

## **National Highways Safety Ordinance, 2000**

### PART I

Acts, Ordinances, President's Orders and Regulations GOVERNMENT OF PAKISTAN  
MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND PARLIAMENTARY AFFAIRS (Law, Justice  
and Human Rights Division) Islamabad the 2nd September 2000

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hereby published for general information :- ORDINANCE No. XL OF 2000

### AN ORDINANCE

To provide for safe driving on the national highways

WHEREAS it is expedient to provide for safe driving on the national highways  
and for matters connected therewith or incidental thereto;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance  
of the Proclamation of Emergency of the fourteenth day of October, 1999, and  
the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render  
it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth  
day of October, 1999, and Provisional Constitution Order No. 1 of 1999, as  
well as order No.9 of 1999, and in exercise of all powers enabling him in  
that behalf, the President of the Islamic Republic of Pakistan is pleased  
to make and promulgate the following Ordinance:

### CHAPTER 1

#### PRELIMINARY

1. Short title, extent and commencement.-

(1) This Ordinance may be called the National Highways Safety Ordinance, 2000.

(2) It extends to the whole of Pakistan.

(3) it shall come into force at once.

2. Definitions.-

(1) In this Ordinance, unless there is anything repugnant in the subject or context, -

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

(ii) "animal drawn vehicle" means a road vehicle designed and constructed primarily for carrying persons or goods and is propelled solely by one or more domestic animals;

(iii) "axle weight" means in relation to an axle of a motor vehicle the total weight transmitted by the several wheels attached to the axle to the surface whereon the vehicle rests;

(iv) "bicycle" means any road vehicle having at least two wheels propelled solely by muscular energy of the person on that vehicle;

(v) "board" means the Medical Board constituted under sub-section (3) of section 4;

(vi) "carriage-way" means the part of the road normally used by vehicular traffic;

(vii) "certificate of registration" means the certificate issued by a competent authority to the effect that a motor vehicle has been registered in accordance with law for the time being in force;

(viii) "contract carriage" means a road 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 passenger may pay separate fares;;

(ix) "cycle track" means the portion of road partitioned by curbing, guardrails and other similar structures or road marking set aside for bicycle passenger;

(x) "delivery vehicle" means any goods vehicle the registered laden weight of which does not exceed twenty-five thousand kilograms;

(xi) "driver" means any person who drives a motor vehicle or an animal drawn vehicle on a national highway;

(xii) "fares" means the amount prescribed or agreed for a journey by a stage carriage and includes sums payable for a season ticket or in respect of the hire of a contract carriage;

(xiii) "footpath" means the portion of a road partitioned by curbing, guardrails and other similar structures or road markings intended for pedestrian passage;

(xiv) "good" include livestock 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 road or in a trailer attached to a vehicle or the personal luggage of passengers traveling in the vehicle;

(xv) "goods vehicles" means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle including any animal drawn vehicle not so constructed or adapted when used for the carriage of goods, solely or in addition to passengers;

(xvi) "Government" means the Federal Government;

(xvii) "gross vehicle weight" means load of all axles of a goods vehicle transmitted by several wheels attached to all axles to the surface whereon the wheels rest;

(xviii) "heavy transport vehicle" means a transport vehicle, the registered axle weight of which exceeds five thousand kilograms, or the registered laden weight of which exceeds six thousand five hundred kilograms;

(xix) "intersection" means any level crossroads, junction or fork including the open areas formed by such crossroads, junctions or forks;

(xx) "invalid carriage" means a motor vehicle the unladen weight of which does not exceed one thousand kilograms 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;

(xxi) "laden weight" means the actual weight of the vehicle as loaded with the crew and passengers and the load carried on it;

(xxii) "lane" means any one of the longitudinal strips into which the carriage-way is divisible whether or not defined longitudinal road markings, which is wide enough for one moving line of motor vehicles other than motor cycles;

(xxiii) "level crossing" means any level intersection between a road and railway;

(xxiv) "licence" means the document issued by a competent authority authorizing the person specified therein to drive a motor vehicle of any specified class or description or any animal drawn vehicle;

(xxv) "licensing authority" means an authority empowered to grant licences, under this Ordinance;

(xxvi) "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;

(xxvii) "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 seven thousand kilograms but does not include a road roller;

(xxviii) "moped" means any two-wheeled or three-wheeled vehicle which is fitted with an internal combustion engine having a cylinder capacity not exceeding fifty cubic centimeters and maximum design speed not exceeding fifty kilometers per hour;

(xxix) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than four passengers excluding the driver, used for hire or reward, but does not include a motor cycle, an invalid persons carriage or a moped;

(xxx) "motor car" means any motor vehicle constructed, adapted or used to carry not more than six passengers excluding driver not used for hire or reward. but does not include motor cycle, invalid persons' carriage or a moped;

(xxxi) "motor cycle" means any two wheeled vehicle, with or without a side car, which is equipped with a propelling engine but does not include a moped;

(xxxii) "motor rickshaw" means any motor vehicle with three wheels, constructed, adapted or used to carry not more than four persons including the driver, the unladen weight of which does not exceed eight hundred fifty kilograms;

(xxxiii) "motor vehicle" means any mechanically propelled vehicle which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods;

(xxxiv) "motorway" means a road especially designed and built for motor vehicles which does not serve the properties bordering on it except at special points and has separate carriageways for the two directions of the traffic and does not cross at level with any road, railway, tramway, cycle track or footpath;

(xxxv) "national highway" means a national highway as defined in the National Highway Authority Act, 1991 (XI 1991); and includes a road declared to be a national highway under the said Act;

(xxxvi) "overtaking" course means a manoeuvre when a vehicle passes the side of another vehicle by changing its course and then proceeding to the front of the said vehicle;

(xxxvii) "owner" means the person in whose name the road vehicle is registered and includes,

(a) a transferee of the vehicle from such persons;

(b) in relation to a road vehicle which is the subject of a hire purchase agreement, the person in possession of the vehicle under that agreement;

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

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

(ii) a company registered under the Companies Ordinance, 1984 (XLVII of 1984), the directors of such company;

(iii) a society registered under the Societies Registration Act, 1860 (XXI of 1860), 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 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 it has nominated a director, partner,

office-bear member or officer, as the case may be, of the company, firm, society or association to be the person nominated shall alone be deemed to be the owner for the purposes of this Ordinance;

(xviii) "parking" means that a vehicle is stationary for any reason other than the need to avoid interference with another road user or collision with an obstruction or to comply with traffic regulations, and if the period during which the vehicle is stationary is not limited to the time required to pick up or set down persons or goods;

(xxxix) "passenger" means every person including any employee of the owner or permit-holder travelling in the motor vehicle;

(xI) "pedestrians crossing" means that portion of a road marked by road signs or road markings and set aside for pedestrians to use for crossing the road;

(xli) "patrol post" means a police post on a national highway having jurisdiction within the area specified by the Government;

(xlii) "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 to use such vehicle;

(xlili) "police officer" mean a police officer in uniform;

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

(xlv) "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 a transport;

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

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

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

(xlix) "registering authority" means any authority empowered to register road vehicles under this Ordinance;

(l) "road" means any portion of the strip designed or ordinarily used by vehicular traffic inclusive of shoulders;

(li) "road marking" means a marking which points out restrictions with reference to traffic on a road and the lines of tacks, points and stones drawn on the surface of a road;

(lii) "road sign" means a sign board which points out a regulation or direction concerning the traffic on a road;

