exceeds the maximum axle weight specified for the axle in the certificate of registration.

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or sub-section (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

77. Any person authorized in this behalf by Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 76, require the driver to convey the vehicle to a weighing device, if any, within a distance of one mile from any point on the forward route or within a distance of five miles from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 76 regarding weight, he may, by order in writing, direct the driver to convey the vehicle or trailer to the nearest place to be specified in the order, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until the laden weight or axle weight has been reduced or the vehicle has otherwise been treated so that it complies with the provisions of the last preceding section.

78. Government or any authority authorized in this behalf by Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge may by notification in the official Gazette prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class of motor vehicles or the use of trailers either generally in a specified area or on a specified road, or bridge, and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 79 at suitable places in such area or on or near such road or bridge, as

¹ Added vide Khyber Pakhtunkhwa Act No. XXXIV of 2014.

Power to
have vehicle
weighed.

Power to
restrict the

use of
vehicles.

the case may be:

Provided that where any prohibition or restriction under this section is to remain in force for a period of not more than one month, notification thereof shall not be necessary.

79. (1) Government or any authority authorized in this behalf by Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic.

(2) Traffic signs erected under this Chapter for any purpose for which provision is made in the Ninth Schedule shall be of the size, colour and type and shall have the meaning set forth in the Ninth Schedule, but Government or any authority empowered in this behalf by Government may make or authorize the addition to any sign set forth in the said Schedule of transcription of the words, letters or figures there on in such script as Government may think fit: Provided that the transcription shall be of similar size and colour to the words, letters or figures set forth in the Ninth Schedule.

(3) Except as provided by this Chapter, no traffic sign shall, after the commencement of this Ordinance, be placed or erected on or near any road; but all traffic signs erected prior to the commencement of this Ordinance by any competent authority shall for the purposes of this Ordinance be deemed to be traffic signs erected under the provisions of this Chapter.

(4) Government or any authority authorized under sub-section (1) may remove or cause to be removed any sign or advertisement which, in its opinion, is so placed as to obscure any traffic sign from view or any sign or advertisement which is, in its opinion so similar in appearance to a traffic sign as to be misleading.

80. Government or any authority authorized in this behalf by Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which, public service vehicles may stop for a longer time than is necessary for taking up and setting down of passengers.

81. Government or any authority authorized by it in this behalf may, by notification in the official Gazette or by the erection at suitable places of the appropriate traffic signs referred to in [Part-III] of the Ninth Schedule, designate certain roads as main roads for the purposes of the regulations contained in the Tenth Schedule.

¹ Substituted vide Ord. No. XXIV of 1979.

Power to
erect traffic
sign.

Parking
places

and halting
station.

Main roads.

82. (1) Every driver of a motor vehicles shall drive the vehicle in conformity with any indication given by a mandatory traffic sign and in conformity with the driving regulations set forth in the Tenth Schedule, and shall comply with all directions given by any electrical traffic signaling device or by any police officer engaged in the regulation of traffic in any public place.

(2) In this section "mandatory traffic sign" means traffic sign included in [Part-III] of the Ninth Schedule, of any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure, and having a red ground or border) erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 79.

83. The driver of a motor vehicle shall on the occasions specified in the Eleventh Schedule make the signal specified therein:

Provided that the signals of an intention to turn to the right or left or to stop may be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle.

84. No person shall drive or cause or allow to be driven in any public place any motor vehicle with a left hand steering control unless it is equipped with a mechanical or electrical signaling device of a prescribed nature and in working order.

85. No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to remain at rest on any road in such a position or in such a condition or in such circumstances as to cause or be likely to cause danger, obstruction or undue inconvenience to other users of the road.

86. No person driving or in charge of a motor vehicle shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle: —

Provided that Government may, by notification in the official Gazette, permit, in such areas as may be specified in the notification the Civil Armed Forces, the Frontier Constabulary, the West Pakistan Rangers and the Armed Police to have an armed picket on the running board of a motor vehicle or otherwise than within the body of the vehicle.

87. No person driving a motor vehicle shall allow any person to stand or sit or anything to be placed in such manner or position as to hamper the driver in his control of the vehicle.

¹ Substituted vide Ord. No. XXIV of 1979.

Duty to
obey
traffic
signs.

Signals and
signaling
devices.

Vehicles
with

left hand
control.

Leaving
vehicle in
dangerous
position.

Riding on
running
boards.

Obstruction
of driver.

88. No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

89. No driver of a two wheeled motor cycle shall carry more than one person in addition to himself on the cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the cycle behind the driver's seat.

[89. (A)—No person shall drive, or ride the pillion seat of, a two-wheeled motor vehicle except when he is wearing a crash helmet.

Explanation.— In this section, “crash helmet” means a helmet made of such material and meeting such other requirements as may be prescribed].

90. (1) The driver of a motor vehicle in any public place, shall on demand by any police officer in uniform or any officer of the Transport Department not below the rank of Sub-Inspector, on production if so required of his authority, produce his license and the certificate of registration of the vehicle and where, the vehicle is a transport vehicle, the certificate of fitness and the permit of the vehicle referred to in section 39 and 44, respectively for examination.

(2) The owner of a motor vehicle, or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any person authorized in this behalf by Government, produce the certificate of registration of the vehicle and, where the vehicle is a transport vehicle, the certificate of fitness referred to in section 39.

(3) If the license or certificates, as the case may be, are not at the time in the possession of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the license or certificates within ten days at any police station in the Province which he specifies to the officer or authority making the demand:

Provided that, except to such extent and with such modification as may be prescribed, the provisions of this sub-section shall not apply to a driver driving as a paid employee, or to the driver of a transport vehicle or to any person required to produce the certificate of registration or the certificate of fitness of a transport vehicle.

¹ Added vide Ord. No. VIII of 1978.

Stationary
vehicles.

Pillion riding.

Rider to wear
helmet.

Duty to
produce
license and
certificate of
registration.

91. (1) The driver of a transport vehicle who desires to pass over a Railway level crossing shall cause the vehicle to stop before the crossing and shall not attempt to pass over the crossing unless the conductor of the vehicle, or where the vehicle has no conductor, a person authorized in this behalf by the owner of the vehicle in writing other than the driver of the vehicle, walks before the vehicle until it has cleared the railway lines.

(2) The name and particulars of the person authorized by the owner under sub-section (1) shall be reported by the owner to the Registration Authority.

(3) A person shall not be deemed to have been authorized by the owner of the vehicle for the purposes of sub-section (1) unless he has in his possession at the time of performing the act required to be done under that sub-section the written authority of the owner in this behalf.

92. (1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary,

(a) when required to do so by any police officer in uniform; or

(b) when required to do so by any person in charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle, will become unmanageable; or

(c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage,

and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under section 99, give his name and address to that person.

(3) In this section the expression "animal" means any horse, cattle, elephant, camel, ass, mule, sheep or goat.

93. The owner of a motor vehicle the driver of which is accused of any offence under this Ordinance shall, on the demand of any police officer or an officer of the Transport Department authorized in this behalf by Government, give all information regarding the name and address of and the license held by the driver which is in his possession or could by the exercise of due diligence be ascertained by him.

Railway
crossing.

Duty of
driver

to stop in
certain
cases.

Duty of
owner of
motor
vehicle

to give
information.

94. When any accident occurs, in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall—

- (a) if any person is injured as a result of such accident take all reasonable steps to secure medical attention for the person so injured, and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian, in case he is a minor, desires otherwise;
- (b) if any animal is injured as a result of such accident, take steps and endeavour to locate and report the matter to the owner, or custodian of the animal so injured and take all reasonable steps to secure medical attention, if necessary, for the animal;
- (c) if any damage has been caused to any property as a result of such accident, take reasonable steps to report the damage to the party sustaining the damage; and
- (d) give on demand by a police officer or an officer of the Transport Department authorized in this behalf by Government any information required by such officer relating to the occurrence, or, if no such officer is present, report the circumstances of occurrence at the nearest police station as soon as possible and in any case within twenty-four hours of the occurrence.

95. When any accident occurs in which a motor vehicle is involved, any person authorized in this behalf by Government may on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:

Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned without unnecessary delay and in no case later than Forty eight hours of its removal.

96. (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) The nature of the mechanical or electrical signaling devices which may be used on motor vehicles;
- (b) the erection of electrical traffic signaling devices, and the types of such devices that may be installed;

Duty of
driver in
case of
accident
and injury
to a person,

animal or
damage to
property.

Inspection
of vehicle
involved

in accident.

Power to
make rules.

- (c) the removal and the safe custody of vehicles, including their loads, which have broken down or which have been left standing or have been abandoned on roads;
- (d) the installation and use of weighing devices;
- (e) the exemption from all or any of the provisions of this Chapter of emergency vehicles and other special classes of vehicles, subject to such conditions as may be prescribed;
- (f) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;
- (g) prohibiting the driving down hill of a motor vehicle with the gear disengaged, either generally or in specified place;
- (h) prohibiting the taking hold of or mounting of a motor vehicle in motion;
- (i) prohibiting the use of foot paths or pavements by motor vehicles;
- () generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic.

CHAPTER VIII OFFENCES, PENALTIES AND PROCEDURE

97. Whoever, being disqualified under this Ordinance for holding or obtaining a license, drives a motor vehicle in a public place or applies for or obtains a license or, not being entitled to have a license issued to him free of endorsement, applies for or obtains a license without disclosing the endorsements made on a license previously held by him, or being disqualified under this Ordinance for holding or obtaining a license, uses a license such as is referred to in sub-section (2) of section 10, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and any license so obtained by him shall be of no effect; and if the vehicle so driven is a transport vehicle or, the license so applied for, obtained or used is a license to drive a transport vehicle, shall be punished with imprisonment which may extend to two years and with fine which may extend to rupees one thousand, and any license so obtained by him shall be of no effect.

