

THE KHYBER PAKHTUNKHWA MOTOR VEHICLES TAXATION ACT, 1958

**THE KHYBER PAKHTUNKHWA
MOTOR VEHICLES TAXATION ACT,
1958**

**THE KHYBER PAKHTUNKHWA
MOTOR VEHICLES TAXATION
ACT
(WEST PAKISTAN ACT, XXXII 1958)**

An Act consolidate the law relating to imposition of tax on motor vehicle in the Punjab

Preamble: WHEREAS it is expedient to consolidate the law relating to imposition of tax on motor vehicles in West Pakistan in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short Title, Extent and Commencement: (1) This Act may be called Khyber Pakhtunkhwa Pakistan Motor Vehicle Taxation Act, 1958 (West Pakistan Act, XXXII 1958).

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

2. Definitions: In this Act, unless there is anything repugnant in the subject or context.---

- (a) "Government" means the Government of West Pakistan;
- (b) "licensing officer" means an officer appointed by the Government to perform the duties and exercise the powers imposed or conferred upon a licensing officer under this Act;
- (c) "motor vehicle" includes a vehicle carriage or other means of conveyance propelled, or which may be propelled on a road by electrical or mechanical power either entirely or partially;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "tax" means the tax imposed under this Act;
- (f) "token" means a ticket to be displayed on a motor vehicle as an indication that the tax leviable thereon has been dully paid or that no tax is payable;
- (g) "Director" means the officer appointed by the Government as the head of the Taxation Department; and
- (h) "Deputy Director" means an officer appointed by the Government as Deputy Director of the Taxation Department, and includes an officer appointed by the Government to perform the duties of Deputy Director under this Act.

3. Imposition of Tax: (1) A tax shall be leviable on every motor vehicle in equal installments for quarterly periods, commencing on the first day of July, the first day of October, the first day of January, and the first day of April, at the rate specified in the Schedule to this Act:

¹ Subs for the word "KHYBER PAKHTUNKHWA" by Khyber Pakhtunkhwa .

¹[Provided that for reasons specified therein the Government may by notification, in respect of any class of motor vehicles or motor vehicles plying in any specified area or along any specified route, prescribe a rate lower than the rate mentioned in the Schedule]

Provided further that any broken period in such quarterly periods shall, for purpose of levying the tax be considered as a full period.

(2) The tax shall be paid upon a licence to be taken out and paid for under the provisions of this Act by the person who keeps the motor vehicle for use.

(3) A rebate equal to 15 percent of the amount of annual tax for a financial year will be given if the amount of annual tax is paid in lump sum on or before the 31st day of July of the financial year.

4. Obligation of persons keeping motor vehicles to make declaration and to pay tax:

(1) Every person who keeps a motor vehicle for use shall fill up and sign a declaration in the prescribed form stating the prescribed particulars, and shall deliver the declaration as filled up and signed by him to the licensing officer before the expiry of twenty-one days from the day of his commencing to keep the motor vehicle for use. Any such or similar declaration filled up signed and delivered under any of the enactments mentioned in sub-section (1) of Sec. 17 of this Act, shall be deemed to have been filled up signed and delivered under this section.

²[(2) The tax to which he appears by such declaration to be liable shall be paid by the person keeping the motor vehicle, if for the first quarterly period, before the 31st day of July, if for the second quarterly period, before the 31st day of October, if for the third quarterly period, before the 31st day of January and if for the fourth quarterly period, before the 30th day of April]

Provided that if such person commences to keep the motor vehicle for use after the commencement of this Act he shall pay the first instalment due before the expiration of twenty-one days from the day of his commencing to keep the motor vehicle for use.

(3) Every person who owns any motor vehicle which is let for hire, shall, for the purposes of this Act, be the person who keeps the motor vehicle for use.

5. Obligation to Make Additional Declaration and to Pay Further Tax:

Whenever any person, who has delivered a declaration under the preceding section becomes liable to an additional tax by reason of his keeping a greater number of motor vehicles for use than he has stated in the declaration, or by reason of any change in the character of any motor vehicle kept by him for use, he shall fill up and sign an additional declaration specifying with reference to

¹ Ins. by W.P ord. 57 of 1959.