(liii) "road vehicle" means any motor vehicle designed and constructed for operating on road including animal drawn vehicle and bicycle;

(liv) "Schedule" means a Schedule to this Ordinance;

(lv) "shoulder" means that long and narrow portion of ground separate from the vehicular road, at the edge of a road or a roadside where no side-walk is established or set aside as passage for pedestrians or reserved for stoppage of motor vehicles;

(lvi) "signal" means a device which is operated by electric power and gives indications for traffic control by appropriate lights;

(lvii) "single axle weight" means load of an axle of a goods vehicle transmitted by several wheels attached to that axle to the surface whereon the wheels rest;

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

(lix) "tandem axle weight" means load of a twin-axle (two axles centre-to-centre spaced between forty to forty-eight inches) of a goods vehicle transmitted by the several wheels attached to that twinaxle assembly to the surface whereon the wheels rest;

(lx) "tractor" means 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 seven thousand kilograms but does not include a road-roller;

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

(lxii) "trailer" means any vehicle other than a side-car and intended to be drawn by a goods vehicle for the carriage of goods;

(lxiii) "transport vehicle" means a public service vehicle, a goods vehicle, a locomotive or a tractor other than a tractor with or without trailer used solely for agricultural purposes;

(lxiv) "tridem axle weight" means the load of a tri-axle (three axles, the outer two axles centre-to-centre spaced between eighty to ninety-six

inches) of a goods vehicle transmitted by the several wheels attached to tri-axle assembly to the surface whereon the wheels rest;

(lxv) 'tyre pressure" means inflation pressure of tyres of goods vehicles;

(lxvi) "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;

(lxvii) "weigh station" means stations incorporating static and weigh-in-motion (WIM) devices installed to measure and enforce legal load limits; and

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

(2) The words and expressions used, but not defined in this Ordinance, shall have the meanings respectively assigned to them in the Provincial Motor Vehicles Ordinance, 1965 (W.P.Ord. XIX of 1965).

## LICENSING

3. Prohibition on driving without licence:- No person shall drive a road vehicle or animal drawn vehicle on a national highway unless he holds and carries on his person a valid driving licence issued to drive the particular class and type of vehicle.

4. Age limit connection with driving of road vehicle:- (I) No person shall drive on a national highway-

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

(b) a transport vehicle, a public service vehicle, a motor car or an animal drawn vehicle as a paid employee unless he has attained the age of twenty-one years, and

(c) a transport vehicle above the age of sixty years.

(2) No fresh licence for a transport vehicle shall be issued unless the licence bears an effective endorsement by the licencing authority that the person holding such a licence has furnished a certificate in form "B" signed by the Chairman of the Medical Board as specified in the First Schedule.

(3) The Government may constitute Medical Boards as specified in the Second Schedule which shall meet periodically on a pre-designated time and day and place to test and certify persons as required under the Ordinance.

5. Owners of road vehicles not to permit any person to drive in contravention of section 3 or section 4:- No owner or person in charge of a road vehicle shall cause or permit any person, who does not satisfy the provision of section 3 or section 4, to drive any vehicle.

6. Grant Licence:-

(1) Any person who is not disqualified under section 4 for driving a road vehicle, and who is not for the time being disqualified for holding or obtaining a licence, may apply to the prescribed licencing authority for the issue of a licence.

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

(3) Where the application is for a licence to drive a transport vehicle, or where in any other case the licencing authority for reasons to be stated in writing so requires, the application shall be accompanied by a medical certificate in Form "B" signed by the Chairman of the Medical Board as laid down in the First Schedule.

(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 which is likely to be a source of danger to the public or to the passengers the licencing authority shall refuse to issue the licence, provided that the applicant may, except where he is suffering from a disease or disability specified in the Third Schedule, request 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 a test to the satisfaction of the licencing authority and is not otherwise disqualified, the licencing authority shall grant him a licence to drive such a vehicle as the authority may specify in the licence.

(6) No licence shall be issued to any applicant unless he passes to the satisfaction of the licencing authority the tests of competence specified in the Fourth Schedule and possesses a personal copy of the most recent version of the Highway and Motorway Code.

(7) The test of competence of driving skills shall be carried out in a vehicle of the class to which the application refers and for the purposes of part-V of the Fourth Schedule a person who passes the test in driving:-

(a) a heavy transport vehicle shall be deemed to have also passed the test in driving any motor vehicle other than a motorcycle or an earthmoving or construction machinery, and

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

(8) No licence 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 licence to drive a road vehicle other than a motorcycle, an invalid person's carriage or a road roller.

(9) When application has been duly made to the prescribed licensing authority and the applicant has satisfied such authority of his knowledge of the signs, rules, physical fitness and of his competence to park and drive the vehicle of the class to which the applicant refers and has paid the prescribed fee, the authority shall grant the applicant a licence unless-

(a) the applicant is disqualified under section 4 for driving a road vehicle or is for the time being disqualified for holding or obtaining a licence,

(b) the licensing authority is satisfied that from the medical test it appears that he is suffering from any disease or disability specified in the Third Schedule or any other disease or disability which is likely to cause the driving by him of a road vehicle to be a source of danger to the public or to the passengers; and (c) an endorsement refused under 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 by recording reasons in writing.

#### 7. Form and contents of licence.-

(1) Every licence to drive a road vehicle shall contain the information required in Form "C" of the First Schedule and shall have affixed thereto one of the photographs along with the signature or thumb impression given on the application for licence.

(2) A licence 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 road vehicle of one or more of the following classes, namely:-

(a) Motorcycle up to 80 cc

- (b) Motorcycle more than 80 cc
- (c) Three wheeler
- (d) Invalid person's carriage
- (c) Motor car/motor cab
- (I) Light transport vehicle
- (g) Heavy transport vehicle
- (h) Road construction machinery
- (1) Tractor/agricultural machinery
- (j) A vehicle of a specified description (description to be attached)

#### 8. Additions to licence.-

(1) Any person holding a licence issued under this Ordinance who is not for the time being disqualified for holding or obtaining a licence may apply in Form "D", as set forth in the First Schedule, to the licensing authority for the addition of any class of vehicles to the licence specified in sub-section(2) of section 7.

(2) The provisions of section 6 shall apply to an application under this section as if the application were for the grant of a licence under that section to drive the class of vehicle which the applicant desires to be added to his licence.

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

#### 9. Extent of validity of licence.-

A licence issued under this Ordinance shall be effective throughout Pakistan.

#### 10. Currency of licences.-

A licence issued under this Ordinance shall be effective initially for one year and for five years thereafter.

#### 11. Renewal of licences.-

(1) The competent authority may, on an application made to it, renew a licence issued under this Ordinance in accordance with the prescribed procedure.

(2) A licence to drive a transport vehicle 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 licence holder under section 4 unless he furnishes a fresh medical certificate in Form "B" as specified in the First Schedule.

(3) An application for the renewal of a licence shall be in Form "E", as set forth in the First Schedule, and shall contain the declaration required therein provided that if the applicant does not, or is unable to, subscribe to the said declaration, the provision of sub-section (5) of section 6 shall apply.

(4) The fee payable for the renewal of a licence 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 licence:

Provided that if the application for renewal is made more than one year after the expiry of the licence, the licensing authority may refuse to renew the licence unless the applicant undergoes, and passes to its satisfaction, the test of competence specified in the Fourth Schedule.