98. (1) Whoever drives a motor vehicle in contravention of section 75 shall be punished with fine which may extend to one hundred rupees, and when the vehicle is a transport vehicle, with a fine which shall not be less than one

Offences
relating to
licenses.

Driving at

excessive
speed.

hundred rupees and which may extend to five hundred rupees.

(2) Whoever causes any person who is employed by him or is subject to his control to drive a motor vehicle in contravention of section 75 shall be punished with fine which may extend to two hundred rupees, and when the vehicle is a transport vehicle, with a fine which may extend to five hundred rupees.

(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed, which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device.

(4) The publication of a time table under which, or the giving of any direction that any journey or part of a journey is to be completed within a specified time shall if in the opinion of the Court it is not practicable in the circumstances of the case for the journey or part of a journey to be completed in the specified time without infringing the provisions of section 75, be *prima facie* evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (2).

99. (1) Whoever drives a motor vehicle at a speed or in a manner which is dangerous to human life or property having regard to all the circumstances of the case, including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if the vehicle be a transport vehicle, with imprisonment which may extend to one year and with a fine which may extend to one thousand rupees.

(2) Whoever, having been previously convicted of an offence specified in sub-section(1) shall, within three years of such conviction be guilty of an offence punishable under that sub-section shall be subject for every such subsequent offence to imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, and where the vehicle is a transport vehicle, with imprisonment which may extend to four years and with fine which may extend to one thousand rupees.

100. Whoever while driving or attempting to drive a motor vehicle is under the influence of drink or a drug to such an extent as to be incapable of exercising of proper control over the vehicle shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and if having been previously

Driving
recklessly
or
dangerously.

Driving

while
under the
influence
of drink
or drugs.

convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence to imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

101. Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punished with fine which may extend to two hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.

102. Whoever abets the commission of an offence under section 99, 100 or 101, shall be punishable with the punishment provided for the offence.

103. Whoever, without the written consent of Government, permits or takes part in a race or trial of speed between motor vehicles in any public place shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

104. Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, or if as a result of such defect an accident causing bodily injury to any person or animal or damage to property takes place, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

105. Whoever, being an importer of or dealer in motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter VI or any rule made thereunder Or alters the motor vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of Chapter VI or any rule made thereunder shall be punished with fine which may extend to two hundred rupees.

Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.

Driving when
mentally or
physically
unfit to

drive.

Punishment

for abetment
of certain
offences.

Racing
and trials
of speed.

Using
vehicle

in unsafe
condition.

Sale of
vehicle in

or alteration
of vehicle to
a condition
contravening
this
Ordinance.

106. '[(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used or lets out a motor vehicle for use in contravention of the provisions of sub-section (1) of section 44 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, but shall not be less than five thousand rupees, or with both; provided that a person having been previously convicted of such an offence is again found to be guilty of the offence punishable under this section, then he shall, for every such subsequent offence, be punished with imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees, but shall not be less than ten thousand rupees, or with both, besides seizing or detaining the vehicle involved in the offence, which shall not be released till final disposal of the case by the court.]

(2) Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or of food or materials to relieve distress or of medical supplies for a like purpose; provided that the person using the vehicle reports such use to the Regional Transport Authority within seven days.

107. Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 76 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 78 shall be punished with fine which may extend to "[five thousand rupees, but shall not be less than one thousand rupees]" and if having been previously convicted of such an offence, shall again be guilty of an offence under this section, shall be subject for every such subsequent offence to fine which may extend to "[ten thousand rupees.]

108. Whoever contravenes the provisions of clause (c) of subsection (1) of section 92 or any of the provisions contained in section 94 or furnishes any information required to be furnished there under which he knows to be false shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

109. Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both;

Provided that no accused person shall be convicted under this section if the Court is satisfied that the accused acted in the reasonable belief that he had

¹ Substituted vide Khyber Pakhtunkhwa Ord. No. XVII of 2002.

* Substituted vide Khyber Pakhtunkhwa Act No. XXXIV of 2014.

* Substituted vide Khyber Pakhtunkhwa Act No. XXXIV of 2014.

Using

vehicle
without
permit.

Driving

vehicle
exceeding
permissible
weight.

Penalty

for failing
to stop

in case of
accident or
failure to
furnish
information,
etc.

Taking
vehicle
without
authority.

lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked to do so.

110. Whoever otherwise than with lawful authority or reasonable excuse enters or mounts any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees, or with both.

111. Whoever willfully disobeys any direction lawfully given by any person or authority empowered under this Ordinance to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this ordinance to discharge, or, being required by or under this Ordinance to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees.

[111-A. Whoever carries in any motor vehicle any appliance the carrying of which is prohibited by rules made under section 74 shall be punished with fine which may extend to five hundred rupees and such appliance shall be forfeited to Government.]

W!

W!

112. Whoever contravenes any provision of this Ordinance or of any rules made thereunder shall, if no other penalty is provided for the offence under this Ordinance, be punished with fine which may extend to one hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.

113. (1) A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under section 99 or section 100 or section 110:

Provided that any person so arrested in connection with an offence punishable under section 100 shall be subjected to a medical examination by a registered medical practitioner within two hours of his arrest, and if not so subjected within the said period of two hours shall be released from custody.

(2) A police officer in uniform may arrest without warrant—

(a) any person who being required under the provisions of this Ordinance to give his name and address refuses to do so or

¹ Added vide Ord. No. VIII of 1978.

Disobedience
of orders,
obstruction
and refusal of
information.

Penalty for
contravention
of rules
relating to
appliances.

General
provision for
punishment
of offences
not otherwise
provided for.

Power of
arrest
without
warrant.

gives a name and address which the police officer has reason to believe to be false; or

(b) any person concerned in an offence under this Ordinance or reasonably suspected to have been so concerned, if the police officer has reason to believe that he will abscond or otherwise avoid the service of a summons.

(3) A police officer arresting without warrant the driver of a motor vehicle shall, if the circumstances so required, take or cause to be taken any steps he may consider proper for the temporary disposal and safe custody of the vehicle.

114. (1) Any police officer authorized in this behalf or other person authorized in this behalf by Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any license, permit, certificate of registration, certificate of insurance or other document produced before him by the driver or person in charge of a motor vehicle is a false documents within the meaning of section 464 of the Pakistan Penal Code, seize the mark or document and call upon the driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.

(2) Any police officer authorized in this behalf by Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Ordinance may abscond or otherwise avoid the service of a summons, seize any license held by such driver and forward it to the Court taking cognizance of the offence, and the said Court may, on the appearance of such driver before it and on such terms as to security as it may deem fit, return the license to him, and require him to surrender any temporary acknowledgment given to him under sub-section (3).

(3) A police officer seizing a license under sub-section (2) shall give to the person surrendering the license a temporary acknowledgment thereof and such acknowledgment shall authorize the holder to drive any motor vehicle specified in his license until the license has been returned to him or up to a date which the police officer shall specially in the temporary acknowledgment whichever is earlier:

Provided that where for any cause in respect of which the holder of the license is not at fault, he is unable to appear in the Court before the temporary acknowledgment ceases to be effective, any Magistrate or a police officer authorized by Government in this behalf may, on application made to him, substitute a later date in the temporary acknowledgment given under this sub-section.

Power of
police
officer

to seize
documents.

115. Any police officer authorized in this behalf or other person authorized in this behalf by Government may if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of action 23 or without the permit required by sub-section (1) of section 44 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle.

116. (1) A Court taking cognizance of an offence under this Ordinance shall, unless for reasons to be recorded in writing, the Court directs otherwise or when the offence is an offence specified in part A of the Fifth Schedule state upon the summons to the served on the accused person that he—

(a) may appear by pleader and not in person, or

(b) may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum not exceeding seventy-five rupees as the Court may specify.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified in Part B of the Fifth Schedule, the accused person shall, if he pleads guilty to the charge, forward his license to the Court with the letter containing his plea in order that the conviction may be endorsed on the license.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him, nor shall he be liable to be disqualified for holding or obtaining a license by reason of his having pleaded

guilty.

[116—A. Fine on spot: - (1) In any area to which Government has, by notification in the official Gazette, applied the provisions of this section, a Police Officer in uniform not below the rank of a Sub-Inspector, may notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force, charge on the spot any person committing in his view an offence mentioned in the Twelfth Schedule in respect of a motor vehicle.

(2) A police officer acting under sub-section (1) shall draw up a charge in Form J, as set forth in the First Schedule, and shall—

' Substituted vide Khyber Pakhtunkhwa Act No. X of 1999.

Power to
detain vehicle
used without
certificate of
registration
or permit.

Summary
disposal
of cases.

(a) forthwith deliver four copies thereof to the offender, who shall acknowledge its receipt under his signature or thumb-impression, as the case may be;

(b) within twenty four hours forward the fifth copy of the charge to the court having jurisdiction to try the offence; and

(c) retain the sixth copy for record.

(3) A person charged with an offence under this section shall, if he does not want to contest the charge, pay, within seven days from the date of delivery of the charge to him under sub-section (2), the penalty specified for the offence in the Twelfth Schedule, as mentioned in the charge, through cash in 'Tany branch of the National Bank of Pakistan/ Bank of Khyber/ Habib Bank] *[or any authorized electronic payment outlet.]

(4) The Bank shall retain one copy of the challan for record, send second copy to the treasury and third copy to the police station concerned while fourth copy shall be handed over to the depositor.

