

THE ¹[PROVINCIAL] MOTOR VEHICLES
ORDINANCE, 1965

WEST PAKISTAN ORDINANCE No. XIX OF 1965.

[8th June, 1965]

AN
ORDINANCE

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

Preamble. **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

Short title
and extent. 1. (1) This Ordinance may be called the ²[Provincial] Motor Vehicle
Ordinance, 1965.

(2) It extends to the Whole of the ³[Pakistan]

Definitions. 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;

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

² Substituted vide P. O. No. 4 of 1975.

³ Substituted vide P. O. No. 4 of 1975.

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;
- (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 are transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, ¹[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:

¹ Inserted vide Ord. No. VIII of 1978.

Registration
where to be
made.

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.

Registration
how to be
made.

¹[25. (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) in case of re-registration under section 30 of this Ordinance, the registration certificate issued by the original registering authority ²[* * * *].

(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[(3) 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, ⁴[* * * *] 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.

² Deleted vide Khyber Pakhtunkhwa Act No. XXII of 2020.

³ Substituted vide Khyber Pakhtunkhwa Act No. XII of 2010.

⁴ Deleted vide Khyber Pakhtunkhwa Act No. XXI of 2022.

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):

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.]

¹[(3A * * * *)]

(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.

³[(5) Series of vehicles registration marks shall consist of such digits ⁴[, alphabets and such other specifications] 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.]

⁵[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

¹ Inserted vide Khyber Pakhtunkhwa Act No. VI of 2004.

² Deleted vide Khyber Pakhtunkhwa Act No. XII of 2010.

³ Substituted vide Khyber Pakhtunkhwa Act No. IX of 2016.

⁴ Substituted vide Khyber Pakhtunkhwa Act No. XXI of 2022.

⁵ Added vide Khyber Pakhtunkhwa Act No. VI of 2004.

personalized number, while on its remaining portion the name of the ¹[Region] in which it is registered shall be inserted.]

(7) The motor vehicle registered in a ²[Region] under this section shall not be re-registered in any other ³[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.]

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 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.]

Temporary
registration.

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.

Production
of vehicle
at
the time of
registration.

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.

Refusal of
registration

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

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

² Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

³ Substituted vide Khyber Pakhtunkhwa Act No. IX of 2009.

⁴ Substituted vide Khyber Pakhtunkhwa Act No. XII of 2010.

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

Application
of chapter III
to trailers.

(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.

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

Power to
make rules.

(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 ;

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

- (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.

- (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;
- (j) 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

Offences
relating to
licenses.

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.

Driving at
excessive
speed.

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 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