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

12. Cancellation of licence on grounds of disease or disability:-

(1) Notwithstanding anything contained in section 10 or section 11 the licensing authority may, at any time, require the holder of a licence -

(a) to furnish a fresh medical certificate in Form "B" as set forth in the First Schedule and signed by the Chairman of the Medical Board as specified in the Fourth Schedule if the Licensing authority has reasonable grounds to believe that the holder of the licence is, due to any disease or disability, unfit to drive a road vehicle; and

(b) to undergo driving competence tests as set forth in Parts I to IV of the Fourth Schedule provided he has previously not been subjected to such test under this Ordinance, if he is not a paid employee and if he is a paid employee, the time elapsed is not less than five years.

(2) If the holder of the licence fails to produce the medical certificate or is unable to pass test, the licensing authority may cancel or refuse to renew, his licence till such time the holder of licence produces the medical certificate, or passes the said test, to the satisfaction of the licensing authority.

(3) When the authority cancelling or refusing to renew the licence is not the authority which issued the licence, it shall intimate the fact of cancellation or refusal to renew the licence to authority which issued the licence.

#### 13. Order refusing to issue or renew a licence and appeals:-

(1) Where the licence authority refuses to issue or renew a licence or cancels any licence, it shall do so by an order communicated to the applicant or the licence 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 licence, shall forthwith surrender his licence to the licensing authority and the licensing authority shall, if no appeal is preferred against its order as provided in sub-section (3), or where any appeal has been preferred and dismissed, invalidate the licence or cause it to be invalidated.

(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, prefer an appeal to the prescribed authority whose decision thereon shall be final.

#### 14. Power of licensing authority to disqualify for holding a licence:-

(1) If a licensing authority is satisfied, after giving an opportunity of being heard, that any person -

(a) is a habitual drug addict;

(b) is a habitual criminal;

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

(d) has by his previous conduct as driver of a road vehicle shown that his driving is likely to be attended with danger to the public; or

(e) is a habitual drunkard,

It may, for reasons to be recorded in writing, by order disqualify that person for a specified period for holding or obtaining a licence. Upon the issue of any such order the person affected, if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority making the order, if the licence has not already been surrendered, and the licensing authority shall record the order of disqualification on the licence and keep it in safe custody until the disqualification has expired or has been removed.

(2) Any person aggrieved by an order of a licensing authority under this section may, within thirty days of the service on him of the order, prefer 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 make such inquiry into the matter as it thinks fit and an order made by any such appellate authority shall be final.

#### 15. Power of court to order disqualification:-

The court taking cognizance of any offence under this Ordinance may, in addition to imposing any other punishment authorized by law, disqualify the convict from driving any or all classes of road vehicles for such period as it may specify.

#### 16. Effect of disqualification order:-

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

(2) The operation of a disqualification order made under section 15 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 for a period longer than six months, may at any time, after 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, having regard to all the circumstances of the case, remove or vary the order of disqualification:

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.

#### 17. Power to make rules:-

(1) The Government may, in consultation with National Highways and Pakistan Motorway Police, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Chapter.

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

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

(b) 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;

(c) the issue of duplicate licence to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the issuance of temporary licences to persons receiving instruction in driving and the fees to be charged thereof;

(d) testing of applicants for licences, the fees to be charged thereof and conditions of eligibility including educational qualification;

(e) the practical and physical tests as indicated in the Fourth Schedule.

(f) the exemption of persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;

(g) the authorities which can suspend or cancel a licence; and

(h) the licensing of schools and establishments for the instruction of drivers of motor vehicles, facilities to be provided, fees to be paid, syllabus to be taught and qualifications of the instructional staff.

## REGISTRATION OF ROAD VEHICLES

### 18. Road vehicles not to be driven without registration:-

(1) No person shall drive any road vehicle and no owner of a road vehicle shall cause or permit the vehicle to be driven on any national highway for the purpose of carrying passengers or goods unless the vehicle is registered in accordance with this Chapter and the vehicle carries a registration mark displayed in the prescribed manner.

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

(2) Nothing in this section shall apply to a road vehicle while being driven within the limits of jurisdiction of a registering authority to, or from, the officially designated place of registration for the purpose of being registered under sections 29, 21, 35 or 36 or to a road vehicle exempted from the provisions of this Chapter while in the possession of a dealer in road vehicles.

### 19. Registration where to be made:-

(1) Subject to the provisions of sections 21, 35 and 36, every owner of a road vehicle shall cause the vehicle to be registered by the registering authority

of the district unless the Government establishes such an authority by notification, in which he has his residence or place of business or in which the vehicle is normally kept.

(2) Government may, by rules made under section 38, require that any certification of registration, issued under the provisions of this Ordinance, shall be presented, within a prescribed period to a specified registering, licensing and vehicle fitness authority for entry therein of such further particulars of the vehicle as such authority may for the purpose of this Ordinance deem fit to record.

#### 20. Registration how to be made:-

(1) An application by, or on behalf of, the owner of a road vehicle for registration shall be in Form 'F', as set forth in the First Schedule, and shall contain the information required therein and shall be accompanied by the prescribed fee.

(2) The registering authority shall issue to the owner of a road vehicle registered by it a certificate of registration in Form 'G', as set forth in the First Schedule, and shall enter in a record to be kept by it particulars of such certificate.

(3) The registering authority shall assign to the vehicle for display thereon a distinguishing mark (in this Ordinance referred to as the registration mark) consisting of numerals, or of numerals and letters, subject to the condition that the registration mark has been duly notified in the official Gazette.

(4) Government may, by a notification in the official Gazette, direct that road vehicles registered before the commencement of this Ordinance shall be assigned new registration marks within such period and according to such procedure as may be specified in the notification.

#### 21. Temporary registration:-

(1) Notwithstanding anything contained in section 19 the owner of a road 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 sub-section (1) shall be valid only for a period of one month and shall not be renewable.

#### 22. Production of vehicle at the time of registration:-

The registering authority may, before proceeding to register a road 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 IV and the rules made thereunder.

#### 23. Refusal of registration:-

(1) The registering authority may, for reasons to be recorded in writing, refuse to register any road vehicle, if -

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

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

(c) the applicant fails to furnish particulars of previous registration of the vehicle if any; or

(d) the applicant fails to produce before the registering authority -

(i) where the vehicle has been previously registered under law relating to the registration of road vehicles in force at 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,

(ii) where the vehicle has been imported from any place out of Pakistan, has not been previously registered at any place in Pakistan, an import license for the vehicle; or

(e) where the documents submitted by the applicant are suspected to be false.

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

#### 24. Validity of registration:-

(1) Subject to the provisions of section 25 and sub-section (4) of section 20, a road vehicle registered by a competent authority, in any part of Pakistan under any law relating to road 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 issued by such competent authority in respect of such vehicle.

(2) A certificate complying with the requirements of the proviso to sub-section (1) shall be effective throughout the country as if it were a certificate

of registration issued under this Ordinance and the provisions of this Ordinance shall apply thereto.

(3) Nothing in sub-section-(1) shall apply to any road vehicle previously registered in the country 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 country.

25. Assignment of fresh registration mark on removal to another Province:-

(1) When a road vehicle, not required to be registered in any part of Pakistan by virtue of sub-section (1) of section 29, is kept in the area 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 the registering authority.

(2) The registering authority, to which application is made under sub-section (1), shall assign the vehicle a registration mark in accordance with sub-section (3) of section 20 to be carried thenceforth on the vehicle and shall enter the mark upon the certificate of registration of the vehicle before returning to the applicant and shall also, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer or the registration of the vehicle from the records of that registering authority to its own records.