² Subs. by W.P ord: VI of 1961.

such liability the particulars required by the preceding section. Such person shall deliver the additional declaration so filled up and signed and pay such additional tax by the last mentioned declaration appears to be payable by him to the licensing officer before the expiration of twenty-one days from the day of his becoming so liable as aforesaid:

Provided that when payment is made of additional tax by reason of any change in the character of any motor vehicle, an allowance shall be made for the tax already paid.

6. Service of Special Notice to Make Declaration and to Pay

Tax: The licensing officer may direct a special notice to be served upon any person requiring such person to fill up, sign and deliver to the officer named in such notice, a form of declaration, to be left with such notice stating whether such person is or is not liable to the payment of any tax and to pay the tax to which he appears by such declaration to be liable to the person named therein before the expiration of fourteen days from the date of the service of such special notice.

7. Grant of License: Every licensing officer shall grant and deliver to every person who pays to him the first instalment of tax due, a licence in which shall be specified the particulars of the tax paid, with any other particulars that may be prescribed. The licence shall be dated on the day of granting the same and shall expire on the ¹[30th day of June], next following.

8. Penalty for Omission to Comply with the Provisions of

Section 4: (1) If a person—

(a) fails to deliver a declaration in accordance with the provisions of this Act; or

(b) delivers a declaration wherein the particulars prescribed to be therein set forth are not fully and truly stated,

the licensing officer may, after making such enquiry as he deems fit and after hearing the person if he desires to be heard, impose on such person any tax or additional tax for such quarterly period or periods as the licensing officer may find that such person is liable to pay under the provisions of this Act, and may also impose a penalty which may extend to twice the amount of the tax to which he is found liable.

(2) The tax or additional tax imposed shall be payable before the expiry of fourteen days from the date of order of the licensing officer.

¹ Subs by W.P Ord. VI of 1961

9. Penalty for Keeping a Motor Vehicle without a License or Failure to Pay Tax: Whoever—

- (a) keeps a motor vehicle for use without having a proper licence; or
- (b) neglects or refuses to pay any amount of tax to which he is liable within the period fixed for such payment,

shall be liable to pay, in addition to any arrear of tax that may be due from him, a penalty which may extend to an amount ¹[equal to twice the amount of the tax] to which he is liable.

10. Recovery of a Tax or Additional Tax Imposed Under Section 8 or Section 9: Any tax or additional tax or penalty imposed under the provisions of Section 8 or Section 9 may be recovered in the manner provided in Section 11 for the recovery of an arrear of tax.

11. Recovery of Arrear of Tax: (1) If any tax payable under this Act is not paid within the fixed period, and the defaulter does not show cause to the satisfaction of the Deputy Director or any officer authorised by him in this behalf, for his failing to do so, such tax (including the cost of recovery thereof) may be recovered under a warrant in the prescribed form signed by the Deputy Director, or distress and sale of movable property belonging to such person. The warrant may be addressed to an officer of the Excise and Taxation Department for execution, who may obtain such assistance from other Government servants of the said Department as he may consider necessary for the execution thereof.

(2) Notwithstanding anything in sub-section (1), any tax, additional tax or penalty under this Act remaining unpaid may be recovered as arrears of land revenue.

12. Appeals: (1) Any person aggrieved by an order relating to the assessment, imposition or recovery of tax or penalty may, within a period of thirty days from the date of such order, appeal from such order to the Deputy Director.

(2) The Director may either of his own accord or on receiving a petition from the aggrieved party, at any time revise an appellate order passed by the Deputy Director under sub-section (1).

(3) Subject to the order, if any, passed on revision by the Director under sub-section (2) the order of the Deputy Director passed under sub-section (1) or that of the licensing officer, if not appealed against, shall be final and shall not be called in question in any proceeding whatsoever.

¹ Subs. by West Pakistan Amendment Ordinance, XIX of 1966, S.2.

