# PARLIAMENT OF CEYLON

## 4th Session 1951






# Motor Traffic Act, No. 14 of 1951

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L. D.—O. 4/50

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO MOTOR VEHICLES AND THEIR USE ON HIGHWAYS, TO REGULATE THE PROVISION OF PASSENGER CARRIAGE SERVICES AND THE CARRIAGE OF GOODS BY MOTOR VEHICLES, AND TO PROVIDE FOR THE REGULATION OF TRAFFIC ON HIGHWAYS AND FOR OTHER MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

[Date of Assent: April 6, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

**Short title and date of operation.**

1. This Act may be cited as the Motor Traffic Act, No. 14 of 1951, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as " the appointed date ").

## PART I

### REGISTRATION OF MOTOR VEHICLES

**Motor vehicles not to be possessed or used without registration.**

2. (1) No person shall possess or use a motor vehicle unless that vehicle is registered, and the person for the time being entitled to the possession of the vehicle is registered as the owner thereof, in accordance with the provisions of this Part.

(2) The possession by a dealer of a motor vehicle imported by him into Ceylon for the purposes of sale shall be deemed not to be a contravention of sub-section (1) so long as the vehicle remains unsold and is not used on any highway.

(3) The possession or use of a motor vehicle by a person for the time being entitled to the possession thereof shall be deemed not to be a contravention of sub-section (1), if, but only if, the motor vehicle is lawfully used under the authority of a dealer's licence issued under Part III and is identified by a distinctive number assigned for the purpose.

(4) The possession of a motor vehicle by a person (not being a dealer) by whom the vehicle was imported into Ceylon shall be deemed not to be a contravention of sub-section (1), if, but only if, that person has made application for the registration of that vehicle and such application has not been finally determined.

(5) The use of a motor vehicle which upon importation into Ceylon is used on a highway only for the purpose and in the course of removal from the Customs premises shall be deemed not to be a contravention of sub-section (1).

(6) The use of a motor vehicle while it is being driven to or from any place specified by the Registrar for the purpose of inspection or while it is being tested by the direction of the Registrar for the purpose of registration shall be deemed not to be a contravention of sub-section (1).

(7) The use of a motor vehicle under the authority of a visitor's temporary licence issued under Part III shall be deemed not to be a contravention of sub-section (1).

Motor vehicles not to be registered unless they comply with certain requirements.

**3.** (1) No motor vehicle shall be registered unless that vehicle complies with all the provisions of regulations made under this Act as to the construction, weight, dimensions and equipment of motor vehicles which are applicable to vehicles of the class or description to which that vehicle belongs.

(2) No motor vehicle shall be registered as a private car or a hiring car if the tare of that vehicle exceeds two and one-half tons.

Prohibition of registration of motor coaches and owners thereof except in certain cases.

**4.** (1) No motor coach shall be registered unless the person for the time being entitled to the possession of that motor coach is the holder of—

(*a*) a stage carriage permit for a regular omnibus service ; or

(*b*) a certificate of eligibility (granted under Part IV) for stage carriage permits for occasional omnibus services ; or

(*c*) a private coach permit for that motor coach.

(2) No person shall be registered as the owner of a motor coach unless he is the holder of—

(*a*) a stage carriage permit for a regular omnibus service ; or

(*b*) a certificate of eligibility (granted under Part IV) for stage carriage permits for occasional omnibus services ; or

(*c*) a private coach permit for that motor coach.

Description of motor vehicles upon registration.

**5.** (1) A motor car which is to be registered under this Part—

(*a*) shall, if it is stated by the applicant for registration to be intended for use for the carriage of persons otherwise than for fee or reward, be registered as a private car ; or

(*b*) shall, if it is stated by the applicant for registration to be intended for use for the carriage of persons for fee or reward, be registered as a hiring car.

(2) A motor coach which is to be registered under this Part—

(*a*) shall, if it is stated by the applicant for registration to be intended for use for the carriage of persons otherwise than for fee or reward, be registered as a private coach ; or

(*b*) shall, if it is stated by the applicant for registration to be intended for the carriage of persons for fee or reward, be registered as an omnibus.

(3) A motor vehicle which is to be registered under this Part and which is, within the meaning of this Act, a lorry, motor cycle, motor ambulance, motor hearse, or invalid carriage, or a land vehicle as the case may be, shall be registered as such.

Register of motor vehicles.

**6.** (*a*) The Registrar shall keep a register of all motor vehicles registered under this Act and shall enter or cause to be entered therein, in the prescribed form particulars relating to each such vehicle.

(*b*) Regulations may be made requiring the Registrar to keep separate registers of different classes of motor vehicles or of motor vehicles intended to be usually kept or used in different areas.

Application for registration.

**7.** (1) Every application for the registration of a motor vehicle shall be made to the Registrar substantially in the prescribed form, shall be signed by the person for the time being entitled to the possession of the motor vehicle, and shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle.

(2) Every applicant for the registration of a motor vehicle, other than a motor cycle, shall, if required to do so by the Registrar, furnish proof of the weight of the motor vehicle to the satisfaction of the Registrar.

(3) Notwithstanding anything in sub-section (1) to the contrary, any dealer in motor vehicles, who is authorised in writing for the purpose by a person who is absent from Ceylon, may make application on behalf of that person for the registration of a motor vehicle, and in any such case the application shall for the purposes of this section and of section 9 (1) be deemed to have been signed and made by that person.

(4) The application for the registration of a motor vehicle which is let under a hire-purchase agreement shall be forwarded to the Registrar by the person who so let that vehicle. Every such application shall be accompanied by a statement in the prescribed form.

Registration fee.

**8.** No motor vehicle shall be registered except upon payment of the prescribed fee.

Distinctive number and certificate of registration.

**9.** (1) Upon the registration of a motor vehicle, the Registrar shall—

(*a*) assign to the motor vehicle a number or a combination of one or more letters and one or more numbers (in this Act referred to as a "distinctive number"); and

(*b*) register the person by whom the application for registration was made, as the owner of the vehicle; and

(*c*) issue to that person a certificate of registration in the prescribed form.

(2) Where the ownership of a motor vehicle (other than a motor vehicle which is let under a hire-purchase agreement) is claimed by two or more persons, the Registrar shall register as the owner of the vehicle—

(*a*) such one of those persons as may be nominated by them for the purpose of such registration ; or.

(*b*) in the event of any dispute between those persons, such one of them as may be selected for the purpose by the Registrar after such inquiry as he may deem necessary :

Provided that nothing in the preceding provisions of this sub-section shall be deemed or construed to authorise the Registrar to register a person as owner of a motor coach in contravention of the provisions of section 4.

(3) In any case referred to in sub-section (2), the Registrar may also enter in the register the names of the other claimants to the ownership of the vehicle, but no such entry of the name of any claimant shall be deemed to affect any liability which the person registered as the owner may incur under any of the provisions of this Act or to vest in such claimant any of the rights or powers conferred by this Act upon the registered owner of a motor vehicle.

(4) The decision of the Registrar under paragraph (*b*) of sub-section (2) shall be final and conclusive for the purposes of this Act ; but shall not be deemed to prejudice or to affect in any way the right of the other claimants to the ownership of the vehicle to cause their claim to be determined by an action at law, and the final determination in any such action shall be binding upon the Registrar.

(5) At the time of the registration of a motor vehicle which is let under a hire-purchase agreement, the Registrar shall also enter in the register the name of the person who so let the vehicle as the absolute owner thereof, but no such entry of the name of any person as absolute owner shall be deemed—

(*a*) to affect any liability which the person registered as the owner may incur under any of the provisions of this Act ; or

(*b*) to vest in the person whose name is so entered as absolute owner any of the rights or powers conferred by this Act upon the registered owner of a vehicle ; or

(*c*) to prejudice or to affect in any way the right of any other person who claims to be the owner of the vehicle to cause his claim to be determined by an action at law and thereupon to require alteration of the register in accordance with the final determination in such action.

(6) The entry required by sub-section (5) shall be made in the space provided in the register for the entry of the names of the other claimants, if any, to the ownership of a motor vehicle.

Information to Registrar.

**10.** (1) The registered owner of a motor vehicle shall, whenever required by the Registrar,—

(*a*) forthwith furnish to the Registrar all such information as the Registrar may require, or proof of the weight of the motor vehicle, for the purpose of verifying the entries relating to that motor vehicle in the register ; and

(*b*) forthwith forward to the Registrar the certificate of registration relating to that motor vehicle.

(2) The registered owner of a motor vehicle shall forthwith inform the Registrar in writing of any circumstance or event which affects the accuracy of any entry in the register relating to the motor vehicle and shall at the same time forward or deliver to the Registrar the certificate of registration of the motor vehicle.

Amendments in register.

**11.** After a motor vehicle has been inspected, weighed or measured under section 196, or upon the receipt of any information or proof furnished in respect of a motor vehicle under the last preceding section, the Registrar may make such amendments in the register and in the certificate of registration relating to that motor vehicle as to him may seem necessary, and shall return the certificate to the registered owner ; and where any amendments are to be so made, the provisions of section 5 shall apply as though the registered owner were the applicant for registration.

**Procedure on change of possession of motor vehicles.**

12. (1) On any change of possession of a motor vehicle consequent on the death of the registered owner—

(*a*) the person having the custody of the motor vehicle shall, within fourteen days of its coming into his custody, give notice of the fact to the Registrar in the prescribed form ;

(*b*) the Registrar shall, upon receipt of such notice, issue any written directions that he may think necessary as to the use of the motor vehicle pending the registration of the person entitled to be registered as the new owner ; and

(*c*) any person, to whom permission to use the motor vehicle pending such registration is given by the Registrar by directions issued under paragraph (*b*), shall for the purposes of this Act be deemed to be the registered owner during the period for which such permission is given.

(2) On any change of possession of a motor vehicle, other than a motor coach or lorry, upon a voluntary transfer made by the registered owner—

(*a*) the registered owner shall, within fourteen days after such change of possession, forward to the Registrar a statement in the prescribed form together with the revenue licence for that motor vehicle, and shall deliver to the new owner the certificate of registration relating to the motor vehicle or a duplicate thereof ; and

(*b*) the motor vehicle shall not be used at any time later than fourteen days after such change of possession unless the new owner is registered as the owner thereof, and the revenue licence delivered to him by the Registrar under section 14 :

Provided that this sub-section shall not apply in any case where the change of possession of a motor vehicle is consequent on a contract of hiring, where the period of the hiring does not exceed three months or where the registered owner continues to employ and pay the driver of the vehicle.

(3) On any change of possession of a motor coach or lorry upon a voluntary transfer made by the registered owner—

(*a*) the registered owner shall, within fourteen days after such change of possession, forward to the Registrar a statement in the prescribed form together with the revenue licence for that motor coach or lorry and shall deliver to the new owner the certificate of registration relating to that motor coach or lorry or a duplicate thereof;

(*b*) the motor coach or lorry shall not be used unless the new owner is registered as the owner thereof, and—

(i) in the case of a motor coach, the revenue licence is delivered to the new owner by the Registrar under section 14; or

(ii) in the case of a lorry, a new revenue licence in respect thereof is issued to him on application made in accordance with the provisions of section 41.

(4) On any change of possession of a motor vehicle otherwise than on the death of the registered owner or a voluntary transfer made by him—

(*a*) the registered owner of the vehicle shall, within fourteen days after the change of possession, deliver the revenue licence and the certificate of registration relating to the vehicle to the person into whose possession the vehicle has passed, and shall inform the Registrar in writing of the change of possession;

(*b*) where the revenue licence and the certificate of registration are so delivered, the person into whose possession the vehicle has passed shall, within fourteen days after the change of possession, forward to the Registrar the revenue licence and the certificate of registration relating to the vehicle, and shall apply to the Registrar to be registered as the owner in place of the person registered as such;

(*c*) where the Registrar is satisfied that the revenue licence or the certificate of registration relating to the vehicle has not been delivered under paragraph (*a*) to the person into whose possession the vehicle has passed, and that such person is entitled to the possession of the vehicle, the Registrar may, upon application made by such person and on payment of the prescribed fee, issue to such person a duplicate of the certificate or direct the licensing authority to issue to him a duplicate of the revenue licence ;

(*d*) the person into whose possession the vehicle has passed shall, upon application made as hereinafter provided and upon production to the Registrar of the certificate of registration or a duplicate thereof and of the revenue licence or a duplicate thereof, be entitled, unless his registration as owner thereof is prohibited by section 4 (2), to be registered as the owner of the motor vehicle in place of the person registered as such ; and

(*e*) if that vehicle is a motor coach or lorry, the provisions of sub-section (3) (*b*) of this section shall apply in the case of that vehicle in like manner and to the same extent as they apply in the case of a change of possession of such a vehicle consequent upon a voluntary transfer made by the registered owner.

Application for registration of new owner.

**13.** (1) Every application for the registration of a new owner, upon any change of possession of any motor vehicle, shall be made in the prescribed form or in such one of the prescribed forms as may be appropriate to the case, shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle and shall be signed by the person claiming to be entitled to be registered as the owner of that motor vehicle.

(2) The application for the registration of a new owner of a motor vehicle which is let under a hire-purchase agreement shall be forwarded to the

Registrar by the person who so let the vehicle. The application aforesaid shall be accompanied by a statement in the prescribed form.

**Registration of new owner.**

**14.** (1) No person shall be registered as the new owner of a motor vehicle—

(*a*) unless the application for registration is accompanied by the prescribed fee and by the certificate of registration or a duplicate thereof, relating to that motor vehicle ;

(*b*) unless the revenue licence for that motor vehicle or a duplicate thereof is forwarded to the Registrar by the applicant or the previous owner of that motor vehicle or, if there is no such licence, unless a receipt for the payment of the fee for such licence or a certified copy of a notice of non-user given in respect of that vehicle under section 37 is forwarded to the Registrar ;

(*c*) if his registration as owner thereof is prohibited by section 4 (2).

(2) Upon the registration of the new owner of a motor vehicle, the Registrar shall,—

(*a*) *either* make the necessary alterations in the certificate of registration and deliver it to the new owner *or* issue to him a new certificate of registration ; and

(*b*) except in the case of a lorry, make the necessary alterations in the revenue licence and deliver it to the new owner :

Provided, however, that the Registrar may refuse to deliver the altered revenue licence to the new owner unless a certificate of insurance or a certificate of security, in conformity with the provisions of Part VI and relating to that motor vehicle, is produced to the Registrar or a licensing authority for inspection.

(3) Upon the registration under this section of the new owner of a lorry, the lorry shall not be used unless a new revenue licence is issued in respect thereof upon application made in accordance with the provisions of section 41.

(4) At the time of the registration of the new owner of a motor vehicle which is let under a hire-purchase agreement, the Registrar shall also enter in the register the name of the person who

so let the vehicle as the absolute owner thereof, but no such entry of the name of any person as absolute owner shall be deemed—

(*a*) to affect any liability which the person registered as the owner may incur under any of the provisions of this Act ; or

(*b*) to vest in the person whose name is so entered as absolute owner any of the rights or powers conferred by this Act upon the registered owner of a vehicle ; or

(*c*) to prejudice or to affect in any way the right of any other person who claims to be the owner of the vehicle to cause his claim to be determined by an action at law.

(5) The entry required by sub-section (4) shall be made in the space provided in the register for the entry of the names of the other claimants, if any, to the ownership of a motor vehicle.

Provision for absence of registered owner from Ceylon.

**15.** (1) Where the registered owner of a motor vehicle is absent from Ceylon, that motor vehicle shall not be used at any time after the expiration of a period of two months from the date of his departure from Ceylon and until his return to Ceylon unless the Registrar has under sub-section (2) registered a person as the temporary owner of that vehicle.

(2) The Registrar may register a person as the temporary owner of a motor vehicle—

(*a*) upon application made in that behalf in the prescribed form by the registered owner (whether before or after his departure from Ceylon) or by the duly appointed attorney of the registered owner ; or

(*b*) if it is proved to his satisfaction that that person has been authorised by the registered owner to use the vehicle during his absence from Ceylon.

(3) Notwithstanding anything in the preceding provisions of this section, no person shall be registered as the temporary owner of a motor coach or lorry except with the prior approval of the Commissioner ; and the Commissioner may refuse to grant such approval in any case where he is not

in his discretion satisfied that the motor coach or lorry will during the absence of the registered owner be used solely for the purposes of the business which the registered owner is authorised by a permit granted under Part IV or Part V, as the case may be, to use that motor coach or lorry.

The provisions of sub-section (2) of section 4 shall not apply in the case of the registration under this section of any person as the temporary owner of a motor coach.

(4) No person shall be registered for any period as the temporary owner of a motor vehicle under this section except upon payment of the prescribed fee. Any person so registered shall be deemed for the purposes of this Act to be the registered owner of the motor vehicle during that period.

(5) No person shall be registered under this section as the temporary owner of a motor vehicle unless the certificate of registration and the revenue licence relating to that vehicle are delivered to the Registrar.

(6) Upon the registration under this section of any person as the tmporary owner of a motor vehicle, the Registrar shall endorse the certificate of registration in the prescribed manner and deliver it to that person, together with the amended revenue licence for that vehicle.

(7) The registered owner of any motor vehicle in respect of which a temporary owner has been registered under this section, shall, on his return to Ceylon, deliver to the Registrar the revenue licence and the certificate of registration issued under sub-section (6) to the temporary owner, and shall apply, in the prescribed form, to be re-registered as the owner of that motor vehicle, and the Registrar shall, unless his registration as owner thereof is prohibited by section 4 (2), upon payment of the prescribed fee, re-register him accordingly, and shall amend and deliver to him a certificate of registration and shall amend and deliver to him the revenue licence for that vehicle.

**Registered owner to be deemed to be owner.**

**16.** Any person who for the time being is the registered owner, or is deemed under any provision of this Part to be the registered owner, of a motor vehicle, shall, for the purposes of any proceedings under this Act, be deemed to be the owner of that motor vehicle.

Evidence.

**17.** A certificate of registration shall be *prima facie* evidence of the due registration of the motor vehicle to which the certificate relates and of the particulars appearing in the certificate.

Cancellation of registration.

**18.** The Registrar shall cancel the registration of a motor vehicle if he is satisfied that the motor vehicle has been permanently removed from Ceylon, or destroyed, or dismantled and broken up or otherwise rendered permanently unserviceable.

## PART II

### Construction and Equipment of Motor Vehicles

Regulations as to construction, &c., of motor vehicles.

**19.** Regulations may be made prescribing the requirements as to construction, weight, dimensions and equipment of motor vehicles. Any such regulation may be expressed to be applicable to motor vehicles generally or to any specified class or description of motor vehicles.

Regulations as to mascot, &c.

**20.** Regulations may be made providing for the prohibition, regulation or control of the use on motor vehicles of mascots and other similar fittings.

Identification plates.

**21.** On every motor vehicle there shall be fixed and maintained two identification plates each bearing the distinctive number of that motor vehicle :

Provided that in lieu of either or both of such plates a design or designs, conforming in every respect to the requirements of this Part as to identification plates, may be painted or otherwise delineated on any motor vehicle ; and any reference in this Act to, or to the fixing of an identification plate shall be deemed to include a reference, as the case may be, to or to the painting or to the delineation of, such a design.

Shape of identification plates.

**22.** For the purposes of the last preceding section, no identification plate shall be used unless the shape of the plate conforms to one of the prescribed diagrams, and the colour of the ground of every plate, the colour and size of every letter and number on such plate, the spacing between

such letters or numbers, and the dimensions of the margins of such plate, are in accordance with such general provisions as may be prescribed :

Provided, however, that any identification plate of a shape not conforming to one of the aforesaid diagrams may be used on any motor vehicle if a regular permit authorising the use of such plate has been obtained from the Registrar.

Identification plates to be in accordance with prescribed provisions.

**23.** The two identification plates required by section 21 shall be fixed and maintained on a motor vehicle in accordance with such provisions as may be prescribed and are applicable to the class or description of motor vehicles to which the vehicle belongs.

Possession of identification plates.

**24.** (1) Every identification plate required by section 21 shall be fixed and maintained in an upright position on the motor vehicle, with the upper edge of the letters and figures upwards.

(2) No part of any identification plate shall be obscured in any manner.

## PART III

### Revenue Licences

Motor vehicles not to be possessed or used without revenue licence.

**25.** (1) No person shall possess or use a motor vehicle for which a revenue licence is not in force.

(2) The person who for the time being is, or is deemed under Part I to be, the registered owner of a motor vehicle shall, for the purposes of sub-section (1), be presumed, unless the contrary is proved, to possess that vehicle.

(3) The possession by a dealer of a motor vehicle imported by him into Ceylon for the purposes of sale shall be deemed not to be a contravention of sub-section (1) so long as the vehicle remains unsold and is not used on any highway except under the authority of a dealer's licence.

(4) The possession of a motor vehicle by a person for the time being entitled to the possession thereof shall be deemed not to be a contravention of sub-section (1), if, but only if, the motor vehicle is lawfully used under the authority of a dealer's licence and is identified by a distinctive number assigned for the purpose.

(5) The possession of a motor vehicle by a person (not being a dealer) by whom the vehicle was imported into Ceylon shall be deemed not to be a contravention of sub-section (1), if, but only if, that person has applied for a revenue licence and such application has not been finally determined.

(6) The use of a motor vehicle which upon importation into Ceylon is used on a highway only for the purpose and in the course of removal from the Customs premises shall be deemed not to be a contravention of sub-section (1).

(7) The possession by a person of a motor vehicle in respect of which notice of a period of non-user has been given under section 37 shall be deemed not to be a contravention of sub-section (1), if, but only if, the motor vehicle is not used in any place during that period.