26. Change of residence or place of business:-

(1) If the owner of the road vehicle ceases to reside or has shifted place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any 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 one year in duration or where the road vehicle is neither used nor removed from the address recorded in the certificate of registration.

27. Transfer of ownership:-

(1) Within thirty days of the transfer of ownership of any road vehicle registered under this chapter, the transferor shall initiate, through a registered letter, the transfer to the original registration authority and the transferee shall forward the certificate of registration of the vehicle to that registering authority within whose jurisdiction he ordinarily resides 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.

#### 28. Alteration in road vehicle:-

(1) If a road 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 registering authority 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 road 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.

#### 29. Suspension of registration:-

(1) A registering authority or any other prescribed authority may, after giving the owner an opportunity of being heard and for reasons to be recorded in writing, suspend the registration certificate of a road vehicle if,-

(a) the vehicle is not insured as required under this Ordinance;

(b) any fees or taxes payable in respect of the vehicle under this Ordinance or the rules made thereunder, or under any other law have remained unpaid for a period exceeding three months from the date of such fees or taxes were due;

(c) in the case of a transport vehicle, if it is not covered by a valid certificate of fitness;

(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 to the public, or that it fails to comply with the requirements of Chapter IV or of the rules made thereunder;

(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 such time the deficiencies have been rectified and the grounds, on which suspension was made, no longer exist.

(2) A registering authority, or any prescribed authority, may, after giving the owner an opportunity of being heard and for reasons to be recorded in writing, suspend, for a period not exceeding six months, the certificate of registration of a vehicle if -

(a) it is satisfied that the vehicle is used for subversive activities against the State;

(b) the vehicle is used for hire or reward without obtaining a permit from the competent authority; or

(c) it is established in a court that the vehicle has been used by the owner or with his knowledge or connivance in the commission of a cognizable offence punishable with imprisonment of five years or more.

(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 reasons 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 road 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 other document issued to authorize the use of the vehicle in a public place.

(5) Where the registration of a road vehicle has been suspended under sub-section (1) for a period of not less than one month, the registering authority, within whose jurisdiction the vehicle was at the time the registration was suspended, shall, if it is not the original registering authority, inform the original authority about the suspension, and when the suspension is continued without interruption for a period of not less than six months, the registering

authority within whose jurisdiction the vehicle was at the time the registration was suspended, may, if it is the original registering authority cancel the registration and if it is not the original registering authority shall forward the certificate of registration and any other document surrendered under sub-section (4) to that authority which may cancel it forthwith.

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

### 30. Cancellation of registration:-

(1) If a road vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall within a period not exceeding fifteen days report the fact to the registering authority, within whose jurisdiction he resides, and shall forward to that authority the certificate of the vehicle together with any document 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 the original authority 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 forthwith.

(3) Any registering authority may order the examination of a road vehicle within its jurisdiction by such authority as it may appoint and if upon such examination and after giving the owner an opportunity of being heard 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 the registering authority is satisfied that a road vehicle has been permanently removed out of the Province, it shall cancel the registration of the vehicle and inform the owner of such vehicle accordingly.

(5) A registering authority or any prescribed authority cancelling the registration of a road 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 other document issued to authorize 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 record and if it is not the original registering authority intimate in writing the fact

of cancellation, and the reasons therefor, and forward the certificate of registration and any other document surrendered to it to the original registering authority, and that authority shall cancel the certificate of registration and the entry relating to the road vehicle in its records forthwith.

### 31. Appeals:-

(1) Any owner of a road vehicle aggrieved by an order of refusal to register a road vehicle made under section 23 or by an order of suspension or cancellation of registration made under section 29 or section 30 or to issue a certificate under sub-section (I) of section 34 or by an order of cancellation of the fitness certificate made under sub-section(3) of section 34 may, within thirty days of the date on which he has received notice of such order, prefer 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 of being heard to the original authority and the appellant either personally or by pleader pass such orders, as it may think fit.

### 32. Special requirement for registration of transport vehicles:-

(1) A registering authority shall refuse to register a transport vehicle, other than a motor cab unless the application for registration is accompanied by a document in Form "H", asset 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 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 subsection (1), that plate may at the discretion of a registering authority be deemed to be the document referred to in that sub-section.

### 33. 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 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 load ratings 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.

#### 34. Certificate of fitness of transport vehicles:-

(1) Subject to the provisions of section 35, a transport vehicle shall not be deemed to be validly registered for the purposes of section 18 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 requirements of Chapter IV 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 free of any charge.

(2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for one year 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) The 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 any one or more of 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 shall be deemed to be suspended until a new certificate of fitness has been obtained.

(4) The certificate of fitness shall automatically become invalid if the vehicle is involved in an accident resulting in loss of property damage exceeding five thousand rupees or personal injuries requiring hospitalization or death.

#### 35. Registration of vehicles being the property of the Government:-

(1) Authority designated by the Government may register any road vehicle which is the property, or for the time being under the exclusive control of the Government and any vehicle so registered shall not so long as it remains the property or under the exclusive control of the Government required to be registered otherwise than under this Ordinance.

(2) A transport vehicle registered under this Ordinance shall carry a certificate of fitness issued by the prescribed authority.

(3) An authority registering a vehicle under sub-section (1) shall assign to it a registration mark 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 Government, the provisions of section 19 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to the Government all information regarding the nature, overall dimensions and axle weight of the vehicle as the Government may require.

#### 36. Special registration of vehicles:-

Notwithstanding anything contained in this Chapter Government may, by rules, prescribe a special procedure for the registration of any class, or type or category of road vehicles, or road vehicles belonging to a specified class of persons, or individuals.

#### 37. Application of Chapter III to trailers:-

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

(2) No person shall drive a road vehicle to which a trailer or trailers are attached unless the registration mark of the 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.

#### 38. Power to make rules:-

(1) Government may in consultation with National Highways and Pakistan Motorway Police, by notification in the official Gazette, make rules for the purpose of carrying into effect the provision 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, establishment, functions and jurisdiction of registering and other prescribed authorities;

(b) 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;

(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 road 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 33 and other prescribed particulars shall be exhibited;
- (f) the authorizing of workshops of the authorized dealers to issue certificates of fitness in respect of vehicles handled by them, the licensing of such workshops, their inspection, the terms and conditions and the period for which, and the authorities by whom, the licence may be granted and renewed and the fees to be paid for grant and renewal of the licences;
- (g) 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 road vehicles and the refund of such fees;
- (h) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this chapter;
- (i) the forms, other than those set forth in the First Schedule, to be used for the purpose of this Chapter;
- (j) the communications between registering authorities of particulars of such vehicles and of their registration;
- (k) the particulars to be furnished by the owner of any road vehicle to the registering authority, upon the transfer of possession of the road vehicle under the terms of a hiring agreement;
- (l) the extension of the validity of certificate of fitness pending consideration of application for their renewal;
- (m) the exemption from the provisions of this Chapter and the conditions and fees for exemption of road vehicles in the possession of dealers;
- (n) 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 of light goods vehicles from the provisions of section 34 and the conditions governing such exemption;
- (o) requiring the owner of a road vehicle not registered within the Federal Territory, which is brought into or is for the time being in the territory, to furnish to the prescribed authority such information with respect to the road vehicles and its registration as may be prescribed; and

(p) licensing of the dealers of the road vehicles, fee to be paid, facilities to be provided, forms to be filled and returns to be submitted.

#### CHAPTER IV

#### CONSTRUCTION, EQUIPMENT AND

#### MAINTENANCE OF ROAD VEHICLES

39. General provision regarding construction and maintenance:-

Every motor vehicle, bicycle or animal drawn vehicle shall be so constructed as to be at all times conforming to the specifications laid down under law.