3[(4-A) In case of collection of fines by the authorized electronic payment outlet, the information with regard to collection of such fines shall be communicated to the treasury, documents cell, Regional Transport Authority and police station concerned within stipulated period of time as approved by the licensing authority and acknowledgement of receipt of fine shall be handed over to the depositor.]

(5) If the fine is not paid in the manner provided in sub-section (3), the police officer drawing up the charge shall lay a complaint against the offender before the court having jurisdiction to try the offence.

4[(6) Sixty five per cent of the fines recovered from the offenders under sub-section (1) may, in the following ratio, be distributed amongst the traffic police personnel in the manner prescribed by Government:

(a) 35% shall be distributed, as incentive, amongst concerned gazette officers, ticketing officers and beat staff of traffic police in the ratio of 1:12:22 respectively;

(b) 5% shall be allocated for cash award to outstanding police personnel; and

¹ Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

^{*} Inserted vide Khyber Pakhtunkhwa Act No. XIII of 2013.

^{*} Inserted vide Khyber Pakhtunkhwa Act No. XIII of 2013.

^{*} Substituted vide Khyber Pakhtunkhwa Act No. I of 2008.

(c) 25% shall be allocated for traffic and education and purchase of machinery and equipments to facilitate traffic.]

'[(116-B). The licensing authority shall award the contract of collection of driving license fee or penalty payment services to any firm or company private limited registered with the Securities and Exchange Commission of Pakistan on fulfillment of the required codal formalities.]

117. No person prosecuted for an offence punishable under section 99 or section 100 shall be convicted unless—

(a) he was warned at the time the offence was committed that the question of prosecuting him would be taken in to consideration, or

(b) within fourteen days from the commission of the offence, a notice specifying the nature of the offence and the time and place where it is alleged to have been committed, was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence, or

(c) within twenty-eight days from the commission of the offence a summons for the offence was served on him:

Provided that nothing in this section shall apply where the Court is satisfied that—

(a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time, or

(b) such failure was brought about by the conduct of the accused.

118. No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this Ordinance or any rules made there under.

"Inserted vide Khyber Pakhtunkhwa Act No. XIII of 2013.

Execution
of contract
of driving
license

fee or
penalty
payment
services.

Restriction
on
conviction.

Jurisdiction
of Courts.

CHAPTER IX
MISCELLANEOUS

119. (1) Every power to make rules given by this Ordinance is subject to the condition of the rules being made after previous publication.

(2) All rules made under this Ordinance shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

120. (1) Government may, for the purpose of carrying into effect the provisions of this Ordinance establish a Motor Vehicles Department and a Transport Department and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

(3) Government may make rules to regulate the discharge by officers of the Motor Vehicles Department and the Transport Department of their functions, and in particular and without prejudice to the generality of the foregoing power, to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers to be exercised by them, and the conditions governing the exercise of such powers.

121. (1) An appeal under sub-section (3) of section 14, subsection (3) of section 16, sub-section (4) of section 17, sub-section (1) of section 36 or section 66 shall not operate as a stay of the order or proceedings under the order appealed from, except so far as the appellate authority may direct.

(2) In an appeal under this Ordinance, the order appealed from shall not be altered or reversed merely on account of any error, omission or irregularity, not materially affecting the merits, in the procedure or order of the original authority.

122. (1) The enactments specified in the '[Fourteen] Schedule are hereby repealed to the extent specified against each.

(2) Notwithstanding the repeal of the enactments specified in the Twelfth Schedule, everything done, action taken, obligation, liability penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorized, jurisdiction or power conferred, license, certificate or permit

¹ Substituted vide Ord. NO. IX of 1970.

Publication

of and
commencement
of rules.

Appointment

of motor
vehicles
officers.

General
provisions
regarding
appeals to
prescribed
appellate
authorities.

Repeal and
savings.

granted, rule made and order issued under any of the provisions of the said enactments shall if not inconsistent with the provisions of this Ordinance, continue in force and, so far as may be, be deemed to have been respectively done, taken incurred, commenced, appointed, authorized, conferred granted, made or issued under this ordinance.

THE SCHEDULES
THE FIRST SCHEDULE
FORMS

FORM A

[(See SECTION 7 (2)]

FORM OF APPLICATION FOR LICENSE TO DRIVE A MOTOR

VEHICLE
SECTION I

APPLICATION

I apply for a license to enable me to drive as a paid employee

* otherwise than as a paid employee vehicles of the following description:—

(a)
(b)
(c)
(d)
(e)

(f)

(g)

(h)
(i)
(j)
(k)

motor cycles,
motor cars,
invalid carriages,
motor cabs,

delivery vans,

.. *includin: . . .

light transport vehicles ——— public service vehicle,

excluding

. *including . . :

heavy transport vehicles ——— public service vehicle,
excluding

tractors,
road-rollers,

locomotives,

a vehicle of a special type (description attached) constructed or adapted to be driven by me.

(* Strike out whichever inapplicable).

First Schedule—contd.

FORM A—contd.

SECTION II

PARTICULARS TO BE FURNISHED BY THE APPLICANT

1. Fullname and name of father..... 00.0.0. eee
2. Permanent address 0.2.... ee cence ee eens
3. Temporary address... 0... 0... eee cee tenenenees
4. Age on the date of the application... 0.2.0... 0. ee ee ceeee nent es
'Tha Identity Card number... 0.0... 2 ne cee eens]
5. Particulars of any license previously held by applicant.....5
6. Particulars and date of every conviction which has been ordered to be endorsed on any license held by the applicant.
7. Have you been disqualified for obtaining a license to drive. If so, give date, testing authority and result of test.

¹ Added vide Ord. No. VIII of 1978.

THE FIRST SCHEDULE—FORM A

FORM A—contd

SECTION-III

DECLARATION AS TO PHYSICAL FITNESS OF APPLICANT

The applicant is required to answer “Yes” or “No” in the space provided opposite each question—

(a)

(b)

(c)

(d)

(e)

(f)

Do you suffer from epilepsy, or from sudden attacks of disabling giddiness or fainting?

Are you able to distinguish with each eye at a distance of twenty-five yards in good daylight (with glasses, if worn) a motor car number plate containing seven letters and figures?

Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg?

Can you readily distinguish the pigmentary colours red and green?
Do you suffer from night blindness?

Do you suffer from a defect of hearing?

Do you suffer from any other disease or disability likely to cause

your driving of a motor vehicle to be a source of danger to the public?

If so, give particulars.

I declare that to the best of my information and belief the particulars given in section II and the declaration made in section III hereof are true.

Note:— An applicant who answers “Yes” to questions (b) and (c) in the declaration and “No” to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified type or types.

Signature or thumb impression of applicant.

CERTIFICATE OF TEST OF ABILITY TO DRIVE

The applicant has passed/failed in the test specified in the Third

Schedule to the '[Provincial Motor Vehicles] Ordinance, 1965. The test was conducted on At on (date)

Signature of Testing Authority.

Signature or thumb impression of applicants.

(Here enter description of vehicle).

Substituted vide P. O. No. 4 of 1975.

THE FIRST SCHEDULE—contd

FORM B

[See section. 4(2), section 7(3) and section 15]

FORM OF MEDICAL CERTIFICATE IN RESPECT OF AN
APPLICANT FOR A LICENSE TO DRIVE ANY
TRANSPORT VEHICLE OR TO DRIVE ANY
VEHICLE AS A PAID EMPLOYEE.

(To be filled up by a registered medical practitioner).

What is the applicant's apparent age? wrt trent nnn nnn enn enn

Is the applicant subject to epilepsy vertigo or any
mental ailment likely to affect his efficiency?

Does the applicant suffer from any heart or lung. -----
disorder which might interfere with the performance
of his duties as a driver?

(a) Is there any defect of visions? If so, has it
been corrected by suitable spectacles?

(b) Can the applicant readily distinguish the
pigmentary colours red and green?

(c) Does the applicant suffer from night blindness?

(d) Does the applicant suffer from a degree of
deafness which would prevent his hearing the
ordinary sound signals?

Has the applicant any deformity or loss of members -----
which would interfere with the efficient
performance of his duties as a driver?

Does he show any evidence of being addicted to the -----
excessive use of alcohol, tobacco or, drugs?

Is he generally fit as regards (a) bodily health, and -----
(b) eye sight?

Marks of identification, wetter en nn nn nn nn nn nn nn en ee nee

FIRST SCHEDULE

Form B. —contd.

I certify, that to the best of my knowledge and belief the applicant is the person herein above described and that the attached photograph is a reasonably correct likeness of the applicant.

(Space for photograph).

Note:—Special attention should be directed to distant-vision and to the condition of the arms and hands and the joints of both extremities.

THE FIRST SCHEDULE—FORM C

FORM C

[See section 8(1)]

DRIVING LICENSE

NO. cece cece eee ec eee ee een eeeeeneneenens LOL eee ee eee ee tence tenons
(Name)... 0. cece cece cece ne ee ee eeeeeeeeeee eens ee eeeeeee esse eeee ene eneneeneneeneneenenees
son/daughter of (father's name) 0... cececec ec ee ee ee ee ee esse ee ee ene eneneeneneenenees

Of (permanent address)..... 0... cece cece cece cece eee cceessesesescseseeeeeseaeetseeeeeenseaeees

Signature or thumb-impression

Photograph ' [.ceeeeeeee]

is licensed to drive, throughout the Province, 7[name of the Province] of
vehicles of the following description:—

- (a) Motor cycle.
- (b) Motor car.
- (c) Motor cab.
- (d) Delivery van.
- (e) Light transport vehicle.
- (f) Heavy transport vehicle.
- (g) Locomotive.
- (h) Tractor.
- (i) Invalid carriage.
- (j) Road-roller.
- (k) A motor vehicle hereunder described.

