
**MOTOR VEHICLES (WEST BENGAL SECOND AMENDMENT)
ACT, 1984**

22 of 1984

[18th July, 1984]

CONTENTS

1. Short title and commencement
2. Application of the Act
3. Insertion of new section 23A in Act 4 of 1939

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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 and commencement :-

(1) This Act may be called the Motor Vehicles (West Bengal Second Amendment) Act, 1984.

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

2. Application of the Act :-

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

3. Insertion of new section 23A in Act 4 of 1939 :-

After section 23 of the principal Act, the following section shall be inserted : "23A. Registration of motor vehicle owned or engaged by motor transport undertaking.

(1) Subject to the provisions of section 23, a motor transport undertaking as defined in clause (g) of section 2 of the Motor Transport Workers Act, 1961, which owns a motor vehicle, or where such motor transport undertaking engages a motor vehicle, not owned by it, in carrying passengers or goods or both by road for hire or reward, the owner of such motor vehicle, shall be required to produce before the registering authority, prior to the registration or renewal of registration of the motor vehicle under this Act or the rules made thereunder, as the case may be, the certificate of registration of such motor transport undertaking issued under sub-section (3) of section 3 of the Motor Transport Workers Act, 1961.

(2) No motor vehicle as aforesaid shall be registered and no registration of such motor vehicle shall be renewed under this Act or the rules Assent of the President first published in the Calcutta Gazette. Extraordinary, dated the 18th July, 1984. thereunder, as the case may be, unless the registering authority is satisfied that the motor transport undertaking concerned has been duly registered under the Motor Transport Workers Act, 1961.

(3) Where a certificate of registration or renewal of registration of a motor vehicle owned or engaged by a motor transport undertaking has been issued by registering authority under this Act or the rules made thereunder, as the case may be, before the coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984, the registering authority shall, notwithstanding anything contained in this Act or the rules made thereunder, cancel such certificate within a period of three months from the date of coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984:

Provided that no such certificate shall be cancelled

(a) if the motor transport undertaking owning or engaging the motor vehicle is duly registered under the Motor Transport Workers Act, 1961 before the coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984 or within the period of three months from the date of coming into force of that Act, or

(b) without giving the motor transport undertaking owning the motor vehicle, or where the motor transport undertaking engages the motor vehicle, not owned by it, the owner of the motor vehicle, an opportunity of producing before the registering authority the certificate of registration of the motor transport undertaking, Tissued under sub-section (3) of section 3 of the Motor Transport

Workers Act, 1961, within such period, not exceeding three months from the date of coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984, as may be specified by the registering authority in a notice to be published in such manner as may be prescribed."