40. Power to make rules:-

(1) Government may, in consultation with National Highways and Pakistan Motorway Police, by notification in the official Gazette, make rules regarding the construction, equipment and maintenance of motor vehicles, trailers, bicycles and animal drawn vehicles.

(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, trailers, bicycles and animal drawn vehicles or in particular circumstances, namely:-

(a) the width, height, length and overhead of vehicles and of the loads to be carried therein;

(b) seating arrangements in public service vehicles and the protection of passengers against the weather and collision;

(c) the size, nature of tyres;

(d) brakes and steering mechanism;

(e) the use of safety glass;

(f) signaling appliances, lamps and reflectors;

(g) speed governors;

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

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

- (j) prohibiting or restricting the use of audible signals at certain times or in certain places;
- (k) prohibiting the carrying of appliances likely to cause annoyance or danger;
- (l) the periodical testing and inspection of vehicles by prescribed authorities;
- (m) the particulars, other than registration marks, to be exhibited;
- (n) the use of the trailers or semi-trailers with motor vehicles;
- (o) prohibiting or requiring the painting in particular description or for particular purposes or in particular areas;
- (p) registration, control and supervision of vehicle repair establishments;  
and
- (q) the use of safety belt,

## CHAPTER V

### CONTROL OF TRAFFIC

#### 41. No fault accident compensation insurance:-

(1) No owner of a road vehicle shall use, or permit to be used, and no driver of such vehicle shall drive, or cause or permit to be driven, the vehicle on a national highway unless it is covered by an insurance of "No Fault Accident Compensation" by a registered insurance company. This will not apply to a road vehicle covered by the Pakistan Transporter's Mutual Assistance Co-operative Society, Pakistan Automobile Association or any other road transport co-operative society so recognized by the prescribed authority in this behalf.

(2) The claimant for compensation under this section shall not be required to plead and establish that the death or permanent disablement resulted from the fault of the owner/driver of the vehicle.

#### 42. Limits of speed:-

(1) No person shall drive a road vehicle, or cause or allow a road vehicle to be driven, on a national highway at a speed exceeding the maximum speed fixed for the type of 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 Fifth Schedule.

(2) The Government, or any agency authorized in this behalf may, on a report from the National Highways and Pakistan Motorway police restrict the speed or motor vehicles in the interest of public safety, or convenience or because of the nature of any road or bridge fix such lower speed limit as it thinks fit, for road vehicles or any specified class of motor vehicles 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 46 at suitable places in such area or on or near such road or bridge, as the case may be.

#### 43. Limits of weight and limitation on use:-

(1) No transport vehicle shall be driven in such a state that the total weight of the vehicle and its load including the weight of any trailer drawn by the vehicle and the load carried thereon or in such state that the weight carried on any axle of the vehicle or trailer exceeds the limits specified in the Sixth Schedule.

(2) The Government may prescribe conditions for the issue of permits for heavy transport vehicles and may prohibit or restrict the use of such vehicles in any area or route within the area.

(3) Except as may be otherwise prescribed, no person shall drive, or cause or allow to be driven, on a national highway any road vehicle which is not fitted with pneumatic tyres or fails to carry reflective emergency warning triangle signs.

(4) No person shall drive or cause or allow to be driven on a national highway any motor vehicle or trailer:-

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

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

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

(5) Where the driver, or person in charge, of a motor vehicle or trailer, drives it in contravention of sub-sections (2), (3) or (4) and is not the owner, the court adjudicating the matter may, on proper evidence, presume that the offence was committed with the knowledge, or under the orders, of the owner of the motor vehicle or trailer.

#### 44. Power to have vehicle weighed:-

Any police officer in uniform, or an authorized by the Government in this behalf, may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of sub-section (4) of section 43, require the driver to, convey the vehicle to the nearest weighing device for weighing; and if the vehicle is found to contravene the provisions of that sub-section, he may, by order in writing direct the driver to convey the or trailer to the nearest place, 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 aforesaid provisions.

#### 45. Power to restrict the use of vehicle:-

The Government, or any agency authorized in this behalf, 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 prohibit or restrict, subject to such exceptions and conditions as they be specified, (lie 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 placed or erected under section 46 at suitable places in such area or on or near such road or bridge as the case may be.

#### 46. Power to erect traffic signs:-

(1) The Government, or any agency authorized by it in this behalf, may cause or permit traffic signs to be placed or erected on any national highway for the purpose of regulating road vehicle traffic.

(2) Traffic signs erected under this Chapter shall be of the size, colour and type and shall have meanings set forth in the Seventh Schedule, but the Government, or any authority empowered by it in this behalf, may make or authorize the addition to any sign set forth in the said Schedule of transcription of the words, letters or figures thereon in such script as the Government may deem fit:

Provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the said Schedule.

(3) The Government, or any agency authorized under sub-section (1), may erect additional signs which in its opinion are necessary for regulating road vehicle traffic and ensuring road safety.

(4) The Government, a police officer in uniform or any agency, authorized under subsection (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 is so similar in appearance to a traffic sign as to be misleading or is otherwise considered a traffic hazard.

#### 47. Parking places and waiting stations:-

The Government, Or any agency authorized by it in this behalf, may, on the recommendation of the National Highways and Pakistan Motorway Police determine places at which motor vehicles including animal drawn vehicles and bicycles may stop either indefinitely, or for a specified period of time, and may determine the places and service areas on national highways at which public service vehicles may stop for a longer time than is necessary for taking up and setting down of passengers.

#### 48. Power to remove vehicle obstructing traffic:-

(1) A police officer in uniform may remove, or cause to be removed, in the prescribed manner, any motor vehicle, animal drawn vehicle and bicycle parked or standing in a position or at a place in contravention of the provisions of the Eighth Schedule relating to parking which in his opinion may obstruct or cause danger to other road users.

(2) No obstruction in any form, manner or mode, including unauthorized barrier shall be placed on any national highway except in connection with an authorized public work undertaken after approval of National Highways and Pakistan Motorway Police of the area and after following the instructions laid down by it for sign posting, placing visible lighted markings. Any police officer in uniform shall have the same powers in removing these obstructions as in the case of motor vehicles under sub section (1).

#### 49 Duty to obey traffic signs:-

(1) Every driver of a motor vehicle in charge of an animal drawn vehicle, rider of a bicycle or a pedestrian shall drive the vehicle and use the national highway in conformity with any indication given by a mandatory or a regulatory sign including road markings set forth in Parts II, III and V of the Seventh Schedule applicable to it and shall comply with all directions given by any electrical traffic signaling device or by any police officer in uniform engaged in the regulation of traffic.

(2) In sub-section (1) "mandatory traffic sign" and "regulatory traffic sign" shall include any circular disk displaying a device, word or figure and having a red border, erected for the purpose of regulating road vehicle traffic under sub-section (1).

(3) Provisions of this section shall not apply to a fire engine and ambulance on emergency run or a police vehicle on duty.

#### 50. Signals and signaling devices:-

The driver of a road vehicle driving on a national highway shall on the occasions specified in the Ninth 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.

51. Emission of smoke, vapour or grease and noise:-

(1) No road vehicle shall be driven on a national highway which emits any smoke, visible vapour, grit, sparks, ashes; cinders, or oily substance the emission of which could be prevented or avoided by taking reasonable steps or the exercise of reasonable care or the emission of which might cause damage or annoyance to other persons or property or endanger the safety of any other user of a national highway.