¹ Omitted vide Ord: No. VIII of 1978.

* Substituted vide P. O. No. 4 of 1975.

FIRST SCHEDULE—contd.

FORM C—contd.

He is also authorized to drive as a paid employee.* This license is valid
FFOM ooo. eee eee ee eens tO eee ee eee nent tence eeeenes
(To be struck out if in applicable).

**Signature and designation of Licensing
Authority.**

Authorisation to drive public service vehicle— So long as this license is valid and is renewed from time to time, the holder is authorized to drive a public service vehicle within the Province of [name of the Province.]

**Signature and designation of prescribed
Authority.**

Date 0.0... LO.

THE FIRST SCHEDULE—contd

FORM C—(contd).

Signature of Licensing

This license is hereby renewed up to Authority

the.....0. day of 19 eee

ENDORSEMENTS

**Fine or other Signature of Endorsing
punishment Authority**

ate Section and Rule

Substituted vide P. O. No. 4 of 1975.

THE FIRST SCHEDULE—contd

FORM D

[See section 9]

FORM OF APPLICATION FOR THE ADDITION OF A NEW CLASS

OF VEHICLE TO A DRIVING LICENSE.

I hereby apply for the addition of the following class/ classes of motor vehicles to the attached license:—

(a)
(b)
(o)
(a)
(e)

(g)
(h)
i)
@
(k)

Motor cycle.
Motor car.
Motor cab.
Delivery van.
Light transport vehicle.
Heavy transport vehicle.
Locomotive.
Tractor.
Road-roller.
Invalid carriage.

Motor vehicle of a specified description.

*] enclose (a) a medical certificate,

(b) three copies of a recent photograph.

*Required only where the applicant is not entitled to drive as a paid employee or a transport vehicle and now wishes to do so.

Signature of applicant.

THE FIRST SCHEDULE—contd

FORM E

[See section 12(2)]

FORM OF APPLICATION FOR RENEWAL OF DRIVING
LICENSE.

I hereby apply for a renewal of the license under the '[Provincial] Motor Vehicles Ordinance, 1965 which was issued to me on the.....
| (state title of Licensing Authority).

I hereby declare that I am not subject to any disease or disability likely
to cause my driving of a motor vehicle to be a source of danger to the public.

Date eee 19. Signature of applicant.

Substituted vide P. O. No. 4 of 1975.

THE FIRST SCHEDULE—contd.

FORM F

[See section 25(1)]

FORM OF APPLICATION FOR THE REGISTRATION OF
MOTOR VEHICLE.

Full name, name of father, and address of person to be registered as

Registered OWNET..... 0. cece ec ee ee ee ee eeeeeeeeeeeee eens eeeee eens en enenea eae

Class of vehicle..... 00. ccc cece cee cece ene e eee e ee eea ee eenea eens eaten enaes

Type Of D0dy.... 0.0... ccececececec eee c eee ceeeeec ec ee ec en ea easecaesssessecseeseeeeeeaeess

Maker's name..... 0.... cece cece cece cee cee eee ee ects een eeeee ease een eeee eens

Year of manufacture... 0... eee cece eee eee eee e ee en eects

Number of cylinders..... 00... cccceccceeeneneeeeeeeeeeeeeeeeeeeeeeeeeaeas

HOTS POWEL.... 0. see eee e cece tee ene eee e nee eens eneeeeeeeaeeneeneneeaen ease

Maker's classification or, if not known, wheel-base..... 0000005

Chassis numbe?..... 0. ccc cece eee e cence eee e cence teen ee ee cates ee eneenene ees

. Engine numbetr..... e cece ceceeeeceneneneneneeeeeeneneeeeeeeeeeeeeeeeeaen eee

. Seating capacity (including driver)..... 0c cece ce cee eee nents eee eeee

. Unladen weight... cece ce cece cee ee nee ee ence een eneenena cage

. Particular of previous registration and registered No. (if any)

Additional particulars to be completed only in the case of transport
vehicle other than motor cabs

. Number, description and size of tyres—

(a) front axl... ce cece ne ne nee ene neneneeneneneneneneneneneneees

(D) rear Axle..... cece cece cece cence ene nent ee neneeneneneneeneneeeeeene ene

(c) amy other axle..... 0. ccc cc ceec ec eee ee ee eeeeeeeeeeeeeaeaenenenens

FIRST SCHEDULE—contd.

FORM F—contd.

15. Maximum laden weight..... lbs.

16. Maximum axle weight—

(a) front axle..... lbs.

(b) rear axle..... 2.0... eee eee lbs.

(c) any other axle..... lbs.

The above particulars are to be filled in for a rigid frame motor vehicle of two or of three axles, for semi-trailer of an articulated vehicle of three axles or, to the extent applicable, for a trailer (other than the trailer to be registered as part of an articulated vehicle), as the case may be, Where a second trailer or additional trailers are to be registered with an articulated motor vehicle, the following particulars are to be furnished for each such trailer—

17. Type of body-----

18. Unladen weight-----

19. Number, description and size of tyres or the axle-----

20. Maximum axle weight-----

Signature of applicant.

Explanation—An articulated vehicle means a tractor to which a trailer is attached in such a manner that part of the trailer is superimposed on and part of the weight of the trailer is borne by the tractor.

Note:— The motor vehicle above described is held by the person to be registered as the registered owner, under a hire-purchase agreement with —

Signature of owner

Signature of Hire-Purchase Company.

THE FIRST SCHEDULE—contd.

FORM G

[See section 25 (2) and 41 (2)]

FORM OF CERTIFICATE OF REGISTRATION

Registered Number

Brief description of vehicle

(e. g., Ford touring car, Chevrolet 23 seater bus, Albion lorry, Trailer, etc). Name, name of father, and address of Registered owner

Signature of Registering Authority.

Transferred to

Signature of Registering Authority.

Transferred to

Signature of Registering Authority.

Detailed Description.

1. Class of vehicle-----

2. Maker's name----- 2222-02 n0n nen n nn nn nnn nn=

3. Type of body----- 2-2-2 none nn nn nn nn ne ne nenene

4. Year of manufacture-----

5. Number of cylinders-----

6. Chassis Number-----22--- 202020222 20025

7. Engine Number-----

8. Horse power----- nn nnn nnn nanan nnn nnn nnn nn en en enna

9. Maker's classification or, if not known, wheel base-----

FIRST SCHEDULE—contd.

FORM G —contd.

10. Seating capacity (including driver)-----

11. Unladen weight-----

Additional particulars in the case of all transport vehicle other
than motor cabs—

12. Registered laden weight-----

13. Number, description and size of tyres-----

(a) front axle-----

(b) rear axle----- = nn nn nn nn nnn nnn nnn nen

(c) any other axle-----

14. Registered axle weight-----

(a) front axle----- lbs.

(b) rear axle----- lbs.

(c) any other axle----- lbs.

Additional particulars of alternative or additional trailer or trailers Registered
with an articulated vehicle—

15. Type Of body-----nn-nnn nnn anna nnn e nnn n ne nnc ene nnennen

16. Unladen weight-----22222nnn nnn n cscs

17. Number, description and size of tyres on the axle-----

18. Registered axle weight----- lbs.

Date----- 19 Signature of Registering Authority

Note:—The motor vehicle above described is held by the person
registered as the registered owner under a hire-purchase
agreement with-----

Date----- 19 Signature of Registering Authority.

THE FIRST SCHEDULE—contd.

FORM H

[See section 37]

DOCUMENT TO BE FURNISHED BY THE MAKER OR

AUTHORIZED ASSEMBLER IN THE CASE OF
TRANSPORT VEHICLES OTHER THAN MOTOR

CABS.

Certified that the vehicle Chassis No... and Engine
No... cece eee eee manufactured by.....6 in the year has a
wheel base of..... and is designed for maximum weights as follows
when fitted with the tyre-equipment specified below:—

Maximum laden weight.....eeeeeee eee lbs.

Maximum weight front axle.....e ee eeee lbs.

Maximum weight rear axle----- lbs.

Maximum weight any other axle..... lbs.

Tyres—

Front wheels. cece cece see eeeee een eeeeneaee

Rear wheels.....c ce ccecec ee eee ee eeee ee een eee eees

Other wheels..... 0.0 ee cece e eee eeeeeees

Date.....c eee 19. Signature of maker or authorized assembler.

Special certificate to be furnished by an assembler—

Certified that I am authorized by the maker of the vehicle described
above to issue this certificate.

Signature of authorized assembler.

THE FIRST SCHEDULE—contd.

FORM I

[See section 39(1) and 40(2)]

CERTIFICATE OF FITNESS (APPLICABLE IN THE CASE OF
TRANSPORT VEHICLES ONLY

Vehicle No.----- is certified as complying with the provisions
of Chapter VI of the '[Provincial] Motor Vehicles Ordinance, 1965, and the
rules made thereunder. The certificate will expire on-----

Signature and Designation of Inspecting
Authority.

Signature of Inspecting Authority

Substituted vide P. O. No. 4 of 1975.

Ticket No. Book No.

Name of offender-----

Address of offender-----

Registration No. and description of motor vehicle----

2[Nature] of offence-----

Date of charge-----

Fine imposed Rs. -----

Name of Court having jurisdiction-----

Name of Police Station to which intimation of payment of fine is to be made-----

Signature/thumb-impression of the offender.