(8) Where notice of a period of non-user has been given under section 37 in respect of any motor vehicle, the Registrar may in his discretion issue a permit authorising the removal of the motor vehicle on a specified date from a specified place to any other specified place for the purpose of repairs or for the purpose of compliance with any provision of this Act ; and the use of that motor vehicle for the purpose of such removal in accordance with a permit so issued shall be deemed not to be a contravention of sub-section (1).

(9) On any change of possession of a lorry, the possession of the lorry by the new owner shall be deemed not to be a contravention of sub-section (1), if, but only if, he has applied for a new revenue licence in accordance with the provisions of section 41 and the application has not been finally determined, or he has given notice of a period of non-user under sction 37.

Classes or descriptions of revenue licences.

**26.** (1) A revenue licence to be issued under this Part for a motor vehicle shall be a licence of one of the following descriptions, that is to say, a private car licence, a hiring car licence, a private coach licence, an omnibus licence, a lorry licence, a motor cycle licence, a motor hearse licence, a motor ambulance licence, an invalid carriage licence, or a land vehicle licence, and shall be issued having regard to the class or description of motor vehicles to which that vehicle belongs.

(2) Nothing in sub-section (1) shall be deemed to affect or restrict the issue of dealer's licences under section 42, or of visitor's temporary licences under section 44.

Production of certificates of registration and certificate of insurance or security.

**27.** (1) No revenue licence for any motor vehicle shall be issued by any licensing authority unless the certificate of registration relating to that vehicle is produced, and unless the name of that authority is contained in the certificate, and unless the particulars contained in the application for the licence are identical with the corresponding particulars contained in the certificate :

Provided, however, that the licensing authority may, if he thinks fit, dispense with the production of the certificate of registration in the case of any motor vehicle, other than a motor coach or hiring car or lorry, for which a revenue licence in respect of any year is to be issued to any person to whom a revenue licence for that motor vehicle in respect of the preceding year has been issued by that authority.

(2) No revenue licence for any motor vehicle, other than a trailer, shall be issued by any licensing authority unless a certificate of insurance or a certificate of security, in conformity with the requirements of Part VI and relating to that vehicle, is produced to that authority by the applicant.

Licences for omnibuses, private coaches and lorries to be issued only to holders of operational permits.

**28.** (1) No omnibus licence shall be issued under this Part except for an omnibus the registered owner of which is the holder of—

(*a*) a stage carriage permit for a regular omnibus service ;

(*b*) a certificate of eligibility (granted under Part IV) for stage carriage permits for occasional omnibus services.

(2) No private coach licence shall be issued under this Part except for a private coach the registered owner of which is the holder of a private coach permit authorising the use of that coach.

(3) No lorry licence shall be issued under this Part except for a lorry the registered owner of which is the holder of a permit granted under Part V authorising the use of that lorry :

Provided, however, that the preceding provisions of this sub-section shall not prevent the issue of a licence—

(*a*) in respect of a trailer if the licence is issued for the purpose only of authorising the use of the trailer in the circumstances specified in sub-section (3) of section 79 ; or

(*b*) in respect of a tractor, if the licence is issued for the purpose only of authorising the use of the tractor for drawing land vehicles.

Revenue licences for hiring cars, &c., not to be issued without examination and certification.

**29.** No revenue licence for a hiring car, motor coach, lorry, motor hearse or motor ambulance shall be issued by a licensing authority unless that car, coach, lorry, hearse or ambulance, as the case may be, has, within the period of two months immediately preceding the date on which the licence is to come into force, been examined and certified to be fit for use under section 198.

Application for revenue licence.

**30.** (1) Every application for a revenue licence (other than a dealer's licence or visitor's temporary licence) for a motor vehicle shall—

(*a*) be made to the licensing authority of the place in which the motor vehicle will usually be kept during the period for which the licence is required ;

(*b*) be substantially in such one of the prescribed forms, as may be appropriate to the case, and shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle ;

(*c*) be signed by the registered owner of the motor vehicle ;

(*d*) be accompanied by the amount of the licence fee, calculated according to the provisions of this Part ; and

(*e*) be made before the twentieth day of December in the year preceding the year for which the licence is required :

Provided, however, that—

(i) in the case of any motor vehicle in respect of which notice of a period of non-user has been given under section 37, the application shall be made before the end of that period ;

(ii) in the case of a motor vehicle in respect of which notice of a period of non-user has been given under section 37, and

that notice ceases to be operative on any date by reason of the provisions of section 37 (5), the application shall be made within three days of that date;

(iii) in the case of a motor vehicle which is registered for the first time in Ceylon, the application shall be made within three days of the date of the registration of that vehicle.

(2) Where application for a revenue licence for a motor vehicle is required under sub-section (1) to be made before any day or before the expiry of any period, as the case may be, and there is delay in making the application, the licensing authority may in his discretion, on proof to his satisfaction that the delay is due to any error, accident or misfortune, and on payment of the full amount of the licence fee which would under this Part have been payable on the licence if it had been issued on an application duly made under that sub-section, issue a revenue licence expressed to be in force from the date of such issue; and in any case where a revenue licence for any motor vehicle has been issued under this sub-section, no prosecution shall be instituted or maintained against any person for any contravention of section 25 (1) in respect of that vehicle during the period of such delay.

Licence fee.

**31.** (1) The licence fee on a yearly revenue licence (other than a dealer's licence), which is to come into force on the first day of January in any year, for a motor vehicle of any class or description shall be determined according to the prescribed rates for motor vehicles of that class or description.

(2) Where any revenue licence for a motor vehicle, other than a dealer's licence, is to come into force after the first day of January and before the first day of March in any year, the amount of the fee payable on that licence shall be the same as the amount payable on a yearly revenue licence for that motor vehicle under sub-section (1).

(3) Where—

(*a*) application for a revenue licence for a motor vehicle, in respect of which notice of a period of non-user in any year has been given under section 37, is made under paragraph (i) or paragraph (ii) of the Proviso to section 30 and the

licensing authority is satisfied that the motor vehicle has not been unlawfully used between the first day of January in that year and the date from which the licence is to be in force ; or

(*b*) application for a revenue licence for any motor vehicle registered for the first time in Ceylon on any date during the course of any year, is made under paragraph (iii) of the Proviso to section 30, and no notice of a period of non-user in respect of that motor vehicle has been given under section 37,

the licence fee payable on that licence shall, save as is otherwise provided in sub-section (2), be the licence fee payable under sub-section (1) on a yearly licence, reduced by one-twelfth part for each complete calendar month of the period commencing on the first day of February in that year and ending on the last day of the month preceding the month in which the licence is to come into force.

(4) No licence fee shall be payable on a revenue licence for a motor vehicle belonging to or exclusively used in the service of His Majesty or belonging to the government of any foreign state as the Minister, after reciprocal arrangements in that behalf have been made, may from time to time specify by notification published in the *Gazette* or belonging to the Representative in Ceylon (by whatsoever name, title or designation called) of the Government of any part of His Majesty's Dominions or any other foreign state so specified or the Trade Commissioner or Consular Officer in Ceylon of any such Government or persons on the staff of any such Representative or Commissioner or Consular Officer.

Form and duration of revenue licences.

**32.** Every revenue licence (other than a dealer's licence or visitor's temporary licence) for a motor vehicle shall be issued by the licensing authority in such one of the prescribed forms, as may be appropriate to the case, shall be in force from the date on which it is expressed to come into force and shall, save as otherwise expressly provided in this Part, continue in force until the thirty-first day of December next following that date.

**Limitation of duration of certain licences.**

**33.** (1) In any case where—

(*a*) the stage carriage permit for a regular omnibus service under the authority of which an omnibus is used ; or

(*b*) the private coach permit which authorises the use of any private coach ; or

(*c*) the permit granted under Part V, which authorises the use of any lorry,

is due to expire before the thirty-first day of December in any year, the revenue licence issued for that year under this Part for that omnibus, private coach or lorry, as the case may be, shall notwithstanding anything in section 32, be and be expressed to be in force only until the date on which the permit is due to expire :

Provided that if the registered owner of that omnibus, private coach or lorry at any time before the date of expiry of the revenue licence becomes the holder of a stage carriage permit for a regular omnibus service or a private coach permit or a permit under Part V, as the case may be, which is valid until some date not earlier than the thirty-first day of December of the year in respect of which that licence was issued, the licensing authority by whom the licence was issued shall, on application made in that behalf by such owner before the date of expiry of the licence and on payment of the amount of fee calculated as hereinafter provided by endorsement under his hand on the licence, extend the period of its validity until the thirty-first day of December aforesaid and accordingly the licence shall continue in force until that date.

(2) Where a revenue licence for an omnibus or a private coach or lorry issued in respect of any year is, in accordance with sub-section (1), due to expire before the thirty-first day of December of that year, the fee payable on that licence shall, save as is otherwise provided in sub-section (2) of section 31, be the fee payable under sub-section (1) of that section on a yearly licence, reduced by one-twelfth part for each complete calendar month of the period, commencing on the first day of the month succeeding the month in which the licence is due to expire and ending on the thirty-first day of December aforesaid :

Provided that where the period of validity of such a licence is extended under the provisions of sub-section (1) until the thirty-first day of December aforesaid, a further fee shall be payable on that licence and the amount of that fee shall be the amount by which the fee payable on a yearly licence under sub-section (1) of section 31 exceeds the amount actually paid on that licence at the time of issue thereof.

**Power to insert conditions in revenue licence.**

**34.** Any licensing authority may insert in any revenue licence for a hiring car, motor coach or lorry issued by that authority such conditions as an examiner or other person may, after examination under this Act of such car, coach or lorry, as the case may be, certify to be necessary in the interests of safety.

**Maximum number of persons and passengers to be specified in revenue licences for private coaches, hiring cars, &c.**

**35.** (1) The licensing authority shall specify in every revenue licence issued by the authority—

(*a*) for a private coach, the maximum number of persons authorised to be carried in that coach ; and

(*b*) for a hiring car or an omnibus, the maximum number of passengers authorised to be carried in that car or omnibus, as the case may be :

Provided, however, that in the case of a hiring car in which the least distance between the front edge of the rear seat and the back of the front seat exceeds two feet, the Commissioner may in his discretion authorise not more than two passengers to be carried in the car in excess of the number determined for that car under sub-section (2), and in any such case the number to be specified in the revenue licence for that car shall be varied accordingly, and no such car shall by reason only of such variation be deemed for any purpose to be a motor coach.

(2) For the purpose of determining the maximum number of persons or passengers, as the case may be, that may be carried on a hiring car, private coach or an omnibus—

(*a*) fifteen inches of seating space shall be allowed for each person or passenger, as the case may be ; and

(*b*) due regard shall be had to the safe load of the car, coach or omnibus which shall be calculated in such manner as the Commissioner may direct, the weight of each person or passenger, as the case may be, being reckoned, in that calculation, as one hundred and twelve pounds :

Provided, however, that in the case of an omnibus—

(*a*) which is constructed and equipped in accordance with such provisions as may be prescribed and is provided with a centre gangway ; and

(*b*) which is to be used under the authority of a stage carriage permit for a regular omnibus service,

the following provisions shall, for such periods as may be determined by the Commissioner, apply in lieu of the preceding provisions of this sub-section :—

(i) Fifteen inches of seating space shall be allowed for each passenger.

(ii) Where the omnibus has a wheel base of not less than one hundred and fifty-seven inches, the number of passengers determined for that omnibus under paragraph (i) shall be increased by eight.

(iii) Where the omnibus has a wheel base of less than one hundred and fifty-seven inches, the number of passengers determined for that omnibus under paragraph (i) shall be increased by one-fifth.

Maximum load to be specified on revenue licences for lorries.

**36.** The licensing authority shall specify in every revenue licence for a lorry issued by that authority the maximum load (that is to say, the pay-load) which may be carried on the lorry. For the purpose of determining the maximum load, each person permitted to be carried on the lorry shall be deemed to weigh one hundred and twelve pounds.

Notice of period of non-user.

**37.** (1) The registered owner of any motor vehicle may—

(*a*) at any time before the thirty-first day of December in any year, give written notice to the licensing authority that he

does not intend to use the motor vehicle for such period, commencing on the first day of January in the succeeding year, as may be specified in the notice ; or

(*b*) in any case where he is registered as the owner during the course of any year, give written notice on or before the date of such registration that he does not intend to use the motor vehicle for such period, commencing on the date when he is so registered, as may be specified in the notice ; or

(*c*) in any case where the revenue licence for that motor vehicle is, under section 40, surrendered for cancellation, give written notice on or before the date of such surrender that he does not intend to use the motor vehicle for such period, commencing on the date of such surrender, as may be specified in the notice ; or

(*d*) in any case where the motor vehicle is a motor coach or lorry and the revenue licence for that vehicle expires at any time before the thirty-first day of December in any year, give written notice on or before the date of such expiry that he does not intend to use that vehicle for such period commencing on the date of such expiry as may be specified in the notice.

(2) The registered owner of a motor vehicle, in respect of which notice of a period of non-user has been given under sub-section (1), may by written notice given before the expiry of that period extend the period, and may from time to time by like notice further extend the period as often as may be necessary :

Provided, however, that where any written notice purporting to extend a period of non-user is given within seven days after the date of the expiry of that period, the licensing authority, if he is satisfied that the delay in giving such notice was due to any error, accident or misfortune, may in his discretion accept such notice as a notice duly given before the expiry of that period ; and the period of non-user shall be deemed to be extended accordingly.

(3) Every notice under this section shall be despatched by registered post, or delivered in person, to the licensing authority ; and the licensing authority shall in every case where a notice is delivered in person issue a written acknowledgment of the receipt thereof.

(4) The period of non-user specified in any notice under this section shall not extend beyond the thirty-first day of December of the year in respect of which the notice is given.

(5) Where any person is registered under Part I as the new owner or the temporary owner of a motor vehicle, in respect of which notice of a period of non-user has been given under this section, that notice shall cease to be operative on the date of the registration of such new owner or temporary owner.

(6) For the purposes of this Part, " period of non-user " means any period specified in a notice given under sub-section (1), and where any such period is extended or deemed to be extended under sub-section (2), includes the period so extended or deemed to be extended.

**Revenue licence to be carried on motor vehicles and produced when required.**

**38.** The revenue licence issued for any motor vehicle shall—

(*a*) be carried on the front of the motor vehicle in a weather-proof holder having a transparent face, and placed in a conspicuous position on the left or near side of the motor vehicle, so that the front of the licence and the writing theron shall be clearly visible at all times by daylight to a person standing in front of the motor vehicle on the left or near side thereof ; and

(*b*) be made available for inspection on demand made by a police officer, headman, or examiner, or by any person authorised in writing by the Registrar or the licensing authority :

Provided, however, that the revenue licence shall be removed from the vehicle and produced when required by a court or the Registrar for endorsement or retention.

Alteration of motor vehicle and change of revenue licence, &c.

**39.** (1) Where a motor vehicle, for which a revenue licence of any class or description is in force, is altered so as to become a motor vehicle for which a revenue licence at a higher or lower rate of duty, or a revenue licence of a different class or description, is required, the licence shall, upon such alteration being completed, be void; and the holder thereof shall apply for a new revenue licence.

(2) The holder of a revenue licence for a motor vehicle may at any time if he desires to use the motor vehicle for a purpose not authorised by the licence, apply for a new revenue licence.

(3) No new revenue licence shall be issued for any motor vehicle on application made under this section—

(*a*) until the old revenue licence is surrendered to the licensing authority to whom the application is made; or

(*b*) if the issue thereof would be a contravention of section 28.

(4) (*a*) Where the rate of fee payable on a new revenue licence is higher than the rate payable on the old revenue licence, there shall be deducted from the fee on the new revenue licence a sum equal to the fee which would have been payable on the old licence if it had been issued on the same day as the new licence:

Provided that the licence fee payable on the new revenue licence shall not in any case be less than five rupees.

(*b*) Where the rate of fee payable on a new revenue licence is lower than the rate payable on the old revenue licence, the holder of the old revenue licence shall be entitled—

(i) to obtain a refund of the fee on surrender of that licence in accordance with the provisions of section 40, and to apply for a new revenue licence; or

(ii) to obtain the new revenue licence without any further payment.

(*c*) For the purposes of this sub-section the fee payable on a new revenue licence, and the fee which would have been payable on an old revenue

licence, shall, subject to the provisions of section 33, be calculated in accordance with the provisions of section 31.

Surrender and cancellation of revenue licence.

**40.** Where the holder of a revenue licence for a motor vehicle surrenders the licence for cancellation to the licensing authority which issued the licence, he shall be entitled to obtain from the licensing authority a refund, subject to the deduction of a sum of five rupees, of one-twelfth part of the duty, payable on a yearly licence for that vehicle under section 31 (1), in respect of each complete calendar month of the period commencing on the first day of the month succeeding the month in which the licence is surrendered and ending on the thirty-first day of December next following.

Issue of new revenue licences for lorries on change of possession.

**41.** On any change of possession of a lorry, the new owner of that lorry may make application in accordance with the provisions of section 30 for a new licence for that lorry, and the provisions of that section and of the other sections of this Part shall apply accordingly.

Dealer's certificate and licence.

**42.** (1) (*a*) The Registrar may each year upon application, in the prescribed form, made by a person who is a dealer in, or manufacturer or repairer of, motor vehicles, and upon payment of the prescribed fee, register every garage or place of business of such person and issue to him a dealer's certificate for that year in the prescribed form; and no person who is the holder of a dealer's certificate shall carry on business at any garage or place of business which is not so registered.

(*b*) Upon the registration of any garage or place of business under paragraph (*a*), the Registrar shall allot to such garage or place of business a number or a combination of one or more letters and one or more numbers (hereinafter referred to as a " garage number ").

(2) (*a*) The licensing authority of the area in which any registered garage or place of business is situated shall, upon application in the prescribed form, and upon production of the dealer's certificate relating to that garage or place of business, and on payment of the licence fee at the rate prescribed for such licence, issue to the holder of that certificate such number of dealer's licences as he may require.

(*b*) Every dealer's licence shall be in the prescribed form, and the licensing authority shall assign to each licence issued in respect of each registered garage or place of business a dealer's licence number, consisting of the garage number allotted to that garage or place of business and of a serial number, set out in such form as may be prescribed.

(3) A dealer's licence issued by any licensing authority shall be valid, for the purposes of this Act, only so long as the person to whom the licence was issued carries on business as a dealer in, or manufacturer or repairer of, motor vehicles at a registered garage or place of business situated within the administrative areas of that authority.

(4) Subject to the provisions of sub-section (3), a dealer's licence shall be valid until the thirty-first day of December of the year in respect of which it is issued.

(5) A licensing authority shall not issue any dealer's licence in any year to any person who is not the holder of a dealer's certificate for that year.

Use of motor vehicle under dealer's licence.

**43.** (1) A dealer's licence shall authorise the use of a motor vehicle which belongs to the dealer or is entrusted to him for sale or repair, and is being tested or is being used for the purposes of effecting a sale :

Provided, however, that no such licence shall be deemed to authorise the carriage on any motor vehicle of passengers or goods for fee or reward, or of any person other than a person testing or inspecting the vehicle with a view to the purchase thereof.

(2) A motor vehicle sold by a person who is the holder of a dealer's certificate may, under the authority of a dealer's licence issued to that person, be used by the purchaser of the motor vehicle during the ten days next following the sale for any purpose other than the carriage of passengers or goods for fee or reward :

Provided, however, that the use of the motor vehicle by the purchaser under the authority of a dealer's licence shall be, and shall be deemed to have been, a contravention of the provisions of

section 25, unless the purchaser, within the three days next following the sale—

(*a*) in the case of a motor vehicle for which a revenue licence is not in force, makes application under section 30 for a revenue licence for that vehicle ;

(*b*) in the case of a motor vehicle for which a revenue licence is in force, makes application under section 12 for registration as the new owner of that vehicle.

(3) Where any motor vehicle is used under the authority of a dealer's licence—

(*a*) that licence shall be carried on the motor vehicle in the manner provided in section 38 ;

(*b*) two identification plates, each bearing the dealer's licence number assigned to that licence under section 42 (2), shall be affixed to the motor vehicle in accordance with such of the prescribed provisions as may be applicable to a motor vehicle of that class or description.

(4) Where a motor vehicle, sold by a person who is the holder of a dealer's certificate, is used after the sale under the authority of a dealer's licence issued to that person, the revenue licence subsequently issued for the motor vehicle shall be expressed to have come into force on the date of the sale, and the duty payable thereon shall be computed accordingly.

(5) The holder of a dealer's certificate—

(*a*) shall keep a record, in the prescribed form, of every occasion on which a motor vehicle is used under the authority of a dealer's licence issued to him ; and

(*b*) shall where a motor vehicle is sold and used after the sale under the authority of any such licence, keep a record of the engine and chassis numbers of the motor vehicle, the name and address of the purchaser, the date and time of the removal of the motor vehicle after the sale and the number assigned to that licence under section 42 (2), and shall forward a duplicate of the record to the Registrar immediately after the sale; and

(*c*) shall produce the record for inspection whenever required so to do by any police officer or by any person authorised in writing by the Registrar or the licensing authority.

Temporary licence for visitor's motor vehicle.

**44.** (1) The Registrar, if he is satisfied, upon application made in the prescribed form, that any motor vehicle has been imported into Ceylon for the purpose of being used by the owner of that vehicle during a visit to Ceylon, may, notwithstanding that no person has been registered as the owner of that vehicle, issue to the owner a visitor's temporary licence, in the prescribed form, authorising the possession and use of the motor vehicle for a period not exceeding three months from the date of importation.