(2) No motor vehicle shall be driven on a national highway fitted with a multi-toned horn. giving a succession of different notes or with any other sound-producing device giving an unduly harsh, shrill, loud or alarming noise.

52. Vehicle with left hand control:-

No person shall drive, or cause to be driven on a national highway any road vehicle with left hand steering control unless it is fitted with a plate indicating "Left Hand Drive" at the rear of the vehicle.

53. Leaving vehicle in dangerous position:-

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

54. Riding on running boards:-

No person driving, or being in charge of a motor vehicle, on a national highway shall carry any person or permit any person to carry, and no person shall permit himself to be carried, on the running board or otherwise than within the body of the vehicle.

55. Obstruction to driver:-

No person driving a road vehicle on a national highway shall allow any person to stand or sit or be placed in such manner or position as to hamper the driver in control of the vehicle.

56. Stationary vehicles:-

No person driving or being in charge of a motor vehicle on a national highway 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 brakes applied or such other measures taken to ensure that the vehicle cannot be accidentally put into motion in the absence of the driver.

57. Two wheeled motor vehicles:-

(1) No driver of a motorcycle driving on a national highway shall carry more than one person in addition to himself and no person shall allow himself to be carried otherwise than sitting on a proper seat securely fixed to the motorcycle behind the driver's seat.

(2) No person shall drive or be carried on a motorcycle except when he is wearing a crash helmet.

58. Duty to produce licence and certificate of registration:-

(1) The driver of a road vehicle on a national highway shall, on demand by any police officer in uniform or any person authorized by the Government in this behalf, produce his driving licence, certificate of insurance 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 for examination.

(2) If the certificate of registration, certificate of insurance or licence is not at the time in possession of the person on whom demand is made, it shall be a sufficient compliance with this section if such person provides the original documents referred to in sub-section (1) within fifteen days at the concerned patrol post or to the same police officer:

Provided that the provisions of this sub-section (2) 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.

59. Duty of driver to stop in certain cases:-

The driver of a road vehicle driving on a national highway 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;

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

(c) at road works or in emergencies when stoppage of traffic might become necessary and he shall give his name and address and the address of the owner of the vehicle to any person affected, by the accident provided that such person also furnishes his name and address to that person.

#### 60. Duty to Give information:-

(1) The owner of a road vehicle the driver of which is accused of an offence under this Ordinance shall, on demand by a police officer in uniform or any other person authorized in this behalf by the Government: give all information regarding the name, address and the licence held by the driver which is in his possession or could by the exercise of due diligence be ascertained by him.

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

#### 61. Duty of driver in case of accident and injury to a person or damage to property:

When any accident occurs on a national highway in which a road 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 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 aid, 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;

(d) give on demand by a police officer in uniform 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 patrol post as soon as possible and in any case within twenty-four hours of the occurrence: and

(e) park his vehicle in such a manner and also erect warning signs so that his vehicle does not pose any hazard or danger to other users of the national highway.

#### 62. Inspection of vehicle in accident:-

When any accident occurs on a national highway in which a road vehicle is involved, any police officer in uniform or any person authorized in this behalf by the Government, may inspect the vehicle and for that purpose enter at any

reasonable time any premises where the vehicle is stationed and may remove the vehicle for examination:

Provided that the place to which the vehicle is 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.

#### 63. Railway crossing:-

The driver of a road vehicle who desires to pass over a Railway Level Crossing shall cause the vehicle to come to a complete stop before the crossing and shall not attempt to pass over the crossing unless he has made sure by looking both ways, to the left and right, and listening to the audible signal or siren of the train, that no train is likely to approach from either side when his vehicle is going over the crossing.

#### 64. Power to make rules:-

(1) The Government may, in consultation with National Highways and Pakistan Motorway Police by notification in the official gazette make rules for carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters relating to national highways or road vehicles to be driven on a national highway, namely:-

(a) the nature of the mechanical or electrical signaling devices which may be installed on road vehicles;

(b) erection of electrical traffic signaling devices, and the types of such devices that may be installed;

(c) 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) installation and use of weighing devices;

(e) exemption from all or any of the provision of this Chapter of emergency, vehicles and other special classes of vehicles subject to such conditions as may be prescribed;

(f) standardization of limits of load and passengers for animal drawn vehicles;

(g) prohibiting movement of certain dangerous cargoes until specific safety conditions for transportation have been fulfilled;

(h) prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic;

(i) terms and conditions for societies, and associations to provide exemption from the provision of 'No Fault Accident Compensation Insurance Coverage' for its members under section 41, determine the procedure for 'no fault compensation'; and

(j) fix speed limits within the parameters as laid down in the Fifth Schedule.

## CHAPTER VI

### OFFENCES, PENALTIES AND PROCEDURE

#### 65. Offences related to licences:-

(1) Whoever, being disqualified for holding or obtaining a licence, drives a motor vehicle or animal drawn vehicle without valid licence, on a national-highway 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.

(2) The police officer taking cognizance of the offence under sub-section (1) may bar the driver from driving the vehicle and impound the vehicle.

#### 66. Driving at excessive speed:-

(1) Whoever drives a road vehicle on a national highway in contravention of the speed limits specified in the Fifth Schedule shall be punished with imprisonment, or with fine, or with both, as specified in the Tenth and the Twelfth Schedules, as the case may be.

(2) No person shall be convicted of an offence punishable under sub-section (1) unless the estimate of the speed is obtained by the use of some mechanical or electronic device.

#### 67. Driving recklessly or dangerously:-

Whoever drives a road vehicle on a national highway at a speed or in a manner which is dangerous to human life or property having regard to traffic, road, weather or other prevailing conditions, shall be punishable with imprisonment for a term which may extend to one month or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees, or with both.

#### 68. Driving while under the influence of alcohol or drugs:-

(1) Whoever drives or attempts to drive a road vehicle on a national highway while under the influence of alcohol or a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable with imprisonment for a term which may extend to one month or with fine which shall not be less than five thousand rupees and may extend to ten thousand rupees, or with both.

(2) No person shall be convicted of an offence punishable under sub-section (1) unless the extent of the influence is determined by a medical practitioner authorized by the Government.

69. Driving when mentally or physically unfit:-

(1) Whoever drives a road vehicle on a national highway when he is suffering from a disease or disability to render his driving of the vehicle to be a source of danger to the public shall be punishable with imprisonment for a term which may extend to one month or fine which shall not be less than five hundred rupees and may extend to one thousand rupees, or with both.

(2) No person shall be convicted of an offence punishable under sub-section (1) unless so determined by the Medical Board as set out in the Second Schedule.

70. Racing and trial of speed:-

Whoever without the written consent of the prescribed authority, permits or takes part in a race or trial of speed on a national highway between road vehicles shall be punishable with imprisonment for a term which may extend to one month or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees, or with both.

71. Punishment for abetment of certain offences:-

Whoever abets the commission of an offence under sections 60, 65, 66, 67, 68, 69 and 70 shall, be punishable with the punishment provided for the offence.

72. Using vehicle in unsafe condition:-

Whoever drives or causes or allows to be driven on any national highway a road vehicle or a trailer in a condition which is liable to render the vehicle unsafe, and a source of danger to himself and other users, shall be punishable with imprisonment for a term which may extend to one month or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees, or with both:

73. Using vehicle with shaded glass:-

Whoever drives or causes or allows to be driven on a national highway, a road vehicle with shaded glass shall be punishable with imprisonment for a term which may extend to one month or with fine which shall not be less than five hundred rupees and may extend to two thousand rupees, or with both.

