

PART-B

**THE KHYBER PAKHTUNKHWA MOTOR
VEHICLE ORDINANCE, 1965**

(WEST PAKISTAN ORDINANCE XIX OF 1965)

The
¹[KHYBER PAKHTUNKHWA]
Motor Vehicles
Ordinance, 1965
²[West Pakistan Ordinance XIX OF 1965]
[8th June, 1965]

Preamble: Whereas it is expedient to amend and consolidate the law relating to Motor Vehicles in the Province of ¹[Khyber Pakhtunkhwa];

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. Short title and extent: (1) This Ordinance may be called the ¹[Khyber Pakhtunkhwa] Motor Vehicles Ordinance, 1965 (West Pakistan Ordinance XIX of 1965).

(2) It extends to the whole of Province of ¹[Khyber Pakhtunkhwa], except the Tribal Areas.

2. Definitions: 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;

(2) "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 whereon the vehicle rests;

(3) ³["board"] means the ³[Road Transport Board] established under Section 70;

(4) "certificate of registration" means the certificate issued by a competent authority

¹ Subs, for the word "West Pakistan" by KHYBER PAKHTUNKHWA. Adaptation of Laws Order, 1975.

² This Ordinance was approved by the West Pakistan Assembly in pursuance of clause (3) of Article 79 of the Constitution (1962) at its meeting held on the 10th July, 1965, vide Notification No. PAWP Legis (65)-58 published in Gazette of West Pakistan, Extra-ordinary, 8th June, 1965.

³ General Amendments by KHYBER PAKHTUNKHWA. Ordinance of 1972.

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to the effect that a motor vehicle has been registered in accordance with the provisions of Chapter III;

(5) "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;

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

(7) "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;

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

(9) "fares" includes sums payable for a season ticket or in respect of the hire of a contract carriage;

(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 traveling in the vehicle;

(11) "goods vehicles" 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 Government of Baluchistan/Khyber Pakhtunkhwa/Punjab/Sindh;

(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 highway which meet or cross each other;

(15) "invalid carriage" means a motor vehicle the unladen weight, of which does not exceed five hundred pounds, 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) "licence" means the document issued by the 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;

(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;

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(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 ⁴[or 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
 - (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 of 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 carriage 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;

⁴ Ins. by Amendment Ord. VIII of 1978.

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⁵[(27-A) "Province" means the 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 of 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;

(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 registering 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 the 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;

(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;

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

⁵ Vide KHYBER PAKHTUNKHWA Ordinance I of 1972. This clause shall be deemed to have been so inserted on and from 1st July, 1970.

or a tractor ⁶[****];

(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.

⁶ Certain words omitted by Ord. VIII of 1978

CHAPTER II
**LICENSING OF DRIVERS
OF MOTOR VEHICLES**

- **From Section (3) to Section (22) of Chapter II relate to Traffic Police.**

CHAPTER III
REGISTRATION OF MOTOR VEHICLES

23. Motor vehicles not to be driven without registration: (1) No person shall drive any motor vehicle and not owner of a motor vehicle shall cause or permit the vehicle to be driven in any ⁷[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 or 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.

⁸**[23-A. Penalty in default of registration.]**—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:

TABLE

S.No.	Motor Vehicle type/ Engine Capacity of vehicle	Where the default does not exceed 6 months (Rs.)	Where the default exceeds 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

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⁷ Substituted by Ordinance VIII of 1978

⁸ Substituted vide Khyber Pakhtunkhwa Finance Act, 2011 (Khyber Pakhtunkhwa Act No.XIII of 2011)

24. Registration where to be made: (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 require that any certificate of registration issued under the provisions of the Motor Vehicles Act, 1939 (IV of 1939) shall be presented within a prescribed period, to a specified registering authority for entry therein of such further particulars of the vehicle as that authority may, for the purposes of this Ordinance, deem fit to record.

25. Registration How To Be Made,----(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 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 authorized manufacturer of the motor vehicle or by his authorized dealer in Pakistan; and
- (c) in case 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 the 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.

(3) ⁹[The registering authority shall assign to motor vehicles 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 district where the vehicle is registered and such letter or group of letters and figures as may be prescribed.

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 provided to them under sub-section (6):

⁹ Amended vide Khyber Pakhtunkhwa (Act No. XII of 2010) dated 01.10.2010.

