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LAW DEPARTMENT

NOTIFICATION

The 23rd May 1959

No. Leg. 3 (32)/59—The following Ordinance by the Governor of West Pakistan is hereby published for general information :—

THE WEST PAKISTAN HIGHWAYS ORDINANCE, 1959.

WEST PAKISTAN ORDINANCE No. XXXII OF 1959.

AN

ORDINANCE

*to consolidate and amend the law relating to highways
in the Province of West Pakistan.*

WHEREAS it is expedient to consolidate and amend ^{Presamb} the law relating to highways in the Province of West Pakistan;

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

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the West ^{Short title} Pakistan Highways Ordinance, 1959. ^{and extent.}

(2) It shall extend to the whole of the Province of West Pakistan except the Federal Capital and the Special Areas.

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

(a) "animal" includes any elephant, camel, horse, ass, mule and cattle ;

- (b) "Government" means the Government of West Pakistan ;
- (c) "highway" includes a common and public highway and all roads, carriageways, cartways, streets and lanes, together with any bridgeways, footpaths and pavements adjacent thereto, which have been constructed, or are maintained by Government or any local authority or any other authority empowered in that behalf, and are designed and intended for, or used by, the general public for the passage of vehicles, and shall further include—
- (a) all culverts, bridges and works of every description built on, under or across any highway ;
- (b) all adjacent berms and side drains within the boundaries of any highway;
- (c) all land included within the boundaries of any highway ; and
- (d) all fences, posts and trees on any highway ;
- (d) "prescribed" means prescribed by rules made under this Ordinance ;
- (e) "vehicle" includes any wheeled conveyance drawn, propelled or driven by any kind of power, including human and animal power, but shall not include motor vehicles, unless the latter are expressly included.

CHAPTER II

HIGHWAY AUTHORITIES

Highway Authorities. 3. (1) Government may, by notification, appoint any person or persons to be Highway Authority for a part of a highway or for one or more highways and such authority shall be subject to such conditions and limitations as may be specified in the notification.

(2) Where no Highway Authority is appointed under the last preceding sub-section and the highway is not maintained by Government, the local authority shall be deemed to be Highway Authority in respect of all highways within its jurisdiction.

(3) Government shall be Highway Authority for all highways and all purposes not specifically provided for in the two preceding sub-sections.

4. (1) Government may, by notification, transfer control of any highway from itself as Highway Authority to another Highway Authority, or from another Highway Authority either to itself as Highway Authority or to some other Highway Authority, in regard to such matters dealt with by this Ordinance, and on such conditions, as may be specified in the notification.

Transfer of control from one Highway Authority to another.

(2) As from the date of a notification issued under the last preceding sub-section any contract made prior to such date by or on behalf of the superseded Highway Authority in respect of the highway, and in relation to the functions, of which control is transferred, shall take effect as if it had been made on behalf of the Highway Authority assuming such control.

CHAPTER III

POWERS OF HIGHWAY AUTHORITIES

5. Subject to the other provisions of this Ordinance, a Highway Authority may —

General powers of Highway Authorities.

- (a) lay out or make a highway and do all works necessary thereto, and make necessary provision for the safe and convenient use of such highway by the public, including drainage, lighting and roadside trees ;
- (b) turn, divert or close any highway, or part thereof either temporarily or permanently ;
- (c) widen, alter the level of, improve or repair any existing highway under its control ;
- (d) fix the specification, alignment and point of junction of any access roads connecting a highway with adjoining properties ;
- (e) utilize for any purpose appropriate to its functions, land forming part of a highway which is not actually required for the passage of traffic, and dispose of the natural produce of such land ; and
- (f) regulate the kind, number, and speed of vehicles using any highway or portion thereof by means of barriers, diversion roads, and all other means whatsoever.

Encroach-
ments.

