

**The Motor Vehicles Ordinance, 1983 (*Extracts*)**  
**Ord. No. LV of 1983**

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## **The Motor Vehicles Ordinance, 1983 (*Extracts*)**

### **Ord. No. LV of 1983**

*An ordinance to consolidate and amend the laws relating to motor vehicles.*

**Sec. 2. Definitions.-** In this Ordinance, unless there is anything repugnant in the subject or context,-

(27) **“motor vehicle”** means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or used solely upon the premises of the owner;

(50) **“silence zone”** means the area or locality so notified by the competent authority where the use of sound signals are strictly prohibited;

**Sec. 32. Necessity for registration.-** No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place for the purpose of carrying passengers or goods unless the vehicle is registered in accordance with this chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner.

**Sec. 38. Refusal of registration.-** The registering authority shall refuse to register any motor vehicle if the vehicle is mechanically defective or fails to comply with the requirements of Chapter VI or of the regulations made thereunder ....

**Sec. 43. Suspension of registration.-** (1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction:

- (a) is in such 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 VI or of the regulations made thereunder, or
- (b) has been or is being used, for hire or reward without a valid permit for being used as such, or has been or is being used without a valid certificate of fitness;

the Authority may ... suspend the certificate of registration of the vehicle:-

- (i) in any case falling under clause (a), until the defects are remedied to its satisfaction; and
- (ii) in any case falling under clause (b), for a period not exceeding six months.

**Sec. 44. Cancellation of registration.** (1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any-token or card issued to authorise the use of the vehicle in a public place, and shall simultaneously send a copy of the report to the authority which issued or last renewed the certificate of fitness.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the Authority may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgment due at the address entered in the certificate of registration) it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration of the vehicle.

**Sec. 47. Certificate of fitness of motor vehicle.-** (1) Subject to the provisions of section 48, no motor vehicle other than the motor vehicles as may be prescribed shall be deemed to be validly registered for the purposes of section 32, unless it carries a certificate of fitness in Form J as set forth in the First schedule, issued by the Inspector of Motor Vehicles or any other prescribed authority, to the effect that the vehicle complies for the time being with all the requirements of Chapter VI and the rules made thereunder; where the Inspector of Motor Vehicles or any other prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reason in writing for such refusal.

(2) The Authority may make regulations subject to which the certificate of fitness of motor vehicles may be renewed by the registered motor workshops specially authorised in this behalf by the Authority by notification in the official Gazette.

(3) Subject to the provision of sub-section (4), a certificate of fitness shall remain effective for a period of one year to be specified in the certificate by the issuing authority.

(4) Any Inspector of Motor Vehicles or other 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 all the requirements of this Ordinance and the rules or regulations made thereunder; and on such cancellation or on the expiry of the certificate of fitness the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter V shall be deemed to be suspended until a new certificate of fitness has been obtained and the owner of such motor vehicle shall surrender to the registering authority within whose jurisdiction he resides any token or card issued to authorise the use of the vehicle in a public place.

**Sec. 84. Power to make rules.-** (1) The Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers and the establishment, registration, operation and supervision of motor vehicles repairing workshop.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following matters either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances, namely:-

- (a) the width, height, length and overhang of vehicles and of the loads carried;
- (b) seating arrangement in public service vehicles and the protection of passengers against the weather;
- (c) the size, nature and condition of tyres;
- (d) brakes and steering gear;
- (e) the use of safety glass;
- (f) signaling appliances, lamps and reflectors;
- (g) speed governors;
- (h) the emission of smoke, visible vapor, sparks, 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 by vehicles and the manner in which they shall be exhibited;
- (n) the use of trailers with motor vehicles;
- (o) registration, control and supervision of establishment undertaking repair works of motor vehicles and the conditions governing such establishment; and
- (p) any other matter which is to be or may be prescribed by rules.

**Sec. 139. Fitting and using of prohibited horns or other sound producing device:-** Whoever uses or being the owner or person in charge of motor vehicle fits, causes or allows fitting of any horns or any sound producing devices prohibited under the provision of this Ordinance or any rules or regulations made thereunder or uses horn or any sound producing device where its use in prohibited shall be punishable with fine which may extend to one hundred taka.

**Sec. 150. Using of motor vehicle emitting smokes.-** (1) Whoever drives or causes or allows or lets out a motor vehicle for use in any public place, the smoke of which would constitute a health hazard, shall he punishable with fine which may extend to two hundred taka.

(2) Any police officer not below the rank of Sub-Inspector of Police in uniform authorised in this behalf by the Authority or any Inspector of Motor Vehicles or other persons authorised in this behalf by the Authority may seize and detain such vehicle for such time as may be necessary to ascertain if the smokes constitute a health hazard.

(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of a witness unless that opinion is based on a test by the competent person.

