

MOTOR VEHICLES (WEST BENGAL AMENDMENT) ACT, 1978**26 of 1978****[24th July, 1978]**

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MOTOR VEHICLES (WEST BENGAL AMENDMENT) ACT, 1978**26 of 1978****[24th July, 1978]**

An Act to amend the Motor Vehicles Act, 1939, in its application to West Bengal. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows:-

1. Short title :-

This Act may be called the Motor Vehicles (West Bengal Amendment) Act, 1978.

2. Application of the Act :-

The Motor Vehicles Act, 1939 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Amendment of section 46 of Act 4 of 1939 :-

In section 46 of the said Act, after clause (e), the following clause shall be inserted, namely: "(ee) such particulars as may be applicable to the applicant with respect to matters referred to in the provisos to sub-section (1) of section 47;"

4. Amendment of section 47 :-

In section 47 of the said Act, for the proviso to sub-section (1), the

following provisos shall be substituted, namely:

"Provided that other conditions being equal, an application for a stage carriage permit from a partnership firm or a private limited company or a public limited company or a co-operative society registered or deemed to have been registered under any enactment in force for the time being or a group of individuals shall, as far as may be, given preference over applications from individual owners if the group of individuals consists of not less than four persons or the partnership firm, private limited company, public limited company or co-operative society consists of not less than four partners, shareholders or members, as the case may be, and one of such persons or partners, shareholders * Assent of the President first published in the Calcutta Gazette. Extraordinary, dated the 24th July, 1978. or members is a driver and holds an effective driving licence of a stage carriage and another is a conductor holding an effective conductor's licence to act as a conductor of a stage carriage; and such group of individuals or partnership firm or private limited company or public limited company or co-operative society shall be eligible to get permit for one stage carriage:

Provided further that other conditions being equal, a group of individuals consisting of not less than nine persons or a partnership firm or a private limited company or a public limited company or a co-operative society having not less than nine partners, shareholders or members, as the case may be, shall be eligible to get permits for two stage carriages if three of such persons or partners, shareholders or members are drivers and hold effective driving licence to drive a stage carriage and two are conductors holding effective conductor's licence to act as conductor of a state carriage."

5. Amendment of section 54 :-

In section 54 of the said Act, for clause (f), the following clause shall be substituted, namely: "(f) such particulars as may be applicable to the applicant with respect to matters referred to in the provisos to sub-section (1) of section 55;"

6. Amendment of section 55 :-

In section 55 of the said Act, for the proviso to sub-section (1), the following provisos shall be substituted, namely:

"Provided that other conditions being equal, an application for a public carrier's permit from a partnership firm or a private limited

company or a public limited company or a co-operative society registered or deemed to have been registered under any enactment in force for the time being or a group of individuals shall, as far as may be, be given preference over applications from individual owners if the group of individuals consists of not less than four persons or the partnership firm, private limited company, public limited company or co-operative society consists of not less than four partners, shareholders or members, as the case may be, and one of such persons or partners, shareholders or members is a driver holding an effective driving licence to drive a transport vehicle of a public carrier; and such group of individuals or partnership firm or private limited company or public limited company or co-operative society shall be eligible for a permit for one transport vehicle of a public carrier:

Provided further that other conditions being equal, a group of individuals consisting of not less than nine persons or a partnership firm or a private limited company or a public limited company or a co-operative society having not less than nine partners, shareholders or members, as the case may be, shall be eligible to get permits for two transport vehicles of a public carrier if three of such persons or partners, shareholders or members are drivers and hold effective driving licence to drive a transport vehicle of a public carrier.".