6. (1) A Highway Authority may, with due regard to the safety and convenience of traffic on the highway and subject to such conditions as it may impose, permit any person on payment of such fees as it may fix—

- (a) to place a moveable encroachment on any highway in front of any building owned by him at ground level ;
- (b) to make a moveable structure overhanging a highway ;
- (c) to deposit or cause to be deposited building materials, goods for sale or other articles on any highway ; and
- (d) to set up a stall or scaffolding on any highway.

(2) Any person who does any of the acts enumerated in the last preceding sub-section or sets up any fence, hedge or post on highway without the written permission of the Highway Authority shall be punished with fine which may extend to fifty rupees, and the Highway Authority may, after giving reasonable notice to the offender requiring him to remove the offending structure, fence, hedge, post, deposit, goods, articles, stall or scaffolding, and upon his failing to comply with such notice, within the time specified therein, itself remove, the offending structure, fence, hedge, post, deposit, goods, articles, stall or scaffolding, and may recover the cost as hereinafter provided.

(3) The cost of removal and storage of such materials shall be such sum as may be certified by the Highway Authority to be the actual cost of such removal and storage, and if such sum is not paid in response to a notice of demand accompanied by a copy of the certificate served on the offender either personally or if he be not readily traceable, by affixation at a conspicuous place close to the site of the offence, within such time as is specified in the notice, the Highway Authority may recover the same by sale of the materials removed, and such sum shall also be recoverable as an arrear of land revenue.

Certain
works on
highways.

7. (1) A Highway Authority may carry any cable, wire, pipe, drain, sewer or channel of any kind through, across, under or over any highway under its control, and after giving reasonable notice in writing to the owner or

occupier, into, through, across, under, over or up the side of any land or building situated within the boundaries of such highway, for the purpose of establishing telephonic or other similar communication, or of carrying out and establishing or maintaining any system of lighting, drainage or sewerage or any purpose connected with the upkeep, maintenance or betterment of such highway, and may at all times do all acts and things which may be necessary or expedient for repairing and maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state :

Provided that no nuisance more than is necessarily caused by the proper execution of the work is created by any such operation, and that where damage is done to any land or building which is not owned by the Highway Authority, reasonable compensation shall be paid to the owner or occupier of such property in respect of such damage.

(2) Notwithstanding anything contained in any other law for the time being in force no person or authority shall do any of the following acts, namely:—

- (a) open or break up the surface of any highway;
or
- (b) construct or carry any cable, wire, pipe, drain, sewer or channel of any kind, through, across, under or over any highway ; or
- (c) within the boundaries of any highway, repair or alter or execute any works on, or in relation to, any existing cable, wire, pipe, drain, sewer or channel of any kind, running through, across, under or over such highway ;

unless such person or authority shall have first obtained the consent to the proposed work of the appropriate Highway Authority.

(3) In giving its consent under the last preceding sub-section, a Highway Authority may impose such conditions as it may deem to be necessary and consistent with the performance of its duty as such Highway Authority, and may impose a rent or other charge for any land forming part of the Highway occupied by or applied to the proposed work.

(4) If without the consent of the Highway Authority any person does any act enumerated in sub-section (2) he shall be punished with fine which may extend to one thousand rupees, and the Highway Authority shall give reasonable notice to the offender requiring him to remove the unauthorised works, and restore the highway to its former condition, and upon his failing to comply therewith within a reasonable time, may itself remove the said works and restore the highway as aforesaid, and may recover the cost as hereinafter provided.

(5) The cost of removal of such works, storage of the materials and restoration of the highway shall be such sum as may be certified by the Highway Authority to be the actual cost of such removal, storage and restoration and if such sum is not paid in response to a notice of demand accompanied by a copy of the certificate served personally on the offender or any person empowered to act on his behalf or if this be found to be impracticable then by affixation at a conspicuous place close to the site of the offending works, within such time as is specified in the notice, the Highway Authority may recover the same by sale of the materials removed, and such sum shall also be recoverable as an arrear of land revenue.

(6) If any dispute arises between the Highway Authority and any other authority or person, out of or in relation to the exercise of the powers of such Highway Authority under sub-sections (1), (2) and (3), such dispute shall be referred to arbitration.

