



THE ISLAMABAD REAL ESTATE AGENTS AND MOTOR VEHICLES DEALERS (REGULATION OF BUSINESS) ORDINANCE, 1984



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THE PAKISTAN CODE

THE ISLAMABAD REAL ESTATE AGENTS AND MOTOR VEHICLES DEALERS (REGULATION OF BUSINESS) ORDINANCE, 1984

ORDINANCE No. XIII OF 1984

[10th April, 1984]

An Ordinance to regulate the business of real estate agents and motor vehicles dealers in the Islamabad Capital Territory.

WHEREAS it is expedient to regulate the business of real estate agents and motor vehicles dealers in the Islamabad Capital Territory ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary totake immediate action;

NOW THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the president is pleased to make and progulgate the following Ordinance:

1. Short title, extent and commencement. (1) This Ordinance may be called the Islamabad Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Ordinance, 1984.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “motor vehicle” mean any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a tractor, a trailer and a chassis to which a body has not been attached ;
- (b) “motor vehicles dealer” means a person who arranges or negotiates any transaction of sale, exchange transfer or pledge of a motor vehicle in consideration of some commission or other remuneration in cash or otherwise or who deals in sale or purchase of motor vehicles ;
- (c) “prescribed” means prescribed by rules ;
- (d) “real estate” means immovable property ;
- (e) “real estate agent” means a person who arranges or negotiates any transaction of sale, exchange, lease or tenancy of real estate in consideration of some commission or other remuneration in cash or otherwise ;
- (f) “registering authority” means the District Excise and Taxation Officer, Islamabad or any other officer authorised by the Federal Government to exercise the powers of registering authority under this Ordinance ; and

(g) “rules” means rules made under this Ordinance.

3. Prohibition of business without registration. (1) No person shall engage in or carry on the business of a real estate agent or a motor vehicles dealer unless he is registered with the registering authority and holds a valid certificate of registration issued by such authority:

Provided that this sub-section shall not apply to any person who was carrying on the business of a real estate agent or a motor vehicles dealer immediately before the date of commencement of this Ordinance until the expiration of a period of thirty days from the date on which the rules come into force.

(2) A person referred to in the proviso to sub-section (1) who desires to carry on the business of a real estate agent or, as the case may be, motor vehicles dealer after the commencement of this Ordinance shall apply for a certificate of registration within a period of thirty days from the date on which the rules come into force.

(3) If any person referred to in the proviso to sub-section (1) continues to carry on his business after the expiration of the period specified in sub-section (2) and fails to apply for a certificate of registration as required by that sub-section, the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for grant of a certificate of registration on payment by him of a penalty not exceeding five hundred rupees if the application is made within a period of three months from the date on which the rules come into force and a penalty not exceeding one thousand rupees if the application is made within a period exceeding three months but not exceeding six months from the said date.

4. Certain persons not to be registered. No person shall be registered as a real estate agent or a motor vehicles dealer if he—

(a) is a minor ; or

(b) is found to be of unsound mind by a Court of competent jurisdiction; or

(c) is a declared insolvent; or

(d) has been, on conviction for an offence of criminal mis-appropriation or criminal breach of trust or cheating or any other offence involving moral turpitude, or an abetment of or attempt to commit any such offence, sentenced to imprisonment, unless a period of three years has elapsed since his release.

5. Procedure for registration. (1) A person who wishes to obtain a certificate of registration to engage in or carry on the business of a real estate agent or a motor vehicles dealer shall make an application to the registering authority concerned in such form and manner and on payment of such fee, not exceeding two thousand rupees, and furnishing of such security as may be prescribed.

(2) The registering authority, on being satisfied that the applicant has fulfilled all the requirements and does not suffer from any of the disqualifications laid down in section 4, shall register him as a real estate agent or a motor vehicles dealer, as the case may be, and grant him a certificate in the prescribed form.

