

THE MOTOR VEHICLES ORDINANCE, 1983

ORDINANCE NO. LV OF 1983

[22nd September, 1983]

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

WHEREAS it is expedient to consolidate and amend the law relating to motor vehicles in Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

Short title and commencement

1. (1) This Ordinance may be called the Motor Vehicles Ordinance, 1983.

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

Definitions

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

- (1) “assembler” in respect of a motor vehicle, means an authorised establishment of the maker or manufacturer where different parts of a motor vehicle are assembled together and where a particular brand of motor chassis is produced under the authority of the maker or manufacturer, whether a body has been fastened to the chassis or not and whether the establishment performs any other functions in favour of the maker or manufacturer or not;

* Throughout this Ordinance the words “Transport Committee” were substituted for the words “Transport Authority” or “Regional Transport Authority” by section 2 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

¹[(1a) “Authority” means the Bangladesh Road Transport Authority established under section 2A;]

(2) “axle weight” means, in relation to an axle of a vehicle, the total weight transmitted by the several wheels attached to that axle to the surface whereon the vehicle rests;

²[(2a) “bus” includes a mini-bus, microbus and an omni-bus;]

(3) “certificate of registration” means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter IV;

(4) “conductor” in relation to a stage carriage or a contract carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage or contract carriage and performing such other functions as may be prescribed;

(5) “conductor’s licence” means the document issued by a competent authority under Chapter III authorising the person specified therein to act as a conductor;

(6) “contract carriage” means a motor 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:

(i) on a time basis whether or not with reference to any route or distances, or

(ii) from one point to another,

(iii) and in either case 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 passengers may pay separate fares;

¹ Clause (1a) was inserted by section 3 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² Clause (2a) was inserted by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

- (7) “curb” includes the boundaries of the roadway whether marked by curb stone or not so marked;
- (8) “dealer”, in respect of a motor vehicle, means authorised agent or establishment of the maker or manufacturer or assembler that deals in motor vehicles or in their spare parts and also performs any other functions in favour of the maker or manufacturer or the assembler;
- (9) “driver” includes, where a separate person acts as steersman of a motor vehicle, that person as well as any other person engaged in the driving of the vehicle;
- (10) “driving licence” means the document issued by a competent authority, authorising the person specified therein to drive a motor vehicle or a motor vehicle of any specified class or description;
- (11) “express carriage” means a motor vehicle used for carrying or adapted for carrying passengers for hire or reward at separate fares where none of the fare shall be for less than twenty miles and where the vehicle shall not stop to pick up passengers at any stoppage less than twenty miles from the previous stoppage unless otherwise specified by the Transport Authority;
- (12) “fares” includes sums payable for a season ticket or in respect of the hire of a contract carriage;
- (13) “goods” includes live-stock, 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 motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle;
- (14) “goods vehicle” means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers;

- (15) “heavy motor vehicle” means a transport vehicle¹[* * *] registered laden weight of which, or a motor car, tractor, road roller or a locomotive the unladen weight of which, exceeds 14,500 pounds avoirdupois;
- ²[(15a) “helper-cum-cleaner”, in relation to a transport vehicle, means a person engaged to assist the driver or the conductor in performing his functions and also to clean a motor vehicle;]
- (16) “inter-section” includes the area bounded by side line, real or projected, of two or more public roads which meet or cross each other;
- (17) “invalid carriage” means a motor vehicle the unladen weight of which does not exceed five hundred weights, 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;
- ³[(18) “Licensing authority” means an officer or authority prescribed by regulations to grant licences under this Ordinance;]
- (19) “light motor vehicle” means a transport vehicle⁴[* * *] the registered laden weight of which, or a motor car or tractor the unladen weight of which, does not exceed 6,000 pounds avoirdupois;
- (20) “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 16,000 pounds avoirdupois; but does not include a road-roller;

¹ The words “or a mini-bus” were omitted by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² Clause (15a) was inserted by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

³ Clause (18) was substituted by section 3 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

⁴ The words “or a mini-bus” were omitted by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