**Sec. 152. Using of motor vehicle without registration or certificate of fitness or permit.-** (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used or let out a motor vehicle for use in contravention of the provisions of section 32 or without the certificate of fitness under section 47 or the permit required by sub-section (1) of section 51 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may he used or to the maximum of passengers and maximum weight of luggage that may be carried on the vehicle, shall he punishable for a first offence with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand taka, or with both and for any subsequent offence with imprisonment for a term which may extend to six months or with fine which may extend to five thousand taka, or with both.

**Sec. 157. Obstruction in public street or public place.-** Whoever causes obstruction in a public street or public place by keeping a motor vehicle for repair or keeping or storing spare parts of motor vehicles or any articles for sale or keeps any article for any other purposes causing obstruction to flow of traffic shall be punishable with a fine which may extend to five hundred taka and such vehicles or spare or articles shall he liable to confiscation.

## **SCHEDULE-5**

[See section 16(1), 20(2) and (3) and 165 and Form D and E]

*Offences on conviction of which an endorsement shall be made on the Licence of the person affected and commission of which shall lead to suspension of Driving Licences.*

### **PART A**

1. Driving recklessly or dangerously (section 143)
2. Driving while under the influence of drink or drugs (section 144).
3. Abetment of an offence under section 143 or 144 or (section 147)
4. Taking part in unauthorised race-or trail of speed (section 148)
5. Driving when disqualified (section 19)
6. Obtaining or applying for a licence without giving particulars of endorsement (section 141)
7. Failing to stop on the occurrence of an accident (section 102)
8. Altering a licence or using an altered licence
9. Any offence punishable with imprisonment in the commission of which a motor vehicle was used.

### **PART B**

1. Driving without a licence or without a licence which is effective, or without a licence applicable to the vehicle driven (section 3)
2. Allowing a licence to be used by another person [section 6(2)]
3. Driving at excessive speed (section 142)
4. Driving when mentally or physically unfit to drive (section 145)
5. Abetment of an offence punishable under section 142 or 145
6. Refusing or failing within specified time to produce licence (section 101)
7. Failing to stop when required (section 102)
8. Driving an unregistered vehicle (section 32)
9. Driving transport vehicle not covered by a certificate of fitness (section 47).
10. Driving in contravention of any rule made under section 84(2)(g) relating to speed governors.
11. Driving a vehicle exceeding the permissible limit of weight (section 154).
12. Failure to comply with a requisition made under (section 87).

13. Using a vehicle in unsafe condition (section 149).
14. Driving a transport vehicle in contravention of (section 51)

### **PART C**

1. Driving against red light.
2. Overtaking when overtaking is prohibited.
3. Driving on to a main road without stopping and exceeding the speed limit indicated on the road.
4. Not giving way to other vehicle intentionally.
5. Driving without a licence which is effective or without a licence applicable to the vehicle driving or driving a public service vehicle without authority.
6. Driving at excessive speed.
7. Driving an unregistered vehicle or driving a transport vehicle not covered by a certificate of fitness or driving a transport vehicle in contravention of section 51 or driving a transport vehicle without attaching speed governor seal or with a tempered speed Governor seal.
8. Refusing or failing to produce driving licence or the certificate of registration or the certificate of fitness or the certificate of insurance or any other documents authorising the use of the vehicle in a public place.
9. Failing to stop when required under section 102 or to comply with a requisition made under section 87.
10. Driving a defective vehicle or a vehicle in unsafe condition or a vehicle which would constitute public danger.
11. Driving a vehicle exceeding the permissible limit of weight or the permissible seating capacity.
12. Stopping vehicle or loitering for passenger or pickup passenger from a place other than specified halting stations.
13. Carrying dangerous substances in public service vehicle or carrying goods not authorised to carry.
14. Loading vehicle in a manner likely to cause danger or loading vehicle beyond permissible limit or projection.
15. Using vehicle for the purposes not authorised.
16. Refusing or failing to complete the journey between termini.
17. Refusing to carry *bona fide* passenger.
18. Smoking while driving.

## **The Motor Vehicles Rules, 1940 (*Extracts*)**

**Rule 114. Horns.-** (a) Every motor vehicle shall be fitted with a horn or other approved device available for immediate use by the driver of the vehicle and capable of giving audible and sufficient warning of the approach position of the vehicle.

- (b) No motor vehicle shall be fitted with any multi-tuned horn giving a succession of different notes or with any other sound producing device giving an unduly harsh shrill, loud or alarming noise.
- (c) Nothing contained in sub-rule (b) shall prevent the use on vehicles, used as ambulances or for fire fighting or salvage purpose or on vehicles, used by police Officer in the course of their duties, or on other similar vehicles, of such sound signals as may be approved by the registering authority.
- (d) Every transport vehicle shall be fitted with a bulb horn.

**Rule 124. Smoke, vapour grease-emission of-** (a) Every motor vehicle shall be so constructed, shall be maintained in such condition, and shall be so driven and used on a road, that there shall not be emitted therefrom any excessive smoke, visible vapour, grit, sparks, ashes, cinders or oily substance, the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care or the emission of which might cause damage to other persons or property or endanger the safety of any other users of the road in consequence of any harmful content therein.

(b) Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit and also with a tray or shield to prevent ashes and cinders from falling on to the road.