Restrictions
on ribbon
development
on certain
highways.

8. (1) As respects all highways which on or after the date of the coming into operation of this Ordinance are maintained by the Provincial Public Works Department or are provincial property maintained by local bodies, the following restrictions shall apply, that is to say, it shall not be lawful without the consent of the Highway Authority :—

(a) to construct or layout any means of access to or from the highway,

(b) to erect any building upon land within two hundred and twenty feet from the middle of the highway.

(2) No restrictions in force under the last precedings sub-section shall apply in relation to—

(a) any building which is used or intended to be used mainly or exclusively for purposes

relating to cultivation of land adjacent there-
to otherwise than as a dwelling house ;

(b) any works begun before the date of the coming
into operation of this Ordinance or any
works carried out in accordance with a per-
mission granted by any competent autho-
rity before that date ;

(c) any highway in respect of which a building line
has been determined in accordance with
section 16.

9. (1) A Highway Authority may, in the manner
provided hereunder, propose to adopt the restrictions
referred to in the last preceding section as respects any
highway to which the said restrictions do not of their own
force apply.

Adoption of
restriction
of section
8 in respect
of other
highways. 7

(2) The proposal shall be notified in the manner pro-
vided in section 13 for the publication of notices of
closure of highways and in such detail as may be pres-
cribed, inviting objections to the proposal to be filed within
a period of thirty days from the date of publication, and
all objections received within such period shall be taken
into consideration by the Highway Authority, which may
modify the proposal, or if it finds that in consequence of
any objection the proposal is impracticable, may abandon
it.

(3) If the Highway Authority decides to proceed
with the proposal it shall forward it, with modifications,
if any, as provided by the last preceding sub-section to
Government; and Government may after such further
enquiry as may be considered necessary reject the pro-
posal or approve it with such further modifications as it
may deem fit to make.

(4) The proposal as finally approved by Government^t
shall be published in the gazette, and from the date of
such publication, the restriction contained in sub-section
(1) of section 8 shall apply to the highway specified in the
proposal.

(5) If a building line is determined under the pro-
visions of section 16 in respect of any highway to which in
accordance with this section, the restrictions contained
in section 8 have been applied, the said restrictions shall
cease to have effect from the date on which such building
line is determined.

Compensation

10. (1) If any person having any interest in land proves that his interest is injuriously affected by the imposition of restrictions by or under the provisions of section 8 or section 9, he shall be entitled to recover from the Highway Authority compensation for any injury or damage to such interest.

Explanation—For the purpose of this section the expression “interest in land” shall mean the interest vested in such person on the day the aforesaid restrictions came into force.

(2) No claim for compensation under the last preceding sub-section for injury or damage shall be entertained unless the claimant furnishes satisfactory proof—

(a) that proposals for development at the date of the claim for compensation are immediately practicable or would have been so if this Ordinance had not been passed; and

(b) that there is a demand for such development.

(3) No compensation shall be payable for any injury or damage in so far as the land is subject to a substantially similar restriction under some other enactment, or where compensation in respect of some substantially similar restriction in force under this or any other enactment has already been paid.

(4) Subject to the other provisions of this section, compensation to be awarded shall be a sum by which the market value of the interest in land is reduced as a result of restrictions imposed under section 8 or section 9.

Construction of access to road buildings on areas subject to restrictions under section 8 or section 9

11. Any person wishing to obtain the consent of the Highway Authority to construct or lay out a means of access to or from or to construct a building within two hundred and twenty feet of the middle of any highway, to which restrictions have been applied by or under section 8 or section 9 shall apply in writing to the Highway Authority and shall furnish with his application such plans and other particulars as may be prescribed and the Highway Authority may refuse to grant the application or may grant the application subject to such conditions as it may deem fit to impose :

Provided that the application shall not be deemed to have been sanctioned by reason that no order refusing it is passed by the Highway Authority despite the lapse of time.