(2) The powers conferred on the Registrar by sub-section (1) may—

(*a*) in the case of a motor vehicle imported at the port of Talaimannar, be exercised by the Assistant Government Agent at Mannar or by the Sub-Collector of Customs at Talaimannar ; or

(*b*) in the case of a motor vehicle imported at the port of Trincomalee, be exercised by the Assistant Government Agent at Trincomalee ; or

(*c*) in the case of a motor vehicle imported at the port of Galle, be exercised by the Government Agent of the Southern Province.

(3) Every application made to, and a copy of every visitor's temporary licence issued by, any officer under sub-section (2) shall be forwarded to the Registrar.

(4) No visitor's temporary licence shall be issued under this section except upon payment of the prescribed fee ; and every fee paid for a temporary licence shall be credited to the Consolidated Fund.

Restrictions on use of motor vehicle in contravention of revenue licence.

**45.** (1) No person shall use any motor vehicle for any purpose not authorised by the revenue licence for the time being in force for that vehicle, or in contravention of any of the conditions contained in that licence.

(2) The Commissioner may in his discretion issue a permit for the purpose of—

(*a*) authorising a private car to be used for a specified period for the carriage of samples of goods not exceeding two hundred and twenty-four pounds in weight ; or

(*b*) authorising a hiring car to be used for a specified period for the carriage of mails ; or

(*c*) authorising a hiring car to be used for a specified period by the registered owner otherwise than as a hiring car ; or

(*d*) authorising an omnibus to be used, subject to such conditions as may be specified in the permit, for the carriage of mails or newspapers.

(3) Regulations may be made empowering the Commissioner, in any case not provided for in sub-section (2), to issue a permit authorising the use of any motor vehicle for any specified purpose not authorised by the revenue licence for the time being in force for that vehicle, and prescribing the conditions subject to which any such permit may be issued.

(4) No person shall be deemed to have contravened the provisions of sub-section (1) by reason only of the use of a motor vehicle in accordance with any permit issued under sub-section (2) or under any regulation made under sub-section (3).

## PART IV

### Passenger Carriage Permits

*Omnibus Services*

Permits required for omnibuses.

**46.** (1) No omnibus shall, on or after the appointed date, be used on any highway except under the authority of a stage carriage permit granted by the Commissioner under this Part and for the time being in force.

(2) The provisions of sub-section (1) shall not apply to any omnibus which is used by any dealer on any highway if, but only if, it is so used under and in accordance with a dealer's licence issued under Part III.

Classes of stage carriage permit.

**47.** A permit authorising the use of an omnibus shall be of one of the following classes, that is to say—

(*a*) a stage carriage permit for a regular service, and

(*b*) a stage carriage permit for an occasional service.

Authorised passenger carriage by omnibus.

**48.** (1) A stage carriage permit for a regular service shall entitle the holder thereof to use omnibuses of which he is the registered owner for the purpose of the operation of a regular omnibus service on the route or routes specified in the permit in accordance with the conditions attached thereto.

(2) A stage carriage permit for an occasional service shall entitle the holder thereof to use omnibuses of which he is the registered owner for the purpose of the operation of an occasional service, on the occasion of any specified festival, fair, exhibition, excursion, tour or any other specified event, for the carriage of passengers to and from specified places and on the specified route or routes and in accordance with the conditions attached to the permit.

In this sub-section, " specified " means specified in the permit.

Specification of authorised omnibuses in permits for occasional services.

**49.** The Commissioner may, at the time of the grant of a stage carriage permit for an occasional service, specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, each omnibus the use of which is authorised by the permit, and in any such case, no omnibus other than an omnibus so specified shall be used for the purposes of the service.

Duration of stage carriage permits

**50.** (1) The period for which a stage carriage permit under this Part shall be in force shall—

(*a*) in the case of a permit for a regular service, be such period, not being less than two years nor more than ten years from the date on which it is expressed to come into force as shall be specified in the permit ; and

(*b*) in the case of a permit for an occasional service, be such period as shall be specified in the permit.

(2) In any case where before the expiration of a stage carriage permit for a regular service, the holder thereof applies for another permit authorising the use of omnibuses for substantially the same purposes as those authorised by the existing permit, the existing permit shall continue in force until the application is finally disposed of without prejudice, however, to the exercise in the meantime of the powers conferred by section 60.

Application for stage carriage permit.

**51.** (1) Every application for a stage carriage permit shall be made to the Commissioner in such form as the Commissioner may provide for the purpose.

(2) Every application for a stage carriage permit for a regular service shall be made not less than three months before the date on which the applicant requires the permit to come into force.

(3) Every applicant for a stage carriage permit shall submit together with his application, a statement in such form as the Commissioner may provide for the purpose, containing—

(*a*) particulars of the type or types of the omnibuses proposed to be used under the permit ;

(*b*) particulars of the route or routes on which it is proposed to provide the service ;

(*c*) in the case of a permit for a regular service, the time-table and fare-table of the proposed service ;

(*d*) in the case of a permit for an occasional service, particulars of the area in which and of the event or events in connection with which a service is to be provided and such other particulars as the Commissioner may require including particulars relating to the frequency of the proposed service and the time to be taken on the journeys included therein ;

(*e*) such particulars as the Commissioner may require as to the hours of work or rest, hours of continuous duty, wages and other conditions of employment of the persons employed or proposed to be employed for the purpose of the service ; and

(*f*) such other particulars as the Commissioner may require.

(4) An applicant for a stage carriage permit shall furnish to the Commissioner such other information as may be reasonably required for the purposes of this Act, including information pertaining to any matter mentioned in sub-section (2) of section 56.

Notice of applications for permits for regular services.

**52.** (1) The Commissioner shall publish in the prescribed manner notice of every application for a stage carriage permit for a regular service and shall specify in such notice the time at which and the manner in which objections may be made against the grant of the application.

(2) In the case of any application referred to in sub-section (1), any person already providing transport facilities, whether by means of road transport or any other means of transport, for the carriage of passengers for fee or reward along or near to the proposed route or routes or any part thereof may, on payment of the prescribed fee, make objection against the grant of the application on the ground that suitable transport facilities along or near to the proposed route or routes or part thereof, are, or if the application were granted, would be, in excess of requirements, or on the ground that any of the conditions of any permit held by the applicant has not been complied with.

An objection may be made under this sub-section on behalf of the railway by the General Manager of the Railways or any other officer of his Department authorised by him for the purpose ; no fee shall be payable in respect of any such objection.

(3) Any local authority within whose administrative limits any part of the route or routes proposed by an applicant for a stage carriage permit is situated or any other persons interested may make representations in relation to the application ; and the Commissioner shall take into consideration any representations so made.

Public hearing into application for permit for regular service.

**53.** It shall be the duty of the Commissioner to hold a public hearing into every application for a stage carriage permit for a regular service and into all objections duly made by persons entitled under sub-section (2) of section 52 to make objections in respect of the application.

Certificates of eligibility for permits for occasional services.

**54.** (1) A stage carriage permit for an occasional service shall not be granted to any person other than—

(*a*) the holder of a stage carriage permit for a regular service ; or

(*b*) a person who is the holder of a certificate of eligibility for permits for occasional services.

(2) An application for a certificate of eligibility for stage carriage permits for occasional services may be made by and only by—

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(*a*) a co-operative society duly registered under the Co-operative Societies Ordinance and recommended by the Registrar of Co-operative Societies for the grant of the certificate ; or

(*b*) a company carrying on or proposing to carry on the business of the carriage of passengers on tours or excursions ; or

(*c*) any person to whom road service licences for services, other than regular services, were ordinarily issued under the Omnibus Service Licensing Ordinance, No. 47 of 1942, during the years 1949 and 1950.

(3) Every application for a certificate of eligibility under this section shall be made to the Commissioner and shall be disposed of in his discretion.

(4) The grant to any person of a certificate of eligibility under this section shall not be deemed or construed in any way to limit or affect the right of the Commissioner to refuse any application by that person for a stage carriage permit for an occasional service.

(5) No stage carriage permit for an occasional service shall be granted to any person referred to in paragraph (*c*) of sub-section (2) authorising the use of any omnibus unless that person was in the year 1950 the registered owner of that omnibus.

(6) In any case where a stage carriage permit for an occasional service can lawfully be granted to any person and the Commissioner is unable to grant a permit prior to the time at which the service is proposed to be commenced, the Commissioner may orally authorise the applicant to provide the service ; and any service provided

in accordance with such oral authority shall be deemed to be a service provided under a stage carriage permit if the prescribed fee for the requisite permit is paid within seven days of the date on which the service was provided.

Permits for regular services to be usually exclusive.

**55.** (1) Subject to the provisions to the contrary in the succeeding sub-sections of this section, the grant under this Part of stage carriage permits for regular services shall be so regulated as to secure that different persons are not authorised to provide regular services involving the use of the same section of any highway.

(2) The Commissioner may, where he considers necessary so to do having regard to the needs and convenience of the public, make a determination having the effect that two or more persons are authorised by their permits to provide regular services involving the use of the same section of the highway, if—

(*a*) that section of the highway is common to the respective routes to be used for the purposes of the services to be provided under each of the permits, but does not constitute the whole or the major part of any such route ; and

(*b*) the principal purpose for which each such permit is issued is to authorise the provision of a service substantially different from the services to be provided under the other permit or permits.

(3) The fact that a stage carriage permit is granted to any person authorising the provision of a regular service involving the use of any section of a highway shall not be deemed to prohibit the grant to any other person of a permit authorising the provision of a regular service involving the use of the same section of the highway if the section of the highway lies within the administrative limits of any Municipal Council or Urban Council :

Provided, however, that regulations may be made—

(*a*) authorising the inclusion in any such permit of a condition that no passenger is both picked up and set down at points on that section of a highway ; and

(*b*) providing that a person who is under paragraph (*a*) deprived of the right previously enjoyed by him under a

stage carriage permit to pick up and set down passengers in any area will, in prescribed circumstances, be entitled to receive compensation for the loss of business from the person to whom that right is conferred by a permit granted as provided in this sub-section ; and

(*c*) prescribing the mode of computing the amount of such compensation, the matters to be taken into consideration in determining such amount and for the settlement by arbitration in the prescribed manner of any dispute as to the amount of compensation so payable.

(4) In any case where permits have under the preceding provisions of this section been granted to two or more persons authorising the provision of regular services involving the use of the same section of a highway, the Commissioner may, if he considers it necessary so to do, for the purpose of meeting intensive demand for passenger transport whether on that section of the highway or any part of that section or any longer section which includes that section or part, make a determination for the grant, to any one or more of such persons or to each of them, of an additional permit authorising the provision of a regular local service on the same section or such part of the section or such longer section, as the case may be :

Provided, however, that in the case of such longer section, the additional permit shall not be granted to any person unless he is already the holder of a stage carriage permit for a regular service involving the use of the longer section.

(5) Where the Commissioner has, under sub-section (1) of section 59, made Order directing the holder of a stage carriage permit to increase the frequency of the services provided under that permit or to provide any additional service, and that Order is not complied with within three months of the date of the service thereof on the holder or such longer period as the Commissioner may allow, the Commissioner may, notwithstanding anything to the contrary in sub-section (1),

of any regular service necessary to meet the increased demand for passenger transport which occasions the making of the Order.

Nothing in section 52 or in section 53 shall apply in relation to the grant of a permit under this sub-section.

(6) Where any company engaged in the publication of a newspaper was during the year 1950 the holder of a road service licence issued under sub-section (2) of section 7 of the Omnibus Service Licensing Ordinance, No. 47 of 1942, authorising the company to provide on any route such an omnibus service as enabled newspapers published by the company to be carried and distributed, the Commissioner may grant a stage carriage permit to that company authorising the provision of a regular service involving the use of that route for the purpose of enabling newspapers published by the company to be carried and distributed, notwithstanding that any other person is also authorised to provide a regular service involving the use of that route.

(7) Notwithstanding anything in sub-section (1) of this section, a stage carriage permit may be granted to any person mentioned in the first column of Part A of the Schedule to this Act authorising that person to continue to provide a regular service, being a service identical with that heretofore provided by him under the authority of the road service licence described in the corresponding entry in the second column of Part A of that Schedule.

(8) Notwithstanding anything in sub-section (1) of this section, the grant to the Colombo Municipal Council of a stage carriage permit authorising the provision of a regular omnibus service on any route referred to in sub-section (3) of section 66 shall not prevent the grant of a stage carriage permit to the person mentioned in the first column of Part B of the Schedule to this Act, authorising him to continue to provide a regular service, being a service identical with that heretofore provided by him under the authority of any road service licences described in the second column of Part B of that Schedule :

Provided, however, that—

(*a*) if the Colombo Municipal Council so requests, the Commissioner may refuse to grant any such permit to any such

person or may attach to the permit granted to him a condition that no passenger is both picked up and set down at points on such route which are served by the omnibus service provided by the Council ;

(*b*) where a permit is so refused to any such person, or the permit granted to him is made subject to the condition mentioned in paragraph (*a*), that person shall be entitled to compensation for loss of business from the Municipal Council ;

(*c*) regulations may be made prescribing the mode of computing such compensation, the matters to be taken into consideration in determining such amount and providing for the settlement by arbitration in the prescribed manner of any dispute as to the amount of compensation so payable.

Disposal of applications for permits.

**56.** (1) Subject to the provisions of sections 54 and 55, the Commissioner shall have full power and discretion to make a determination either to grant or refuse an application for a stage carriage permit.

(2) The Commissioner, in exercising the discretion in regard to the grant or refusal of stage carriage permits and to the route or routes in respect of which permits may be granted, shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for the transport of passengers for fee or reward and shall, in particular, have regard in the case of any application for any such permit, to the following matters :—

(*a*) the extent to which the proposed service is necessary or desirable in the public interest ;

(*b*) the suitability of the proposed route or routes ;

(*c*) the extent, if any, to which the needs of the proposed route or routes or of any such route are already adequately served ;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services

and the provision of unremunerative services) and the co-ordination of all forms of passenger transport, including transport by railway ;

(*e*) the question whether any provision of any other written law prescribing a speed limit is likely to be contravened ;

(*f*) the financial position of the applicant, in so far as it may affect the efficient operation of the proposed service ;

(*g*) the following considerations of policy, that is to say,

(i) that wherever any transportation facilities (including facilities provided by the railway) in any area or on any route are, in the opinion of the Commissioner, satisfactory and efficient to meet at reasonable charge the transportation requirements of the public within that area or on that route, it is undesirable to grant stage carriage permits authorising the carriage of passengers within substantially the same area or over substantially the same route in competition with the said transportation facilities, and

(ii) that it is desirable, except where special circumstances render it inexpedient so to do, to give preference (other things being equal) to an application by a Co-operative Society for a permit to provide services which fulfil transportation requirements in the locality in which the society carries on its activities wherever such services will not be in competition with services provided on established trunk routes, and to give preference to an application by the Colombo Municipal Council for a permit to provide services on any route on which a tramway service was provided in the month of December, 1949, and

(iii) that, where in the case of any application for a stage carriage permit authorising the provision of a regular service the following condition is satisfied, namely, that the applicant is at the time of his application the holder of a permit authorising the provision of a substantially similar service, preference should be given to his application over any application by a person in whose case the said condition is not satisfied, unless the refusal of the first-mentioned application is justified on the ground that the conditions of any permit previously held by the applicant have not been complied with or is justified by special circumstances.

Conditions attached to permits.

**57.** Subject to the provisions of this Act and of any regulations made in that behalf, the Commissioner may attach to any stage carriage permit all such conditions as he may think fit to impose with respect to the matters mentioned in section 56 and generally for securing the safety and convenience of the public, including conditions requiring—

(*a*) that the fares to be charged shall be such as may be specified in the permit ;

(*b*) that the service shall be operated in accordance with a time-table specified in the permit ;

(*c*) that copies of the time-table and fare-table shall be carried and kept exhibited in omnibuses used on the service ;

(*d*) that every omnibus used on the service shall be of a specified type and be maintained at all times in a fit and serviceable condition ;

(*e*) that no omnibus shall be used on the service unless a certificate of fitness in respect thereof is in force for the time being ;

(*f*) in a case where permits are issued to different persons involving the use of the same section of a highway, or where

any route or part thereof lies within the administrative limits of any local authority, that passengers shall not be taken up or shall not be set down (i) except at specified points or (ii) between specified points ;

(*g*) that the requirements of any written law with respect to the time for which drivers or conductors of omnibuses may remain continuously on duty and to their hours of work or rest and to their wages are complied with in the case of the drivers and conductors of the omnibuses used under the authority of the permit ;

(*h*) that the speed limits prescribed by any written law and applicable in the case of omnibuses shall be observed in the operation of the service ;

(*i*) that mails or newspapers shall be carried to such places and at such times as the Commissioner may specify, if payment for such carriage is made in accordance with rates approved by the Commissioner, and in the case of mails, that they shall be carried in accordance with terms and arrangements approved by the Commissioner and embodied in a contract between the applicant and the Postmaster-General ;

(*j*) that the holder of the permit must make adequate provision, whether by setting apart of funds or in any other prescribed manner for depreciation of omnibuses, buildings and plant and for the purchase of new omnibuses ;

(*k*) that, in the case of a permit for a regular service, the holder shall be bound, if required so to do, to provide omnibus services or hiring car services on any neighbouring route or routes in the area deemed by the Commissioner to be the area served by the regular service provided under the permit, whenever the Commissioner is of the opinion that such additional omnibus or hiring car services are necessary in the public interest.

Variation of conditions of permit.

**58.** The Commissioner may, upon application made to him in that behalf by the holder of a stage carriage permit, or of his own motion, modify or rescind any condition attached to that permit under section 57 or attach any new condition thereto :

Provided, however, that except in a case where application in that behalf has been made by the holder of a permit, no condition shall be modified or rescinded and no new condition shall be attached except after giving the holder an opportunity to be heard.

Orders and permits for special services

**59.** (1) For the purpose of meeting any increased demand for passenger transport, the Commissioner may by Order direct the holder of a stage carriage permit for a regular service to increase the frequency of the services provided under any permit, or to provide additional regular services, whether on the whole of the route or routes specified in the permit or on any such route or part thereof; and any service which is provided in compliance with the Order shall be deemed for the purposes of this Part to be a service authorised by that permit. No such Order shall be made unless the holder has first been given an opportunity to be heard.

(2) For the purpose of meeting any demand for passenger transport during the existence of any emergency, the Commissioner may grant a stage carriage permit to any person authorising the provision of such emergency services as may be specified in the permit.

Nothing in section 52 or in section 53 shall apply in relation to the grant of any permit under this sub-section ; and any such permit may be granted notwithstanding anything to the contrary in section 55.

(3) A certificate under the hand of the Minister to the effect that an emergency exists shall for the purposes of sub-section (2) be final and conclusive.

Revocation or suspension of permits.

**60.** (1) Subject to the provisions of this section, the Commissioner may revoke any stage carriage permit or suspend any permit for any specified period on the ground that any of the conditions attached to the permit have not been complied with.

(2) The Commissioner shall not make a determination that a stage carriage permit be revoked or suspended unless satisfied that such revocation or

suspension is necessary by reason of the frequency of the breach of conditions, or of any breach having been committed wilfully or to the danger of the public; and, in addition, the Commissioner shall not make any determination to revoke or suspend a permit for a regular service except after holding a public inquiry in any case where the holder of the permit requests that such an inquiry be held.

(3) In any case where it would be lawful for the Commissioner in accordance with the preceding provisions of this section to make a determination that a permit be revoked or suspended, the Commissioner may instead order him to pay a penalty of an amount not exceeding five thousand rupees or, in the case of a continuing breach of a condition, not exceeding two hundred rupees for each day on which the breach was so continued.

(4) The amount of any penalty shall, when paid, be credited to the Consolidated Fund.

(5) The provisions of this section shall not affect or prejudice the institution or maintenance in any case of a prosecution for any offence under this Act or any other written law.

Provision as to transferability, &c. of permits.

**61.** (1) The holder of a stage carriage permit shall not transfer or assign the permit to any other person.

(2) In the event of the death of the holder of a stage carriage permit, the person having the custody of the omnibus or the majority of the omnibuses used under the authority of the permit shall forthwith give notice of the death to the Commissioner; and if that person, within fourteen days of the death of the holder, makes application to the Commissioner for a new permit in substitution for the existing permit, that person shall be deemed for the purposes of this Act to be the holder of the existing permit during the period commencing on the date of the death and ending on the date of the grant or refusal of the application:

Provided, however, that no stage carriage permit shall by reason of the preceding provisions of this section be deemed to be in force at any time after the period for which the permit was granted.

(3) Where upon the death of the holder of a stage carriage permit for a regular service the application (referred to in sub-section (2) ) for a new permit is made by the person to whom the business

carried on by the deceased holder under the authority of his permit has passed by testamentary disposition or upon intestacy, nothing in section 53 shall apply in relation to the application.

(4) In the event of the insolvency or bankruptcy of the holper of a stage carriage permit, the assignee, liquidator or receiver of the estate of the insolvent or bankrupt shall, within seven days of his appointment, give notice thereof to the Commissioner, and shall be deemed for the purposes of this Part to be the holder of the permit.

(5) In any case where the Commissioner is satisfied that a company in respect of which the provisions of section 67 are complied with, has prior to January 1, 1954, been formed for the purpose of carrying on the business of any holder of a stage carriage permit for a regular service, the Commissioner (notwithstanding that that section has not come into operation) may, upon application made to him in that behalf by such holder, endorse the permit by entering therein the name of the company as the holder of the permit.

Right of appeal against certain determinations; finality of other determinations, &c.

62. (1) (*a*) The applicant for a stage carriage permit for a regular service, or any person who has duly made objection under section 52 in respect of the application, if aggrieved by the determination of the Commissioner thereon, or

(*b*) the holder of a stage carriage permit for a regular service, if aggrieved by the determination of the Commissioner to suspend or revoke the permit or to modify or rescind any condition attached thereto or to attach any new condition thereto, or

(*c*) the holder of a stage carriage permit, if aggrieved by any Order under section 59 (1) directing him to increase the frequency of any service, or if aggrieved by any order made under section 60 (3),

shall have a right of appeal against such determination or order in accordance with the provisions in that behalf in Part X.