13. Exemptions and Deductions: (1) The Government may by rule, or order exempt a person or class of persons from liability to pay the whole or part of the tax in respect of any motor vehicle, or class of motor vehicles, and may, in like manner, exclude any motor vehicle, or class of motor vehicles, from the operation of this Act.

(2) Whoever becomes liable to pay a quarterly installment of tax in respect of motor vehicle, but proves to the satisfaction of the licensing officer as he has paid a tax imposed by a Municipality, or Cantonment Authority, in respect of the same motor vehicle, and for the whole or part of the quarter for which the installment of tax is due, than the amount of the municipal tax paid for the said period shall be deducted from the quarterly installment of tax and the licensing officer shall make an endorsement to that effect upon the license.

Explanation: A tractor and a trailer used together for transporting agricultural produce of the owner shall, for the purpose of this section, be deemed to be used for the purpose of agriculture.]

14. Bar to Jurisdiction of Civil and Criminal Courts in Matters of Taxation: The liability of a person to pay the tax or penalty shall not be determined or questioned in any other manner or by any other authority than is provided in this Act, or in rules made thereunder, and no prosecution, suit or other proceeding shall lie against any Government officer for anything in good faith done, or intended to be done, under this Act.

¹[**14.A Delegation of Powers..** Any of the powers conferred and duties imposed upon Government by this Act may be exercised or performed, subject to such conditions as Government may specify, by a person whom Government may, by general or special order, empower in this behalf.]

15. Power of Government to Make Rules: (1) The government may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules on all or any of the following matters, namely:

- (a) to prescribe the form of any declaration, licence, certificate or special notice and the particulars to be stated therein;
- (b) to prescribe the officer by whom any duties are to be performed and the area in which they shall exercise their authority;
- (c) to provide for the total or partial exemption for a limited period from liability to taxation, in respect of any motor vehicle brought

¹ S. 14-A inserted vide KHYBER PAKHTUNKHWA Amdt Ordinance VII of 1982.

into the territory to which this Act extends by persons making only a temporary stay there;

- (d) to regulate the method of assessing and receiving the tax;
- (e) to regulate the manner in which special notices may be served.
- (f) to regulate the extent to which licences may be transferred.
- (g) to regulate the manner in which exemptions or refunds may be claimed and granted;
- (h) to regulate the manner in which appeals may be instituted and heard;
- (i) to require that no motor vehicle shall be used in the Province unless a token is displayed thereon indicating that the tax has been duly paid or that the owner of the vehicle is entitled to exemption;
- (j) to prescribe the form of tokens and the manner in which they shall be displayed;
- (k) to provide for the issue of token and its duplicate; and
- (l) to prescribe the limit of density of traffic and limit of income for the purposes of sub-section (1) of section 3.

16. Punishment: (1) In making any rule under the preceding section the Government may direct that any person contravening the rule shall be punished with fine which may extend to twenty rupees and in the event of any subsequent conviction for the same offence, with a fine which may extend to one hundred rupees.

(2) No Court inferior to that of a Magistrate of the Second Class shall try any offence punishable under this Act.

17. Repeal: (1) The following enactments are hereby repealed:

- (a) the Punjab Motor Vehicles Taxation Act, 1924 (IV of 1924);
- (b) the Khyber Pakhtunkhwa Motor Vehicles Taxation Act, 1936 (I of 1937);
- (c) the Sindh Motor Vehicles Tax Act, 1939 (XV of 1939);
- (d) the Punjab Motor Vehicle Taxation Act, 1924, (V of 1924), as applicable to the area which, before the establishment of the Province of West Pakistan, formed part of the State of Bahawalpur;
- (e) the Sind Motor Vehicles Tax Act, 1939 (XV of 1939), as applicable to the area which, before the establishment of the Province of West Pakistan, formed part of the State of Khairpur; and
- (f) the Sind Motor Vehicles Tax Act, 1939 (XV of 1939), as applicable to Karachi

(2) Notwithstanding the repeal of enactments mentioned in sub-section (1) (hereinafter called the said Acts)-

- (a) The validity of anything done under the said Acts shall not be affected;

THE KHYBER PAKHTUNKHWA MOTOR VEHICLES TAXATION ACT, 1958

- (b) all appointments made, notifications and notices issued and legal proceedings instituted under any of the said Acts shall, so far as they are not inconsistent with the provisions of this Act and the rules made thereunder, continue in force and be deemed to have been made, issued and instituted under this Act; and
- (c) any exemption from liability to taxation granted any of the said Acts shall continue in force and be deemed to have been granted under his Act.

