

The Motor Vehicles (West Bengal Second Amendment) Act, 1967

WEST BENGAL

India

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Act 14 of 1967

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The Motor Vehicles (West Bengal Second Amendment) Act, 1967 West Bengal Act 14 of 1967 [2nd June, 1967.] Assent of the President was first published in the Calcutta Gazette, Extraordinary, dated the 2nd June, 1967. 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 Second Amendment) Act, 1967.

2. Application. -

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. Insertion of new section 31A in Act 4 of 1939. -

After section 31 of the said Act, the following section shall be inserted, namely:—"31A. Special provisions regarding motor vehicles subject to hire purchase or hypothecation 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 existence of the said agreement. (2) Where any registered owner of a motor vehicle enters into a hire purchase agreement and reports the transfer of ownership of the motor car to the registering authority and makes an application to it to have the existence of the hire-purchase agreement entered in the certificate, the registering authority shall make an entry to that effect in the certificate of registration. (3) An entry made under sub-section (1) or sub-section (2) may be

cancelled by the registering authority on proof of the termination of the hire-purchase agreement.(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 with whom the registered owner has entered into a hire-purchase agreement.(5)Where any person with whom the registered owner has entered into a 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 representation 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 which is subject to hypothecation as they apply to any motor vehicle which is held under a hire-purchase agreement."

4. Amendment of section 41. -

In clause (f) of sub-section (2) of section 41 of the said Act, after the words "alteration of certificates of registration," the words "for making or cancelling an endorsement in respect of an agreement of hire-purchase or hypothecation on a certificate of registration," shall be inserted.

5. Amendment of the First Schedule. -

In the First Schedule to the said Act,-(a)in Form E, for the existing Note, the following Note shall be substituted, namely:-"Note.- The motor vehicle above described is-(i)subject to a hire-purchase agreement with....;(ii)subject to a hypothecation in favour of ;(iii)not held under hire-purchase agreement or subject to any mortgage.(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be).";(b)in Form G, for the existing Note, the following Note shall be substituted, namely:-"Note.- The motor vehicle above described is-(i)subject to a hire-purchase agreement with.....;(ii)subject to a hypothecation in favour of.....".