

Government of Pakistan
Pakistan Environmental Protection Agency
(Ministry of Climate Change)
Islamabad

NOTIFICATION

Islamabad, the ----- of February, 2016

S.R.O ()/2015.- In exercise of the powers conferred under Section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with clause (xxix) of section 2 thereof, the Federal Agency, is pleased to make the following Regulations;

1. Short title and commencement. - (1) These regulations may be called as the “Pakistan Environmental Protection Motor Vehicle Regulations 2016”.

(2) They shall come into force at once.

(3) They shall be applicable within the jurisdiction of Federal Government.

2. Definitions. - (1)in these regulations.-

(a) “Act” means the Pakistan Environmental Protection Act- 1997(XXXIV of 1997);

(b) “administrative penalty” means a penalty provided under sub subsection (7) of section 17 of the Act;

(c) “authorized officer” means an officer of the Pakistan Environmental Protection Agency or Pak EPA authorized by the Director General for taking action under sections 15 of the Act to regulate motor vehicles;

(d) “complaint” means a statement of allegations made in writing to the Environmental Magistrate for purposes of action under these Regulations;

(e) “direction” means a direction issued in writing by the authorized officer to the owner of a motor vehicle to install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be mentioned in the direction slip specified in Schedule-I;

(f) “offence” means an act or omission constituting contravention of section 15 of the Act or noncompliance of any order or direction passed or issued under these regulations by the Pak-EPA or an authorized officer; and

(g) “owner” includes a driver, contractor, operator or occupant of a motor vehicle.

(2) All other words and expressions used in these regulations, but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Prohibition. - A person shall not operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the National Environmental Quality Standards (NEQS) for vehicular emissions or where applicable the standards established under clause (g) of subsection (1) of section 6 of the Act.

4. Enforcement Procedure. - (1)The authorized officer may inspect, examine or check any motor vehicle or class of motor vehicles at any time in his area of jurisdiction.

(2) The authorized officer shall examine a motor vehicle through calibrated instruments for compliance of NEQS notified for vehicular emissions, exhaust,

noise, vibration and smoke, in the presence of owner of the motor vehicle at the spot to determine air pollutants.

(3) If a motor vehicle does not conform to NEQS, the officer shall issue directions in terms of subsection (2) of section 15 of the Act to the owner of the motor vehicle.

(4) The authorized officer shall mention a date, not more than seven days, and the site, for re-inspection of the motor vehicle in order to verify the compliance of the direction.

(5) The authorized officer may retain in custody the original registration book, driving license or Computerized National Identity Card (CNIC) of the owner of the motor vehicle in his safe custody and shall enter the particulars of the retained documents on the direction slip.

(6) The authorized officer shall be responsible for the quality and quantity and safe custody of the retained documents and shall produce them in the court of environmental magistrate, as and when it is required.

(7) The authorized officer may be in proper uniform notified by the Government and in the performance of functions under these regulations he may use revolving green lights on the duty vehicle and may seek help of local or traffic police, transport authorities or district administration.

(8) The authorized officer shall maintain daily diary register containing the details of the motor vehicles inspected, particulars of owners along with instruments used in determining air pollutants, violations or noise, for inspection and collecting evidence.

(9) The authorized officer shall verify compliance of the directions given to the owner of a motor vehicle and if the direction is:

(a) comply with, he shall make an inventory of the compliance of the direction and shall return the retained document to the owner of the motor vehicle or any other person legally entitled to the document; or
(b) not comply with, he shall make inventory of all the retained documents as specified in Schedule-II and may impose administrative penalty on the owner of the motor vehicle under the Administrative Penalty Rules or may file a complaint against the owner of the motor vehicle before the Environmental Magistrate.

(10) The authorized officer shall treat the issuance of direction slip as fulfillment of the condition of show cause notice under these Regulations.

5. Impounding of motor vehicles. - (1) The authorized officer may impound, with the help of local Police, the motor vehicle which is being operated in contravention of these regulations after the days mentioned on the direction slip or even after the imposition of administrative penalty.

(2) The impounded motor vehicle shall cease to operate till compliance of the direction under subsection (2) of section 15 of the Act and the authorized officer shall hand over the vehicle to the local police station through officer in-charge of the police station against an inventory of articles and an application by the authorized officer, which shall be reflected in rapt register of the Police Station.

(3) The Environmental Magistrate may, subject to conditions as the Magistrate may direct that the motor vehicle may be delivered to the owner.

6. Completion of trial. - The Environmental Magistrate shall conclude the proceedings initiated under these regulations within thirty days and copies of the final order shall be sent to the Director General and the authorized officer who had submitted the complaint.

7. Deposit of fine. - (1) The owner shall deposit the fine imposed by the Environmental Magistrate or as an administrative penalty in a designated head of accounts notified by the Government.

(2) The authorized officer shall maintain the record of fine and shall submit a consolidated report thereof to the Director General on weekly basis.

Schedule-I
(See Rule-2(E))
(Directions Slip)

(Action under Section 15 of the Pakistan Environmental Protection Act-1997)

1. Book No. _____ Issue No. _____

2. Concerned Police Station _____

3. Date/time & site of inspection _____

5. Name with complete address of Owner, Driver, and Operator, Contractor or proprietor of the motor vehicle;

6. Category of Motor Vehicle _____

7. Standards notified by the Government to regulate motor vehicles U/S 15(1)

8. Nature of offense made out during inspection

9. Directions U/S 15 (2)

10. Date/time & place of re-inspection to verify compliance of the direction U/S 15(2)

List of documents taken into custody by the inspecting officer _____

Note:

11. In case of noncompliance of the direction given U/S 15(2) the accused motor vehicle shall proceed against U/S 17 of the Act.

12. Signature of Driver/Owner _____ CNIC NO. _____

Name, designation of Authorized officer

Stamp/Date

Schedule-II
(See Rule-9 (B))

(List of documents or inventory required for legal proceedings)

- Detail of Instruments used in inspection of Motor Vehicle.
- Detail description of procedure used for testing emissions or air pollutants or noise or vibration.
- Clear cut report about compliance or non-compliance of the Standards.
- Detail of Direction given U/S 15(2).
- Details of possessed documents.
- Findings of Re-inspections and status of compliance of the Directions
- Status of earlier violations by the motor vehicle, earlier penalty or fine imposed or action taken against.
- List of witnesses at site in whose presence inspection & testing was done.
- Name & signature of inspector with official stamp.

Verification & endorsement of Authorized Officer name & signature/official stamp/ date

(M. Fahim Riaz Khan)
Director (Legal/Enf.)