

**THE WEST PAKISTAN TOLLS ON ROADS AND BRIDGES ORDINANCE,
1962.**

(W. P. ORD NO. VIII OF 1962)

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**THE WEST PAKISTAN TOLLS ON ROADS AND BRIDGES ORDINANCE,
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(W. P. ORD NO. VIII OF 1962)

[12th April, 1962].

**AN
ORDINANCE**

to amend and consolidate the law relating to the levy of tolls on public roads and bridges in the Province of West Pakistan.

WHEREAS it is expedient to amend and consolidate the law relating to the levy of tolls on public roads and bridges in the Province of West Pakistan; Preamble.

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan, in exercise of all powers enabling him in that behalf, is pleased to make and promulgate the following Ordinance: —

1. (1) This Ordinance may be called the West Pakistan Tolls on Roads and Bridges Ordinance, 1962. Short title and extent.

(2) It extends to the whole of the ¹[Province of Khyber Pakhtunkhwa except the Tribal Areas].

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say— Definitions.

(a) "Government" means the Government of ²[Province of Khyber Pakhtunkhwa; and

(b) "toll" means a charge levied under this Ordinance for the use of a road or bridge.

3. Government may cause tolls to be levied ³ on all persons, animals, vehicles or other things using, crossing or passing over any road or bridge vesting in it or which may here after vest in it at such rates as it may notify in the official Gazette; Government may levy tools.

¹.In section-1, in sub-section (2) the words "Province of West Pakistan, "except Special Areas", the words "North-West Frontier Province except the tribal areas subs, by Khyber Pakhtunkhwa. Adaptation of laws Order, 1975 and then the words "Khyber Pakhtunkhwa" substituted vide Khyber Pakhtunkhwa Act No.IV of 2011.

². In section-2 clause (2) the words "West Pakistan" the words "North-West Frontier Province subs. by Khyber Pakhtunkhwa Adaptation of laws Order, 1975 and then the words"Khyber Pakhtunkhwa" substituted vide Khyber Pakhtunkhwa Act No.IV of 2011.

³. See Gazette of West Pakistan 1962. Pt I, P. 884.

Provided that Government may declare any person or any class or classes of persons, animals, vehicles, or other things to be exempted ¹ from the payment of such tolls.

4. When the rates of tolls to be levied upon any bridge or road have been notified, Government may set up or cause to be set up at or near such bridge or road, toll gates or stations for the collection of tolls. Power of Government to set up toll gates and stations.

5. A table of the tolls authorized to be taken at any toll gate or station set up under section 4, legibly written or printed, shall be affixed to some conspicuous place in or near such toll gate or station. Table of tolls to be affixed to or near toll gates, etc.

6. Government may place the collection of tolls leviable under this Ordinance under the management of such person as may appear to it proper. Collection of tolls.

7. (1) Government may, from time to time, lease out the tolls of a bridge or road, by public auction or private contract for any period not exceeding five years, on such terms and conditions, as Government may consider desirable. Toll may be leased.

(2) When the tolls are put up to auction, the officer conducting the auction may, for reasons to be recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from the auction.

(3) The acceptance of any bid at an auction conducted under the provisions of sub-section (2) by the officer conducting the auction shall be subject to confirmation by Government.

(4) All arrears due from the lessee on account of the lease of the tolls may be recovered from him or from his surety, if any, as if they were arrears of land revenue.

8. (1) Government may cancel the lease of the tolls on any bridge or road on the expiration of three months' notice in writing to the lessee of its intention to do so. Power of Government to cancel a lease.

(2) When any lease is cancelled under sub-section (1), Government shall pay to the lessee such compensation for the un-expired period of the lease as the Collector may award.

(3) Any party dissatisfied with the award of the Collector given under sub-section (2), may, within thirty days of the date of such award, appeal to the Commissioner, whose decision shall be final.

9. The lessee of the tolls of any bridge or road may surrender his lease on the expiration of one month's notice in writing to Government of his intention to do so, Lessee may surrender lease.

¹. See Gazette of West Pakistan 1962. Pt. I, pages 884-885.

on payment of such compensation as Government may direct.