THE KHYBER PAKHTUNKHWA MOTOR VEHICLES TAXATION ACT, 1958

⁷**SCHEDULE-I**

S.No	Description of Motor Vehicles	Annual rate of Tax
1	2	3
01	Motor cycle / Scooter	Rs. 1000 for life time.
02	Truck/ Trailers/ Delivery Vans used for transport or haulage of goods or materials:-	
	a. Vehicles not exceeding 1250 Kg in unladen weight;	Rs. 500.00
	b. Vehicles with maximum laden capacity upto 2030 Kg.	Rs. 800.00
	c. Vehicles with maximum laden capacity exceeding 2030 Kg. but not exceeding 4060 Kg.	Rs. 820.00
	d. Vehicles with maximum laden capacity exceeding 4060 Kg. but not exceeding 6090 Kg.	Rs. 1200.00
	e. Vehicles with maximum laden capacity exceeding 6090 Kg. but not exceeding 8120 Kg.	Rs. 2000.00
	f. Vehicles with maximum laden capacity exceeding 8120 Kg. but not exceeding 12000 Kg.	Rs. 4000.00
	g. Vehicles with long trailers or other vehicles with maximum laden capacity exceeding 12000 Kg. but not exceeding 16000 Kg.	Rs. 6000.00
	h. Vehicles with long trailers or other vehicles with maximum laden capacity exceeding 16000 Kg.	Rs. 8000.00
3	Vehicles plying for hire and ordinarily used for the transport of passengers:	
	(a) Mechanically propelled tricycle / rickshaw with seating capacity of not more than three persons;	Rs. 400.00
	(b) Other vehicles with seating capacity of.....	
	(i) Not more than 4 persons;	Rs. 520.00

⁷ Rates for Token Tax substituted vide Finance Ordinance 2000.

THE KHYBER PAKHTUNKHWA MOTOR VEHICLES TAXATION ACT, 1958

	(ii) More than 4, but not more than 6 persons; and	Rs.652.00
	(iii) More than 6 persons, plying on A routes;	Rs.180.00 per seat
	(c) Motor Vehicles with seating capacity of more than 6 but not more than 20 persons, plying exclusively within the limits of corporation / Municipality or Cantonment;	Rs. 160.00 per seat.
	(d) Motor vehicles with seating capacity of more than 6 nut not more than 20 persons plying exclusively within the limits of Corporation, Municipality or Cantonment or partly within and partly outside such limits with sixty percent of the total length of the route falling within the limits of a Corporation , Municipality or Cantonment.	Rs. 100.00 per seat
4.	Motor Vehicles (Private Motor Cars/ Jeeps, etc) other than those mentioned and having	
	(a) Seating capacity of not more than 3 persons	Rs. 500.00
	(b) Seating capacity of more than 3 but not more than 6 persons..	
	(i) With engine power not exceeding 1000cc;	Rs. 500.00
	(ii) With engine power exceeding 1000 cc but not exceeding 1300 cc.	Rs. 1000.00
	(iii) With engine power exceeding 1300 cc bout not exceeding 1500 cc	Rs. 1800.00
	(iv) a) with engine power exceeding 1500 cc but not exceeding 2500 cc. b) Luxury Vehicles	Rs. 2500.00
	(v) with Engine Power exceeding 2500 cc; and	Rs. 5000.00
	(c) Seating capacity of more than 6 persons	Rs. 800.00 per seat.
5	All Tractors with or without trailers.	Rs.600.00