

16453/TC/2000.

Head Office,
Motor Vehicles Department,
Thiruvananthapuram.

Circular No.12/2001

Sub:- Motor Vehicles Act and Rules - Amendment of Section 52 of Motor Vehicles Act - Replacement of Engine Clarification issued - regarding.

Ref:- Motor Vehicles (Amendment) Act 2000 amendment to Section 52 of the Act.

...

The Motor Vehicles (Amendment) Act, 2000, published in the Gazette of India Extra-ordinary dated 14th August 2000. Substituted Section 52 of the Motor Vehicles Act 1988. The amendment became effective from 11.8.2000 Sub Section (1) of the Substituted Section 52 envisages that "No Owner of a Motor Vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer. Consequent to the amendment to Section 52 of the Act enquiries have been received from various corners as to whether replacement of engine can be allowed to Motor Vehicles. Sub Section (3) of Section 52 of the amended Act specifies that "where any alteration has been made in Motor Vehicle without the approval of registering authority on the reason of replacement of its engine without such approval under Sub Section (2) the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that authority together with the prescribed fee in order that particulars of registration may be entered therein".

In view of the above legal provisions it is clarified that replacement of engine may be allowed provided that the engine that is to be replaced is of the same make and type as specified by the manufacturer for that particular vehicle. It is also clarified that if any unauthorised alteration of engine had been made prior to 11th August 2000 and when such vehicles are produced before any Registering Authority for obtaining expostfacto approval of the alteration, the Registering Authorities may accord approval to such alteration provided that they are satisfied from the records or by verification of facts that the alteration had been effected prior to 11.8.2000. In such cases, the Registering Authorities shall take action under Section 191 of the Act for violation of the erstwhile Section 52 for which a fine of Rs.400/- is realisable vide notification under Section 100 of the Motor Vehicles Act.

Receipt of the Circular is to be acknowledged.

K. S. Rajan
TRANSPORT COMMISSIONER.

To

- All Deputy Transport Commissioners.
- All Regional Transport Officers.
- All Joint Regional Transport Officers.

Copy to: CA to TC, Sr.DTC(Taxation), Sr.DTC & Secry.STA, AO,FO,LO,ATC, Asst.Secretary,STA,Stock File and Spare.

d.d.15.11.2001