12. When any highway or portion thereof is temporarily closed for repairs or for any other purpose connected with the functions of the Highway Authority under this Ordinance in such manner as to interfere with the passage of traffic, it shall be the duty of the Highway Authority to set up such notices as may be prescribed at each end of the closed portion, and the Highway Authority may also announce the fact by such other means as it may deem proper; and the Highway Authority shall further provide, so far as may be, reasonable means of access to the open portion of the highway from the adjoining areas which have been deprived of access by such closure, as well as a reasonable passage for through traffic, and may, for these purposes, make temporary access or diversion roads through contiguous lands, after giving reasonable notice to the owner thereof and shall pay reasonable compensation for any damage caused to such lands thereby.

Temporary closure of highways.

13. (1) A Highway Authority, intending permanently to close a highway or any portion of a highway shall give notice of its intention, in the gazette, as well as by publication in one or more newspapers circulating in the affected area or by display of notices at conspicuous places in such area, or by both these methods.

Permanent closure of highways.

(2) The notice shall invite objections to the proposed closure within a period of not less than a month from the date of publication.

(3) In arriving at its decision, the Highway Authority shall take all such objections into consideration after making such other enquiries as it may deem necessary to ensure that the proposed closure will not cause inconvenience to the inhabitants of the affected area, on account of lack of alternative means of access to or movement within such area.

(4) Where inconvenience as aforesaid is likely to result, the Highway Authority may nevertheless close the highway provided that it is satisfied that an alternative highway or highways, whether previously existing or newly constructed by itself, will more satisfactorily meet the general requirements of the area than the highway proposed to be closed.

(5) A decision by a Highway Authority to close a highway or portion thereof shall be published in the manner provided for publication of notices under sub-section (1), and within thirty days of the last date of the publication

two or more persons who are aggrieved by such decision, and have obtained the consent in writing of the Advocate-General, may appeal to Government against such decision.

(6) Government shall refer such appeal for decision to a Tribunal which shall be composed of a President who shall be a Judge of the High Court to be nominated by the Chief Justice, and two members to be nominated by Government, one of whom shall be an official of the Public Works Department, Buildings and Roads Branch not below the rank of Executive Engineer, and the other shall be a person who has for at least ten years been an Advocate of a High Court.

(7) The Tribunal shall have all the powers of a Civil Court for the purpose of compelling the attendance of parties and witnesses and the production of documents and subject to rules that may be made in this behalf, the proceedings before the Tribunal shall be conducted, as nearly as may be, in the manner provided by the Code of Civil Procedure, 1908, for the trial of civil suits.

(8) At the conclusion of the proceedings the Tribunal shall report its findings to Government, which shall transmit such report to the Highway Authority with instructions to act in accordance therewith:

Provided that if Government considers that the report requires reconsideration in respect of any matter, it may refer such matter to the Tribunal for further consideration and the Tribunal may, after such further enquiry as it may think fit, modify its finding in respect of such matter or may confirm such finding.

(9) The costs of the proceedings shall be paid in accordance with such direction as may be made in that behalf by the Tribunal, and shall be recoverable as an arrear of land revenue.

(10) When a highway is closed under the provisions of this section, any person who on the date of first publication of a notice under sub-section (1), owned an interest in land or immovable property, and proves that such interest has been directly and injuriously affected by such closure shall be entitled to recover reasonable compensation for such injury from the Highway Authority, and in the event of dispute as to the amount of such compensation, such dispute shall be referred to arbitration.

14. (1) If any interference or damage is caused, by reason of any work on a highway which is done by order of the Highway Authority, to any existing means of access to such highway, or to any existing drain, water channel, pipe, cable (whether overhead or underground), tramway or railway line, then—

Interference or damage resulting from works on highways.

(a) if it be possible, the interference or damage shall be remedied by the restoration of the thing interfered with or damaged, to its previous position and condition at the cost of the Highway Authority ; or

(b) if such restoration be not possible, such thing shall at the cost of the Highway Authority be replaced by another providing as nearly as may be the same facility, provided that if there be appreciable diminution of utility by such substitution, the Highway Authority may pay additional compensation in money; or

(c) if neither restoration nor substitution be possible then reasonable compensation shall be paid to persons interested by the Highway Authority.