8[Name of the Police Officer--

Ticket No. Book No

Name of offender-----

Address of offender-----

Registration No. and description of motor vehicle-----

3[Nature] of offence-----

Date of charge-----

Fine imposed Rs. -----

Name of Court having jurisdiction-----

Name of Police Station to which intimation of payment of fine is to be made-----

Signature/thumb-impression of the offender.

9[Name of the Police Officer--

1 Substituted vide Khyber Pakhtunkhwa Act No. X of 1999.

2 Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

3 Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

4 Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

5 Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

6 Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

7 Substituted vide Khyber Pakhtunkhwa Act No. X of 2011.

8 Inserted vide Khyber Pakhtunkhwa Act, No. X of 2011.

° Inserted vide Khyber Pakhtunkhwa Act, No. X of 2011.

FIRST SCHEDULE—contd.

“FORM J”]

See SECTION 116-A (2)

Ticket No. Book No.

Name of offender-----

Address of offender-----

Registration No. and descrip-
tion of motor vehicle-----

4[Nature] of offence-----

Date of charge-----

Fine imposed Rs. -----

Name of
jurisdiction-----

Name of Police Station to which
intimation of payment of fine is
to be made-----

Signature/thumb-impression
of the offender.

1[Name of the Police Officer--

Ticket No. Book No.

Name of offender-----

Address of offender-----

Registration No. and descrip-
tion of motor vehicle-----

5[Nature] of offence-----

Date of charge-----

Fine imposed Rs. -----

Name of Court having
jurisdiction-----

Name of Police Station to
which intimation of payment
of fine is to be made-----

Signature/thumb-impression
of the offender.

2[Name of the Police Officer--

Ticket No. Book No.
Name of offender-----

Address of offender-----

Registration No. and descrip-
tion of motor vehicle-----

6[Nature] of offence-----
Date of charge-----

Fine imposed Rs. -----

Name of Court having
jurisdiction-----

Name of Police Station to
which intimation of payment
of fine is to be made-----

Signature/thumb-impression
of the offender.

3[Name of the Police Officer--

Ticket No. Book No.
Name of offender-----

Address of offender-----

Registration No. and descrip-
tion of motor vehicle-----

7[Nature] of offence-----
Date of charge-----

Fine imposed Rs. -----

Name of Court having
jurisdiction-----

Name of Police Station to
which intimation of payment
of fine is to be made-----

Signature/thumb-impression

of the offender.

4[Name of the Police Officer--

Signature of the Police

Officer.]

Note:-The amount of fine

specified in this ticket is to be
deposited within seven days at

S[any branch of the National

Signature of the Police

Officer.]

Note:-The amount of fine

specified in this ticket is to be
deposited within seven days at

S[any branch of the National

Bank of Pakistan/ Bank of
Khyber/ Habib Bank] and copy
of receipt forwarded to the
Police Officer or Police
Station specified in this ticket.

Bank of Pakistan/ Bank of
Khyber/ Habib Bank] and copy
of receipt forwarded to the
Police Officer or Police
Station specified in this ticket.

Signature of the Police Officer.]

Note:-The amount of fine

specified in this ticket is to be
deposited within seven days at

7[any branch of the National
Bank of Pakistan/ Bank of
Khyber/ Habib Bank] and copy
of receipt forwarded to the
Police Officer or Police Station
specified in this ticket.

Signature of the Police

Officer.]

Note:-The amount of fine

specified in this ticket is to be
deposited within seven days at

8fany branch of the National
Bank of Pakistan/ Bank of
Khyber/ Habib Bank] and
copy of receipt forwarded to

the Police Officer or Police
Station specified in this ticket.

Signature of the Police
Officer.]

Note:-The amount of fine

specified in this ticket is to be
deposited within seven days at

{any branch of the National
Bank of Pakistan/ Bank of
Khyber/ Habib Bank] and
copy of receipt forwarded to
the Police Officer or Police
Station specified in this ticket.

Officer--

Signature of
Officer.]

the Police

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copy of receipt forwarded to
the Police Officer or Police
Station specified in this
ticket.]

1 Inserted vide Khyber Pakhtunkhwa Act, No. X of 2011.

? Inserted vide Khyber Pakhtunkhwa Act, No. X of 2011.

3 Inserted vide Khyber Pakhtunkhwa Act, No. X of 2011.

4 Inserted vide Khyber Pakhtunkhwa Act, No. X of 2011.

5 Substituted vide Khyber Pakhtunkhwa Act, No. X of 2011.

6 Substituted vide Khyber Pakhtunkhwa Act, No. X of 2011.

7 Substituted vide Khyber Pakhtunkhwa Act, No. X of 2011.

8 Substituted vide Khyber Pakhtunkhwa Act, No. X of 2011.

° Substituted vide Khyber Pakhtunkhwa Act, No. X of 2011.

10 Substituted vide Khyber Pakhtunkhwa Act, No. X of 2011.

See SECTION 116-A (2)

'Inserted vide W. P. Ord. No. XXII of 1969.

2 Deleted vide Khyber Pakhtunkhwa Act No. X of 1999.

THE SECOND SCHEDULE

[See section 7(5)]

I. Disease and disabilities absolutely disqualifying a person for obtaining a license to drive a motor vehicle.

1. Epilepsy.

2. Lunacy.

3. Heart disease likely to produce sudden attack of giddiness or fainting.

4. Inability to distinguish with each eye at a distance of twenty five yards in good daylight (with the aid of glasses, if worn) a series of seven letters and figures in white on a black ground of the same size and arrangement as those of the registration mark of a motor car.

5. A degree of deafness which prevents the applicant from hearing, without hearing aids, the ordinary sound signals.

6. Colour blindness or inability readily to distinguish the pigmentary colours red and green.

7. Night blindness.

IL. Diseases and disabilities absolutely disqualifying a person for obtaining

a license to drive a public service vehicle.

1.

Leprosy.

The
to—

)
(2)
(3)

(4)
(5)

(6)

%)

(8)

(9)

Note:—

| Page

THE THIRD SCHEDULE

[See sections 7(6) and 18 (5)]

TEST OF COMPETENCE TO DRIVE

PART I

candidate shall satisfy the person conducting the test that he is able

start the engine of the vehicle;
move away straight ahead or at an angle;

overtake, meet or cover the path of other vehicle and, take an appropriate course;

turn right and left corners correctly;

stop the vehicle in an emergency and normally, and in the latter case bring to rest at an appropriate part, of the road;

drive the vehicle backwards and whilst so doing enter a limited opening either to the right or left;

cause the vehicle to face in the opposite direction by means of forward and reverse gears;

give by hand and by mechanical means (if fitted to the vehicle) or in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions;

act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by

other road users.

(i) Requirements 6 and 7 are not applicable in the case of a motor cycle or tricycle not equipped with means for reversing.

(ii) Requirements 6, 7 and 8 are not applicable in the case of invalid carriages.

THE THIRD SCHEDULE—contd.

A candidate shall be deemed to have failed in the test, if during a road

test, he does any three or more of the following acts or any one of such acts more than once:—

A. Starting—

(1) Fails to look around before starting.

(2) Noisy and uncertain gear shifting.

(3) Stays too long in low or second gear.

(4) Unnecessary fast get away.

(5) Stalls motor.

(6) Fails to signal.

B. Stopping—

(1) Fails to signal.

(2) Slows down too suddenly.

(3) Fails to use rear-view mirror.

C. Turning—

(1) Fails to get into proper lane in time.

(2) Fails to signal.

(3) Fails to check traffic.

(4) Swings wide to the right or cuts corners to the left.

(5) Fails to complete turn in proper lane.

D. Backing—

(1) Fails to look behind before and while backing.

(2) Uncertain steering when backing.

THIRD SCHEDULE—contd.

E. Parking.

- (1) Hits with a jolt other cars in parking.
- (2) Climbs curb in parking.
- (3) Parks too far from curb.
- (4) Forgets to set emergency brake.
- (5) Parks too fast for proper control.

F. Traffic Signals.

- (1) Fails to notice signals.
- (2) Runs through a stop signal.

G. Signs.

- (1) Does not come to a stop on a signal or at a sign requiring him to do so.
- (2) Does not notice caution or warning signs.
- (3) Fails to observe direction signs.

H. Passing.

- (1) Does not await clear distance ahead.
- (2) Passes a vehicle in intersection when unlawful or dangerous to do so.
- (3) Passes vehicle on right where unlawful.
- (4) Fails to use horn when necessary.
- (5) Too little speed in overtaking.
- (6) Cuts in too quickly ahead.

I. Hills—

- (1) Cannot shift gears on an upgrade or when going down.

THE THIRD SCHEDULE—contd.

(2) Cannot stop and start on hill without rolling backward.

(3) Descends in neutral.

J. Speed.

(1) Drives at speeds greater than ability warrants.

(2) Too fast over rough roads, around corners, through blind intersections and in business [Regions].

(3) Tendency to lag and catch up.

(4) Slows down while passing through an intersection or around a curve, rather than before reaching.

(5) Hinders traffic by driving slowly in centre of street.

K. Attention.

(1) Looks down when shifting gears.

(2) Turns his head when talking.

(3) Fails to notice dangerous spots.

(4) Does not give complete attention to all traffic intersection.

L. Attitude towards other:—

(1) Depends on others for safety.

(2) Takes right of way at intersection when not entitled thereto.

(3) Inconsiderate to pedestrians.

(4) Fails to anticipate what others may do.

M. Miscellaneous.

¹ Substituted vide Khyber Pakhtunkhwa Act, No. IX of 2009.

THE THIRD SCHEDULE—contd.