74. Offences relating to construction of vehicle:-

Whoever being a fabricator, assembler, dealer or importer of road vehicles, fabricates, assembles, sells or delivers a road vehicle or trailer in such

a condition that the use thereof on a national highway would be dangerous or unsafe shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees, or with both:

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 on a national highway until it had been put into a condition in which it might lawfully be so used.

#### 75. Offences relating to weights:-

(1) Whoever drives a transport vehicle or causes or allows a transport vehicle to be driven on a national highway carrying in excess of fifteen per cent of the permissible load for a goods vehicle as laid down in the Sixth Schedule and in excess of thirty per cent of the number of passengers prescribed for a passenger carrier, shall be punished with imprisonment for a term which may extend to one month or with fine which shall not be less than one thousand rupees and may extend to five thousand rupees, or with both.

(2) The police officer in uniform, taking cognizance of an offence under sub-section (1), shall direct unloading of the excessive goods and passengers before allowing the vehicle to proceed.

#### 76. Offences relating to accidents:-

(1) Whoever contravenes the provisions of clause (b) of sub-section (1) of section 59 or any of the provisions of section 61 or furnishes any information required to be furnished thereunder which he knows to be false shall be punishable with imprisonment for a term which may extend to, six months or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees, or with both.

(2) Whosoever is proved guilty of causing an accident by committing violation of any provision of this Ordinance which results in only property damage of less than two thousand rupees shall pay compensation equal to the cost of the property thus damaged or twice the cost of repair to the aggrieved person.

(3) Whosoever suffers a property damage exceeding two thousand rupees or injury requiring medical treatment due to an accident shall report to the nearest patrol post the details of the accident within forty-eight hours, failing which he shall be punishable with a fine which may extend to five hundred rupees.

(4) The driver of a road vehicle or other person in charge of the vehicle involved in the accident resulting in death, bodily injury or property damage to other users of a national highway shall report the accident to the nearest

patrol post and police station within twenty-four hours failing which he shall be punishable with imprisonment for a term which may extend to one month or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees, or with both.

Whoever willfully disobeys any direction lawfully given by a police officer  
ii uniform or 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, if no other penalty is provided for the offence, shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees, or with both.

#### 78. Offences relating to prohibited appliances:-

Whoever carries in a road vehicle on i national highway any appliance the carrying of which is prohibited by rules made under section 64 shall be punished with fine which shall not be less than five hundred rupees and may extend to one thousand rupees and such appliances shall be forfeited to the Government.

#### 79. Offences relating to traffic safety rules.-

(1) No person shall drive a road vehicle on national highway in contravention of rules laid down in the Eighth Schedule or as laid down by that Government.

(2) Whoever drives a road vehicle on a national highway in contravention of the provisions of the Tenth Schedule shall be liable to punishment as specified in the said Schedule.

(3) Any person who drives or operates a vehicle in contravention of sub-section (1) and the provisions of the Twelfth Schedule shall be punishable with such fine as laid down in the said Schedule.

(4) The Government may, in consultation with the National Highways and Pakistan Motorway Police, by notification in the official Gazette, amend the provisions of the Twelfth Schedule so as to add any entry thereto or modify any entry therein.

(5) A police officer in uniform, or any other person so authorized by the Government, acting under sub-sections (2) and (3) shall draw up a charge sheet in quadruplicate specifying the amount of fine therein, and shall -

(a) forthwith deliver one copy thereof to the offender and obtain his signature or thumb impression or mark, as the case may be, as token of its receipt, wherever possible;

(b) within twenty-four hours forward the second copy of the charge sheet to the prescribed agency where the offender has to deposit the fine;

(c) within twenty-four hours forward the third copy of the charge sheet to the central accounting office; and

(d) retain the fourth copy for record.

(6) Whoever is accused of violation of any provision of the Twelfth Schedule by a officer in uniform, or any person authorized by the Government in this behalf, may within ten day, if he does not want to contest the charge, pay the prescribed fine in the manner specified citation paper and obtain the necessary receipt thereof.

(7) Where an accused person pleads guilty and pays the prescribed fine and has complied with the provisions of sub-section (6), no further action in respect of the offence shall be taken against him.

(8) If the fine is not paid in the manner provided in sub-section (6), the police officer drawing up the charge shall take registration or licence into custody and lodge a complaint against offender before the court having jurisdiction to try the offence.

80. General provision for punishment of offences not otherwise provided for:-

Whoever contravenes any provision of this Ordinance or of any rules made thereunder shall if other penalty is provided for the offence under this Ordinance, be punished with fine which may extend to five hundred rupees, and if having been previously convicted of such an offence for every such subsequent offence to a fine which may extend to one thousand rupees.

81. Power of arrest without warrant:-

(1) A police officer in uniform may arrest without warrant any person who commits in his view any of the following offences, namely:

(a) Driving when disqualified;

(b) fleeing the scene of accident involving his vehicle;

(c) wilful disobedience or obstruction of lawful orders;

(d) driving a transport vehicle without a valid driving licence, fitness certificate, registration certificate, route permit or certificate of insurance;

- (e) taking part in an unauthorized race or trial of speed;
- (f) overtaking by heavy transport vehicles dangerously or where prohibited;
- (g) driving at a speed thirty per cent in excess of the specified speed limit;
- (h) failing to stop when directed by a police officer in uniform to do so;  
and
- (i) driving recklessly, dangerously or under influence of drugs or alcohol.

(2) A police officer arresting without warrant, the driver of a goods vehicle in circumstances so require, take or cause to be taken any steps he may consider proper for the temporary disposal and safe custody of the vehicle and goods.

(3) A police officer arresting without warrant the driver of a passenger vehicle shall, if the circumstances so require, take or cause to be taken any steps he may consider proper for the temporary disposal and safe custody of the vehicle and for the transportation of passengers in the same vehicle to their destination.

#### 82. Power of police officer to seize documents:-

No police officer shall seize documents of any vehicle for any minor violation of the provisions of this Ordinance unless so ordered by a court or under written orders of an officer of not below the rank of Superintendent of Police of the National Highways and Pakistan Motorway Police, unless he has sufficient reasons to believe that the document is forged.

#### 83. Power to detain vehicle:-

Any police officer in uniform, or other person authorized in this behalf by the Government, may if he has reason to believe that a motor vehicle has been, or is being, used without a valid registration, a valid permit or in contravention of any provision of sections 27, 41, 51, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 78 may 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.

#### 84. Particulars of summons:-

The court taking cognizance of an offence under sub-section (8) of section 79 shall, except for reasons to be recorded in writing, state upon the summons to be served on the accused person that he -

- (a) shall appear in person, with or without an advocate; or

(b) may, at a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit the fine to the court.

#### 85. Presumption of negligence:-

(1) In the case of an accident caused by a public transport vehicle resulting in grievous injury or loss of life, it shall be presumed that there has been negligence of the obligation to observe safety procedures on the part of the public transport driver unless the contrary is proved.

(2) In the event of such an accident the public transport vehicle shall be impounded by a police officer in uniform and not given on "supardari", except in exceptional cases by the National Highways and Pakistan Motorway Police.

#### 86. Point system for traffic violations:-

(i) Whosoever is proved guilty of contravention of the rules specified in the Eighth Schedule shall, in addition to penalties provided under this Ordinance, also be charged with points indicated against each offence under the Eleventh Schedule.

(2) When points accumulated against any person exceed ten within a two years' period, he shall be issued a warning listing the reported violations.

