

**WEST PAKISTAN REQUISITIONING OF STAGE CARRIAGES  
(TEMPORARY POWERS) ORDINANCE, 1970.**

**(Ordinance No. XIII OF 1970).**

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**WEST PAKISTAN REQUISITIONING OF STAGE CARRIAGES  
(TEMPORARY POWERS) ORDINANCE, 1970.**

**30th April, 1970.**

**WEST PAKISTAN ORDINANCE NO. XIII OF 1970.**

**AN**

**ORDINANCE**

*to provide for requisitioning of stage carriages.*

**WHEREAS**, it is expedient to make provision for temporary requisitioning of <sup>1</sup>[Motor Vehicles]. Preamble

**NOW, THEREFORE**, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the West Pakistan Requisitioning of Motor Vehicles (Temporary powers) Ordinance, 1970. Short title, extent and commencement

(2) It shall extend to the whole of <sup>2</sup>[the Province of Khyber Pakhtunkhwa] except the Tribal Areas.

(3) It shall come into force at once.

2. The words and expression used in this Ordinance shall have the same meaning as is assigned to them in the <sup>3</sup> [Provincial] Motor Vehicles Ordinance, 1965. Definitions

<sup>4</sup>[3. (1) if the opinion of the District Magistrate it is necessary or expedient to requisition any motor vehicle, he may by order in writing requisition such motor vehicle maintained or kept within his jurisdiction, after giving the owner thereof an opportunity of being heard and showing cause against the proposed action.] Requisitioning of motor vehicles

Where the owner of the motor vehicle to whom opportunity to show cause as required under sub-section (1) is to be given, cannot be found and has no agent or other person to accept service on his behalf, the District Magistrate shall cause notice Explanation

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1. Subs by Khyber Pakhtunkhwa Ordinance No. VII of 1971.

2. Subs by Khyber Pakhtunkhwa Adaptation of Law Order, 1975 and then sub: vide the Khyber Pakhtunkhwa Act No. IV of 2011.

3. Sub; for "West Pakistan" by P.O 4, of 1975.

4. Subs by Khyber Pakhtunkhwa Ordinance No.VII of 1971.

to be affixed on the motor vehicle itself or on some conspicuous part of his place of business or residence.

(2) Where the District Magistrate has requisitioned any motor vehicle under sub-section (1), the same may be maintained and used as stage carriage in such manner as may appear to him to be expedient.

4. (1) The owner aggrieved by an order of the District Magistrate under sub-section (1) of section 3, may within seven days of the order, appeal to the Commissioner.

Appeal

(2) The order of the Commissioner on appeal shall be final.

5. The District Magistrate may take or cause to be taken such steps and use or cause to be used such steps and use or cause to be used such force as may in his opinion be reasonable and necessary for securing compliance of any order made by him under this Ordinance.

Power to give effect to orders

6. The District Magistrate may enter and search or authorize any person to enter and search any premises and seize or authorize any person to seize any motor vehicle in respect of which he has reason to believe that a contravention of the provisions of this Ordinance has been or is likely to be committed.

Power to search and seize

7. Notwithstanding anything contained in the West Pakistan Vehicles Ordinance, 1965, or any other law for the time being in force, no permit for running a motor vehicle requisitioned under section 3 shall be required.

Permit not necessary

8. The District Magistrate may in respect of any motor vehicle requisitioned under sub-section (1) of section 3, incur expenses for maintenance and repairs and pay fees, taxes and insurance premiums payable under any law for the time being in force.

Payment of repair charges, taxes, etc

9. Where any motor vehicle is requisitioned under sub-section (1) of section 3, there shall be paid to the owner compensation for its use as the rate of rupees fifty per dime, notwithstanding any expenditure incurred by the District Magistrate under the Provisions of section 8.

Compensation

10. (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to, any motor vehicle liable to requisition under section 3.

Sabotage

(2) Without Prejudice to the generality of the provisions of sub-section (1), no person shall-

(a) remove a vehicle or cause or allow it to be removed from the locality in which it is being kept except in accordance with an order in writing of the District Magistrate;

(b) remove from the vehicle any part, accessory, tyre or tube, except for the purpose of repairing it, or of replacing it by another not less serviceable, or of repairing the vehicle or in accordance with an order in writing of the District Magistrate.

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| <p>11. Whosoever contravenes the provisions of this Ordinance be shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.</p>  | Penalty                                    |
| <p>12. (1) Where any motor vehicle requisitioned under section 3 is to be released from requisition, the District Magistrate, shall arrange the restoration of the possession of the vehicle to its owner.</p> <p>(2) Where the owner of the motor vehicle to whom possession is to be given cannot be found and has no agent or other person empowered to accept delivery of possession on his behalf the District Magistrate shall cause notice declaring that the motor vehicle is released from requisition to be affixed on some conspicuous part of his place of business or residence.</p> <p>(3) When a notice referred to under sub-section (2) is served in the manner indicated, the motor vehicle specified in the notice shall cease to be subject to requisition on and from the date of such service and shall be deemed to have been delivered to the owner and the District Magistrate shall not be liable for any compensation or other claim in respect of the same for any period after the said date.</p> | Release from requisition                   |
| <p>13. (1) No injunction or an order for delivery of possession or appointment of a receiver in respect of any motor vehicle which has been requisitioned under this Ordinance shall be granted or be made by any Court or by any other authority.</p> <p>(2) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.</p> <p>(3) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Ordinance it shall be presumed that such an order was so made by that authority.</p>  | Jurisdiction of Courts barred              |
| <p>14. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Ordinance or any order made thereunder.</p> <p>(2) Save as otherwise expressly provided under this Ordinance no suit or other legal proceedings shall lie against the District Magistrate for any damage caused or likely to be cause by anything, in good faith, done or intended to be done in pursuance of this Ordinance or any order made thereunder.</p>  | Protection of actions under this Ordinance |
| <p>15. Government may make rules for the purpose of carrying into effect the provisions of the Ordinance.</p>  | Power to make rules                        |