(2) Every determination of the Commissioner under this Part against which a right of appeal is conferred by sub-section (1) shall, if such right of appeal is not duly exercised, be final and conclusive.

(3) Every decision, determination or Order of the Commissioner under this Part, against which a right of appeal is not conferred by sub-section (1), shall be final and conclusive.

(4) The finality of any decision, determination or Order of the Commissioner shall not prejudice the power of the Commissioner, with the consent of the person or persons affected thereby, to correct any error therein which was due to inadvertence.

Notice of decisions, determinations, &c.

**63.** (1) Notice of every determination, decision or Order of the Commissioner under this Part shall be given in the prescribed manner to every person to whom such notice is required by regulation to be given.

(2) Where any determination of the Commissioner does not set out the reasons therefor, any person who has under section 62 a right of appeal against that determination may, within seven days of the service on him of notice of the determination, request the Commissioner to furnish to him a statement of the reasons for the determination; and it shall be the duty of the Commissioner in any such case to furnish the statement so required.

Regulations.

**64.** Regulations may be made with respect to all or any of the following matters :—

(*a*) the procedure on applications for, and the determination of, questions in connection with the grant, variation, suspension and revocation of stage carriage permits, the fees payable in respect of such applications and permits, and the manner in which, whether in a lump sum or in instalments, such fees shall be payable;

(*b*) the custody of permits under this Part, and their production, return and cancellation on expiration, suspension or revocation, and the custody, production and return of documents and plates;

(*c*) the plates and marks to be carried on omnibuses and the manner in which they are to be displayed.

(*d*) the records to be kept by holders of such permits in relation to the person employed by such holder as drivers or conductors of omnibuses and to the times of the commencement and cessation of work by such persons and the intervals of rest taken by them ;

(*e*) the documents to be carried by drivers of omnibuses and the particulars to be entered therein ;

(*f*) the records to be kept in respect of the journeys performed by omnibuses (in addition to the registers required by section 184) ;

(*g*) the preservation of records so kept, the inspection of such records by any authority specified in the regulation, and the production for the purposes of such inspection of such records on demand made by any such authority.

Postponement of operation of sections 66 to 72.

**65.** The provisions of sections 66 to 72 shall not come into operation until January 1, 1954, which day is in those sections referred to as " the prescribed date ".

Restriction of issue of permits for regular services except to certain persons.

**66.** (1) On or after the prescribed date, no stage carriage permit authorising the provision of a regular omnibus service shall be granted under this Part to any person, other than a company eligible for the grant of such permits, or a registered co-operative society.

(2) Notwithstanding anything in section 50, every stage carriage permit authorising the provision of a regular omnibus service which is held by any person, other than a company eligible for the grant of such permits or a registered co-operative society, shall cease to be in force on the prescribed date.

(3) Nothing in the preceding provisions of this section shall prevent the grant of a stage carriage permit to the Colombo Municipal Council authorising the provision of services on any route on which a tramway service was provided in the month of December, 1949, or affect the continuance in force of any such permit granted to that Council.

Eligibility of companies for permits for regular omnibus services.

**67.** (1) In order that a company may be eligible for the grant of stage carriage permits authorising the provision of regular omnibus services on or after the prescribed date, the following provisions must be complied with in relation to that company :—

(*a*) The company must be a company formed and registered in Ceylon under any written law.

(*b*) The company must have articles of association approved by the Commissioner and registered under the Companies Ordinance, No. 51 of 1938.

(*c*) Eighty-five per centum, at least, of the issued share capital of the company must be held by persons who are citizens of Ceylon.

(*d*) The articles must not contain—

(i) any restriction of the right to transfer its shares, other than a restriction prohibiting or restricting the transfer to persons who are not citizens of Ceylon, or

(ii) any limitation of the number of its members, or

(iii) any prohibition of invitation to the public to subscribe for its shares or debentures.

(*e*) The articles must not contain any restriction of the voting rights of members, other than a restriction of a description approved by regulations made in that behalf under this Act.

(*f*) The objects of the company as stated in the memorandum must not include any object or purpose, other than the purpose of the provision of road transport services for passenger carriage and any other purpose reasonably connected with or incidental to the business of providing such services.

(2) Where regulations are made in that behalf, no purpose other than a purpose specified in that behalf in such regulations, shall be deemed to be, within the meaning of paragraph (*f*) of subsection (1), a purpose reasonably connected with or incidental to the business of providing road transport services for passenger carriage.

Government may acquire shares in companies.

68. (1) The Minister may, from time to time but after the prescribed date, with the concurrence of the Minister of Finance, direct the Secretary to the Treasury to acquire on behalf of the Government any shares in any company which is the holder of a stage carriage permit authorising the provision of a regular omnibus service, so however that the total value of all the shares in any one company which may be acquired under the authority of this section shall not exceed forty-five per centum of the issued share capital for the time being of the company.

(2) Payment for any shares acquired under the authority of any direction under sub-section (1) shall be made out of moneys provided by Parliament for the purpose.

(3) In any case where necessary arrangements cannot be made by agreement between the Secretary to the Treasury and a company and its shareholders, or both, for the transfer to him of all or any of the shares in that company which are proposed to be acquired under the authority of a direction under section 68, it shall be lawful for the Minister, for the purpose of securing that the requisite number of shares is compulsorily acquired, to make order declaring that such shares as are specified in the Order shall vest in the Secretary to the Treasury.

In determining which of the shares in a company are to be specified in an Order under this sub-section, the Minister shall have regard to the following conditions :—

(*a*) that shares held by persons who are not citizens of Ceylon should be compulsorily acquired in priority to shares held by citizens of Ceylon ; and

(*b*) that, subject to such exceptions as may be prescribed and to the foregoing condition (*a*), shares are compulsorily acquired *pro rata* according to the number of shares held by the existing shareholders.

(4) Where an Order under sub-section (3) is made in respect of any shares in a company, then, notwithstanding that a proper instrument of transfer is not delivered to the company in respect of such shares, it shall be the duty of the company, if required so to do by the Secretary to the Treasury and upon producton of the Order, to register him as shareholder in respect of those shares.

Purchase price for shares acquired.

**69.** (1) The amount of the price to be paid for any shares acquired under section 68 shall be determined by agreement with the company or the shareholder, as the case may be, or, in the absence of such agreement, by arbitration as hereinafter provided.

(2) Where the value of any shares is to be determined by arbitration, the arbitration shall be conducted—

(*a*) by a single arbitrator nominated by agreement between the Secretary to the Treasury and the company ; or

(*b*) in default of such agreement, by two arbitrators nominated respectively by the Secretary to the Treasury and the company.

(3) Where in any case referred to in paragraph (*b*) of sub-section (2) there is a difference of opinion among the two arbitrators in respect of any matter, the matter shall be referred for decision to an umpire chosen by them, or if they are unable to agree as to the choice of an umpire, by an umpire appointed for the purpose by the District Court of Colombo on application made by any party to the arbitration proceedings.

No stamp duty shall be payable in respect of any application under this sub-section.

Each party shall be liable to pay in equal shares the amount of the fee payable to an umpire chosen or appointed under this sub-section.

(4) The decision of a single arbitrator, or where there are two arbitrators their agreed decision, or in any case referred to in sub-section (3) the decision of an umpire, shall be final and conclusive for the purpose of this section, and shall be binding on the company and on every shareholder whose shares are acquired.

(5) Regulations may be made in respect of all matters relating to or connected with the conduct of proceedings upon arbitration under this section.

Registration of Secretary to the Treasury as member of company, &c.

**70.** (1) Where any shares are acquired under section 68 (whether or not an Order under that section has been made in respect of them), the Secretary to the Treasury, under the title " the Secretary to the Treasury on behalf of the Government of Ceylon ", shall be registered as a member of the company and the necessary share certificates

shall be issued to him under that title; and he or any public officer authorised by him in that behalf shall be entitled to be present and to speak at any meeting of the members of the company, and to exercise, in respect of the shares held by him on behalf of the Government, the same rights to vote as would have been exercisable if the shares were held by an ordinary shareholder.

(2) Notwithstanding that the Secretary to the Treasury is registered as hereinbefore provided as a member of any company, he shall not be eligible for election or appointment as a director of the company.

(3) So long as the nominal value of the shares which are held in any company on behalf of the Government is not less than twenty-five per centum of the issued share capital for the time being of the company, the Secretary to the Treasury or any public officer authorised by him in writing in that behalf shall be entitled to be present and to speak but not to vote at any meeting of the directors of the company.

(4) The amount of all dividends payable upon any shares which are, as hereinbefore provided, held by the Secretary to the Treasury on behalf of the Government, shall be credited to the Consolidated Fund.

(5) (*a*) Where any local authority is empowered, by or under any other written law under which it is constituted, to invest any part of its funds in the shares of any company which is the holder of a stage carriage permit authorising the provision of a regular omnibus service, that local authority may make a request to the Minister that any shares in that company which are held on behalf of the Government be transferred to that authority, or that any such shares shall be acquired under the preceding provisions of this Part and transferred to that authority.

(*b*) The number and value of any shares which may be transferred to a local authority under paragraph (*a*) of this sub-section shall be determined by the Minister in his discretion, having regard to the extent and value of the business carried on by the company under the authority of any stage carriage permit in the area within the administrative limits of that local authority, so however that unless the Minister otherwise determines the nominal value of the shares so

transferred shall not exceed twenty-two and one half per centum of the issued share capital for the time being of the company.

(*c*) Any shares in any company which are transferred under this sub-section to a local authority shall, for the purposes only of sub-section (3) of this section and notwithstanding the transfer, be deemed to be shares held on behalf of the Government.

Sections 68 to 70 to prevail over company law.

**71.** The provisions of sections 68 to 70 shall have effect notwithstanding anything to the contrary in any written law relating to companies or in the memorandum or articles of association of a company.

Scheme for amalgamation of companies or transfer of business.

**72.** (1) The Minister may require the Commissioner to prepare and present a Scheme—

(*a*) for the amalgamation of any or all of the companies which are authorised under this Act to provide omnibus services in any area or on any routes specified by the Minister ; or

(*b*) for the transfer to any one of such companies of the business previously authorised under this Act to be carried on by any other such company or companies in any area or on any routes so specified ; or

(*c*) for the formation of a new company, and the transfer to it of the business previously authorised under this Act to be carried on by any other company or companies in any area or on any routes so specified.

In this sub-section, "authorised" means authorised by a stage carriage permit or two or more such permits.

(2) For the purposes of the preparation of any Scheme referred to in sub-section (1), the Commissioner—

(*a*) shall hold such inquiries as may be necessary in consultation with the companies concerned ;

(*b*) may require any company concerned to furnish to the Commissioner such particulars and other information as he may consider necessary relating to its shares and debentures, its assets and liabilities,

and generally to the business carried on under the authority of stage carriage permits, and to produce for examination books or documents containing such particulars or information ; and

(*c*) shall refer to arbitration any dispute between any such companies upon any question relating to the value of shares, assets or liabilities, or to the value of any business which is to be transferred under the proposed Scheme, or to the number of shares in any existing or amalgamated or new company which are to be allotted under the proposed Scheme.

(3) In any Scheme prepared under this section, the Commissioner shall have regard to and be bound by the decision given upon any dispute referred for arbitration as hereinbefore provided.

(4) Where any Scheme prepared by the Commissioner under this section is approved by the Minister, the Minister may by notice direct each company concerned, before such date as may be specified in the notice, to take all such steps as are necessary to carry out the Scheme ; and where any such company fails to comply with the notice before the date so specified or within such extended time as the Minister may allow, the Minister may in his discretion by Order declare that the company is in default for the purposes of sub-section (5).

(5) Where by reason of an Order made under sub-section (4) any company is in default for the purposes of this sub-section, then, notwithstanding anything in section 50, every stage carriage permit previously granted to that company shall, according as the Minister may in his discretion determine, either cease to be in force on a date to be fixed by the Minister or be altered by the Commissioner by the attachment thereto of a condition that no passenger is both picked up and set down in the area or on the routes to which the Scheme relates.

Every determination of the Minister under the preceding provisions of this sub-section shall be final and shall not be subject to an appeal ; and accordingly no appeal shall lie against the attachment to any permit of the condition referred to in the preceding provisions of this sub-section.

(6) (*a*) Any dispute required by sub-section (2) of this section to be referred to arbitration shall be so referred by the Commissioner to a single arbitrator appointed by him, or where any party to the dispute so requires to three persons so appointed. Where three persons are so appointed, they shall constitute a Board of Arbitration and one of such persons designated by the Commissioner shall be the Chairman of the Board.

(*b*) In the event of any difference of opinion among the members of the Board of Arbitration the decision of the majority shall be the decision of the Board.

(*c*) Regulations may be made—

(i) in respect of all matters relating to or connected with the conduct of proceedings upon arbitration under this section; and

(ii) providing for the payment of fees to persons appointed under this section as arbitrators or as members of the Board of Arbitration.

## Hiring Car Services

**Permits required for carriage of passengers in hiring cars at separate fares.**

**73.** (1) No hiring car shall, on or after the appointed date, be used for the carriage of passengers for fee or reward at separate fares except under the authority of a stage carriage permit for a regular hiring car service granted by the Commissioner under this Part and for the time being in force.

(2) For the purposes of sub-section (1), where persons are carried in a hiring car for any journey in consideration of separate payments made by them, whether to the owner of the hiring car or to any other person, the hiring car shall be deemed to be used for the carriage of passengers for fee or reward at separate fares, whether the payments are solely in respect of the journey or not.

(3) The provisions of sections 47 to 64 relating to regular services shall apply *mutatis mutandis* in all respects in relation to applications for and the grant of stage carriage permits for regular hiring car services and to any permit so granted; and for the purposes of such application every reference in any of the aforesaid provisions to an omnibus or a regular service shall be deemed to include a reference to a hiring car or a regular hiring car service, as the case may be:

Provided, however, that regulations may be made modifying the provisions of any of the aforesaid sections in their application in relation to any of the matters aforesaid or declaring that any such provision shall not have effect in relation thereto.

## Private Coach Permits

Permits required for private coaches.

**74.** (1) No private coach shall, on or after the appointed date, be used on any highway except under the authority of a private coach permit granted by the Commissioner under this Part and for the time being in force.

(2) The provisions of sub-section (1) shall not apply to any private coach which is used by any dealer on any highway if, but only if, it is so used under and in accordance with a dealer's licence issued under Part III.

(3) Every application for a private coach permit shall be made to the Commissioner in such form as he may provide for the purpose and may be granted or refused in his discretion. The determination of the Commissioner upon any such application, or in respect of any matter for which provision is made in sections 75 to 77 or in any regulation made under section 78, shall be final and conclusive.

Authorised carriage under private coach permits.

**75.** (1) A private coach permit granted under this Part shall entitle the holder thereof to use each private coach specified in the permit for the carriage of persons and their personal luggage, otherwise than for fee or reward, for any purpose specified in the permit and in accordance with the conditions attached thereto.

(2) Regulations may be made declaring that any payment, made by a person of any prescribed description of persons and in the prescribed circumstances, in respect of the carriage of that person in a private coach shall be for the purposes of sub-section (1) an exempted payment; and any such regulation may make different provisions with respect to private coaches used by persons of different descriptions or for different purposes.

A person shall not be deemed for the purposes of sub-section (1) to be carried on any private coach for fee or reward by reason only that he makes or has made in respect of such carriage any payment so declared to be an exempted payment.

Specification of private coach in permit.

**76.** (1) The Commissioner shall, at the time of the grant of a private coach permit, specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, each private coach the use of which is authorised by the permit:

Provided, however, that in the case of a coach that has not been registered at the time of the grant of the permit, the Commissioner may specify that coach by reference to such particulars as are available, and shall in any such case enter in the permit the distinctive number and other necessary particulars prior to the issue under Part III of a revenue licence for that coach.

(2) No private coach permit shall be granted to any person authorising the use of any private coach unless that person is the registered owner of that coach, or in a case referred to in the proviso to sub-section (1), the Commissioner is satisfied that such person intends to be registered as the owner of that coach.

Eligibility for private coach permits.

**77.** A private coach permit shall not be granted except—

(*a*) to a person for the time being in charge of a school, in order to authorise the carriage of students of the school and of persons employed on the staff thereof; or

(*b*) to an airways undertaking, in order to authorise the carriage to and from airports of aircraft passengers and of persons employed in the undertaking; or

(*c*) to any employer, (including a department of Government or other public or local authority), in order to authorise the carriage of persons employed by or under the employer; or

(*d*) to any other person of any prescribed class or description of persons, in order to authorise the carriage of persons for any prescribed purpose.

Regulations as to private coach permits.

**78.** Regulations may be made for the purposes of carrying out or giving effect to the provisions of sections 74 to 77; and without prejudice to the generality of the powers hereinbefore conferred, any such regulation may provide—

(*a*) the particulars to be contained in applications for private coach permits, and the fees payable in respect thereof;

(*b*) for the conditions which shall or may be attached to such permits, the variation, modification or rescission of conditions or the addition of new conditions ;

(*c*) for the revocation or suspension of such permits ;

(*d*) for the duration of such permits ; and

(*e*) the plates and marks to be carried on private coaches and the manner in which they are to be displayed.

## PART V

### Goods Carriage Permits

Permits required for lorries.

**79.** (1) No lorry shall, on or after the appointed date, be used on any highway except under the authority of a permit granted by the Commissioner under this Part and for the time being in force.

(2) The provisions of sub-section (1) shall not apply to any lorry which is used by any dealer on any highway, if, but only if, it is so used under and in accordance with a dealer's licence issued under Part III.

(3) The provisions of sub-section (1) shall not apply to any trailer with a pay load not exceeding 10 hundredweight, if, but only if, it is being drawn by a private car and is being used for the carriage of goods authorised by section 180 or by regulations made under sub-section (4) of that section to be carried on a private car.

Classes of goods carriage permits.

**80.** A permit authorising the use of a lorry shall be of one of the following classes, that is to say :—

(*a*) a public carrier's permit ; and

(*b*) a private carrier's permit.

Authorised goods carriage.

**81.** (1) A public carrier's permit shall entitle the holder thereof to use the lorries specified in the permit (hereinafter referred to as " the authorised lorries ")—

(*a*) for the carriage of goods for fee or reward, and

(*b*) for the carriage of goods for or in connection with his business as a carrier of goods, whether by road transport or any other means of transport, and for such storage or warehousing of goods as may be incidental to his business as a carrier ; and

(*c*) in the case of a permit held by a person carrying on a canal, dock or harbour undertaking, for the carriage of goods for or in connection with that undertaking.

(2) A private carrier's permit shall entitle the holder thereof to use the lorries specified in the permit (hereinafter referred to as "the authorised lorries") for the carriage of goods, otherwise than for fee or reward—

(*a*) for or in connection with any trade or business carried on by him and specified in the permit; or

(*b*) for any other purpose so specified.

(3) The carriage of goods, by a person engaged in any trade or business, in any case mentioned in any of the following paragraphs shall not be deemed to be carriage for fee or reward :—

(*a*) the delivery or collection, by that person, of goods sold, used or let on hire or hire-purchase in the course of that trade or business;

(*b*) the delivery or collection, by that person of goods which have been, or are to be, subjected to a process of treatment or manufacture in the course of that trade or business;

(*c*) where that trade or business is that of a manufacturer, agent or dealer in any goods, the carriage of goods for demonstration purposes in a lorry;

(*d*) where that person is a manufacturer of motor vehicles, the carriage of goods by him under and in accordance with regulations made in that behalf;

(*e*) where that person is engaged in agriculture in any locality, the carriage by him of goods for or in connection with the business of agriculture carried on by any other person in the same locality;

and accordingly a private carrier's permit shall be sufficient to authorise any such carriage by that person.

(4) For the purposes of this Part of this Act, the performance of its functions by any department of Government, or a local authority, or any prescribed public authority, shall be deemed to be the carrying on of a trade or business.

Specification of authorised lorries in permits.

82. (1) The Commissioner shall, at the time of the grant of a permit under this Part, specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, each lorry the use of which is authorised by the permit :

Provided, however, that in the case of a lorry which has not been registered under Part I at the time of the grant of the permit, the Commissioner may specify that lorry by reference to such particulars as are available, and shall in any such case enter in the permit the distinctive number and other necessary particulars prior to the issue under Part III of a revenue licence for that lorry.

(2) No lorry shall be or be capable of being specified as an authorised lorry—

(*a*) in any permit, unless the holder of the permit is the registered owner of that lorry, or in a case referred to in the proviso to sub-section (1), the Commissioner is satisfied that the holder intends to be registered as the owner of the lorry ; or

(*b*) in any permit, other than a short-term permit, if that lorry is already specified as an authorised lorry in any other permit, other than a short-term permit granted under this Part whether to the same or a different person.

Restriction of use of authorised lorries.

83. (1) No lorry which is for the time being specified as an authorised lorry in any public carrier's permit shall be used for the carriage of goods for any purpose other than a purpose mentioned in sub-section (1) of section 81.

(2) Subject as hereinafter provided, no lorry which is for the time being specified as an authorised lorry in any private carrier's permit shall be used for the carriage of goods for fee or reward :

Provided, however, that the Commissioner may, in any case of emergency and subject to such conditions as he may consider necessary, authorise the holder of a private carrier's permit to use an authorised lorry for the carriage of goods for any other person to whom he lets the lorry, if the Commissioner is satisfied that the requirements of such other person cannot be conveniently met from other sources.

