

INTRODUCED ON 10.10.2022.
[AS INTRODUCED IN THE SENATE]

A
BILL

further to amend the Provincial Motor Vehicles Ordinance, 1965

WHEREAS it is expedient and substantial to bring meaningful and significant amendments in the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965) in its application to the Islamabad Capital Territory for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. – (1) This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance No. XIX of 1965.- In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965), hereinafter referred as the said Ordinance, in section 2,-

(i) after paragraph (1) the following new paragraph (1a) shall be inserted, namely:-

“(1a) **“Automotive Testing Company”** means a Company designated under section 70A of this Act.”
;and

(ii) after paragraph (43) the following new paragraph (43a) shall be inserted, namely:-

“(43a) **“Vehicle Examination Certificate”** means the Vehicle examination Certificate issued under section 70B of this Act.”

3. Insertion of new sections 70A, 70B and 70C in Ordinance No. XIX of 1965.- In the said Ordinance, after section 70, the following new sections shall be inserted, namely:-

“70A. Automotive Testing Company.- The Federal Government by rules made under this Act shall designate not less than five Automotive Testing Companies having at least twenty five years of fervent experience in Automotive testing, validation and certification for the purpose of carrying out the functions conferred by this Act. The Automotive Testing Company shall ascertain whether the prescribed statutory requirements relating to the construction and condition of Motor Vehicles and their accessories or equipment are fulfilled. The Automotive Testing Company shall act under the general directions of the Federal Government.

70B. Test of Satisfactory Condition of Vehicles.- (1) The Motor Vehicles including Motor cab, motor car, public and private passenger vehicles, local buses, wagons and private taxicabs and Motor Cycle, shall after every five years be submitted for a vehicle test conducted by the Automotive Testing Company for the purpose of ascertaining whether the following requirements are complied with namely.-

- (a) The required statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment;
- (b) The requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person; and
- (c) The motor Vehicle should not emit any smoke, visible vapour, grit, sparks, ashes, cinders, or oily substance the emission of which might cause damage or annoyance to other persons or property or endanger the safety of any other user on the road.

(2) The Automotive Testing Company may by regulation make provision-

- (a) for examination of vehicles submitted for examination under sub-section (1); and
- (b) for the issue, where it is found on such examination that the requirements mentioned in sub-section (1) are complied with, a test certificate that at the date of the examination the requirements were complied in relation to the vehicle:

Provided that no sale, purchase or transfer of motor vehicle shall take place without a valid test certificate issued by the Automotive Testing Company.

(3) Where a test certificate is refused, the Automotive Testing Company carrying out examination must issue a notification of refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Automotive Testing Company for Review or revision as the case may be.

70C. Using vehicle in unsafe condition.- Whoever makes sale, purchase or transfer or drives or causes or allows to be driven on any road a motor vehicle or a trailer without a valid test certificate issued by the Automotive Testing Company or 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 six months or with fine which shall not be less than ten thousand rupees and may extend to fifty thousand rupees, or with both."

STATEMENT OF OBJECTS AND REASONS

The Vienna Convention on Road Traffic 1968 provides rules on all aspects of international road traffic and safety, and serves as a reference for national legislation. The rapidly growing numbers of vehicles and road users and increased trade, globalization and urbanization, coupled with staggering global road traffic injury rates underline the critical need to actively promote road safety everywhere. The increase in fuel consumption of Islamabad has led to the undesirably high level of lead concentration in the air, threatening the population specially the children with the fear that it will furthermore exacerbate the physical and mental health development. Several studies have shown that the lead concentration in Islamabad air must have been caused by the excessive use of petrol-powered vehicles.

2. The Bill primarily seeks to regulate the public and private motor vehicles in Islamabad Capital Territory on the basis of modern sustainable patterns of Global best practices; to ensure road safety and traffic management efficiency improvements; to enforce the implementation of traffic management rules and regulations among drivers and as well as general public; and to preserve the environment from pollutants emitted from vehicular transport.

3. The Bill seeks to achieve the aforementioned objects.

**SENATOR SEEMEE EZDI
MEMBER-IN-CHARGE**