6. Renewal of registration. (1) A certificate of registration issued under section 5 shall be valid for a period of one year and shall be renewable from year to year.

(2) A real estate agent or a motor vehicles dealer who wishes to get his certificate of registration renewed shall, not less than thirty days preceding the date on which the validity of the certificate is due to expire, apply to the registering authority in such form and manner and on payment of such fee, not exceeding one thousand rupees, as may be prescribed.

(3) The registering authority, on being satisfied that the applicant has fulfilled all the requirements and does not suffer from any of the disqualifications laid down in section 4, shall grant a certificate of renewal of registration in the prescribed form.

(4) If a real estate agent or a motor vehicles dealer fails to apply for the renewal of his certificate of registration in accordance with sub-section (2) and continues to carry on his business after the date on which the validity of his certificate of registration expires, the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for renewal of the certificate on payment by him of a penalty not exceeding two hundred and fifty rupees if the application is made within one month of the date on which the validity of the certificate expires and a penalty not exceeding five hundred rupees if the application is made within a period exceeding one month but not exceeding three months from the said date.

7. Fixation of commission. The Federal Government may prescribe the maximum rate of commission or remuneration which a real estate agent or a motor vehicles dealer may charge on any transaction arranged or negotiated by him.

8. Maintenance of record and accounts, etc. (1) A real estate agent and a motor vehicle dealer shall maintain such accounts and other record of the transactions arranged, negotiated or made by him and in such manner as may be prescribed

(2) A real estate agent and a motor vehicles dealer shall, as and when required to do so, produce the accounts and other record maintained by him under sub-section (1) before such officer or authority as may be prescribed and shall also supply such information and in such form and within such time as may be required by the said officer or authority.

9. Power to enter and examine books, etc. (1) The registering authority or an officer, not below the rank of an Inspector, Excise and Taxation, authorised by him may enter any place of business or office of a real estate agent or motor vehicles dealer at any reasonable time in order to satisfy himself that the provisions of this Ordinance and the rules are being complied with, and may call for and inspect any books of accounts or documents kept in such place.

(2) If any person prevents the registering authority or an officer authorised under sub-section (1) from entering the place of business or office or from examining the books or documents, or obstructs him in the exercise of those powers, he shall be punishable with fine which may extend to two thousand rupees.

10. Cancellation and suspension of registration. (1) If the registering authority is satisfied that a real estate agent or motor vehicles dealer has committed any breach of the conditions of the certificate of registration granted to him or—

- (a) maintained or produced before the prescribed officer or authority an incorrect

- account of any transaction negotiated or arranged by him ;
- (b) negotiated or arranged a transaction in respect of a real estate or motor vehicle knowing that there was a defect in the title of the real estate or motor vehicle ;
or
 - (c) charged commission or remuneration in excess of the maximum rates prescribed,

The registering authority may, by order in writing cancel or suspend the certificate of registration for such period, not exceeding three months, as may be specified in the order:

Provided that, if such agent or dealer subsequently commits any breach of the conditions of the certificate of registration or does any act as aforesaid, the period for which the certificate is suspended may extend to six months:

Provided further that no such order shall be passed unless such agent or dealer has been given not less than seven days notice to show cause against it.

(2) Any person aggrieved by an order passed under sub-section (1) may, within thirty days of the passing of the order, prefer an appeal to the Administrator, Islamabad Capital Territory, whose decision shall be final, ¹ [:]

¹ [Provided that no orders on such appeal shall be passed unless the appellant has been given an opportunity of being heard.]

11. Penalties, etc. (1) Whoever contravenes any of the provisions of this Ordinance shall without prejudice to any other action that may be taken against him under this Ordinance, be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) No Court shall take cognizance of an offence punishable under this Ordinance except on a complaint in writing made by the registering authority

12. Powers to make rules. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance

(2) The rules may provide that any contravention of, or failure to comply with, any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

¹ Subs. and added by Act II of 1989, s. 2.