- (21) “maker or manufacturer”, in respect of a motor vehicle, means an establishment where one or more major parts, or all parts are manufactured and where a complete chassis of a motor vehicle is produced in the name of a particular brand whether a body has been fastened to it or not and where the establishment reserves all rights of products;
- (22) “medium motor vehicle” means any motor vehicle other than a motor cycle, invalid carriage, light motor vehicle, heavy motor vehicle or a road-roller;
- ¹[(22a) “micro-bus” means any motor vehicle constructed or adapted or used to carry not less than eight and not more than fifteen persons excluding the driver;]
- (23) “mini-bus” means any motor vehicle constructed or adapted or used to carry not more than ²[thirty] persons excluding the driver;
- (24) “motor cab” means any motor vehicle constructed, adapted or used to carry not more than six passengers excluding the driver, for hire or reward;
- (25) “motor car” means any motor vehicle other than a transport vehicle, locomotive, road-roller, tractor, motor cycle ³[* * *] or invalid carriage;
- (26) “motor cycle” means a two wheeled motor vehicle, the unladen weight of which inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle does not exceed 1,200 pounds avoirdupois;
- (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;

¹ Clause (22a) was inserted by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² The word “thirty” was substituted for the word “sixteen” by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

³ The comma and word “, mini-bus” were omitted by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

- (28) “non-professional driver” means a driver who drives a light motor vehicle otherwise than as a paid employee or drives a vehicle other than a transport vehicle;
- (29) “non-professional driving licence” means a driving licence issued by a competent authority, authorising the person specified therein to drive a light motor vehicle otherwise than as a paid employee or to drive a vehicle other than a transport vehicle;
- (30) “omni-bus” means any motor vehicle constructed, adapted or used to carry more than ¹[thirty] persons excluding the driver;
- (31) “one way traffic” means a vehicular traffic restricted in one direction;
- (32) “owner” includes, where the person in possession of a motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire- purchase agreement, the person in possession of the vehicle under that agreement, and the person holding power of attorney;
- (33) “parking zone” means the places determined by the competent authority where motor vehicles may stand either indefinitely or for a specified period of time;
- (34) “pedestrian” means all persons making use of public road or highways for foot passage;
- (35) “pedestrian crossing” includes that portion of a public road clearly indicated for pedestrian crossing by appropriate marking and signs and the extension of the side walk space across the intersecting streets;
- (36) “permit” means a document issued by a Transport Committee authorising the use of a transport vehicle as an express carriage, or a contract carriage, or a stage carriage, or authorising the owner as a private carrier or public carrier to use such vehicle;
- (37) “prescribed” means prescribed by ²[regulations] made under this Ordinance;

¹ The word “thirty” was substituted for the word “sixteen” by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² The word “regulations” was substituted for the word “rules” by section 3 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (38) “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 transport, or who uses the vehicle for any of the purposes specified in sub-section (2) of section 51;
- (39) “private service vehicle” means any motor vehicle constructed or adapted to carry more than eight persons excluding the driver and ordinarily used by, or on behalf of, the owner of such vehicle for the purpose of carrying persons in connection with his trade or business or otherwise than for hire or reward but does not include a motor vehicle used solely for the purposes of Government unconnected with any commercial enterprises;
- (40) “professional driver” means a driver who drives a transport vehicle or a heavy motor vehicle or a medium motor vehicle or drives any vehicles as a paid employee;
- (41) “professional driving licence” means a driving licence issued by a competent authority, authorising the person specified therein to drive a transport vehicle or a heavy motor vehicle or a medium motor vehicle or any vehicle as a paid employee;
- (42) “public carrier” means an owner of a transport vehicle who transports or undertakes to transport goods, or any class of goods, for another person at any time and in any public place for hire or reward, whether in pursuance of the terms of a contract or agreement or otherwise and includes any person, body, association or company engaged in the business of carrying the goods of persons associated with that person, body, association or company for the purpose of having their goods transported;
- (43) “public place” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;