Duration of permits.

**84.** (1) Subject to the provisions of section 85, the period (hereinafter referred to as " the currency period ") for which a permit under this Part shall be in force shall—

(*a*) in the case of a public carrier's permit, be the period of two years from the date on which it is expressed to come into force ; and

(*b*) in the case of a private carrier's permit, be the period of three years from the date on which it is expressed to come into force :

Provided, however, that in the case of the first grant to an applicant of a permit under this Part the permit may, if the Commissioner considers it expedient for the purposes of administrative convenience, be expressed to be in force for a period exceeding or falling short of the currency period by not more than six months ; and different periods may be so specified in the case of such permits granted to different applicants.

(2) In any case where before the expiration of a permit under this Part, other than a short-term permit referred to in section 85, the holder thereof applies for a permit authorising the use of lorries for substantially the same purposes as those authorised by the existing permit, the existing permit shall continue in force until the application is finally disposed of, without prejudice, however, to the exercise in the meantime of the powers conferred by section 94.

Short-term permits.

**85.** (1) With a view to enabling lorries to be used temporarily—

(*a*) for the purposes of a seasonal business ;

(*b*) for the purposes of the execution of a particular piece of work ; or

(*c*) for any other purpose of limited duration,

the Commissioner may grant a short-term permit under this Part of any class for any period not exceeding three months.

(2) Where an application for a permit under this Part for the currency period is made for the first time under this Act by any person, the Commissioner, if for administrative reasons he deems it desirable so to do, may, pending the determination of the application grant to the applicant—

(*a*) in the case of an application for a public carrier's permit, a short-term permit

under this Part expressed to be in force for any period not exceeding twelve months ; and

(*b*) in the case of an application for a private carrier's permit, a short-term permit under this Part expressed to be in force for any period not exceeding three months.

Any short-term permit granted under this sub-section shall cease to be in force on the date on which the permit granted to the applicant for the currency period is expressed to come into force.

Applications for permits.

86. (1) Every application for a permit under this Part shall be made to the Commissioner.

(2) Every application for a permit under this Part for the currency period shall be made not less than three months before the date on which the applicant requires the permit to come into force.

(3) Every applicant for a permit under this Part shall submit, together with his application, a statement in such form as the Commissioner may provide for the purpose—

(*a*) containing such particulars as may be prescribed as respects the lorries proposed to be used under the permit ;

(*b*) furnishing particulars of the area (hereinafter referred to as " the proposed area of operation ") in which it is proposed to carry goods under the authority of the permit ;

(*c*) specifying the place or places, if any, outside the proposed area of operation, between or from or to which it is proposed to carry goods under the authority of the permit and the route or routes to be used for such carriage ; and

(*d*) in the case of an application for a public carrier's permit, specifying the facilities for the transport of goods intended to be provided for other persons under the authority of the permit.

(4) Every applicant for a permit under this Part shall furnish such other information as the Commissioner may reasonably require for the purposes of the consideration of the application and, in particular, an applicant for a public carrier's

permit shall, if so required, submit in such form as the Commissioner may provide for the purpose—

(*a*) such particulars as may be so required with respect to any business as a carrier of goods for fee or reward carried on by the applicant at any time before the making of the application and of the rates charged by him ;

(*b*) particulars of any agreement or arrangement, affecting in any material respect the provision, within the proposed area of operation, of facilities for the transport of goods for fee or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the area ;

(*c*) particulars of any financial interest (whether as a partner or as a shareholder or as a result of any loan, guarantee or other financial transaction) which any other person providing facilities for the transport of goods for fee or reward, or controlling (either solely or in conjunction with any other person) the business of any person who provides such facilities, has in the business of the applicant, and in the case of an applicant being a company, of any right which any such person as aforesaid has to nominate any director of the company.

Special provisions applicable to certain applications.

**87.** (1) This section shall apply to every application—

(*a*) for the grant of a public carrier's permit under this Part, not being a short-term permit ; or

(*b*) for the variation of any such permit by a direction that additional lorries shall be specified therein or that the maximum number of lorries so specified shall be increased ; or

(*c*) for the modification or rescission of any condition specified in any such permit or the addition thereto of any new condition :

Provided, however, that this section shall not apply—

(i) to any application for a permit to expire not later than an existing permit under which lorries to which the application relates are authorised to be used for the purposes of a business which the applicant has acquired or intends to acquire ; or

(ii) to any application as respects which the Commissioner is of opinion that, having regard to its trivial character, it is not necessary that any opportunity should be given for objections.

(2) The Commissioner shall publish in the prescribed manner notice of every application to which this section applies and shall specify in such notice the time within which, and the manner in which objections may be made against the grant of the application.

(3) In the case of any application to which this section applies, any person already providing transport facilities, whether by means of road transport or any other means of transport, for the carriage of goods for fee or reward in the area or any part of the area or between any places which the applicant intends to serve under the authority of the permit applied for, may, on payment of the prescribed fee, make objection against the grant of the application on the ground that suitable transport facilities in that area or part or between those places are or, if the application were granted, would be, either generally or in respect of any particular type of lorries, in excess of requirements, or on the ground that any of the conditions of any permit held by the applicant has not been complied with.

An objection may be made under this subsection on behalf of the railway by the General Manager of Railways or any other officer of his Department authorised by him for the purpose ; no fee shall be payable in respect of any such objection.

(4) It shall be the duty of the Commissioner to hold a public hearing into every application to which this section applies and into all objections duly made by persons entitled under sub-section (3) to make objections in respect of the application.

(5) Where, on an application for the grant of a Permit under this Part, the Commissioner proposes to grant the application in respect of lorries areas or routes other than those of which particulars were contained in the application, the Commissioner shall publish notice of that proposal in like manner as though it were an application to which this section applies; and thereupon the provisions of this section with respect to the making and considering of objections and the holding of a public inquiry shall apply accordingly:

Provided, however, that nothing in the preceding provisions of this sub-section shall apply if the Commissioner certifies that he is satisfied that the total pay load of the lorries proposed by the Commissioner to be authorised will not be materially greater than that of the lorries specified in the application.

Regulation of carriage by road between places connected by railway.

**88.** (1) Where any two places are conveniently connected by railway, and the shortest distance by road between those places is not less than sixty miles, then, save as otherwise provided in section 89, no permit shall be granted—

(*a*) authorising the carriage between those places; or

(*b*) authorising any carriage involving or necessitating the through carriage between those places,

of goods by lorry or by a succession of lorries.

(2) For the purposes of sub-section (1), any two places shall be deemed to be conveniently connected by railway if—

(*a*) each of such places is situated *either* (i) within the limits of a municipal town within which there is a railway station, *or* (ii) within a distance by road of not more than three miles from a railway station; and

(*b*) the railway route between the two railway stations does not exceed one and one half times the shortest distance by road between the two places in a case where there is no break of gauge in the railway connection, or does not exceed the shortest distance by road in a case where there is any such break of gauge.

(3) For the purposes of this section, the expression " distance by road " means the distance measured along any highway or highways on which the use of lorries is not prohibited under this Act.

**Grant of permits for long-distance carriage.**

89. (1) Notwithstanding the provisions of section 88, a permit authorising any carriage of the description mentioned in that section (hereinafter referred to as " regulated long-distance carriage ") may be granted—

(*a*) in exceptional circumstances, on the ground that the Commissioner considers it expedient to grant a permit for the carriage of fresh fish, fresh fruit, fresh vegetables or other perishable or fragile articles, having regard to the delay and risk involved in, and the other disadvantages of, the carriage of such articles by railway ; or

(*b*) on the ground that the applicant for the permit is a person who, immediately prior to December 31, 1949, was the holder of a licence or licences authorising the use of a lorry or lorries for substantially the same purposes and in substantially the same area of operation as the purposes and the area, respectively, to which his application relates, so, however, that the permit which may be granted in any such case shall only authorise the use of the same lorry or lorries or other lorries of the same total pay-load ; or

(*c*) in exceptional circumstances, on the ground of strong economic justification ; or

(*d*) on the ground that the lorries are owned by the Government or any prescribed public authority.

(2) No permit authorising regulated long-distance carriage which is granted on the ground specified in paragraph (*b*) of sub-section (1) shall be expressed to be in force after December 31, 1955 ; and the provisions of this sub-section shall have effect notwithstanding anything in section 84.

(3) In any case where—

(*a*) any person is, by permits granted on the ground specified in paragraph (*b*) of sub-section (1), authorised to perform regulated long-distance carriage during

the whole of the period commencing on the appointed date and ending on December 31, 1955 ; and

(*b*) an application made by that person for a permit authorising regulated long-distance carriage by him during the currency period commencing on January 1, 1956, is refused,

that person shall be entitled to compensation for loss of business, in such circumstances and subject to such conditions and restrictions and of such an amount as may be prescribed by regulations made in that behalf ; and the payment of all sums due by way of such compensation is hereby charged on the Consolidated Fund.

(4) No permit authorising regulated long-distance carriage shall be granted on the ground of strong economic justification, unless the Commissioner is satisfied—

(*a*) that the grant of the permit will result in substantial and justifiable economy of time and cost to the prospective consignors or consignees ; and

(*b*) that, after carefully weighing the total potential loss to the railway (having regard to the likely number of other cases in which permits will have to be granted on similar grounds), against the advantages of the carriage by road of the goods proposed to be carried by the applicant, it is expedient in the public interest to grant the permit.

(5) Nothing in section 88 shall be deemed or construed in any case to prohibit the grant of a permit authorising regulated long-distance carriage in any case where the permit is required by any applicant to authorise any carriage of any description set out hereunder :—

(*a*) the carriage of liquids in bulk in a tank permanently fixed to a lorry, or in a tank not so fixed the capacity of which is at least five hundred gallons ;

(*b*) the carriage of goods of a special character which, under any written law specifically relating thereto, may only be carried in a vehicle constructed or adapted so as to comply with that law and which are being so carried ;

(*c*) the carriage consisting of an ordinary furniture removal ;

(*d*) the carriage of meat ;

(*e*) the carriage of livestock ;

(*f*) the carriage of felled timber on a lorry specially constructed for the purposes of such carriage ;

(*g*) any carriage only in a lorry specially constructed to carry abnormal indivisible loads, and the carriage, in a lorry in which no other goods are being carried for fee or reward, of apparatus or equipment ancillary to the operation, for the purposes of the carriage of such loads, of such a specially constructed lorry ; or

(*h*) the carriage of goods in a vehicle with a payload not exceeding fifteen hundredweight.

(6) Nothing in section 88 shall be deemed or construed to prohibit the grant, to the holder of a private carrier's permit, of a short-term permit authorising regulated long distance carriage in any case where the Commissioner is satisfied that such short-term permit is required on any particular occasion for any purpose of a prescribed description.

Discretion as to grant or refusal of permits.

**90.** (1) Subject to the provisions of sections 88 and 89, the Commissioner shall have full power and discretion to make a determination either to grant or refuse an application for a permit under this Part or to grant a permit in respect of lorries or areas or routes other than those of which particulars were contained in the application, or in respect of lorries less in number than, or differing in type from, those for the use of which authorisation was applied for :

Provided, however, that except in a case to which section 88 or section 89 applies, the Commissioner shall not refuse an application for a private carrier's permit, unless he has reason to believe that the applicant does not *bona fide* require the use of any lorry, in the area or on the routes specified in his application, for the purposes of any trade or business carried on by him or for any other purpose of a private character.

(2) The Commissioner in exercising the discretion in regard to the grant or refusal of permits under this

Part shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport of goods; and shall, as far as may be, be guided by the following considerations of policy, that is to say :—

(*a*) that, while due regard must be had to the advantages afforded by road transport in the case of short distance carriage, it is in the interests of the public generally that the railway be kept worked at or as near capacity as possible from traffic available for transport;

(*b*) that, wherever any transportation facilities (including facilities provided by the railway) in any area or over any route are, in the opinion of the Commissioner, satisfactory and efficient to meet at reasonable charge the transportation requirements of the public within that area or along that route, it is undesirable to grant permits under this Part authorising the carriage of goods within substantially the same area or along substantially the same route in competition with the said transportation facilities.

(3) The Commissioner in exercising the discretion in regard to the grant or refusal of permits under this Part shall have regard in the case of an application for a public carrier's permit—

(*a*) where the applicant is the holder of an existing permit of the same class, to the extent to which he is authorised to use lorries thereunder for the carriage of goods for fee or reward;

(*b*) to the previous conduct of the applicant in the capacity of a carrier of goods;

(*c*) to the number and type of lorries proposed to be used under the permit;

(*d*) in determining the number of lorries to be authorised to the need for providing for occasions when lorries are withdrawn from service for overhaul or repair;

(*e*) to any representations which may be made by any local authority or by any other person interested.

**Conditions attached to permits.**

91. (1) It shall be a condition of every permit under this Part—

(*a*) that every authorised lorry shall be maintained at all times in a fit and serviceable condition ;

(*b*) that the requirements of any written law with respect to the time for which drivers of lorries may remain continuously on duty and to their hours of work or rest and to their wages are complied with in the case of the drivers of the authorised lorries ;

(*c*) that the provisions of any written law with respect to speed limits, tare, laden weight and the loading of lorries are complied with in relation to the authorised lorries ; and

(*d*) that the provisions of any regulations made under this Part relating to the keeping of records, the carriage of documents, and the production and inspection of such records and documents, are complied with.

(2) The Commissioner may attach to any permit under this Part all such conditions he may think fit to impose in the public interest and with a view to preventing uneconomic competition, including conditions requiring—

(*a*) that the authorised lorries shall be used only in such area or between such places as may be specified in the permit ;

(*b*) that the authorised lorries shall not be used in such area or between such places as may be specified in the permit;

(*c*) that the goods carried in the authorised lorries shall be restricted to such classes or descriptions of goods as may be specified in the permit ;

(*d*) that such classes or descriptions of goods as may be specified in the permit shall not be carried in the authorised lorries ;

(*e*) that goods shall be carried in the authorised lorries only for such persons as may be specified in the permit ;

(*f*) that the charges to be made for the carriage of goods shall not exceed or be less than such maximum or minimum charges respectively as may be specified in the permit ;

(*g*) that the maximum laden weight of any authorised lorry shall not exceed such weight as may be specified in the permit;

(*h*) that a speed-governor shall be fitted to any authorised lorry ; and

(*i*) that the maximum payload to be carried in each authorised lorry shall not exceed such amount as may be specified in the permit.

**Variation of conditions of permits.**

92. The Commissioner may, (subject in any case to which section 87 applies, to the provisions of that section), upon application made to him in that behalf by the holder of a permit under this Part, or of his own motion, modify or rescind any condition attached to that permit under sub-section (2) of section 91, or attach any new condit on thereto :

Provided, however, that except in a case where application in that behalf has been made by the holder of a permit, no condition shall be modified or rescinded and no new condition shall be attached except after giving the holder an opportunity to be heard.

**Variation of permit in relation to authorised lorries.**

93. (1) The Commissioner may, (subject in any case to which section 87 applies, to the provisions of that section), upon application made to him in that behalf by the holder of a permit under this Part, vary the permit—

(*a*) by specifying additional lorries as authorised lorries ; or

(*b*) by specifying in the permit, in substitution for an authorised lorry, a lorry of a greater payload.

(2) The Commissioner shall, upon application made to him in that behalf by the holder of a permit under this Part, vary the permit—

(*a*) by striking out any authorised lorries specified therein ; or

(*b*) by specifying in the permit, in substitution for an authorised lorry, a lorry of the same or lower payload.

(3) In any case where the Commissioner is satisfied—

(*a*) that a lorry specified in any permit under this Part has ceased to be used under the authority of the permit for any reason other than a temporary fluctuation in business, or is specified in another permit ; or

(*b*) that for any other reason it is expedient so to do,

the Commissioner may, after giving the holder an opportunity to be heard, vary that permit by striking out the lorry therefrom.

Revocation or suspension of permits.

**94.** (1) Subject to the provisions of this section, the Commissioner may revoke any permit under this Part or suspend any such permit for any specified period, on the ground that any of the conditions attached to the permit has not been complied with.

(2) (*a*) The Commissioner shall not make a determination that a permit be revoked or suspended unless satisfied that such revocation or suspension is necessary by reason of the frequency of the breach of conditions, or of any breach having been committed wilfully or to the danger of the public; and in addition the Commissioner shall not make any determination to revoke or suspend any permit, not being a short-term permit, except after holding a public inquiry in any case where the holder of the permit requests that such an inquiry be held.

(*b*) Where the holder of a private carrier's permit is convicted twice or oftener of an offence by reason of the use of any authorised lorry for the carriage of goods for fee or reward, the Commissioner may revoke or suspend the permit; and nothing in paragraph (*a*) of this sub-section shall be deemed or construed to restrict the exercise of the power conferred by this paragraph or to require a public inquiry to be held before such power is exercised.

(3) In any case where it would be lawful for the Commissioner, in accordance with the preceding provisions of this section, to make a determination that a permit be revoked or suspended, the Commissioner may instead—

(*a*) direct that the permit be varied by striking out any one or more of the authorised lorries specified therein; or

(*b*) order him to pay a penalty of an amount not exceeding one thousand rupees, or, in the case of a continuing breach of a condition, not exceeding fifty rupees for each day on which the breach was so continued.

(4) The amount of any penalty so imposed shall when paid be credited to the Consolidated Fund.

(5) The provisions of this section shall not affect or prejudice the institution or maintenance in any case of a prosecution for any offence under this Act or any other written law.

**Provisions as to transferability, &c. of permits.**

**95.** (1) The holder of a permit under this Part shall not transfer or assign the permit to any other person.

(2) In the event of the death of the holder of a permit under this Part, the person having the custody of the authorised lorry or the majority of the authorised lorries, shall forthwith give notice of the death to the Commissioner; and if that person, within fourteen days of the death of the holder, makes application to the Commissioner for a new permit in substitution for the existing permit, that person shall be deemed for the purposes of this Act to be the holder of the existing permit during the period commencing on the date of the death and ending on the date of the grant or refusal of the application :

Provided, however, that no permit under this Part shall by reason of the preceding provisions of this sub-section be deemed to be in force at any time after the period for which the permit was granted.

(3) Where upon the death of the holder of a permit under this Part the application (referred to in sub-section (2) ) for a new permit is made by a person to whom the business carried on by the deceased holder under the authority of his permit has passed by testamentary disposition or upon intestacy, that business shall for the purposes of paragraph (i) of the Proviso to section 87 (1) be deemed to have been acquired by that person.

(4) In the event of the insolvency or bankruptcy of the holder of a permit under this Part, the assignee, liquidator or receiver of the estate of the insolvent or bankrupt shall, within seven days of the appointment, give notice thereof to the Commissioner, and shall be deemed for the purposes of this Part to be the holder of the permit.

**Right of appeal against certain determinations; finality of other determinations, &c.**

**96.** (1) (*a*) The applicant, in the case of any application to which section 87 applies, or any person who has duly made objection under that section in respect of that application, if aggrieved by the determination of the Commissioner thereon, or

(*b*) the holder of a permit under this Part, not being a short-term permit, if aggrieved by the determination of the Commissioner to modify or rescind any condition attached thereto or to attach any new condition thereto, or

(*c*) the holder of a permit under this Part, if aggrieved by the determination of the Commissioner to suspend or revoke the permit, or by an order made under section 94 (3) (*b*), or

(*d*) the applicant for a private carrier's permit (other than a short-term permit), if aggrieved by the determination of the Commissioner on the application,

shall have a right of appeal against the determination or order in accordance with the provisions in that behalf in Part X :

Provided, however, that except in a case referred to in paragraph (*c*) of this sub-section, such right of appeal shall be only on a question of law.

(2) Every determination of the Commissioner under this Part against which a right of appeal is conferred by sub-section (1) shall, if such right is not duly exercised, be final and conclusive.

(3) Every decision or determination of the Commissioner under this Part, against which a right of appeal is not conferred by sub-section (1), shall be final and conclusive.

(4) The finality of any decision or determination of the Commissioner shall not prejudice the power of the Commissioner, with the consent of the person or persons affected thereby, to correct any error therein which was due to inadvertence.

**Notice of decisions, determinations, &c.**

**97.** (1) Notice of every determination or decision of the Commissioner under this Part shall be given in the prescribed manner to every person to whom such notice is required by regulation to be given.

(2) Where any determination of the Commissioner does not set out the reasons therefor, any person who has under section 96 a right of appeal against that determination may, within seven days of the service on him of notice of the determination, request the Commissioner to furnish to him a statement of the reasons for the determination ; and it shall be the duty of the Commissioner in any such case to furnish the statement so required.

**Regulations.**

**98.** (1) Regulations may be made with respect to all or any of the following matters :—

(*a*) the procedure on applications for, and the determination of questions in connection with the grant, variation, suspension and revocation of permits under this Part, the fees payable in respect of such applications and permits, and the

manner in which, whether in a lump sum or in instalments, such fees shall be payable ;

(*b*) the means by which authorised lorries are to be identified, whether by plates, marks, distinctive colours or otherwise ;

(*c*) the custody of permits under this Part, and their production, return and cancellation on expiration, suspension or revocation, and the custody, production and return of documents and plates ;

(*d*) the notification to the Commissioner of lorries which have ceased to be used under permits ;

(*e*) the records to be kept by holders of permits under this Part in relation to the persons employed by such holder as drivers of authorised lorries and to the times of the commencement and cessation of work by such persons and the intervals of rest taken by them, including records in relation to any such holder when acting as the driver of an authorised lorry ;

(*f*) the documents to be carried by drivers of authorised lorries and the particulars to be entered therein ;

(*g*) the records to be kept, showing as respects every journey of an authorised lorry, particulars of the journey, of the greatest weight of goods carried by the lorry at any one time during the period to which the records relate, and the description, points of loading and destination of the goods carried ;

(*h*) the preservation of records so kept, the inspection of such records by any authority specified in the regulation, and the production for the purposes of inspection of such records on demand made by any such authority ;

(*i*) the grant of exemptions either generally or in relation to particular persons or lorries from all or any of the requirements imposed by regulations made under paragraphs (*e*) to (*h*) and the circumstances in which and the conditions subject to which such exemptions may be granted.

