

CHAPTER IV

REGISTRATION OF MOTOR VEHICLES

32. Necessity for registration - No person shall drive any motor vehicle and not 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.

33. Registration where to be made - Subject to the provision of section 35, section 36 and section 48 every owner of a motor vehicle shall cause the vehicle to be registered by the registering authority of the area where he permanently resides or has place of business where the vehicle is normally kept

34. Registration, how to be made - (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in Form 'H' as set forth in the First Schedule, shall contain the information required by that form, and shall be accompanied by the prescribed fee.

Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be owner of the motor vehicle for the purpose of this Ordinance.

(2) The registering authority shall issue to the owners of a motor vehicle registered by it a certificate of registration in Form 'I' 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 in prescribed manner, a distinguishing mark (in the Ordinance referred to as the registration mark) consisting of group of letters allotted to the district or area of the district concerned in the sixth Schedule followed by a letter or letters denoting the class of the vehicle and a number consisting of not more than 4 digit.

35. Registration of motor vehicles of diplomatic officers, etc - (1) Where an application for registration of a motor vehicle is made by, or on behalf of, any diplomatic officer or consular officer or any other privileged person then, notwithstanding anything contained in this Chapter, the special registering authority appointed by the Government in this behalf shall register the vehicle in such manner and in accordance with such procedure as may be provided by rules made in this behalf under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate that the vehicle has been registered under this section; and the vehicle so registered shall not, so long it remains the property of any diplomatic officer or consular officer or any privileged person be required to be registered otherwise than under this Ordinance.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular or any other privileged person certificate of registration issued under this section shall also cease to be effective and the provision of section 33 shall thereupon apply.

(3) The Government may make rules for the registration of motor vehicles belonging to diplomatic officers and consular officers and privileged person regarding the procedure to be followed by the special registering authority for registering such vehicles, the form in which certificates of registration of such vehicles are to be issued, the manner in which certificates of registration are to be sent to the owners of the vehicles and the physical verifications are to be done and the special registration marks are to be assigned to such vehicles.

Explanation - For the purposes of this section "diplomatic officers", "consular officers" or "privileged person" means any person who is recognised as such by the Government and if any question arises as to whether a person is or is not such an officer or person, the decision of the Government thereon shall be final.

36. Temporary Registration - (1) Notwithstanding anything contained in section 33, the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and a temporary registration mark.

(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable.

Provided that where a motor vehicle so registered is a chassis to which body has not been attached and the same is determined in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as may be prescribed be extended by such further period or periods so that the total period of such temporary registration may not exceed, any case, four months.

37. Production of vehicle at time of registration - The registering authority shall before proceeding to register a motor vehicle require the person applying for registration of the vehicle to produce the vehicle to the Inspector of Motor Vehicles or such other person as the Authority may specify in this behalf 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 VI and of the regulations made thereunder and that the vehicle is not mechanically defective.

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, or if the applicant fails to furnish particulars of any previous registration of the vehicle or the chassis identification number or furnishes inaccurate particulars in the application for registration of such vehicles, and shall furnish the applicant whose vehicle is refused registration, with the reasons in writing for such refusal.

39. Change of residence or place of business - (1) If the owner of a motor vehicle cease to reside or have his 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 and to the authority by which the certificate of fitness was issued or last renewed, 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 together with the prescribed fee 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 and to the authority which may require to issue or renew the certificate of fitness.

(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 three months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.

40. Transfer of ownership - (1) Where the ownership of any motor vehicle registered under this Chapter is transferred:

(a) the transferer shall, within fourteen days of the transfer, report the transfer, to the registering authorities within whose jurisdiction the transfer is effected and shall simultaneously send a copy of the said report to the transferee;

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within those jurisdiction he resides and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferer in order that particulars of the transfer of ownership may be entered in the certificate of registration.

(c) the registering authority shall cause physical verification of particulars by the authority specified under section 37, and, if satisfied to the genuineness of transfer, may enter the particulars of the transfer of ownership in the certificate of registration within thirty days of the report made under clause (b).