- (1) Stalls at intersections.
- (2) Fails to keep in correct lane.
- (3) Follows too closely other vehicles.
- (4) Uses horn too much.
- (5) Shifts into wrong gear, such as reverse instead of second.
- (6) Passes standing street cars where unlawful.
- (7) Speeds up when being overtaken.
- (8) Reacts slowly in emergency.

(9) Careless about using proper hand signals or does not make signals clearly.

(10) Unduly nervous.

(11) Over -cautious.

(12) Reckless or careless.

(13) General in experience.

PART II

(TEST OF TRAFFIC LAWS AND CORRECT ROAD BEHAVIOUR
OF APPLICANT)

The candidate shall satisfy the Examiner that he is cognizant of the provisions of sections 85, 86, 87, 88 and 89 of the Tenth Schedule, that he knows the meaning of the traffic signs specified in the Ninth Schedule and the general provisions of the Highway Code.

PART III

[TEST OF PHYSICAL FITNESS)

The candidate shall satisfy the Examiner that he is not subject to any disease or disability likely to cause his driving of a motor vehicle to be a source of danger to the public and particularly that—

(a)

(b)

(o)

(a)

(e)

he can read from a distance of twenty-five yards a registration plate bearing letters and figures three inches high or decipher other similar letters or figures of the same size from a distance of twenty-five yards with or without spectacles.,

his field of vision is not less than 130 degree;

he can readily distinguish pigmentary colours, red and green;

he can hear ordinary sound signals without the help of hearing aids;

he is not suffering from epilepsy, paralysis, serious heart disorders or mental disorders.

THE FOURTH SCHEDULE

[See sections 15 (1) and 40 (1) and (3)]

AUTHORITIES ENTITLED TO GRANT LICENSE TO DRIVE AND TO
REGISTER MOTOR VEHICLES, THE PROPERTY OR FOR THE
TIME BEING UNDER THE EXCLUSIVE CONTROL OF THE
'FEDERAL] GOVERNMENT, AND REGISTRATION MARKS
FOR SUCH VEHICLES

PART A

The authorities specified in the second column may grant licenses in
respect of vehicles, the property or for the time being under the exclusive
control of the Department of the 1[Federal] Government specified in the first
column.

Defence Department of the 1. *[Region] Commanders.

*[Federal] Government

2. Commanders of independent
brigades.

3. Officers commanding units
having mechanically prope-
lled vehicles in their charge.

4. Commanders, Pakistan
Engineers.

PART B

The authorities specified in the second column may register motor
vehicle the property or for the time being under the exclusive control of the
Department of the "[Federal] Government specified in the first column and may
grant certificates of fitness in respect of such vehicles.

Defence Department of the The Master-General of the Ordinance in
*[Federal] Government Pakistan or any person authorized by him
in this behalf.

' Substituted vide P. O. No. 4 of 1975.

* Substituted vide P. O. No. 4 of 1975.

> Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

* Substituted vide P. O. No. 4 of 1975.

* Substituted vide P. O. No. 4 of 1975.

PART C

Registration marks for vehicles registered under section 40.

A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and not more than five figures.

THE FIFTH SCHEDULE

[See section 20 (2) and (3) and 116]

OFFENCES ON CONVICTION OF WHICH AN ENDORSEMENT
SHALL BE MADE ON THE LICENSE OF THE PERSON
AFFECTED.

PART A

1. Driving when disqualified (section 19).
2. Failing to stop on the occurrence of an accident (section 92).
3. Obtaining or applying for a license without giving particulars of endorsement (section 97).
4. Driving recklessly or dangerously (section 99).
5. Driving while drunk or under the influence of any drug (section 100).
6. Abetment of an offence under section 99 or section 100.
7. Taking part in unauthorized race or trial of speed (section 103).
8. Altering a license or using an altered license.
9. Any offence punishable with imprisonment in the commission of which a motor Vehicle was used.

PART B

1. Driving without a license, or without a license which is effective, or without a license applicable to the vehicle driven (section 3).
2. Allowing a license to be used by another person (section 6).
3. Driving at excessive speed (section 98).
4. Driving when mentally or physically unfit to drive (section 101).
5. Abetment of an offence punishable under section 98 or 101.
6. Refusing or failing within specified time to produce license (section 90).
7. Failing to stop when required (section 92).

Driving an unregistered vehicle (section 23).

Driving a transport vehicle not covered by a certificate of fitness (section 39).

. Driving in contravention of any rule made under section 74 (2) (g) relating to speed governors.

. Driving a vehicle exceeding the permissible limit of weight (section 107).

. Failure to comply with a requisition made under section 77.

. Using a vehicle in unsafe condition (section 104).

. Driving a transport vehicle in contravention of section 44.

REGISTRATION MARKS

2 (THE SEVENTH SCHEDULE)

[See section 41]

REGISTRATION MARKS FOR VEHICLES REGISTERED UNDER
SECTION 41.

1 Deleted vide Khyber Pakhtunkhwa Act, No. XVII of 1996.

* Omitted vide W. P. Ord. No. XXXIX of 1965

LIMITS OF SPEED FOR MOTOR VEHICLES.

Class of vehicles Maximum speed
in Kilometers
per hour.

1. Passengers vehicle , that is to say, vehicles
constructed soley for the carriage of
passengers and their effects-

(a) if all the wheels are fitted with
pneumatic tyres and the vehicle is
not drawing a trailer—

- (i) if the vehicle is a motor car 95
- (ii) if the vehicle is a motor-cycle 70
- (iii) if the vehicle is a motor-cab 80
- (iv) if the vehicle is a public service 70

vehicle, other than motor-cab,
capable of carrying not more than
14 passengers excluding driver.

(v) if the vehicle is a public service 65
vehicle capable of carrying more
than 14 passengers excluding
driver.

(b) if the vehicle, being motor-car or 50
motor-cab, is drawing a two-wheeled
trailer or a laden weight not
exceeding 800 kilograms, and if all
the wheels of the vehicle are fitted
with pneumatic tyres.

" Substituted vide Ord. No. VIII of 1978.

Class of vehicles Maximum speed in Kilometers per hour.

(c) any other vehicle, including rickshaw 30

and an invalid carriage.

2. Goods vehicles, that is to say, constructed or adapted for use or used for the conveyance of goods-

(a) if all the wheels are fitted with 80 pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer.

(b) if all the wheels are fitted with 50 pneumatic tyres and the registered laden weight of the vehicle does not exceed 10200 kilograms and the vehicle is not drawing a trailer.

(c) in any other case. 25

3. Tractors-

(a) if drawing not more than one trailer 25 and all the wheels of the tractor and trailer are fitted with pneumatic tyres.

(b) in any other case. 10

4. Locomotice, whether drawing a trailer or not. 10

Part A — Mandatory Signs

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setre iT24

sree

Letier & Figures in

white

LIMIT Red Disc 2Ft DM

om

| Difinition Plate.

L.

Post Printed in 9 inch

Black & white Bands

Ground Level

Ij

(1) The figure 20 is given merely as an example. The actual figures will be as prescribed in each case where this sign is used.

(2) The general design of the post is given for guidance.

(3) Where the speed limit is, or is to be, imposed only on a certain class or classes of motor vehicles the class or classes will be specified on the "definition plate". Where in addition to a general speed limit applicable to other motor vehicles a special speed limit is, or is to be imposed on vehicles of a certain class or classes, the general speed limit will be specified on the disc and the special speed limit together with the class or classes of vehicles to which it applies will be specified on the "definition plate".

¹ Substituted vide W. P. Ord. No. XXIV of 1979.

THE NINTH SCHEOULE—contd,

part F 3

MLiGHT Leal
RED BORDER
CLOSED) 4 came wire
TO

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1

fees = 2 AF Dies em

TAXLES OVER} °° Wem
“T|____TONS

eee |

NO.3 TOTAL PROHITITED NO.4 DIRECTION

NO. 3A STOP

STOP φ™™

RED DISC

THE NINTH SCHEDULE — Contd.

THE NINTH SCHEDULE—contd,

Ni KS

RED DISC 2FT. DIA

HO PARKING = “men

Note— Sign No. 5 as here setforth may be simplified by instructions inscribed upon a definition plate placed below it as in general arrangement setforth in sign No. 1 of this Part. Upon the definition plate may be setforth the times during which parking is prohibited. In like manner an arrow head inscribed on the definition plate will indicate that parking is prohibited on that part of the street or road lying to the side of the sign to which the arrow-head points.

- 0.7

0.6 UCE OF SCUND SIGNALS PROHIS TED

OVERTAKING PROHIEITED PROMIEITED os

S'RED BORDER & BAND

Crossing and border-Red

Back round-- White

Device--Black

THE NINTH SCHEDULE - Contd.

THE NINTH SCHEDULE—contd.

Att RORD AMEAD

THE NINTH SCHEDULE—contd,
Part B-Cautionary Signs

GENERAL DESIGN

3 INCH RED BORDER.

\ CENTRE WHITE OR
HOLLOW

'| EXPLANATORY DEVICE

PAINTED IN 8 INCH BLACK

'& WHITE BANDS.

'
' t
'
'
'

"a

THE NINTH SCHEDULE—contd.

NO.1 NO.2
ROUGH ROAD ZIG - ZAG (RIGHT)

RED BORDER
NO.2
NO.2 NO.3
2G 746 CROSS ROADS
No.4 RED BORDER ay
LEVEL CROSSING HOLE
(GUARDED) LEVEL. CROSSING
{ prea teents ean: tll

Red Border

THE NINTH SCHEDULE—contd.

Le oan 6
RIGET TURN _
roo RED BORDER
NO.7 NO.
SCHOOL DEAD END CROSS ROAD
RED BORDERS
NO. 9 NO.
SIDE ROAD (RIGHT) SIDE ROAD (LEFT)

RED BORDER

THE NINTH SCHEDULE—contd.

