

The Motor Vehicles (West Bengal Second Amendment) Act, 1978

WEST BENGAL

India

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Act 74 of 1978

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The Motor Vehicles (West Bengal Second Amendment) Act, 1978 West Bengal Act 74 of 1978 [25th September, 1979.] Assent of the President first published in the Calcutta Gazette. Extraordinary. dated the 25th September. 1979. An Act to amend the Motor Vehicles Act, 1939, in its application to West Bengal. Whereas it is expedient to amend 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 Second 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 47 of Act 4 of 1939. -

In section 47 of the said Act, in sub-section (1),-(a) in clause (f), for the words "or area;", the words "or area;" shall be substituted; (b) the words beginning with "and shall also take into consideration" -and ending with "route or area lies:" shall be omitted.

4. Amendment of section 48. -

In sub-section (3) of section 48 of the said Act, for clause (xxi), the following clause shall be substituted:- "(xxi) that the Regional Transport Authority may, after giving notice of not less than one month, -(a) vary the conditions of the permit, subject to the limitation that, in no case, the

distance covered by the original route shall be altered by more than 24 kilometres whether or not any such condition has been specified in the permit in pursuance of clause (i),(b)attach to the permit further conditions."

5. Amendment of section 57. -

In section 57 of the said Act,-(a)after sub-section (1), the following sub-section shall be inserted:-(IA) An application for a stage carriage permit shall be made by such date as may be appointed by the Regional Transport Authority for receipt of such applications.";(b)in sub-section (2), the words "a stage carriage permit or" shall be omitted;(c)in the proviso to sub-section (3), for the words, brackets and figures "sub-section (3) of section 47 or sub-section (2) of section 55, as the case may be," the words, brackets and figures "sub-section (2) of section 55," shall be substituted;(d)sub-section (8) shall be omitted.

6. Amendment of section 60. -

In section 60 of the said Act,-(a)in sub-section (1), after the existing proviso, the following further provisos shall be inserted:-"Provided further that where a transport authority suspends a permit it shall not be necessary to give to the holder its reasons for the action taken:Provided also that the suspension of a permit on any of the grounds mentioned in clauses (a) to (f) shall not be deemed to be a penalty.";(b)in sub-section (2), the words "or suspends" shall be omitted.

7. Amendment of section 62. -

In sub-section (1) of section 62 of the said Act,-(a)after the words "laid down in", the words and figures "section 47 and" shall be inserted;(b)after the second proviso, the following further proviso shall be added:-"Provided also that an application for the grant of a temporary permit for a stage carriage shall be made by such date as may be appointed by the Regional Transport Authority for receipt of such applications."