(2) Any person aggrieved by the action of the Highway Authority may apply to Government and it shall thereupon refer the dispute for decision by arbitration.

15. (1) A Highway Authority may prohibit or restrict either permanently or temporarily, the taking of any class of vehicles or animals over a highway or any part thereof, if such prohibition or restriction is, in its opinion, necessary for the public safety or convenience, or for any other sufficient reason.

Regulation of classes of vehicles or animals using a highway.

(2) Such prohibition or restriction shall be notified by display of notices at prominent places along the affected highway and where it is intended to be permanent shall also be notified by publication in the gazette and at least in one newspaper circulating in the locality.

CHAPTER IV

IMPROVEMENT OF HIGHWAYS

16. (1) In respect of any such highway specified in section 8, or for which the provisions contained in section 8 have been adopted under section 9, the Highway Authority may determine a building line, along one

Determination of building line.

or both sides of such highway, after enquiry in the manner hereinafter described.

(2) A building line shall not be proposed unless the Highway Authority shall have first examined and taken into consideration, any planning scheme proposed, prepared or enforced in the same vicinity by the local authority and shall first have consulted with such local authority in that behalf.

(3) When a Highway Authority proposes to determine a building line as aforesaid, it shall give notice in the prescribed manner containing such details of the proposal as it may deem necessary, provided that it shall not be necessary to include a plan of the proposed building line in such notice, but a copy or copies of such plan shall be deposited, and shall be available for public inspection for a period of not less than thirty days, at one or more places in or near the affected locality, which shall be specified in such notice.

(4) The notice shall invite objections to the proposals to be filed within a period of three months from the date of publication and all objections received within such period shall be taken into consideration by the Highway Authority in arriving at its decision.

(5) The building line so determined by the Highway Authority shall be published in the manner prescribed and shall come into effect from the date of such publication.

(6) Any person aggrieved by the decision of the Highway Authority may apply to Government, and it shall thereupon refer the dispute for decision by arbitration.

Construction
of buildings,
etc., between
highway and
building line.

17. (1) Except as provided by this or any other enactment, it shall not be lawful without the consent of the Highway Authority to construct or lay out any means of access to or from the highway, to erect or re-erect any building, to make any excavation or to construct, from or lay out any works, upon land lying between a building line and the highway in respect of which it has been determined.

(2) Should any building (including a wall) or any part thereof lie within the prohibited area, as defined in the last preceding sub-section, the Highway Authority may, whenever such building or part has been either entirely or in greater part burnt or has fallen down by notice require such building or part when being rebuilt, to be set back to the building line, and if the portion of land thus rendered vacant is included within the bounds.

rics of the highway in relation to which such building line has been determined, such portion shall become part of the highway:

Provided that the Highway Authority shall pay compensation to the owner of such portion of land or of the building which existed thereon for any damage caused to him by the setting back of the building.

18. (1) A Highway Authority may acquire any land situated between a building line and the highway to which it relates, if in its opinion, such acquisition is necessary for the construction or improvement of the highway. Acquisition of land.

(2) If the purchase cannot be effected by agreement, the Highway Authority may certify that the land is required for the construction or, as the case may be, the improvement of a highway, and thereafter acquisition may be effected under the Land Acquisition Act, 1894.

CHAPTER V

DUTIES OF HIGHWAY USERS

19. Every person using a highway, or who is in charge of a vehicle or animal on a highway shall himself conform, and shall cause any such vehicle or animal as aforesaid to conform, to such general rules of traffic as may be prescribed and shall obey all traffic signs fixed on such highway and all lawful directions given to him by any police officer in uniform or other authorised person for the time being engaged in the regulating of traffic. Conformity with rules, signs and directions of officer regulating traffic.

20. (1) Every person using a highway shall stop and remain stationary, and every person in charge of a vehicle or animal on a highway shall cause such vehicle or animal to stop and remain stationary, for so long as may be reasonably necessary — Vehicles and animals to be stopped in certain cases.