NO. 11

NO. 10

STEEP FERRY

RED BORDER

NO. 12 NO. 12

HAIR PIN BEND (RIGHT) HAIR PIN BEND (LEFT)

RED BORDER

NO. 13

NARROW BRIDGr

RED BORDER

THE NINTH SCHEDULE — contd.

Part C Informatory signs

NO. 1

FLOOD GAUGE

SIDE ELEVATION.

THE NINTH SCHEDULE — contd.

NO.2
ROAD JUNCTION APPROACH.

BACKGROUND
YELLOW

BLUE BLACK GROUND
TWO FT. SQUARE

"THE NINTH SCHEDULE

A

(SEE SECTIONS 73,1 882)

TRAFFIC VO CUS IGNS_

WARNING NS "SIGNS

A ee &

DA BAA

ADAAAAA

AMAAAAAA

AAA A

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AAKLAAA

by fe

1, LEFT BEND. 21. ROAD WORKS. 36. MINOR ROAD ON

2. RIGHT BEND. 22. LIGHT SIGNALS. THE RIGHT.

3. BOUBLE BEND TO THE RIGHT. | 23. LOW FLYING AIRCRAFTS. 37. MINOR ROAD ON

4. DOUBLE BEND TO THE LEFT. 24. STRONG CROSS WIND. THE LEFT.

5. DANGROUS DESCENT. 25. TWO WAY TRAFFIC. 38. MAJOR CROSS

6. STEEP ASCENT. 26. OTHER DANGERS. ROAD.

7. CARRIAGE WAY NARROWS. 27. YIELD TO THE TRAFFIC 39. NARROW BRIDGE.

8. SWING BRIDGE. APPROACHING FROM THE RIGHT 40. LEVEL CROSSING

NO GATE.

9. ROAD LEADS ON TO QUAY OR ON THE CROSS ROAD. ()

RIVER BANK. 28. YIELD TO THE TRAFFIC 41, LEVEL CROSSING

APPROACHING FROM THE RIGHT (WITH GATE.)

10. UN-EVEN ROAD.

ON ANY LEG OF THE 42. ADVANCE DANGER

11. HUMP/SPEED BREAKER. INTERSECTION. SIGN.

12, ROAD DIPS. 29. MINOR CROSS ROAD. 43. ROUND ABOUT

13. SLIPPERY ROAD. 30. MINOR CROSS ROAD FROM LEFT. AHEAD.

14, LOOSE GRAVEL. 31. MINOR CROSS ROAD FROM RIGHT. 44, U-TURN AHEAD.

15. FALLING ROCK. 32. MINOR CROS ROADS FROM RIGHT &

16. PEDESTRIAN CROSSING. LEFT RESPECTIVELY.

17. CHILDREN CROSSING. 33. MINOR CROSS ROADS FROM LEFT &

18. CYCLISTS. RIGHT RESPECTIVELY.

19. CATTLE CROSSING. 34. MINOR CROSS JOINING FROM

20. WILD ANIMAL CROSSING. RIGHT.

35. MINOR CROSS JOINING FROM LEFT.

PART. I]
REGULATORY SIGNS

V®@

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Q9@O@ @Oe®o

GODCOVYO

YOOEOOS

45. ONE WAY SIGN.
58. NO ENTRY FOR VEHICLES
65. NO U TURN.
46. STOP SIGN. EXCEEDING WIDTH MORE THAN 8-6.
66. OVERTAKING PROHIBITED.
47. SLOW SIGN.
59. NOR ENTRY FOR VEHICLES
67. OVERTAKING BY GOODS
48. ROAD CLOSED. EXCEEDING HEIGHT MORE THAN VEHICLES PROHIBITED.
49. NO ENTRY FOR MOTOR VEHICLE.
- 16-6.
68. MAX SPEED LIMIT SOKM.
50. NO ENTRY.
60. NO ENTRY FOR VEHICLES
69. AUDIBLE WARNING
51. NO ENTRY FOR CYCLES. EXCEEDING 7 TON LADEN DEVICES PROIBITED.
52. NO ENTRY FOR MOTOR CYCLES. WEIGHTS.
70. PASSING WITHOUT
53. NO ENTRY FOR GOODS
61. NO ENTRY FOR VEHICLES STOPPING PROHIBITED.
- 'VEHICLES. EXCEEDING 8 TON ON ONE,
71. PASSING WITHOUT
54. NO ENTRY FOR PEDESTRIANS. AXLE. STOPPING PROHIBITED.
55. NO ENTRY FOR ANIMAL DRAWN,
62. NO ENTRY FOR VEHICLES
72. PARKING PROHIBITED.
- 'VEHICLES. EXCEEDING 30 FEET IN LENGTH.
73. END OF ALL PROHIBITIONS
56. NO ENTRY FOR HAND CARTS.
63. NO LEFT TURN. IMPSED.
57. NO ENTRY FOR AGRICULTURAL
64. NO RIGHT TURN.
74. END OF SPEED LIMIT
- PART-II END OF PR
- . 75. END OF PROHIBITIONS OF
- OVERTAKING.

MANDATORY SIGNS

2200000
29G GOGO

e

- 76.
- 77.
- 78.
- 79.
- 80.
- . DIRECTION TO BE FOLLOWED.
82. DIRECTION TO BE FOLLOWED.
83. KEEP TO THE RIGHT.
84. KEEP TO THE LEFT.

85. COMPULSORY ROAD ABOUT.

86. LANE CONTROL SIGN.

87. LANE CONTROL SIGN.

DIRECTION TO BE FOLLOWED.

88. DUAL CARRIAGE WAY

AHEAD.

89. DUAL CARRIAGE WAY END.

90. COMPULSORY CYCLE

TRACK.

PART .1V
INFORMATIVE SIGN

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4 ted [=

Tees

a5

91. ADVANCE DIRECTION SIGN. 103. TRAMWAY STOP.

92. NO THROUGH ROAD. 104. PARKING.

93. NO THROUGH ROAD. 105. PARKING PLACE INDICATED.

94. NO THROUGH ROAD. 106. PARKING PLACE INDICATED.

95. DIRECTION OF PALCE. 107. PARKING PLACE INDICATED.

96. DIRECTION OF AIRFIELD. 108. PARKING PLACE INDICATED.

97. BEGINNING OF BUILT UP AREA. 109. PARKING PLACE INDICATED.

98. END OF BULIT UP AREA. 110. FACILITY INDICATED.

99. HOSPITAL. 111. FIRST AID STATION.

100. ONE WAY ROAD. 112. BREAKDOWN SERVICE.

101. ONE WAY ROAD. 113. TELEPHONE.

102. BUS STOP. 114. FILLING STATION.

115.

116.

117.

118

119.

120.

121.

122.

123.

124.

125.

HOTEL OR MOTEL.

RESTAURANT.

CAFETERIA.

. PICNIC SITE.

. STARTING POINTS FOR

WALK.

CAMPING SITE.

CAMPING SITE.

. CAMPING AND CARAWAN

SITE.

YOUTH HOSTEL.
MOTOR WAY.

END OF MOTOR WAY.

ROAD MARKING

127 CENTRELINE NO OVERTAKING ZONE.

128 OVERTAKING ALLOWED IF NO VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

LINE CONTROL

MARKING.

THE TENTH SCHEDULE

[See sections 81 and 82]

DRIVING REGULATIONS

1. The driver of a motor vehicle shall drive as close to the left hand side of the road as may be expedient, and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side.
2. Except as provided in regulation 3, the driver of a motor vehicle shall pass in the right of all traffic proceeding in the same direction as himself.
3. The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right has drawn to the centre of the road and may pass a tram-car or other vehicle running on fixed rails, whether travelling in the same direction as himself or otherwise, on either side:

Provided that in no case shall he pass a tram-car at a time or in a manner likely to cause danger or inconvenience to other users of the road or pass on the left hand side of a tram-car, which, when in motion would be travelling in the same direction as himself, while the tram-car is at rest for the purpose of setting down or taking up passengers.
4. The driver of a motor vehicle shall not pass a vehicle travelling in the same direction as himself—
 - (a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction; or
 - (b) where a point or corner or a hill or an obstruction of any kind renders the road ahead not clearly visible.
5. The driver of a motor vehicle shall not, when being overtaken or being passed by another vehicle, increase speed or do anything in any way to prevent the other vehicle from passing him.
6. The driver of a motor vehicle shall slow down when approaching a road intersection, a road corner, and shall not enter any such intersection or junction until he has become aware that he may do without endangering the safety of persons thereon.
7. The driver of a motor vehicle shall on entering a road intersection if the road entered is a main road designated as such, give way to the vehicles proceeding along that road, and in any other case give way to all traffic approaching the intersection on his right hand.

8. The driver of a motor vehicle shall, when passing or meeting a procession or a body of troops or police on the march or when passing workmen engaged on road repair, at a speed not greater than fifteen miles an hour.

9. The driver of a motor vehicle shall—

(a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering;

(b) when turning to the right, draw as near as may be to the centre of the road along which he is travelling, and cause the vehicle to move in such a manner that—

(i) as far as may be practicable, it passes beyond, and so as to leave on the driver right hand, a point formed by the intersection of the centre lines of the intersection roads, and

(ii) it arrives as near as may be at the left hand side of the road which the driver is entering.