(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 and, to the authority which may require to issue or renew the certificate of fitness.

41. Special provisions regarding motor vehicles subject to hire purchase agreement -

(1) Where an application for registration of a motor vehicle which is held under a hire purchase agreement, is made, the registering authority shall make an entry in the certificate of registration regarding the existing of the said agreement.

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire purchase agreement with any person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire purchase agreement in the certificate of registration.

(3) Any entry made under sub-section (1) or sub-section (2) may be cancelled by the registering authority on proof of termination of the hire purchase agreement by the parties concerned.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire purchase agreement.

(5) Where the person whose name has been specified in the certificate registration as the person with whom the registered owner has entered into hire purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representative as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a duplicate thereof to the person aforesaid.

(6) The provisions of sub-sections (1) to (5) shall, so far as may be apply to a motor vehicle is subject to hypothecation as they apply to any motor vehicle which is held under a hire purchase agreement.

42. Alteration in motor vehicle - (1) No owner of a motor vehicle shall so after the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless :-

(a) he has given notice to the registering authority within whose jurisdiction he resides, of the alteration he proposes to make, and

(b) has obtained the approval of the registering authority to make such alteration; Provided that it shall not be necessary to obtain such approval for making any change in the unladen weight of motor 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) No alteration which is likely to affect the chassis identification number, chassis construction or the make and model of the vehicle or the maximum limits in laden weight certified by the manufacturer shall be allowed.

(3) Any change where class of vehicle is effected shall be treated as new registration and the provisions of section 33 and section 34 shall thereupon apply.

(4) Where a registering authority has received notice under sub-section (1) it shall obtain the opinion of the concerned Inspector of Motor Vehicles on the proposed alteration and shall within fourteen days of the receipt of the notice communicate (by registered post acknowledgement due) to the owner of the vehicle its approval to the proposed alteration or otherwise.

(5) Notwithstanding anything contained in sub-section (1), the Authority may, by notification in the official Gazette, authorise, subject to such conditions as may be specified in the notification, the owner of more than one vehicle of the same make and specifications to alter any such vehicle so as to replace the engine thereof by an engine of same make and specifications without the approval of the registering authority.

(6) Where any alteration has been made in a motor vehicle with the approval of the registering authority or by reasons of any change in its engine number without such approval under sub-section (5), the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that authority together with the prescribed fee in order that particulars of the alteration may be entered therein.

(7) A registering authority other than the original registering authority making any such entry shall communicate details of the entry to the original registering and to the authority which issued or last renewed the certificate of fitness.

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 its being used without a valid certificate of fitness;

the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration) for reasons to be recorded in writing, 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.

(2) 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.

(3) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension; and when the suspension has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction, the vehicle was when 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 to that authority which may cancel it forthwith.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration and any token or card issued to authorise the use of vehicle in a public place.

(5) A certificate of registration and any token or card surrendered under sub-section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

44. Cancellation of registration - (1) If a motor 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.

(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, 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.

(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 acknowledgement 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.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of Bangladesh the registering authority shall cancel the registration.

(5) A registering authority canceling the registration of a motor vehicle under section 43 or under this section shall communicate the fact in writing to the owner of the vehicle and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle and any token or card issued to authorise 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 to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(7) The expression "original registering authority" in this section and in section 39, 40 and 43 means the registering authority in whose records the registration of the vehicle is recorded.

45. Appeals - (1) Any owner of a motor vehicle aggrieved by an order of refusal under section 38 to register a motor vehicle or under sub-section (1) of section 47 to issue a certificate of fitness or by an order of suspension or cancellation made under section 43 or 44 or by an order of cancellation under sub-section (3) of section 47 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.

(2) The appellate authority shall give notice of the appeal of the original authority and after giving opportunity to the original authority and the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit :
Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs.

46. Special requirements for registration of transport vehicle - (1) Having regard to the number, nature and the size of the tyres attached to the wheels of a transport vehicle, other than a motor cab, its make and model and other relevant considerations, the Authority may, by

notification in the official Gazette, specify in relation to each make and model of a transport vehicle the maximum safe laden weight of such vehicles and the maximum safe weight of each axle of such vehicle.