(3) When the points accumulated within a two years' period exceed twenty, the licence of such person shall be suspended by a Superintendent Police of the National Highways and Pakistan Motorway Police for a period of six months extendable by another six months.

#### 87. Compensation for death, injury or damage etc:-

(1) If a person suffers death, or injury to his person or damage to his property on account of the use of a road vehicle on a national highway, the insurance company or, as the case may be, the Pakistan Transporters Mutual Assistance Co-operative Society, the Pakistan Automobile Association or any other road transport co-operative society referred to in section 41 and in case the vehicle is not covered by any of the above insurers, the owner of such vehicle shall pay such compensation as may be prescribed by the Government -

(a) in the case of death, to the legal heirs of the deceased person; or

(b) in the case of injury to person or damage to the property, to the person who suffered the injury or damage, within thirty days of the accident.

(2) If the insurer or the owner of the vehicle fails to pay the compensation under subsection (1), the compensation shall be recoverable in accordance

with the provisions of sections 67 A and 67 G of the Provincial Motor Vehicles Ordinance, 1965 (W.P.Ord. No. XIX of 1965).

(3) The compensation payable under sub-section (1) shall not debar the person to receive any additional sum which the person may be entitled to receive under any other law for the time being in force.

(4) Any contract for the conveyance of a passenger in any motor vehicle shall, as it purports to negate or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger who is being carried in, any conditions shall, with respect of the enforcement of any such liability, be null and void.

#### 88. Jurisdiction and procedure:-

Notwithstanding anything contained in the e of Criminal Procedure, 1898 (Act V of 1898),-

(a) an offence under this Ordinance shall be cognizable;

(b) no Magistrate other than a Magistrate of the first class shall try an offence under this Ordinance; and

(c) a Magistrate trying an offence under this Ordinance shall have power to try offence summarily in accordance with the procedure laid down for summary trial in the said Court.

#### 89. Power to make rules:-

(1) The Government may, in consultation with National Highways and Pakistan Motorway Police, by notification in the official Gazette, make rules for the carrying into effect the provisions of this Chapter.

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

(a) the procedure for deposit of fine under section 79 and its disbursement as reward to the National Highways and Pakistan Motorway Police;

(b) the procedure to be adopted for operation of the provision of section 87;

(c) fitness period for all classes of vehicles; and

(d) any other matter which may be prescribed.

## CHAPTER VII

### ESTABLISHMENT OF A POLICE FOR MOTORWAYS

#### AND NATIONAL HIGHWAYS

##### 90. Establishment of a Police for National Highways:-

(1) The Government may establish a police force for performing police and traffic control functions on motorways and national highways and within such other territorial limits as it may, by notification in the official Gazette, specify.

(2) The police force established under sub-section (1) shall exercise all powers of a Station House Officer under the Code of Criminal Procedure, 1898 (Act V of 1898), Police Act 1861 (V of 1861) and shall

(a) regulate and control traffic on the national highways and prevent obstructions thereon;

(b) keep order on the national highways and prevent the contravention of any rule, regulation or order made under this Ordinance or any other law in force;

(c) maintain law and order on the national highways and take cognizance of offences committed thereon,

(d) determine and regulate the category and type of traffic permissible at particular times keeping in view the road, weather and other conditions;

(e) render all possible assistance to national highways users;

(f) undertake initial investigation in respect of offences committed on national highways and then transfer the cases to the concerned police station for investigation. Restrict or stop local police from investigation and transfer of case back to National Highways and Pakistan Motorway Police;

(g) plan, budget and manage publicity, information and education campaigns for the purposes of maintaining good order and safety on the national highways;

(h) keep the highways clear from any encroachment and keep a look out for suspicious persons and criminals;

(i) take into possession any abandoned property for its disposal under the law;

(j) provide security to the travelers;

- (k) develop and maintain a transport research cell and laboratory for the purpose of carrying into effect the provisions of this Ordinance;
- (l) act as the advisory body to the National I-highway Authority for proper planning, building and development of national highways;
- (m) examine the feasibility, desirability and necessity of various facilities, hoardings, advertisements, etc. on or along the national highway from the security and traffic standpoint in order to achieve the objectives of this Ordinance, and take appropriate measures for its removal, closure or regulation;
- (n) enlist and maintain motor vehicle examiners for checking mechanical fitness of transport vehicles and issue no objection certificates for registration and route permits in respect of vehicles plying on national highways;
- (o) inspect and oversee installation of such other facilities on or along the national highways as are necessary for ensuring good order and safety of the public;
- (p) employ experts and enter into contracts including service contracts for the purposes of this Ordinance;
- (q) establish a competent licensing authority and driver testing facility;
- (r) promote the setting up of proper driver training schools in the private sector coordinate their inspection and supervision through Provinces;
- (s) assist the Provinces in setting up such driving schools; and
- (t) perform such other functions as the Government may, from time to time, require;
- (3) Without prejudice to the powers conferred on it b3 or under this Ordinance the Government may, in relation to the National Highways and Pakistan Motorway Police exercise all powers, which under the Police Act, 1861 (V of 1861), and the Code of Conduct Procedure 98 (Act V of 1898), are exercisable by a Provincial Government in relation of the provincial police.

#### 91. Assistance to National Highways and Pakistan Motorway Police:-

All officers of the Police and Civil Armed Forces are empowered and required to assist the National Highways and Pakistan Motorway Police in discharge of its functions under this Ordinance.

#### 92. Superintendence and administration of National Highways and Pakistan Motorway Police:-

The head of the National Highways and Pakistan Motorway Police shall be an Inspector General, who shall exercise all powers of an Inspector General of Police under Police Act, 1861 (V of 1861), and administer the force in accordance with the provisions of this Ordinance and rules made thereunder.

93. Power to make rules:-

(1) The Inspector General of Police, in consultation with the Government, may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Chapter.

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

(a) for the efficient and effective discharge of duties by the force;

(b) discipline, apparel, recruitment, induction, promotion, transfer and appointment;

(c) procedures for employing experts and entering into contract with various agencies;

(d) procedure for investigation of offences, regulation of traffic and evaluation of facilities, hoardings and route permits;

(e) manner, mode and type of licences for the national highways;

(f) the manner in which rewards may be given to the members of the National Highways and Pakistan Motorway Police for rendering commendable services; and

(g) any other matter which may be prescribed.

## CHAPTER VIII

### MISCELLANEOUS

94. Appointment of Magistrate:-

Notwithstanding anything contained in the Code of Criminal Procedure, 1 R98 (Act V of 1898), the Government may, for the purposes of this Ordinance, appoint any person to be a Magistrate of the first class within the meaning of the said Code for carrying into effect the provisions of this Ordinance.

95. Licencing malpractice:-

If, during the course of trial of an offence relating to an accident, the court is of opinion that the accident took place because of the incompetence

on the part of the driver with regard to his driving skills, knowledge of rules and lack of physical fitness or due to mechanical defects of the vehicle, it may, in addition to legal action, charge the authority issuing the driving licence, mechanical fitness certificate or medical certificate with negligence of duty and report the matter to the head of the department of the delinquent authority for disciplinary action.

96. Indemnity:-

No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or purported to be done under this Ordinance or the rules made thereunder.

97. Ordinance not to derogate other laws:-

The provisions of this Ordinance shall be in, addition to, and not in derogation of, any other law for the time being in force.

98. Power to make rules:-

The Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Chapter.

99. Removal of difficulties:-

If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Federal Government may make such orders not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty.

SCHEDULES TO BE ENTERED SOON...