THE ELEVENTH SCHEDULE

[See section-83]

SIGNALS

1. When about to turn to the right or to drive to the right hand side or the road in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front.
2. When about to turn to the left or to drive to the left hand side of the road, a driver shall extend his right arm and rotate it in an anti-clockwise direction.
3. When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall arm so extended up and down several in such a manner that the signals can be seen by the driver of any vehicle which may be behind him.
4. When about to stop, a driver shall raise his right fore arm vertically outside of and to the right of the vehicle, palm to the front.
5. When a driver wishes to indicate to the driver of a vehicle behind him that he desires that driver to overtake him he shall extend his right arm and hand horizontally outside of and to the right of the vehicle and shall swing the arm backwards and forwards in a semi circular motion.

"THE TWELFTH SCHEDULE.

*1PART-I

MOVING VIOLATIONS

S. No. Natural of violations Penalties

1 2 3

Motor | Motor | Light Heavy Transport

Cycle | Car/ Transport Vehicle/

@Rs. | Jeep Vehicle @| Public Service

@Rs. | Rs. Vehicle @ Rs.

1. | Exceeding prescribed speed limit. 200 300 500 700

2. | Carrying Passengers in a public service 200 500 700

vehicles exceeding permissible limit.

3. | Violation of traffic signals (manual | 200 300 500 1000
/electrical).

"4. Overloading by public transport vehicles | - - 1000 for 1% | 1000 for 1% to
(Goods Carries). to 5% of 5% of

overloading | overloading

2500 for 2500 for 5.1% to

5.1% to 10% | 10% of

of overloading.

overloading.

5000 for 10.1%

5000 for to 15% and

10.1% to above of 15% of

15% an overloading shall

above of not be allowed to

overloading. | ply on road.]

5. | Overtaking where prohibited. 100 200 200 500

6. | Failure to yield the right of way to others | 100 100 100 100
vehicles.

7. | Obstructing movement of emergency | 100 200 400 500
vehicles.

8. | Loading in excess of the restriction of | - - 300 500
dimension of goods.

9. | Driving at night without proper lights. 100 200 300 500

10. | Driving on the wrong side of the road. 100 200 300 500

' Substituted vide Khyber Pakhtunkhwa Act No. I of 2008.

? Substituted vide Khyber Pakhtunkhwa Act No. XVII of 2010.

* Substituted vide Khyber Pakhtunkhwa Act No. XXXIV of 2014.

1. | Disobeying Traffic signals. 200 400 500 500
2. | Improper crossing of railway track. 100 200 200 300
3. | Following too closely or cutting too sharply. | 100 200 300 400
4. | Driving with tinted/covered glasses | - 500 500 -
obstructing visibility from within the vehicle.
5. | Jumping Traffic Queue. 00 200 200 300
6. | Failing to dip head lights for other traffic. - 200 300 500
7. | Driving wrong way in one way street. 00 200 300 400
8. | Using turn indicator for any purpose other | 100 200 200 200
than those prescribed.
9. | Plying where prohibited. 00 200 300 500
20. | Improper loading of goods/improper loaded | - - 300 400
goods.
21. | Failing to observe lighting hours. - 200 200 300
22. | Obstructing traffic. 200 300 500 1000
23. | Failure to observe low sign. 100 100 100 100
24. | Riding Motorcycle without safety helmet. 100 - - -
25. | Failure to stop for a school bus. - 200 200 300
26. | Turning where prohibited. 100 200 400 500
27. | Failure to protect learner drivers. 100 200 200 300
28. | Failure to yield right of way to pedestrians. 100 200 200 300
29. | Reckless and negligent driving. 200 400 500 600
30. | Driving without driving license. 600 600 600 1000
31. | Driving an unregistered vehicle. 100 200 500 600
32. | Driving a Motor Vehicle without insurance | - 100 100 100
coverage.
33. | Driving a Transport Vehicle without or with | - 200 200 300
a defective Speedo meter insurance
coverage.
34. | Opening door dangerously. - 200 200 300

- 35. | Improper turning (turn from wrong lane). 100 200 300 500
- 36. | Improper lane usage. 100 200 300 500
- 37. | Blowing horn in silence zone. 100 200 200 300
- 38. | Improper U-turn. 100 200 200 300
- 39. | Refuse to produce license. 100 200 200 300
- 40. | Failing to stop when required by the traffic | 200 200 300 500 police.
- 41. | Driving without fitness certificate. - - 300 500
- 42. | Driving a vehicle exceeding prescribed | - - 300 500 weight limit.
- 43. | Using vehicle in unsafe condition. 100 200 400 600
- 44. | Using pressing/musical horns. 100 200 300 500
- 45. | Driving vehicle in violation of law/rules not | 100 200 300 500 otherwise provided.
- 46. | Smoking emitting vehicle. 200 400 500 600
- 47. | Juvenile driving. 200 300 500 600
- 48. | Using Mobile Phone while driving. 500 500 500 500
- 49. | One wheeling by Motorcyclist. 500 - - -
- 50. | Repeating the same violations. 600 600 600 600
- 51. | Abetment of the above violations. 100 200 300 500
- 52. | Driving Motor Vehicle without route permit | - - 5000 5000 if any.
- 53. | Repeating the violation at serial No. 52 | - - 1000 1000.] above.
- (54. | Repeating the violation at serial No. 4 | - - 10000/- 10000/-.) above.

¹ Added vide Khyber Pakhtunkhwa Act, No. XXXIV of 2014.

PART-II

PARKING VIOLATIONS

S. No. NATURE OF VIOLATION PENALTY

1 2 3

1. | Parking more than 0.5 meter from the kerb. 100.00
2. | Parking on a sidewalk. 100.00
3. | Parking less than 0.5 meter from another car. 100.00
4. | Parking on a zebra crossing. 100.00
5. | Parking less than 3 meters from five hydrants. 100.00
6. | Parking less than 10 meters from fire stop sign. 100.00
7. | Parking less than 10 meters from intersection. 100.00
8. | Parking in a "No Parking" Zone. 200.00
9. | Parking in front of an entrance to premises. 100.00
10. | Parking on bus stop. 200.00
11. | Parking on bridge. 200.00
12. | Offences relating to parking meters exceeding time limit by each | 100.00.]

half an hour.

[THE THIRTEENTH SCHEDULE]

(See section-50, 53 and 67)

Scale of compensation payable on death of or injury to a passenger in a stage carriage or contract carriage.

Serial	Death or Injury	Amount of Compensation
	No. Compensation	Rs.
1.	Death	16,000
2.	Loss of right arm above or at the elbow	5,000
3.	Loss of left arm above or at the elbow	4,000
4.	Loss of right arm below the elbow	4,000
5.	Loss of leg at or above the knee	5,000
6.	Loss of left arm below the elbow	3,600
7.	Loss of leg below the knee	5,000
8.	Loss of both legs	10,000
9.	Permanent loss of hearing	5,000
10.	Loss of one eye	6,000
11.	Loss of both eyes	10,000
12.	Loss of thumb	3,200
13.	Loss of all toes of one foot	4,000
14.	Loss of index finger	3,200
15.	Loss of great toe	3,000
16.	Loss of any finger other than laden finger	3,000

"Inserted vide Ord. No. IX of 1970 and Substituted vide Ord. No. VIII of 1978.

Serial Death or Injury Amount of
No. Compensation

- 17.) Permanent disfiguration of the face or head. 4,000
- 18.) Fracture or dislocation of a bone. 3,000
- 19.) Emasculation. 4,000
- 20.) Loss of one or more teeth. 1,000
- 21.) Any injury which endangers life or which causes the 2,000

sufferer to be, during the space of twenty days severe

bodily pain, or renders him unable to follow his ordinary

pursuits.

- 22.) Medical expenses for an injury not specified in the 2,000

schedule.

actual expenses
certified by the
Medical Officer.

THE FOURTEEN SEHFDULE

[See section 122]

ENACTMENTS REPEALED

Serial Short title No. and year Extent of repeal

No.

1. | The Motor Vehicles Act 1939 IV of 1939. The whole, except Chapters VII and VIII and section 125.

2. | The Motor Vehicles (Sindh Amendment) Sindh XIV of 1948. The whole. Act, 1948.

3. | The Motor Vehicles (North-West Frontier N.W.F.P. XII of 1950. | The whole. Amendment) Act, 1950.

4. | The Motor Vehicles (Sindh Amendment) Sindh XVIII of 1951. The whole. Act, 1951.

5. | The Motor Vehicles (North-West Frontier N.W.F.P. XIX of The whole. Province (Amendment) Act, 1953. 1958.

6. | The Motor Vehicles (West Pakistan West Pakistan XIX of | The whole. Amendment Act, 1958. 1958.

7. | The Motor Vehicles (West Pakis-tan West Pakistan The whole. Amendment) Ordinance, 1960. Ordinance XXX of

1960.

8. | The Motor Vehicles (West Pakistan West Pakistan The whole. Amendment) Ordinance, 1963 Ordinance XI of 1963.

SINGLE, TANDEM, TRIDEM AXLE LOAD AMP GROSS
VEHICLEWEIGHT AND TYRE PRESSURE LIMITS

TRUCK TYPES MAXIMUM GROSS

WEIGHT (TONS)

12 17.5

1.22 27.5

1.2-2 29.5

1.2-22 39.5

1.22-2 39.5

1.22-22 49.5

1.2-2-2 AL.5

1.2-2-22 51.5

1.22-2-2 51.5

1.22-2-22 61.5

1.2-222 48.5

1.22-222 58.5

Axle load limits for Single Axle = 12 tons, Tandem Axle = 22 tons,
Tridem Axle = 31 tons, Front Axle = 5.5 tons

Tyre Pressures for Rear Axles = 120 psi, Front Axle = 100 psi.]

' Added vide Khyber Pakhtunkhwa Act, No. IV of 2014.