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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.”];

¹⁰(3A) [***deleted***]

(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 vehicles 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 off in the prescribed manner.

(5) In every district each series shall start from No.1001 and end at No. 9998; provided that serial numbers 1111, 2222, 3333, 4444, 5555, 6666, 7777, 8888, 9999, in each series shall not be assigned to any motor vehicle.

(6) The number plates to be affixed on motor vehicles for display shall be provided by Government to the owner of the motor vehicles on such payment as may be fixed by Government from time to time.

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

(8) Government may, by notification in the official Gazettes, allow the motor vehicle 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, shall not be unlawful for the owner of such motor vehicle to display the old registration marks”.

(9) ¹¹[Any person found using the number plate other than the one provided to him under sub-section (6), or a registration mark other than the 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].

¹⁰ Deleted vide Khyber Pakhtunkhwa (Act No. XII of 2010) dated 01.10.2010.

¹¹ Substituted by Khyber Pakhtunkhwa (Act No. XII of 2010) dated 01.10.2010.

26. Temporary registration: (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 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. Production of vehicle at the time of registration: 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 made thereunder.

28. Refusal of Registration: (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
- (c) the applicant fails to furnish particulars 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 licence 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. Effectiveness in West Pakistan of registration: (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.

Providing 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 (l) 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 for any reason other than that of permanent removal of the vehicle from the Province.

30. Assignment of fresh registration mark on removal to another

Province: (l) 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.

(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 thenceforth 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. Change of residence or place of business:

(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 certificates 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. Transfer of ownership:

(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.

¹²[32.A. Cancellation of certificate of registration of vehicles registered in the Tribal Areas of Baluchistan in certain cases: If the owner of a motor vehicle registered by a registering authority having jurisdiction in the Tribal Areas of the Province of Baluchistan 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 cancelled 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. Alteration in motor vehicle: (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 reside and shall forward the certificate or registration of the vehicle to that authority together with the prescribed fee in order that particulars of the alteration may be entered therein:

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. Suspension of registration: (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 thereunder, or the West Pakistan Motor Vehicles Taxation Act, 1958 (XXXII of 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 reason to believe that the vehicle is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of Chapter VI or of the rules made thereunder; or

¹² Added by Ord. VIII of 1978.

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- (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 unauthorised 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 or 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 when making a suspension order under sub-section (1), intimate in writing the fact of suspension and the reason therefor 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 therefor 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. Cancellation of registration: (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 authorise 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 canceling the registration of a motor vehicle under this section shall communicate the fact together with the reasons therefor in writing to the owner of the vehicle and the owner of the vehicle shall thereupon forthwith surrender to that authority the certificate of registration of the vehicle and any token or card issued to authorise the use of the 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 therefor, and forward the certificates of registration and any token or card surrendered to it under sub-section (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. Appeals: (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. Special requirement for registration of transport vehicles: (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 authorised by the maker in this behalf stating the maximum laden weight and maximum axle weight 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.

38. Special particulars to be recorded on registration of transport vehicles: 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 vehicles;
- (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. Certificate of fitness of transport vehicles: (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 requirements 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 ¹³[authority issuing the certificate]:

¹⁴[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 the period

¹³ Subs by W.P Ordinance IX of 1970

¹⁴ Proviso ins. by W.P ordinance IX of 1970.

that permit shall be deemed to be suspended until a new certificate of fitness has been obtained.]

(3) The ¹⁵[---] 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 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. Registration of vehicles, the property of the Federal Government:

(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 vehicle 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 1 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 require.

41. ¹⁶[Special registration of vehicles: 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].

42. Application of Chapter III to trailers: (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 trailers 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.

¹⁵ Certain words omitted , ibid.

¹⁶ Subs. by West Pakistan Amendment Ordinance ,XXXIX of 1963.

43. Power To Make Rules: (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of 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 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 mark;
- (e) the manner in which registration marks and the particulars referred to in Section 38, and other prescribed particulars shall be exhibited;
- ¹⁷[(ee) the authorising of suitable automobile workshops to issue certificates 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 the inspection, the terms and conditions and the period for which, and the authorities by whom, the licences may be granted and renewed, and the fees to be paid for the grant and renewal of the licences];
- (f) the fees to be charged for the issue or 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;
- (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;

¹⁷ Ins. by W.P Ordinance IX of 1970.

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- (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.