



## THE MOTOR VEHICLES ACT, 1939



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# THE MOTOR VEHICLES ACT, 1939.

## <sup>1</sup>ACT NO. IV OF 1939

[16th February, 1939]

### **An Act to consolidate and amend the law relating to motor vehicles.**

WHEREAS it is expedient to consolidate and amend the law, relating to motor vehicles in <sup>2</sup>[Pakistan]; It is hereby enacted as follows :—

*[Chapter I to VI have been repealed in its application to the province of West Pakistan by the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965) section 122 and 14<sup>th</sup> Schedule.]*

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<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1938, Pt. V, p. 114; for Report of the Select Committee, see *ibid.*, p. 187. See also the India Independence (Miscellaneous Transitional Provisions) Order, 1947 (G.G.O. 13 of 1947), Art. 3.

This Act has been applied to—

Baluchistan, see Notification No. 41-F, dated the 14th March, 1939, Gazette of India, 1939, Pt. I, p. 446, and Notification No. 126-F, dated the 3rd July, 1939, Gazette of India, 1939, Pt. I, p. 1180;

Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950; and extended to the Excluded Area of Upper Tanawal other than Phulera by the N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area with effect from the 1<sup>st</sup> June, 1951, see N.W.F.P. Gazette, Extraordinary, dated the 1<sup>st</sup> June, 1951;

Such of the Baluch Tribal Areas beyond the western border of Dera Ghazi Khan District of the Punjab, as are not included in the Baluchistan Tribal Areas, see Gazette of India, 1939, Pt. I, p. 1562; and

Province of West Pakistan by West Pakistan Ordinance 11 of 1963 (With effect from the 16<sup>th</sup> May, 1963)

The Act has been amended in its application to—

(i) Sind and Karachi, by the Motor Vehicles (Sind Amdt.) Act, 1948 (Sind Act 14 of 1948),

(ii) North-West Frontier Province by N.W.F.P. Act 8 of 1953, and

(iii) The Province of West Pakistan by West Pakistan Acts 19 of 1958, 31 and 36 of 1964 and West Pakistan Ordinance 35 of 1960, s.2 (with effect from the 31<sup>st</sup> December, 1960).

The Act has been extended to—

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O.3 of 1950), and also applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt.I, p.1499;

(ii) the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O.4 of 1953), as amended;

(iii) the Khairpur States, excluding sections 43 (4), 43A, 43B, 43C and 54 (2), by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O.5 of 1953), as amended; and

(iv) the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O. 11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8<sup>th</sup> September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s.2.

This Act has been repealed in its application to the Province of West Pakistan except Chapters VII, VIII and section 125 by the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965), s.122 and 14<sup>th</sup> Schedule.

## CHAPTER VII

### MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING <sup>1</sup>[PAKISTAN]

**92. Power of Federal Government to make Rules.**— (1) The <sup>2</sup>[Federal Government] may by notification in the official Gazette, make rules for all or any of the following purposes, namely:—

- (a) the grant and authentication of travelling passes, certificates or authorisation to persons temporarily taking motor vehicles out of <sup>1</sup>[Pakistan] to any place <sup>3</sup>[outside Pakistan] or to persons temporarily proceedings out of <sup>1</sup>[Pakistan] to any place <sup>3</sup>[outside Pakistan] and desiring to drive a motor vehicle during their absence from <sup>1</sup>[Pakistan];
- (b) prescribing the conditions subject to which motor vehicles brought temporarily into <sup>1</sup>[Pakistan] from <sup>3</sup>[outside Pakistan] by persons intending to make a temporary stay in <sup>1</sup>[Pakistan] may be possessed and used in <sup>1</sup>[Pakistan]; and
- (c) prescribing the conditions subject to which persons entering <sup>1</sup>[Pakistan] from any place <sup>3</sup>[outside Pakistan] for a temporary stay in <sup>1</sup>[Pakistan] may drive motor vehicles in <sup>1</sup>[Pakistan].

(2) No rule made under this section shall operate to confer on any person any immunity in any Province from the payment of any tax levied in that Province on motor vehicles or their users.

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<sup>1</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, for "British India".

<sup>2</sup>Subs. by the Federal Adaptation of Laws Order, 1975 (F.A.O. No. 4 of 1975), Art. 2 and Table, for "Central Government".

<sup>3</sup>Subs. by A.O., 1949 for "outside India".

(4) Nothing in this Act or in any rule made thereunder by a Provincial Government relating to—

- (a) the registration and identification of motor vehicle, or
- (b) the requirements as to construction, maintenance and equipment of motor vehicles, or
- (c) the licensing and the qualifications of drivers of motor vehicles;

shall apply to any motor vehicle to which or to any driver of a motor vehicle to whom any rules made under clause (b) or clause (c) of sub-section (1) apply.

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## CHAPTER VIII

### INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

**93. Definitions.**— In this Chapter

<sup>2</sup>[(a) “authorised insurer” means an insurer in whose case the requirements of the Insurance Act, 1938 (IV of 1938). <sup>1</sup>\* \* \* with respect to the registration of insurers are complied with and includes, where the business of insuring motor vehicles against third party risks is carried on by the <sup>3</sup>[Federal Government] or a Provincial Government <sup>1</sup>\* \* \* such Government;]

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<sup>1</sup> Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s.3 and Sch., II.

<sup>2</sup> Subs. by the Motor Vehicles (Amdt.) Act, 1947 (27 of 1947), s.2, for the original clause (a) (with effect from the 1st March, 1949).

<sup>3</sup> Subs. by the Federal Adaptation of Laws Order, 1975 (F.A.O. No. 4 of 1975), Art. 2 and Table, for “Central Government”.