(2) The registering authority, when registering transport vehicle, 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 tyres attached to each wheel;
 - (c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axle thereof; and
 - (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.
- and the owner of the vehicle, shall have the same particulars of registration and the registered address of the owner exhibited in the prescribed manner on the vehicle.

(3) There shall not be entered in the certificate of registration of any such vehicle any laden weight of vehicle or a registered axle weight of any of its axle different from that specified in the notification under sub-section (1) and in relation to the make and model of the vehicle and to the number, nature, and size of tyres attached to its wheels ;
Provided that where it appears to the Authority that heavier or lighter weights than those specified in the notifications under sub-section (1) may be permitted in a particular locality for vehicle of a particular type, the Authority may by order in the official Gazette; direct that the provisions of this sub-section shall apply with each modifications as may be specified in the order.

(4) When by reason of any alteration in such vehicle including an alteration in the number, nature or size of it tyres, the registered laden weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (3), the provisions of section 42 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weight which accords with the said sub-section.

(5) In order that registered weight entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of sub-section (3), the registering authority may require the owners of transport vehicle in accordance with such producers as may be prescribed to produce the certificate of registration within such time as may be specified by the registering authority.

(6) Till such time the notification under sub-section (1) is issued the maximum safe laden weight of a transport vehicle and the maximum safe axle weight in respect of any of its axle may, however, be calculated in accordance with the Seventh Schedule.

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 demand 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 reasons in writing for such refusal.

(2) The Authority may take 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.

(5) Any token or card surrendered under sub-section (4) shall be returned to the owner when a fresh certificate of fitness has been obtained.

(6) A Certificate of fitness issued under this Ordinance shall, while it remains effective, be valid throughout Bangladesh unless otherwise specified by the issuing authority.

48. Registration of vehicles, the property of the Defence Services - (1) The authority specified in Part B of the Fourth Schedule may register any motor vehicle which is the property or for the time being under the exclusive control of the Defence Services; and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Defence Services, require to be registered otherwise under this Ordinance.

(2) A motor vehicle registered under this section unless otherwise prescribed shall carry a certificate of fitness in Form J as set forth in the First Schedule issued by the authority referred to in sub-section (1).

(3) An authority registering a vehicle under sub-section (1) shall assign a registration mark in accordance with the provisions contained in the Fourth Schedule 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 Defence Service, the provisions of section 33 shall thereupon apply.

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

49. Application of Chapter IV to trailer - (1) The registration mark assigned to a trailer shall be displayed in the prescribed manner on the side of the vehicle.

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

50. Power to make regulations - (1) The Authority may make regulations for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generally of the foregoing power, such regulations may provide for -

(a) 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.

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities and authorities for the supervision of the business of the registering authorities.

(c) the issue of certificate of registration and the certificate of fitness and duplicate of such certificates to replace the certificates lost, destroyed or mutilated;

(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;

(e) the manner in which registration marks and the particulars referred to in sub-section (2)

of section 46, and other prescribed particulars shall be exhibited.

(f) the fees to be charged for the issue or alteration of certificate of registration for making or canceling an endorsement in respect of an agreement of hire purchase or hypothecation on a certificate of registration, for certificate of fitness, for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees;

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

(h) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter;

(i) the communication between registering authorities of particulars of certificate of registration and by owners of vehicles registered outside Bangladesh of particulars of such vehicles and of their registration;

(j) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement;

(k) the extension of the validity of certificate of fitness pending consideration of applications for their renewal;

(l) the exemption from the provisions of this Chapter, and the condition and fees for exemption, of motor vehicles in the possession of dealers;

(m) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleansing of roads from all or any of the provisions of this Chapter and the regulations made thereunder, and the conditions governing such exemption, and the conditions subject to which the provisions of section 47 shall apply to the classes of motor vehicles other than transport vehicles;

(n) any other matter which is to be or may be prescribed.