(2) Regulations under sub-section (1) may make different provisions as respects different classes or descriptions of lorries and as respects lorries used in different circumstances.

## PART VI

### Insurance against Third-Party Risks

Users of motor vehicles to be insured or secured against third-party risks.

**99.** (1) Save as is otherwise provided in sub-section (2), no person shall use or drive, or cause or permit any other person to use or drive, a motor vehicle on a highway unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance, or a security, in respect of third-party risks, in conformity with the requirements of this Part.

(2) The provisions of sub-section (1) shall not apply in the case of a motor vehicle belonging to the Crown or a local authority at any time when the motor vehicle is being used or driven for the purposes of His Majesty's service or, as the case may be, by a servant of the local authority in the course of his employment.

Requirements as to policies of insurance.

**100.** (1) In order to conform to the requirements of this Part a policy of insurance in relation to the use of a motor vehicle must be a policy which—

(*a*) is issued by an insurer (hereinafter referred to as an "authorised insurer") who is authorised by the Minister of Commerce and Trade, subject to such conditions as may be prescribed to issue policies of insurance for the purposes of this Part; and

(*b*) insures, in accordance with the provisions of paragraph (*c*), such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle on a highway; and

(*c*) (i) in the case of a motor coach, or hiring car, covers any liability which is referred to in paragraph (*b*) and which may be incurred in respect of any one accident, up to an amount which shall not be less than twenty thousand rupees in respect of persons other than passengers, and up to an amount which shall not be less than two thousand rupees in respect of each passenger authorised to be carried therein;

(ii) in the case of a lorry, covers any liability which is referred to in paragraph (*b*) and which may be incurred in respect of any one accident, up to an amount which shall not be less than twenty thousand rupees ; or

(iii) in the case of any other motor vehicle covers any such liability which is referred to in paragraph (*b*) as may actually be incurred :

Provided that nothing in this sub-section shall be deemed to require any such policy to cover—

(i) liability in respect of the death of any person in the employment of a person insured by the policy, or in respect of bodily injury sustained by any person so employed, where such death or injury arises out of and in the course of such employment ;

(ii) except in the case of a motor vehicle in which passengers are carried for fee or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise ; or

(iii) any contractual liability.

(2) The conditions prescribed for the purposes of paragraph (*a*) of sub-section (1) may include a condition requiring a deposit to be made by an insurer.

(3) Notwithstanding anything in any other law to the contrary, an insurer issuing a policy of insurance for the purposes of this Part shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(4) A policy of insurance shall be of no effect for the purposes of this Part unless and until there is issued by the insurer to the person by whom the policy is effected a certificate in the prescribed form containing such particulars of any conditions subject to which the policy is issued and of such other matters as may be prescribed.

(5) In this Part the expression " policy of insurance " includes a covering note.

Requirements as to securities.

**101.** (1) In order to conform to the requirements of this Part a security in relation to the use of a motor vehicle must—

(*a*) be given either by an authorised insurer or by some person or body of persons carrying on in Ceylon or in any other part of the British Commonwealth the business of giving such undertakings as are referred to in paragraph (*b*), and authorised by the Minister, subject to such conditions as may be prescribed, to give such security for the purposes of this Part ; and

(*b*) consist of any undertaking by the giver of the security, subject to any conditions specified therein, to make good, up to an amount prescribed by section 100 (1) (*c*), a policy of insurance relating to a motor vehicle of that class, any failure on the part of the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security, duly to discharge any such liability, required by section 100 (1) to be covered by a policy of insurance, as may be incurred by him or them.

(2) The conditions prescribed for the purposes of paragraph (*a*) of sub-section (1) may include a condition requiring a deposit to be made by any person or body of persons desiring to be authorised to give security for the purposes of this Part.

(3) A security shall be of no effect for the purposes of this Part unless and until there is issued, by the person or body of persons giving the security to the person to whom it is given, a certificate in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of such other matters as may be prescribed.

Certain conditions in policies or securities to be of no effect.

**102.** (1) Where a certificate of insurance has been issued in connexion with a policy of insurance, so much of the policy as purports to restrict, or attach conditions, to the insurance of any person insured thereby shall, save as is otherwise provided in sub-section (4), be of no effect as respects any such liability as is required to be covered by section 100 (1) (*b*).

(2) Any condition in a policy of insurance effected for the purposes of this Part, providing that no liability shall arise under the policy, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connexion with any claims in respect of any liability mentioned in section 100 (1) (*b*).

(3) Nothing in sub-section (1) or sub-section (2) shall be deemed to render void any provision in a policy of insurance requiring the person insured to repay to the insurer any sums which the insurer may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

(4) Nothing in sub-section (1) shall apply in the case of any condition in a policy of insurance, being a condition which—

(*a*) excludes the use of the motor vehicle to which the policy relates—

(i) for business purposes, except by the insured, or by some other named individual, in person ;

(ii) for business purposes, other than the business purposes of the insured ;

(iii) for the carriage of goods or samples in connexion with any trade or business ;

(iv) for the carriage of persons or goods for fee or reward ;

(v) for organised racing or speed testing ;

(vi) on a contract of letting and hiring ;

(*b*) provides that the motor vehicle shall not be driven by a person other than—

(i) the insured or any person driving with his express or implied permission ;

(ii) the insured or any person employed by him ;

(iii) any person or persons named in the policy ;

(*c*) provides that the motor vehicle shall not be driven by—

(i) any person or persons named in the policy ;

(ii) any person who is not the holder of a driving licence ;

(iii) any person whose driving licence has been cancelled or suspended or who is for the time being disqualified for obtaining a driving licence ; or

(*d*) in the case of a motor cycle which has no side car attached thereto, provides that no person other than the driver shall be carried thereon ;

(*e*) excludes liability for injury caused or contributed to by conditions of war, riot or civil commotion.

(5) Where a person, who has completed eighteen years of age, drives any motor vehicle in accordance with the conditions set out in section 123 (2) for the purpose of learning to drive a motor vehicle, no condition inserted under paragraph (*c*) (ii) of sub-section (4) in the policy of insurance relating to that vehicle shall be of any effect as respects any such liability, as is required to be covered by section 100 (1) (*b*), and as may be incurred while the motor vehicle is driven by that person.

Production of certificate of insurance or certificate of security on application for revenue licence.

**103.** Every applicant for a revenue licence for a motor vehicle other than a motor vehicle belonging to the Crown or a local authority, shall produce to the licensing authority a certificate of insurance or a certificate of security, as the case may be, to prove that on the date on which the licence is to come into operation there will be in force the necessary policy of insurance or the necessary security in relation to the use of the motor vehicle by the applicant or by other persons on his order or with his permission.

Requirements as to production of certificate of insurance or of security.

**104.** (1) The driver of any motor vehicle on a highway shall, on being required so to do by any police officer, give his name and address and the name and address of the owner of the vehicle, and produce for inspection the certificate of insurance or of security issued in respect of that vehicle :

Provided, however, that no person shall be deemed to have contravened the provisions of this sub-section by reason only of the failure to produce such certificate, if before the expiry of a period of five days from the date on which the production of the certificate was so required, he delivers the certificate in person for inspection at such police station as may have been specified by him on that date.

(2) The owner of a motor vehicle shall give such information as may be required by a police officer for the purpose of determining whether or not the vehicle was being driven in contravention of section 99 on any occasion when the driver was required under sub-section (1) to produce the certificate.

Duty of insurers to satisfy decree against persons insured in respect of third-party risks.

**105.** (1) If after a certificate of insurance has been issued under section 100 (4) to the persons by whom a policy has been effected, a decree in respect of any such liability as is required by section 100 (1) (*b*) to be covered by a policy of insurance (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of sections 106 to 109, pay to the persons entitled to the benefit of the decree any sum payable thereunder in respect of that liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum under such decree.

(2) In this section, "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

Insurers to have notice of actions.

**106.** No sum shall be payable by an insurer under the provisions of section 105—

(*a*) in respect of any decree, unless before or within seven days after the commencement of the action in which the decree was entered, notice of the action had been given to the insurer by a party to the action ; or

(*b*) in respect of any decree, so long as execution thereof is stayed pending appeal.

Non-liability of insurer where policy is cancelled before event.

**107.** No sum shall be payable by an insurer under the provisions of section 105 in connexion with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein and either—

(*a*) before the happening of the said event the certificate of insurance was surrendered to the insurer, or an affidavit

stating that the certificate had been lost or destroyed, was made and delivered to the insurer by the person to whom the certificate was issued ; or

(*b*) after the happening of the said event but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or an affidavit was made and delivered to the insurer by the person to whom the certificate was issued ; or

(*c*) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Part in respect of the failure to surrender the certificate.

Declaration of non-liability for misrepresentation, &c.

**108.** (1) No sum shall be payable by an insurer under section 105 if, in any proceedings commenced before or within three months after the institution of the action in which the decree was entered, he has obtained from a court of competent jurisdiction—

(*a*) a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular ; or

(*b*) if he has already avoided the policy on such ground, a declaration that he was entitled so to do apart from any provision contained in the policy :

Provided that an insurer who has obtained such a declaration as aforesaid in any such proceedings shall not thereby become entitled to the benefit of this section as respects any decree obtained in an action instituted before the commencement of those proceedings, unless before or within seven days after the commencement of those proceedings he has given notice thereof to the person who is the plaintiff in the said action specifying the non-disclosure or false representation on which he proposes to rely ; and any person to whom notice of such proceedings is so given shall be entitled, if he thinks fit, to be made a party to the proceedings.

(2) In sub-section (1) "material fact" and "material particular" mean respectively, a fact and a particular of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions.

**Declaration of non-liability for breach of condition.**

**109.** No sum shall be payable by an insurer under section 105 in respect of any decree if, in proceedings commenced before or within three months after the institution of the action in which the decree was entered, the insurer has obtained from a court of competent jurisdiction a declaration that a breach has been established of a condition specified in the policy, being one of the conditions enumerated in section 102 (4):

Provided that an insurer who has obtained such a declaration as aforesaid in any such proceedings shall not thereby become entitled to the benefit of this section as respects any decree obtained in an action instituted before the commencement of those proceedings, unless before or within seven days after the commencement of those proceedings he has given notice thereof to the person who is the plaintiff in the said action specifying the breach of condition on which he proposes to rely; and any person to whom notice of such proceedings is so given shall be entitled, if he thinks fit, to be made a party to the proceedings.

**Recovery of excess amount paid by insurer.**

**110.** If the amount which an insurer becomes liable under section 105 to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of that section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

**Further rights of third parties and effect of death on certain causes of action.**

**111.** (1) No settlement made by an insurer in respect of any claim which might be made by a third party in respect of any liability of the nature referred to in section 100 (1) (*b*) shall be valid unless such third party is a party to the settlement.

(2) Notwithstanding anything contained in any other law, the death of a person to whom a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Part, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.

Rights of third parties against insurers on insolvency of the insured.

**112.** (1) Where under any policy of insurance effected for the purposes of this part, a person is insured against any liability which he may incur to a third party, then—

(*a*) in the event of the insured person being adjudged insolvent or making a composition or arrangement with his creditors, or

(*b*) where the insured person is a company, in the event of a winding up order being made or a resolution for a voluntary winding up being passed with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

if, either before or after that event, any such liability to any third party is incurred by the insured person, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything contained in any other law to the contrary, be transferred to and vest in the third party to whom the liability is so incurred.

(2) Where any condition in a policy issued for the purposes of this Part purports either directly or indirectly to avoid the policy or to alter the rights of the parties thereunder upon the happening to the insured person of any of the events specified in clause (*a*) or clause (*b*) of sub-section (1), such condition shall be of no effect.

(3) Upon a transfer of rights under sub-section (1), the insurer shall be under the same liability to the third party as he would have been to the insured person :

Provided, however, that—

(*a*) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third party, nothing in this Part shall affect the rights of the insured person against the insurer in respect of the excess ; and

(*b*) if the liability of the insurer to the insured person is less than the liability of the insured person to the third party, nothing in this Part shall affect the rights of the third party against the insured person in respect of the balance.

Duty to give information as to insurance.

**113.** (1) Every person, against whom a claim is made in respect of any liability referred to in section 100 (1) (*b*), shall on demand made by or on behalf of the person making the claim, state whether or not he is insured in respect of that liability by any policy issued for the purposes of this Part, or would have been so insured if the insurer had not avoided or cancelled the policy, and shall, if he is or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof.

(2) In the event of any insured person being adjudged insolvent or making a composition or arrangement with his creditors, or, where the insured person is a company, in the event of a winding up order being made or a resolution for a voluntary winding up being passed with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge, it shall be the duty of the insolvent, debtor or company, as the case may be, or the official assignee or receiver, in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property, to give at the request of any person claiming that the insolvent, debtor or company is under such liability to him as is covered by the provisions of this Part, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by section 14, and for the purpose of enforcing such rights, if any ; and any condition in a policy of insurance in so far as it purports whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If the information given to any person in pursuance of this section discloses ground for

supposing that there have been or may have been transferred to him under section 112 rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by this section on the persons therein mentioned.

(4) The duty imposed by this section to give information shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents, in the possession or power of the person on whom the duty is so imposed, to be inspected and copies thereof to be taken.

**Settlement between insurers and insured persons.**

**114.** Where a person who is insured under a policy of insurance issued for the purposes of this Part has been adjudged insolvent, or where, if such insured person is a company, a winding up order has been made or a resolution for a voluntary winding up has been passed with respect to the company, no agreement made between the insurer and the insured person after liability has been incurred to a third party and after the commencement of the proceedings in insolvency or of the winding up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights transferred to the third party under section 14, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

**Insolvency of insured person not to affect claims by third parties.**

**115.** Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in section 112 (1) shall, notwithstanding anything contained in that section or in section 113, or section 114, not affect any liability of that person of the nature referred to in section 100 (1) (*b*); but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 112, 113 and 114 on the person to whom the liability was incurred.

**Application of sections 112, 113 and 114.**

**116.** (1) For the purposes of sections 112, 113 and 114 the expression " liabilities to third parties " in relation to a person insured under any policy of insurance shall not include any liability of that person in the capacity of insurer under some other policy of insurance.

(2) The provisions of sections 112, 113 and 114 shall not apply—

(*a*) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company ; or

(*b*) to any case to which sub-sections (1) and (2) of section 24 of the Workmen's Compensation Ordinance apply. Cap. 117.

**Duty to surrender certificate on cancellation of policy.**

**117.** Whenever the period of cover under a policy for insurance issued for the purposes of this Part is terminated or suspended by any means before its expiration by effluxion of time, the insured person shall, within seven days after such termination or suspension, deliver to the insurer by whom the policy was issued the latest certificate of insurance given by the insurer in respect of the said policy, or, if the said certificate has been lost or destroyed, make and deliver to the insurer an affidavit to that effect.

**Duty of insurer to notify Commissioner of cancellation or suspension of the policy.**

**118.** Whenever a policy of insurance issued for the purposes of this Part is cancelled or suspended by the insurer who has issued the policy, the insurer shall within seven days notify such cancellation or suspension to the Commissioner or to such other authority as may be prescribed.

**Application of this Part to securities.**

**119.** The provisions of section 102 and of sections 105 to 118 shall apply in relation to securities having effect under this Part as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in any of those sections to being insured, to a certificate of insurance, to an insurer, and to persons insured, shall be construed respectively as references to the having in force of the security, to the certificate of security, and to the persons whose liability is covered by the security.

**Application of deposits.**

**120.** No part of any sum which may be deposited by any insurer or any person or body of persons in accordance with any regulation made for the purposes of section 100 or section 101 shall, so long as any liabilities which have been incurred by him, being such liabilities as are required to be covered by a policy of insurance under this Part, have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

Regulations for the purposes of this Part.

**121.** Regulations may be made for or in respect of all or any of the following matters :—

(*a*) all matters stated or required in this Part to be prescribed ;

(*b*) the forms to be used for the purposes of this Part ;

(*c*) the conditions subject to which an insurer or a person or body of persons giving security may be authorised for the purposes of section 100 or section 101, and the amount of the deposit that may be required and the person with whom and the manner in which such deposit is to be made and kept ;

(*d*) applications for, and the issue of, certificates of insurance or of security ; the custody, production, cancellation and suspension of such certificates, and the issue of duplicates of such certificates ;

(*e*) the records to be kept by insurers and by persons giving securities for the purposes of this Part, and the information to be furnished to the Commissioner and to licensing authorities by such insurers and persons ;

(*f*) the adaptation or modification of any of the provisions of this Part for the purpose of the application of such provision in the case of motor vehicles imported for use in Ceylon by visitors making a temporary stay in Ceylon ;

(*g*) all matters connected with or incidental to the matters specifically referred to in this section ; and

(*h*) all such other matters as may be necessary for carrying out or giving effect to the principles and provisions of this Part.

## PART VII

### Driving Licences

Classification of motor vehicles for purposes of this Part.

**122.** For the purposes of this Part, motor vehicles shall be deemed to be divided into the following classes, that is to say :—

(*a*) motor coaches,

(*b*) lorries, and, in addition, motor ambulances, and motor hearses,

(*c*) hiring cars,

(*d*) steam-driven motor vehicles,

(*e*) motor cycles,
(*f*) invalid carriages,
(*g*) private cars, and motor vehicles not hereinbefore specified.

Prohibition of driving without driving licence.

**123.** (1) Subject to the provisions of sub-section (2)—

(*a*) no person shall drive a motor vehicle of any class on a highway unless he is the holder of an effective driving licence which is valid for motor vehicles of that class ; and

(*b*) no person shall employ any other person to drive a motor vehicle of any class on a highway unless the person so employed is the holder of an effective driving licence which is valid for motor vehicles of that class.

(2) For the purpose of learning to drive a motor vehicle, a person who has attained the age of eighteen years may, notwithstanding that he is not the holder of a driving licence, drive on a highway any motor vehicle, other than a motor coach, hiring car or lorry, carrying passengers or goods, as the case may be,—

(*a*) if the holder of an effective driving licence which is valid for motor vehicles of that class accompanies him for the purpose of instructing him and is seated at his side ; and

(*b*) if there is carried above each identification plate fixed on the vehicle, in such manner as not to obscure any such identification plate, a white board or plate bearing the letter "L" painted thereon in red, the dimensions of such letter being at least twice the corresponding dimensions of any letter forming part of the distinctive number on the identification plate.

Application for driving licences.

**124.** (1) Every application for a driving licence shall be made to the Commissioner in the prescribed form, and shall be accompanied by—

(*a*) the prescribed application fee,
(*b*) two copies of a photograph of the applicant of such size as may be prescribed and taken not earlier than six months before the date of the application ; and

(*c*) if such application relates to motor vehicles of any class referred to in paragraphs (*a*) to (*d*) of section 122, a medical certificate of fitness in the prescribed form.

(2) Every applicant for a driving licence which is to be valid for motor vehicles of any or every class referred to in paragraphs (*a*) to (*c*) of section 122 shall prove to the satisfaction of the Commissioner—

(*a*) that he has attained the age of twenty-one years ;

(*b*) that he possesses an adequate practical knowledge of the mechanism of a motor vehicle ; and

(*c*) that he possesses such educational or other qualifications as may be prescribed.

Issue of driving licence.

**125.** (1) Every driving licence shall be in the prescribed form.

(2) No driving licence shall be issued to any person unless he has, within the thirty days immediately preceding the date on which the licence is required, passed a driving test conducted by the Commissioner or by some other person authorised for the purpose by the Commissioner, and satisfied the Commissioner or such other person, as the case may be,—

(*a*) that he is competent to drive, without danger to the public and with due consideration for other users of the road, a motor vehicle of the class or classes for which the licence is required and

(*b*) that he is fully conversant with the contents of the highway code.

(3) No driving licence which is to be valid for motor vehicles of any or every class referred to in paragraphs (*a*) to (*c*) of section 122 shall be issued to any person who is a registered criminal within the meaning of the Prevention of Crimes Ordinance.

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(4) No driving licence which is valid for a hiring car shall be issued to any person unless that person has been approved for the purpose of the issue thereof by the Inspector-General of Police or by any other police officer authorised in that behalf by the Inspector-General of Police. The Inspector-General of Police or such other police officer aforesaid may grant or refuse such approval in his absolute discretion.

(5) No driving licence shall be issued to any person if he is suffering from any such disease or disability as may be prescribed, or if the Commissioner is satisfied that the persons suffers from any physical or mental disability which is likely to prevent him from driving a motor vehicle in a safe and proper manner.

(6) No driving licence shall be issued to any person who has not attained the age of eighteen years, and any licence issued to any such person shall be of no effect.

(7) One of the copies of the photograph, furnished under section 124 (1) by an applicant for a driving licence, shall be affixed to the licence issued to him and shall be authenticated by the Commissioner with a facsimile of his signature or with his official seal or stamp; and the other copy shall be filed of record in the office of the Commissioner.

(8) Every holder of a driving licence shall furnish two copies of his photograph to the Commissioner whenever the copy affixed to his licence under sub-section (7) is faded, defaced, damaged, or torn, or whenever he is ordered to do so by the Commissioner, or by a court before which he is convicted under any written law of an offence in connection with the driving of a motor vehicle. The copies furnished under this sub-section shall be dealt with in the manner provided by sub-section (7).