(a) when required to do so by a police officer in uniform or by any authority lawfully empowered in this behalf under this Ordinance, or which is lawfully empowered to levy a toll or tax;

(b) when required to do so by any person in charge of any animal, if such person apprehends that the animal in his charge being alarmed will become unmanageable; and

(c) when the vehicle or animal is involved in the occurrence of any accident to any person, animal or vehicle, or damage to any property, whatever be the cause of such accident or damage.

(2) When any accident or damage such as is mentioned in clause (c) of the last preceding sub-section occurs, the person in charge of the vehicle or animal shall be bound on enquiry to give on the spot his own name and address and if he is not the owner, the name and address of the owner of such vehicle or animal to a police officer, or any other authorised person, and shall also be bound to state these particulars to any person who sustains loss, damage, or injury on account of such accident or damage, provided that such other person also states his own name and address, and any person who was a witness to the occurrence shall be bound to state his name and address, on demand by the person in charge of the vehicle or animal or by any person who has sustained loss, damage or injury in the occurrence, or by any police officer or other authorised person.

(3) In a case of accident or damage as aforesaid, if any person is injured, the person in charge of the vehicle or animal shall, unless he be himself incapacitated by injury sustained in the same occurrence—

(a) take all reasonable steps, such as may appear necessary, to secure medical attention for the person injured; and

(b) if no police officer or other authorised person be present at the spot, report the occurrence at the nearest police station as soon as possible and in any case, within twenty-four hours of the occurrence.

Driving of
vehicles and
animals.

21. (1) No person shall himself proceed on a highway or drive any vehicle or animal on a highway so as by such driving or the manner thereof to endanger human life, or be likely to cause hurt to any other person.

(2) No person shall drive a vehicle or an animal on a highway when he is under the influence of drink or a drug to such an extent as to be incapable of exercising proper control over such vehicle or animal.

22. (1) No person in charge of a vehicle or animal shall cause or allow it to remain on any highway, whether at rest or in motion, in such a condition or in such circumstances, as to cause or be likely to cause danger, obstruction, or undue inconvenience to other users of the highway.

Adequate control and care of vehicles and animals.

(2) If a vehicle or animal is found abandoned or unattended on a highway, the Highway Authority may remove and impound it, and the cost of such removal and any maintenance provided by the Highway Authority shall be recoverable from the owner thereof.

(3) If no person appears to claim the property within seven days of such seizure, the Highway Authority may sell the vehicle or animal by auction, and recover such expenses from the proceeds, and the balance, if any, shall be payable on application to the person entitled.

23. (1) A police officer in uniform may arrest without warrant,—

Power to arrest without warrant.

(a) any person who in his view commits a contravention of section 21, provided that if the contravention be of sub-section (2) of section 21, the person arrested shall be subjected to medical examination within two hours of his arrest, and shall then be released from custody ;

(b) any person concerned or reasonably suspected of being concerned in a contravention of any provision of this Chapter, if the police officer has reason to believe that he will abscond or otherwise avoid the service of a summons ; or

(c) any person who, being required under the provisions of this Ordinance, to give his name and address refuses to do so, or gives a name and address which the police officer has reason to believe to be false.

(2) A police officer arresting the driver of a vehicle or a person in charge of an animal under the provisions of this section shall take or cause to be taken reasonable and necessary steps for the safe custody of the vehicle or animal.

CHAPTER VI

PROCEDURE AND PENALTIES

24. No Court shall take cognizance of any offence punishable under this Ordinance or any rule made there-

Cognizance of offence.

under, except on a report in writing of the facts constituting the offence made by a Highway Authority, or by a person duly authorised by a Highway Authority in this behalf, or by a police officer not below the rank of a head constable.

Penalties.

25. (1) Except as specially provided elsewhere in this Ordinance, whoever contravenes any provision of this Ordinance, or any lawful order of a Highway Authority made under the provisions of this Ordinance, shall be punished with fine which may extend to one hundred rupees or if the offence be similar to one for which he has been previously convicted, with fine which may extend to two hundred rupees.