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| <p>10. Any person entrusted with the management of the collection of tolls under this Ordinance may, for a period not exceeding one year, or where the tolls on any bridge or road have been let under section 7, the lessee of such tolls may, for the period of lease or any shorter period compound for the tolls payable for passage over such bridge or road.</p> | <p>Tolls may be compounded.</p> |
| <p>11. Every person employed in the management of tolls levied under this Ordinance shall be subject to the same responsibilities as would lie on him if employed in the collection of land revenue.</p> | <p>Liabilities of persons employed in the management of tolls.</p> |
| <p>12. When the tolls on any bridge or road have been duly leased under section 7, the lessee, and every person employed by the lessee; as his agent for collecting the tolls, shall be deemed to be persons appointed to collect tolls under this Ordinance, and shall exercise all powers and be subject to all responsibilities attaching to persons appointed to collect tolls under this Ordinance.</p> | <p>Lessee and his agents deemed to be persons appointed to collect tolls.</p> |
| <p>13. Whoever—</p> <ul style="list-style-type: none"> (a) while crossing or passing over any bridge or road on which tolls are levied, refuses to pay the proper toll; or (b) with intent to avoid payment of such tolls, fraudulently or forcibly crosses such bridge or passes over such road without paying the toll; or (c) obstructs any toll-collector or lessee or any of his assistants or agents in any way in the execution of their duty under this Ordinance; shall be punished with fine which may extend to two hundred rupees; | <p>Penalty for refusal to pay tolls etc.</p> |
| <p>14. Whoever—</p> <ul style="list-style-type: none"> (i) not being appointed to collect tolls under this Ordinance, levies or demands any toll on any public road or bridge; or (ii) unlawfully and extortionately demands or takes any other or higher toll than the lawful toll; or (iii) under colour of this Ordinance seizes or sells any property, knowing such seizure or sale to be unlawful, or (iv) in any manner unlawfully extorts money or any valuable thing from any person under colour of this Ordinance; shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred rupees, or both. | <p>Penalty for unlawful levy of tolls or doing unlawful acts under colour of the Ordinance.</p> |

15. Without prejudice to any other penalty that may be imposed under this Ordinance in case of non-payment of any toll on demand, or the officer appointed to collect the same may seize any of the vehicle or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll, and, if any toll, together with the cost arising from such seizure, remains discharged for twenty-four hours, the case shall be brought before the officer appointed to superintend the collection of the tolls, who shall thereupon issue a notice that on the afternoon of the next day, exclusive of Sunday and any closed holiday, he shall sell such property by auction and at the time specified in such notice he may sell the property seized for the discharge of the toll, and all expenses occasioned by such non-payment, seizure and sale:

Powers of toll collector to seize vehicles, animals, etc. for non-payment of tolls.

Provided that if at any time before the sale has actually begun, the person whose property has been seized tenders the amount of all expenses incurred, and double the toll payable by him, the property seized shall forth with be released.

16. Every police officer shall be bound to assist atoll-collector, when required, in the discharge of his duties under this Ordinance, and for that purpose shall have the same powers as he possesses in the exercise of his ordinary police duties.

Police officers to assist toll collectors.

17. No proceeding shall lie in any Court in respect of the amount of compensation payable under section 8 or 9 or the abatement of any rent or lease money payable under this Ordinance.

Jurisdiction of Courts barred.

18. Government may delegate any of its powers and functions under this Ordinance to any local authority or officer subordinate to it.

Power of Government to delegate its powers.

19. Government may after previous publication, make rules for the purpose of carrying into effect the provisions of this Ordinance.

Power to make rules.

19. Government may after previous publication, make rules for the purpose of carrying into effect the provisions of this Ordinance.

Power to make rules.

20. (1)The Tolls on Roads and Bridges Act, 1875 hereinafter referred to as the said Act, is hereby repealed.

Repeal and savings.

(2) Notwithstanding the repeal of the said Act, everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or parson authorized, jurisdiction or powers, conferred, rule made, notification issued or-lease granted under the provisions of the said Act shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed authorized, conferred, made, issued or granted under this Ordinance.