**Duration of driving licences**

**126.** (1) Subject to the provisions of sub-sections (2) and (3), every driving licence issued under this Part—

(*a*) which is valid for motor vehicles of any or every class specified in paragraphs (*a*) to (*d*) of section 122, shall be effective for a period of twelve months from the date of the issue thereof, and shall thereupon cease to be effective unless it is renewed in accordance with the provisions of section 127; and

(*b*) which is valid only for motor vehicles of any or every class specified in paragraphs (*e*) to (*g*) of section 122, shall be effective without renewal during the lifetime of the holder thereof.

(2) A driving licence which is cancelled under the succeeding provisions of this Part shall cease to be effective on the date of the cancellation thereof.

(3) A driving licence which is suspended for any period under the succeeding provisions of this

Part shall not be effective during the period of such suspension.

**Renewal of driving licences.**

**127.** (1) The Commissioner may from time to time, on application made to him in the prescribed form, renew a driving licence which is valid for motor vehicles of any or every class referred to in paragraphs (*a*) to (*d*) of section 122, in accordance with the succeeding provisions of this section.

(2) Where an application for the renewal of a driving licence is made prior to, or within a period of fifteen days after, the date on which the licence will cease or has ceased to be effective, the Commissioner shall, subject to the provisions of section 128, renew the licence upon payment of the prescribed fee ; and upon each such renewal the licence shall be effective for a period of twelve months from the date on which it would otherwise have ceased or had ceased, as the case may be, to be effective.

(3) Where an application for the renewal of a driving licence is made otherwise than within the time mentioned in sub-section (2), the Commissioner shall, subject to the provisions of section 128, renew the licence on payment of the prescribed fee ; and upon such renewal the licence shall be deemed to have been effective from the date on which it had ceased to be effective, and shall continue to be effective for a period of twelve months from the date of renewal.

**Special provisions applicable to renewal of driving licences.**

**128.** (1) Where the holder of a driving licence has, after the date of issue to him of that licence been convicted of the offence of rash driving or of negligent driving, or where the Commissioner in his discretion thinks fit so to do—

(*a*) the Commissioner may require the holder, as a condition of the renewal of the licence, to furnish a medical certificate of fitness to drive in the prescribed form and issued by a Government Medical Practitioner, and may refuse to renew the licence if satisfied that the holder suffers from any physical or mental disability which is likely to prevent him from driving a motor vehicle in a safe and proper manner ;

(*b*) the Commissioner may refuse to renew the licence unless the applicant passes a driving test conducted by the Commissioner or by some person authorised for the purpose by the Commissioner, and satisfies the Commissioner or such

other person as to the matters referred to in sub-section (2) of section 124 and in paragraphs (*a*) and (*b*) of sub-section (2) of section 125.

(2) The medical examination referred to in sub-section (1) shall be performed, and the medical certificate shall be issued, free of charge ; and any driving test required under that sub-section shall be conducted free of charge.

(3) Where an application for the renewal of a driving licence is made after the expiry of a period of four years from the date on which it ceased to be effective, the provisions of paragraph (*b*) of sub-section (1) shall be applicable :

Provided, however, that nothing in sub-section (2) shall apply in any such case.

**Refusal to issue or renew driving licence to be communicated to applicant.**

**129.** Where the Commissioner refuses to issue or renew a driving licence, he shall serve or cause to be served on the applicant therefor a written statement to that effect. The statement shall set out the grounds of such refusal.

**Validity of driving licence.**

**130.** (1) A driving licence, unless expressed to be valid for all classes of motor vehicles, shall be valid only for the class or classes of motor vehicles specified therein, but may by entry made thereon under the hand of the Commissioner, upon application made in the prescribed form and on payment of the prescribed fee, be expressed to be valid for any other class of motor vehicles.

(2) Where the applicant for a driving licence passes a driving test—

(*a*) on a motor coach, any licence granted to him shall be expressed to be valid for all classes of motor vehicles except motor cycles, invalid carriages and steam-driven motor vehicles ; or

(*b*) on a lorry, any licence granted to him shall be expressed to be valid for all classes of motor vehicles except motor cycles, motor coaches, invalid carriages and steam-driven motor vehicles :

Provided that the Commissioner may in his discretion restrict the validity of any such licence to such class or classes of motor vehicles as may be specified by him in the licence, if he is of opinion that such restriction is necessary.

(3) Where the applicant for a driving licence is tested only on a motor vehicle not driven by sliding gears, the licence issued to him shall not be valid for motor vehicles driven by sliding gears,

and an entry to that effect under the hand of the Commissioner shall be made on the licence. In any such case the validity of the licence may, when the holder passes a satisfactory examination on a motor vehicle driven by sliding gears, be extended by entry made thereon under the hand of the Commissioner, to motor vehicles driven by sliding gears.

(4) No driving licence shall be expressed to be valid for steam-driven motor vehicles unless the holder has passed a test of ability to manage and attend to the boiler and furnace of a steam-driven motor vehicle.

**Special provisions affecting licences to drive hiring cars, motor coaches, and lorries.**

**131.** (1) No driving licence shall be valid for a hiring car, motor coach or lorry unless the licence is, by entry made thereon under the hand of the Commissioner, expressed to be valid for hiring cars, motor coaches or lorries, as the case may be.

(2) No driving licence shall, under sub-section (1), be expressed to be valid for hiring cars, motor coaches or lorries unless the Commissioner is satisfied that the applicant for the licence or the holder thereof, as the case may be, has attained the age of twenty-one years.

(3) Where the Commissioner is satisfied that an applicant for, or the holder of, a driving licence, is unfit to drive a hiring car, motor coach or lorry by reason of the fact that he is a registered criminal within the meaning of the Prevention of Crimes Ordinance, or habitually behaves in a riotous or disorderly manner or is habitually drunk or suffers from any disease of an infectious or contagious nature—

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(*a*) the application that the licence be expressed to be valid for hiring cars, motor coaches or lorries may be refused by the Commissioner ; or

(*b*) where the licence has, by entry made under sub-section (1), been expressed to be valid for hiring cars, motor coaches or lorries, that entry may be cancelled or suspended by endorsement made on the licence under the hand of the Commissioner :

Provided that any person who is dissatisfied with any such refusal, suspension or cancellation may appeal therefrom to the Minister, and the decision of the Minister on any such appeal shall be final and conclusive.

(4) Where any court under any written law convicts the holder of a driving licence which is by entry made under sub-section (1), expressed to be valid for hiring cars, motor coaches or lorries of any offence which shows him to be unfit to drive such a vehicle, the court may, in addition to any other punishment which it may lawfully impose for that offence, order the licence to be produced to the court before the expiry of a period of five days from the date of the order and cancel that entry :

Provided that where the licence is not produced in compliance with such order, the court may make order disqualifying the holder of the licence for driving any motor vehicle until the production of the licence to the court.

(5) Where any entry made under sub-section (1) on any driving licence is cancelled under sub-section (3) or sub-section (4), the Commissioner may, on application made by the holder of that licence in accordance with the provisions of section 130 (1) at any time after the expiry of two years from the date of such cancellation, make a fresh entry on that licence under sub-section (1) of this section.

Licence to drive specified vehicle of a specified weight or description.

**132.** (1) Notwithstanding anything contained in this Part, the Commissioner may in his discretion issue to any person a driving licence expressed to be valid for a specified motor vehicle or for motor vehicles of any specified weight or description.

(2) No person who is the holder of a driving licence issued under sub-section (1), shall drive on a highway any motor vehicle other than the motor vehicle specified in that licence or a motor vehicle of the weight or description specified in that licence, as the case may be.

Power to issue driving licence without driving test to holder of driving licence issued outside Ceylon.

**133.** Where any person who is the holder of a driving licence or any equivalent thereof, which has been at any time issued outside Ceylon, applies to the Commissioner for a driving licence, the Commissioner may in his discretion issue a driving licence to that person without requiring him to pass the driving test referred to in section 125 (2).

Temporary driving licences.

**134.** (1) Notwithstanding anything in this Part to the contrary, on application made in the prescribed form, the Commissioner may, with or without the driving test referred to in section 125 (2), issue to any person who satisfies the Commissioner

that he is a *bona fide* visitor to Ceylon, a temporary driving licence which shall be in the prescribed form and shall be effective for such period, not exceeding three months from the date of his arrival in Ceylon, as may be specified therein.

(2) The powers conferred on the Commissioner by sub-section (1) may in the case of a person arriving in Ceylon—

(*a*) at the port of Talaimannar, be exercised by the Government Agent of the Northern Province, the Assistant Government Agent at Mannar or the sub-Collector of Customs at Talaimannar ; or

(*b*) at the port of Trincomalee, be exercised by the Assistant Government Agent at Trincomalee ; or

(*c*) at the port of Galle, be exercised by the Government Agent of the Southern Province.

(3) A copy of every driving licence issued by any officer under sub-section (2) shall be forwarded to the Commissioner.

(4) No temporary driving licence shall be issued under sub-section (1) or sub-section (2) except upon payment of the prescribed fee.

(5) The provisions of this Part, requiring copies of photographs to be furnished by applicants for driving licences and to be affixed to such licences, shall not apply to the issue of temporary driving licences under this section.

Cancellation of driving licence in case of physical or mental disability.

**135.** (1) A Magistrate who is satisfied that the holder of a driving licence suffers from any such physical or mental disability as may be prescribed, or which is likely to prevent him from driving a motor vehicle in a safe or proper manner, may cancel the licence.

(2) For the purposes of sub-section (1), the court may require the holder of a driving licence to be examined at his expense by a registered medical practitioner approved by the court, and to produce the report issued by such practitioner after the examination.

Cancellation of driving licences valid for private cars, &c.

**136.** (1) Where the holder of a driving licence which is valid for motor vehicles of any or every class referred to in paragraphs (*e*) to (*g*) of section 122 has after the date of the issue to him of that licence been convicted of the offence of rash or negligent driving or where the Commissioner

in his discretion thinks fit so to do, the Commissioner may require the holder to furnish a medical certificate of fitness in the prescribed form and issued by a Government Medical Practitioner, and may cancel the licence—

(*a*) if he is satisfied that the holder suffers from any physical or mental disability which is likely to prevent him from driving a motor vehicle in a safe and proper manner ; or

(*b*) unless he passes a driving test conducted by the Commissioner or by some other person authorised by the Commissioner and satisfies the Commissioner or such other person as to the matters specified in paragraphs (*a*) and (*b*) of sub-section (2) of section 125.

(2) The medical examination and the driving test referred to in sub-section (1) shall be performed and the certificate shall be issued free of charge.

Driving licence to be carried by driver and produced when required.

**137.** (1) The driver of a motor vehicle shall always carry his driving licence on his person or in the motor vehicle and shall, on demand made by a police officer, forthwith produce the licence and permit it to be inspected :

Provided, however, that no person shall be deemed to have contravened the provisions of this sub-section, if he proves to the satisfaction of the court that his licence had at the time of the alleged contravention been forwarded to the Commissioner for an extension of its validity.

(2) Every holder of a driving licence who is charged before any court with any offence under this Act, or with any offence under any other written law committed in connection with the driving of a motor vehicle, shall take the licence with him to the court and shall, if he is convicted of the offence, forthwith produce the licence to the court for the purpose of endorsement under section 138.

(3) Where a driving licence is not produced in accordance with the provisions of sub-section (2), the court may make order disqualifying the holder of that licence for driving a motor vehicle until the licence is produced to the court.

(4) Where a driving licence is produced to a police officer at any investigation made by him into an offence alleged to have been committed in connection with the driving of a motor vehicle by

the person who is the holder of the licence, the police officer may take charge of such licence for the time being and issue to such person a permit under his hand, in the prescribed form and setting out the prescribed particulars.

(5) A permit issued under sub-section (4) shall be deemed to be sufficient authority for the person to whom it is issued to drive a motor vehicle, notwithstanding that he is not in possession of a driving licence, for such period not exceeding fourteen days as may be specified in the permit by the police officer, and for such further period or periods as the court before which he is charged may specify by endorsement made on the permit.

(6) Every driving licence taken by a police officer under sub-section (4) shall—

(*a*) where it is subsequently decided that no charge should be preferred against the holder thereof, be returned to him within a week after such decision is taken ; or

(*b*) where a charge is preferred, be returned to him, unless it is cancelled or suspended by the court, within a week after the final disposal of the charge.

Suspension or cancellation of driving licences and order disqualifying persons for obtaining licences.

**138.** (1) Subject to the provisions of sub-section (2), any court before which a person is convicted of any offence under this Act, or of any offence under any other written law committed in connection with the driving of a motor vehicle, may in addition to any other punishment which it may lawfully impose for that offence—

(*a*) if the person convicted is the holder of a driving licence issued or deemed to be issued under this Act, suspend the licence for a specified period not exceeding two years, or cancel the licence ; or

(*b*) if the person convicted is not the holder of a driving licence declare him to be disqualified for obtaining a driving licence for a specified period.

(2) Where the driving licence of any person convicted of the offence of contravening any of the provisions of sub-sections (1) and (2) of section 153, or of any offence in connection with the driving of a motor vehicle punishable under section 272 or section 328 of the Penal Code, contains at the time

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of such conviction endorsements, made after the first day of January, 1941, under the Motor Car Ordinance, No. 45 of 1938, or made under this Act in respect of not less than two and not more than four previous convictions of any of those offences or of the offence of contravening any of the provisions of any such Ordinance corresponding to the provisions of sub-sections (1) and (2) of section 153, the court shall either cancel the licence or suspend the licence for a stated period, which shall be not less than six months nor more than two years; and where the licence contains at the time of such conviction endorsements so made in respect of five previous convictions of any of the offences aforesaid, the court shall cancel the licence.

(3) Where the driving licence of any person convicted of any offence in connection with the driving of a motor vehicle punishable under section 298 or section 329 of the Penal Code contains at the time of such conviction endorsements, made after the first day of January, 1941, under the Motor Car Ordinance, No. 45 of 1938 or made under this Act, in respect of two previous convictions of any of those offences, the court shall cancel the licence. Cap. 15.

(4) Where any person is convicted of the offence of contravening the provisions of section 99, the court shall make an order suspending the driving licence of such person, or declaring such person to be disqualified for obtaining a driving licence, for a period of not less than twelve months, unless in the circumstances of any case, for special reasons to be recorded in the proceedings, the court is of opinion that such order should not be made or that the period of suspension of disqualification should be less than twelve months.

(5) Where the holder of a driving licence is convicted before any court of any offence under this Act or of any offence under any other written law committed in connection with the driving of a motor vehicle, the court shall endorse upon the licence the particulars of the conviction and of any order made under this section and the date of such endorsement; and every such endorsement shall be initialled by the Judge or Magistrate of the court, or in the case of a conviction by the Supreme Court, by the Registrar of that Court.

(6) Where any court under sub-section (5) endorses on any driving licence the particulars of any conviction and no order suspending or cancelling the licence is made by the court, the court shall forward to the Commissioner a copy of the endorsement made on the licence.

(7) Where an order suspending or cancelling a driving licence is made and endorsed on the licence under this section, the court shall forward the licence to the Commissioner.

(8) Where a driving licence is suspended for any period, the Commissioner shall return the licence on demand, at the end of that period, to the person in whose name the licence was issued.

Consequences of orders of suspension or cancellation.

**139.** (1) Where a driving licence is suspended by a court under section 138—

(*a*) the person whose licence is so suspended shall during the period of such suspension be disqualified for obtaining a new driving licence ; and

(*b*) the Commissioner shall not renew that licence or issue a new driving licence to that person during that period.

(2) Save as otherwise provided in sub-sections (5) to (9)—

(*a*) any person whose driving licence is cancelled under section 138 shall be deemed to be disqualified for obtaining a new driving licence ; and

(*b*) the Commissioner shall not issue to that person a new driving licence.

(3) Where any court has under section 138 (1) declared any person to be disqualified for obtaining a driving licence for any period, the Commissioner shall not during that period issue to that person a driving licence.

(4) No person shall drive a motor vehicle on a highway at any time while any order suspending or cancelling his driving licence or declaring him to be disqualified for obtaining a licence, is in force.

(5) The court which has made order cancelling the driving licence of any person may, on the application of that person made at any time after the expiry of a period of two years reckoned from the date of cancellation, and after such inquiry as the court may consider necessary, make order

authorising him to apply to the Commissioner for a new driving licence in accordance with the provisions of this Act.

(6) The court shall notify the Commissioner and the Police of the receipt of any such application and shall afford the Commissioner and the Police an opportunity of being heard and of making representations against the grant of the application and of adducing evidence in support of any representation so made. Notice on the Police may for the purposes of this sub-section be served on the senior police officer attached to the court which issues such notice.

(7) The court shall, in the consideration of any such application have regard to all the circumstances of the case with particular reference to the fitness of the applicant to hold a driving licence.

(8) Any such application may, if refused, be renewed at any time after the expiry of a period of two years reckoned from the date of refusal, and further applications may in like manner be made to the court at successive intervals of not less than two years reckoned from the date of the last refusal. All the other provisions of this sub-section, relating to the first application made by any person thereunder after the cancellation of his driving licence, shall apply equally to any other application made by him after the refusal of the first application.

(9) Where any court makes order under this sub-section authorising any person to apply for a new driving licence, such person may make application for the certificate under section 124 and the provisions of this Part relating to the issue of driving licences shall apply accordingly. Where a new driving licence is issued to any such person the Commissioner shall make an entry in the new licence to the effect that it is issued in consequence of an order under this section, but shall not set out therein any particulars relating to any previous conviction of that person.

**Fraudulent application for driving licence.**

**140.** (1) If any person who is declared to be disqualified for obtaining, or who has been refused, a driving licence, applies for or obtains a driving licence while he is so disqualified or without disclosing such refusal, or if any person whose licence has been endorsed or cancelled by any court, applies for or obtains another licence without

giving particulars of the endorsement or cancellation, that person shall be guilty of an offence under this Act, and any licence so obtained shall be of of no effect.

(2) If any person who at any time before the appointed date has under the provisions of any written law for the time being in force, been disqualified by or by virtue of any order of a court for obtaining a certificate by any competent authority, applies for or obtains a driving licence under this Act while he is so disqualified or without disclosing such refusal, as the case may be, that person shall be guilty of an offence under this Act and any licence so obtained shall be of no effect.

(3) If any person whose certificate of competence has at any time before the appointed date been endorsed or cancelled, or suspended for any stated period under the provisions of any written law for the time being in force, applies for or obtains a driving licence under this Act without giving particulars of such endorsement, cancellation, or suspension, as the case may be, that person shall be guilty of an offence under this Act and any licence so obtained shall be of no effect.

Appeals from orders of suspension, cancellation or disqualification.

**141.** Any person who is dissatisfied with any order, made under this Part by any court other than the Supreme Court, suspending or cancelling a driving licence held by him or declaring him to be disqualified for obtaining a driving licence may, whether or not any other punishment is imposed by the court, appeal against the order to the Supreme Court; and the provisions of sections 338 to 352 of the Criminal Procedure Code, shall, where not inapplicable, apply to every appeal under this section.

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## PART VIII

### Use of Motor Vehicles on Highways

#### (*a*) *Speed limits and restriction of Motor Traffic on highways*

Speed limits.

**142.** (1) A motor coach, or a lorry having a tare exceeding one ton, shall not be driven—

(*a*) on any highway within an urban area, at a greater speed than twenty miles per hour, or

(*b*) on any highway outside an urban area, at a greater speed than twenty-five miles per hour.

(2) A motor vehicle of any class or description, to which sub-section (1) does not apply, shall not be driven—

(*a*) on any highway within an urban area, at a greater speed than thirty miles per hour ; or

(*b*) on any highway outside an urban area, at a greater speed than forty miles per hour.

Regulations as to more stringent speed limits.

**143.** (1) Regulations may be made, as respects all highways or the highways in any specified area or any specified highway or part of a highway, prescribing for all motor vehicles or any specified class or description of motor vehicles or any specified motor vehicles, speed limits more stringent than the limits set out in section 142.

(2) No motor vehicle, to which any regulation made under sub-section (1) applies, shall be driven at a speed exceeding the limit prescribed by the regulation on any highway or part of a highway in respect of which the regulation is made.

Exemption from, and relaxation of, speed limits.

**144.** Regulations may be made in respect of all highways or the highways in any specified area or any specified highway—

(*a*) prescribing for all motor vehicles or any specified class or description of motor vehicles, or any specified motor vehicle, speed limits less stringent than those set out in section 142 ; or

(*b*) exempting, subject to such conditions as may be prescribed, all motor vehicles or any specified class or description of motor vehicles or any specified motor vehicle, belonging to or exclusively employed in the service of His Majesty or of any local authority, from the provisions of section 142.

Regulations for restriction of motor traffic.

**145.** (1) Regulations may be made prohibiting, restricting or controlling the use of all motor vehicles or any specified class or description of motor vehicles on all highways or on the highways in any specified area or on any specified highway or part thereof, so far as such prohibition, restriction or control is necessary for the safety or convenience of the public or the prevention of injury to or excessive wear of any highway or any bridge on any highway.

(2) No motor vehicle of any class or description, to which any regulation made under sub-section (1) applies, shall be used in contravention of that regulation on any highway in respect of which that regulation is made.

Restriction of motor traffic on highways outside Colombo.

**146.** (1) Regulations may be made—

(*a*) declaring any specified highway outside Colombo to be suitable for use by—

(i) motor coaches ; or

(ii) lorries having a tare exceeding one and one-half tons ; or

(iii) articulated vehicles, trailers or six-wheeled motor vehicles ; or

(iv) any other class or description of motor vehicles having a tare exceeding two and one-quarter tons ; and

(*b*) prescribing the conditions or restrictions subject to which such motor vehicles may be used on such highway.