(2) Where the offence committed is a contravention of the provisions of section 8 or section 9 or section 17 or of any order made by a Highway Authority under any one of these sections, the Court may, in addition to any penalty imposed under the last preceding sub-section order the accused to demolish the access road he has constructed or re-constructed, or the building or works he has erected, re-erected, constructed, formed, or laid out, or to fill up an excavation he has made, within a reasonable time to be specified in such order, and if the accused fails within such time to carry out the order, he shall be deemed guilty of committing a continuing public nuisance and will be liable to the punishment provided in section 291 of the Pakistan Penal Code.

XLV of
1860.**CHAPTER VII****MISCELLANEOUS PROVISIONS****Persons deemed to be public servants.**

26. All persons acting under the authority of Government or of any Highway Authority in the carrying out of any of the provisions of this Ordinance or of the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

XLV of
1860.**Protection to persons taking action under the Ordinance.**

27. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under or in pursuance of this Ordinance or any rules made thereunder.

Payment of compensation and its determination.

28. (1) Except as specifically provided by this Ordinance, no compensation shall be payable to any person, on account of any order made, or any restriction imposed or any act performed by a Highway Authority.

(2) Where the amount of compensation payable cannot be agreed upon it shall be determined by arbitration.

29. (1) Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Ordinance. Power of Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the prevention of obstruction to the free and rapid movement of traffic on highways, including obstruction to the vision of persons driving vehicles (including motor vehicles) constituted by trees and their branches, hedges and other vegetation, growing on or over hanging a highway;
- (b) the prevention of nuisances by the discharge of sullage water or the deposit of matter which is offensive or injurious to health, or the carrying on of dangerous or offensive trades, on or in the immediate vicinity of a highway;
- (c) the regulation of the exhibition of advertising matter on highways and along the boundaries thereof;
- (d) the regulation of the use of sound amplifying apparatus on or in the immediate vicinity of a highway;
- (e) the regulation of the grazings of animals on areas included within the boundaries of highways;
- (f) the regulation of the loading of goods in vehicles on or in the immediate vicinity of a highway;
- (g) the regulation or prohibition of the use of the whole or part of a highway by pedestrians or animals;
- (h) the carrying or wearing by all or any vehicles or animal using a highway of a horn or bell, or other contrivance for giving audible warning of their approach or position;

- (i) the carrying by all or any vehicles of lamp and reflectors and the regulation of the use thereof ;
- (j) the regulation of the design of goods vehicles (including the materials and width of their tyres), and the maximum load be carried thereon ;
- (k) the fixing of the maximum weight of vehicles which may use a bridge or any class of bridges, forming part of highway ;
- (l) the types of traffic signs which are to be employed on highways ;
- (m) the proper provision and maintenance of highways, and the safe, convenient and orderly movement of traffic thereon ;
- (n) the particulars to be entered in a notification of a proposal published under sub-section (2) of section 9 ;
- (o) the plans and particulars required to be furnished by any person making application under section 11 ;
- (p) the notices of temporary closure to be set up under section 12 ;
- (q) the procedure to be followed by the Tribunal appointed under section 13 ;
- (r) the manner in which notice of a proposal to determine a building line under section 16 is to be given; and
- (s) the manner in which building line determined under section 16 is to be published.

Repeal and savings.

30. (1) The following enactments are hereby repealed :—

- (a) The West Punjab Highways Act, 1948.
- (b) The North-West Frontier Province Ribbon Development Prevention Act, 1946.

West
VI of
N. W.
XVI

(2) Notwithstanding the repeal of the enactments mentioned in the last preceding sub-section, everything done and all action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, rule made and notification issued under any of the provisions of the said enactments 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, authorised, conferred, made or issued under this Ordinance.

LAHORE :

Dated the 18th May, 1959

AKHTER HUSAIN

Governor of West Pakistan

NAZEER AHMAD MAHMOOD.

Secretary to Government, West Pakistan,
Law Department.