- (44) “public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, express carriage, stage carriage and motor cab rickshaw;
- (45) “registered axle weight” in respect of the axle of any vehicle, means the axle weight certified and registered by the registering authority as permissible for the axle;
- (46) “registered laden weight” means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;
- ¹[(47) “registering authority” means an officer or authority prescribed by regulations to register motor vehicles under Chapter IV;]
- (48) “route” means a line of travel which specifies the highways, that may be traversed by a motor vehicle between one terminus and another;
- (49) “safety zone” means the area or space specially set apart within a roadway for the exclusive use of pedestrians and which is projected, or is so marked or indicated by adequate signs as to be plainly visible at all times;
- (50) “silence zone” means the area or locality so notified by the competent authority where the use of sound signals are strictly prohibited;
- (51) “stage carriage” means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stage of the journey;
- (52) “tractor” means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion), but excludes a road-roller;

¹ Clause (47) was substituted by section 3 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (53) “traffic signs” includes all signals, warning sign posts, direction posts or other devices for the information, guidance or direction of drivers of motor vehicles;
- (54) “trailer” means any vehicle other than a side-car drawn or intended to be drawn by a motor vehicle;
- (55) “tourist vehicle” means a contract carriage, motor cab, motor car ¹[or bus] constructed or adapted and equipped, maintained and operated in accordance with such specifications as the Government may, by notification in the *official Gazette*, specify in this behalf; or in relation to which a permit is granted to the effect that it is a tourist vehicle;
- (56) “Transport Committee” means any Transport Committee constituted under section 54;
- (57) “transport vehicle” means a public service vehicle, a private service vehicle, a tourist vehicle, a goods vehicle, ²[a bus], a locomotive or a tractor other than a locomotive or a tractor used solely for agricultural purposes;
- (58) “unladen weight” means the weight of a vehicle, or a trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a 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;
- (59) “weight” means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests ³;
- (60) “worker” means driver, conductor and helper-cum-cleaner.]

¹ The words “or bus” were substituted for the commas and words “, mini-bus, or an omni-bus” by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² The words “a bus” were substituted for the words “an omni-bus” by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

³ The semi-colon (;) was substituted for the full-stop (.) and thereafter clause (60) was added by section 2 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

¹[CHAPTER IA

BANGLADESH ROAD TRANSPORT AUTHORITY

2A. (1) There shall be established an Authority to be called the Bangladesh Road Transport Authority for carrying out the purposes of this Ordinance.

Bangladesh
Road Transport
Authority

(2) The authority shall consist of a Chairman and such number of other members, not exceeding eight, as may be appointed by the Government from time to time.

(3) The Chairman shall be appointed by the Government from among persons in the service of the Republic not below the rank of Joint Secretary to the Government or an officer having pay scale equivalent to that of a Joint Secretary, to the Government.

(4) The Chairman and other members shall hold office on such terms and conditions as the Government may determine.

(5) The Chairman shall be the chief executive officer of the Authority.

(6) The Chairman shall be a whole time officer of the Authority and shall exercise such powers and perform such functions as may be prescribed by rules or as may be assigned to him by the Government.

(7) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the Government shall make such arrangement for discharging the functions of the office of the Chairman as it may consider necessary.

2B. (1) The meetings of the Authority shall be held at such times and places as may be prescribed by rules:

Meetings of the
Authority

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

¹ Chapter IA was inserted by section 4 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

(2) To constitute a quorum at a meeting of the Authority, the number of members present shall be two, if the Authority consists of not more than three members, and three, if the authority consists of more than three members.

(3) All meetings of the Authority shall be presided over by the Chairman and, in his absence, by a member authorised in writing by the Chairman in this behalf.

(4) At a meeting of the Authority, each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(5) No act or proceeding of the Authority shall be invalid or be called in question on the ground of any vacancy in, or any defect in the constitution of, the Authority.

Appointment of officers

2C. (1) The Authority may, for the efficient performance of its functions, appoint such officers, including Inspectors of Motor Vehicles and other employees as it considers necessary.

(2) The officers and other employees of the Authority shall be persons in the service of the Republic.

Power to make rules

2D. The Government may make rules for the purposes of carrying into effect the provisions of this Chapter.]

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

Necessity for driving licence

3. (1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to himself authorising him to drive the vehicle; and no person shall so drive a motor vehicle as a paid employee or shall so drive a transport vehicle unless his driving licence specifically entitles him so to do.

(2) The ¹[Authority] may prescribe the conditions subject to which sub-section (1) shall not apply to a person receiving instruction in driving a motor vehicle.

¹ The word "Authority" was substituted for the word "Government" by section 5 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).