(2) No motor vehicle of any class or description specified in sub-section (1) shall be used on any highway outside Colombo, unless such highway has been declared by regulation under that sub-section to be suitable for use by that class or description of motor vehicles, or otherwise than in accordance with such conditions or restrictions as may be prescribed by that regulation :

Provided, however, that any motor vehicle of any class or description specified in sub-section (1) may be used on any highway outside Colombo, which is in charge of the Public Works Department or the Irrigation Department or any local authority, and which has not been declared by regulation under that sub-section to be suitable for such traffic, if the use of such vehicle on such highway has been authorised by a permit issued by the Director of Public Works or the Director of Irrigation or the Chairman or Mayor of the local authority or any officer authorised in that behalf by that Director, Chairman or Mayor, as the case may be, on the ground that such use is necessary—

(*a*) for the purpose of carrying goods belonging to or intended for the exclusive use of His Majesty's service ;

(*b*) for the purpose of carrying furniture or household goods to or from any premises to which such highway is the only means of access ;

(*c*) for the purpose of proceeding to any other highway which has been declared by regulation to be suitable for such traffic ;

(*d*) for the purpose of proceeding to or returning from places of pilgrimage ; or

(*e*) for such other purpose as may be prescribed.

Condition of motor vehicles.

**147.** No motor vehicle shall be used on any highway unless it is in all respects in such a condition that it will not cause or be likely to cause, danger to any person in the vehicle or on the highway or using the highway, or to any property on or adjoining the highway.

Regulations as to lights on motor vehicles.

**148.** (1) Where the Minister is satisfied that any highway or part of a highway is adequately lighted for motor traffic by street lamps, regulations may be made prohibiting the use, on that highway, or part of a highway, of undimmed headlights ; and on any highway or part of a highway in respect of which such regulations have been made, no headlight throwing its rays forward shall, so long as the street lamps are alight, be used on a motor vehicle unless the glare of such headlight is effectively dimmed or prevented in such manner or by such device as may be prescribed.

(2) Where the Minister is satisfied that a device which effectively prevents glare but provides sufficient light for safe driving can be procured in Ceylon at a reasonable price, regulations may be made requiring all motor vehicles to be fitted with such device ; and where such regulations have been made, no lamp throwing its rays forward shall be used on a motor vehicle on any highway at night unless it is fitted with such device.

### (*b*) *Provisions as to driving and halting of Motor Vehicles*

Motor vehicles to be driven in accordance with section 150.

**149.** (1) No person shall drive a motor vehicle on a highway in contravention of any of the provisions of section 150.

(2) It shall not be a sufficient defence for the driver of a motor vehicle in any prosecution entered against him for a contravention of any of the provisions of section 150 to prove that he has complied with the provisions of section 155.

Rules of the road.

**150.** (1) A motor vehicle meeting or being overtaken by other traffic shall be kept to the left or near side of the road.

(2) A motor vehicle being overtaken by other traffic shall be driven so as to allow such other traffic to pass it.

(3) A motor vehicle shall not be driven so as to overtake other traffic unless the driver of the vehicle has a clear and unobstructed view of the road ahead of him.

(4) A motor vehicle overtaking other traffic shall be kept on the right or off side of such other traffic :

Provided, however, that a motor vehicle may pass or overtake a tram car, or an animal which is being led or driven, on the side which appears to the driver of the motor vehicle to be the safer side at that time.

(5) A motor vehicle shall not be driven alongside of, or overtake, other traffic proceeding in the same direction, in such manner as to obstruct any traffic proceeding in the opposite direction.

(6) A motor vehicle shall not be driven so as to cross or commence to cross a highway, or be turned in a highway, in such manner as to obstruct any traffic on the highway.

(7) A motor vehicle proceeding from a place which is not a highway into a highway, or from a highway into a place which is not a highway, shall not be driven in such manner as to obstruct any traffic on the highway.

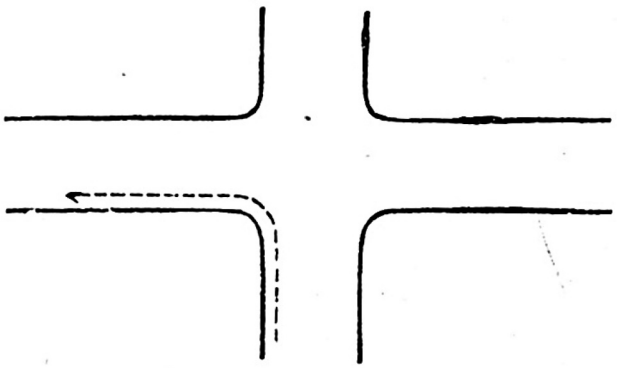
(8) A motor vehicle proceeding from any highway to any other highway shall not be driven in such manner as to obstruct any traffic on such other highway.

(9) A motor vehicle which, at the intersection of two or more highways, turns into or crosses the highway declared and indicated by a notice under section 152 to be the main road shall not be driven in such manner as to obstruct any traffic on that main road.

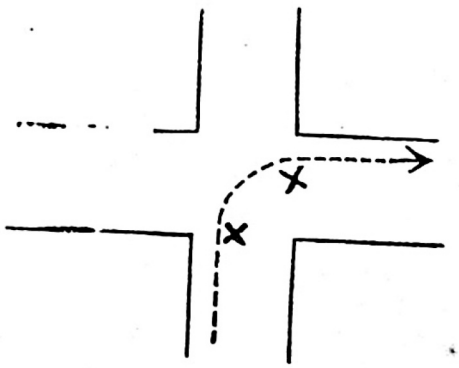
(10) Where two or more motor vehicles approach, or arrive at, the intersection of two or more highways at the same time from different directions, and any two or more of the drivers thereof indicate their intention to drive along the same part of the area of intersection, then, if traffic is not regulated at that intersection by a police officer or by means of light signals or of notices under section 152, no such motor vehicle shall be driven along that part of the area of intersection until any other such motor vehicle coming from the right or off side, has passed it.

(11) Where two or more motor vehicles approach each other on a narrow highway, each of such vehicles shall be made to slow down for the purpose of allowing safe passage to the other vehicles or to any other traffic on the highway.

(12) Unless otherwise directed by a police officer on duty a motor vehicle turning to the left from any highway into any other highway shall be kept as near as possible to the left edge of the highway in the manner indicated in the following diagram :—



(13) Unless otherwise directed by a police officer on duty, a motor vehicle turning to the right from any highway into any other highway, shall, wherever practicable, be driven in the manner indicated in the following diagram :—



**151.** (1) Notwithstanding anything contained in section 150, it shall be the duty of the driver of every motor vehicle on a highway to take such action as may be necessary to avoid any accident. **General duty of driver to avoid accidents.**

(2) The breach by the driver of any motor vehicle on a highway of any of the provisions of section 150 shall not be deemed to exonerate the driver of any other motor vehicle on the highway at that time from any breach of the duty imposed on him by sub-section (1).

Declaration of main roads.

**152.** (1) Regulations may be made declaring which of two or more intersecting highways shall be deemed to be the main road.

(2) Warning notices, in such form as may be prescribed, shall be exhibited and maintained by the licensing authority at suitable places on intersecting highways for the purpose of indicating each main road declared under this section.

Driving when under the influence of alcohol or drugs, and reckless or negligent driving.

**153.** (1) No person shall drive a motor vehicle on a highway when he is under the influence of alcohol or any drug.

(2) No person shall drive a motor vehicle on a highway recklessly or in a dangerous manner or at a dangerous speed.

(3) No person shall drive a motor vehicle on a highway negligently or without reasonable consideration for other persons using the highway.

Position of driver when driving motor vehicles.

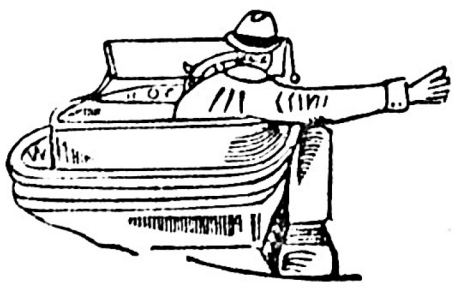
**154.** (1) No person shall drive a motor vehicle on a highway when he is in such a position that he has not or cannot have full control of the vehicle or a full and unobstructed view of the highway and the traffic ahead of the motor vehicle.

(2) The driver of a motor vehicle on a highway shall not permit any person to sit beside him in any position which obstructs or is likely to obstruct the view of the highway and the traffic ahead of the motor vehicle or which hinders or is likely to hinder the steering or the control of the vehicle.

(3) The driver of a motor vehicle shall not permit any person to sit or stand on the right hand side of the driver's seat if the vehicle is steered from the right or off side thereof, or on the left hand side of that seat if the vehicle is steered from the left or near side thereof.

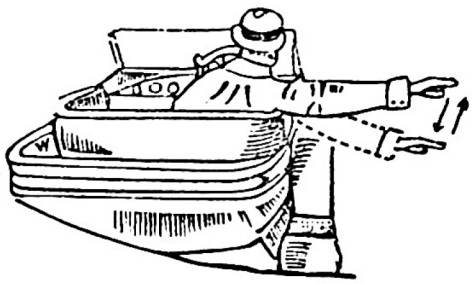
Signals by drivers.

**155.** (1) The driver of a motor vehicle shall, before commencing to turn to, or change direction towards, the right, extend his right arm and hand horizontally straight out from the right or off side with the palm turned to the front, so as to be visible to the drivers of all vehicles concerned, in the manner indicated in the following sketch :



(2) The driver of a motor vehicle may if he thinks fit—

(*a*) in order to signal to an overtaking vehicle not to attempt to pass, extend his right arm and hand horizontally straight out from the right or off side of the motor vehicle, with the palm turned downwards, and move the arm up and down in the manner indicated in the following sketch :



(*b*) in order to signal to an overtaking vehicle to pass, extend his right arm and hand below the level of the shoulder from the right or off side of the motor vehicle with the palm turned to the front, and move the arm backwards and forwards in the manner indicated in the following sketch :



(3) When approaching a police officer on duty at the intersection of two or more highways, the driver of a motor vehicle shall extend his arm, in the direction in which he wishes to proceed, so as to be visible to the police officer.

(4) Regulations may be made requiring or authorising the use of any signals other than those referred to in sub-sections (1), (2) and (3).

(5) All or any of the signals, the use of which is required or authorised by this section or by

regulations under sub-section (4), may be given by any mechanical or illuminated device of a type approved by the Commissioner.

Reversing of motor vehicles.

**156.** The driver of a motor vehicle shall not reverse the vehicle or permit it to travel backwards on a highway for a longer distance than may be necessary for the purpose of turning that vehicle or for any other reasonable purpose.

Sound warnings.

**157.** (1) The driver of a motor vehicle on a highway shall give audible and sufficient warning of the approach or position of the motor vehicle by sounding an efficient instrument whenever such warning is necessary for safety :

Provided, however, that when a motor vehicle is stationary on a highway, no warning instrument affixed to that vehicle shall be sounded except for the purpose of preventing an accident or ensuring the safety of the vehicle or its occupants.

(2) No whistle or horn, other than a horn sounding a single note, shall, for the purposes of sub-section (1), be sounded on any motor vehicle on any highway within the limits of an urban area.

(3) Regulations may be made prohibiting or restricting the use, for the purposes of sub-section (1), of all warning instruments or any specified instrument, in any urban area or specified part thereof during any specified hours of the day.

(4) In any area in respect of which any regulation has been made under sub-section (3), no person shall, notwithstanding the provisions of sub-section (1), sound any warning instrument in contravention of that regulation.

Riding on running boards, &c., of motor vehicles.

**158.** The driver of any motor vehicle on a highway or, in the case of an omnibus, the conductor, shall not permit any person to ride, and no person shall ride, on the running boards, wings or fenders or on the outside of the motor vehicle except on a properly constructed seat or except for the purpose of testing the vehicle during or after repairs.

Number of persons in front seats of hiring cars and private cars.

**159.** The driver of a hiring car on a highway or the owner or driver of a private car on a highway shall not cause or permit more than two persons in addition to the driver to ride in the front seat or seats of the car.

Pillion riding.

**160.** The driver of a motor cycle which has no side-car attached thereto shall not carry more than one person on the cycle when it is used on a highway,

and such person shall not be carried otherwise than sitting astride the cycle on a seat securely fixed thereto behind the driver's seat.

Distribution of advertisements, &c.

**161.** The driver of a motor vehicle shall not permit any person to distribute, and no person who is in the motor vehicle shall distribute, any advertisement, leaflet or handbill from the vehicle while it is in motion on a highway.

Use of wireless sets.

**162.** (1) The driver of a motor vehicle which is in motion on a highway shall not use or permit any person to use, and no person in the motor vehicle shall use any wireless set fitted to or carried in the vehicle.

(2) The driver of a motor coach or lorry which is within the limits of an urban area shall not use or permit any person to use, and no person shall use, any wireless set fitted to or carried in such coach or lorry.

(3) This section shall not apply in the case of any motor coach or lorry used for naval, military, air force or police purposes or for the purposes of the Post and Telegraph Department or of any other prescribed Department of Government, if a permit authorising the use of a wireless set on such motor coach or lorry has been issued by the Commissioner.

Duty in case of accident.

**163.** (1) Where in any accident due to the use of any motor vehicle on a highway any injury is caused to any person, animal or property, the following provisions shall have effect :—

(*a*) The driver of the motor vehicle shall—

(i) immediately stop the vehicle ;

(ii) furnish his name and address, the name and address of the owner of the vehicle, the distinctive number of the vehicle and other particulars relating thereto, if requested so to do by any person to whom, or by the owner or person in charge of the property or the animal to which, the injury has been caused, or by any police officer or headman ;

(iii) in any case where the person to whom injury has been caused so requests, or if he is unconscious or if the injury caused to that

person appears to endanger life, take that person immediately to a hospital or to a medical practitioner, and thereafter report the accident forthwith to the officer in charge of the nearest police station ; and

(iv) in every case not referred to in paragraph (iii), report the accident forthwith to the officer in charge of the nearest police station.

(*b*) The owner of the motor vehicle, whether or not he was present at the time of the accident, shall on demand by any police officer or headman, furnish all information in his possession as to the name, address, description, antecedents and whereabouts of the driver of the vehicle and of every person in the vehicle at the time of the accident.

(*c*) Every person, other than the driver, who was in the vehicle at the time of the accident shall—

(i) furnish his name and address and all such information as may be in his possession as to the names and addresses of the driver and of the owner of the vehicle and the distinctive number of the vehicle and other particulars relating thereto, if requested so to do by any person to whom, or the owner or person in charge of the property or animal to which, the injury has been caused, or by any police officer or headman ; or

(ii) within twenty-four hours of the accident communicate his name and address and the fact that he was in the vehicle at the time of the accident to the officer in charge of a police station.

(2) Where in any accident due to the use of a motor vehicle on a highway any injury is caused to any person, and the driver of the motor vehicle on being requested so to do by a police officer or a headman, or by the person who has been injured or

any other person acting on his behalf, does not at the time produce the certificate of insurance or of security relating to that vehicle—

(*a*) the driver shall, as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, produce such certificate for inspection at the nearest police station :

Provided, however, that no person shall be deemed to have contravened the provisions of this sub-section by reason only of his failure to produce such certificate, if, before the expiry of a period of five days from the date on which the production of the certificate was so required, he produces the certificate in person at such police station as may have been specified by him on that date ;

(*b*) the owner of the motor vehicle shall give such information as may be required by a police officer for the purpose of determining whether or not the vehicle was being driven in contravention of the provisions of section 99 at the time when the driver was required to produce the certificate.

Traffic directions and signals of police officer to be obeyed.

**164.** The driver of a motor vehicle shall obey all verbal directions or signals, given by a police officer in the execution of his duty, to stop or reverse the car or to make it slow down or turn back or to pass on such side or to keep to such line of traffic as may be indicated by the police officer.

Motor vehicles to be stopped on request of officers in command of troops, &c.

**165.** Whenever a request to stop any motor vehicle on a highway is made, either verbally or by raising the hand as a signal, by a person in command of a body of troops or having charge of any animal, the driver of the motor vehicle shall immediately stop the car and keep it stationary so long as may be reasonably necessary.

Traffic signs and notices of police officer, licensing authority and the Public Works Department.

**166.** (1) Subject to such regulations as may be made in that behalf under sub-section (2), traffic signs and notices may be erected or exhibited on, or so as to be visible from, any highway—

(*a*) by order of a police officer not below the rank of Superintendent or Assistant Superintendent in charge of a province, for the purposes of any temporary regulation of traffic ; or

(*b*) by order of the licensing authority of the area in which the highway is situated, or in the case of a highway in charge of the Public Works Department, by order of that Department—

(i) for the purpose of regulating the movement of traffic or indicating the route to be followed by traffic, or for any other purpose relating to or connected with the use of motor vehicles on that highway ; or

(ii) for the purpose of prohibiting, restricting or regulating traffic over any bridge, or any section of the highway, which is in a dangerous condition or in course of repair, construction or re-construction.

(2) Regulations may be made prescribing the size, colour, type or form of traffic signs and notices, declaring the significance of such signs and notices, and restricting or regulating the erection and exhibition of such signs or notices for the purposes of this section.

(3) The driver of a motor vehicle shall obey all traffic signs or notices erected or exhibited under sub-section (1) and intended to apply to all motor vehicles of the class or description to which that motor vehicle belongs.

(4) In any prosecution for a contravention of sub-section (3), every traffic sign or notice purporting to be by order of a police officer or a licensing authority or the Public Works Department shall, unless the contrary is proved, be deemed to have been erected or exhibited under sub-section (1) by order of that police officer or licensing authority or the Public Works Department, as the case may be.

(5) Save as provided in sub-section (1), and except with the sanction of the licensing authority or the Public Works Department as the case may be, and except in accordance with any regulation made under sub-section (2), no person shall erect, exhibit or maintain on, or so as to be visible from, a highway, any traffic sign or notice appearing to be intended for the guidance of motor vehicles.

(6) For the purposes of this section, " traffic sign " includes a sign for regulating by means of light signals the movement of traffic.

Precautions to be taken when petrol is taken into tank.

**167.** (1) The engine of a motor vehicle shall be stopped and any light other than an electric light in or on the vehicle shall be extinguished before any petrol or other fuel is poured or discharged into the tank of the vehicle or into any receptacle in or on the vehicle.

(2) No person shall smoke, or carry a lighted pipe, cigar or cigarette, or light a match, in any motor vehicle or within three yards of any motor vehicle or petrol pump, while any petrol or other fuel is being poured or discharged into the tank of the vehicle or into any receptacle in or on the vehicle.

Halting or parking of motor vehicles on highway

**168.** (1) (*a*) A notice prohibiting, restricting or regulating the halting or parking of motor vehicles, or indicating any parking place set apart for motor vehicles, on any highway or part of a highway in any urban area, may be exhibited by or by order of the local authority of that area in a conspicuous position on, or so as to be visible from, that highway or part of a highway.

(*b*) For the purposes of any prosecution for an offence under this Act, every notice in an urban area purporting to be exhibited under this sub-section by or by order of the local authority of that area, shall unless the contrary is proved, be deemed to have been lawfully exhibited by the local authority.

(2) Regulations may be made at the request of the local authority of any urban area for the purpose of prohibiting, restricting or regulating the halting or parking of motor vehicles or for the purpose of regulating and controlling the use of any parking place set apart for motor vehicles, on any highway or part of a highway within that area; and where regulations are so made, the local authority shall not under sub-section (1) exhibit any notice or cause any notice to be exhibited except in accordance with such regulations.

(3) Where the halting or parking of motor vehicles on any highway or part of a highway is prohibited by a notice exhibited under sub-section (2), the driver of a motor vehicle shall not allow the vehicle to stand on that highway or part of a highway except for such length of time as may be necessary for the purpose of—

(*a*) obeying any traffic sign or notice erected or exhibited on that highway or part thereof by any officer or authority; or

(*b*) following in due order the movement of any traffic on that highway or part thereof at that time ; or

(*c*) allowing any person to alight from or to enter the motor vehicle ; or

(*d*) loading goods into or unloading goods from the motor vehicle, subject to such restrictions as may be imposed by any regulation under sub-section (2) applicable to that highway or part thereof as to the hours during which goods may be so loaded or unloaded.

(4) Where the halting or parking of motor vehicles on any highway or part of a highway is restricted by any notice exhibited under sub-section (1) or any regulation made under sub-section (2), the driver of a motor vehicle shall not allow that vehicle to stand on that highway or part of a highway except for one of the purposes specified in sub-section (3), or otherwise than in such manner, or during any period other than such period, as may be specified in the notice or the regulation, as the case may be.

(5) Where the halting or parking of motor vehicles on any highway or part of a highway is not prohibited or restricted by any notice exhibited under sub-section (1) or any regulation made under sub-section (2), verbal directions or signals may be given by a police officer or headman for the purposes of the regulation of traffic on that highway or part of a highway, and the driver of a motor vehicle shall not allow that vehicle to stand on that highway or part thereof otherwise than in such position or for such time as may be indicated by the police officer or headman.

(6) On any highway or part of a highway to which sub-sections (3), (4) and (5) do not apply, the driver of a motor vehicle shall not allow that vehicle to stand in such position or for such length of time as to obstruct or be likely to obstruct traffic.

(7) In this section " local authority ", in relation to any area declared to be an urban area by regulation, means the Village Committee of that area.

Precautions to be taken when motor vehicle is halted or left unattended or disabled on a highway.

**169.** (1) The driver of a motor vehicle shall, whenever the vehicle is halted or parked on a highway, place the vehicle as near as possible to the edge of the highway or in such position or such manner as may be indicated by a traffic sign or notice exhibited on or near the highway or by a police officer on duty.

(2) The driver of a motor vehicle shall, whenever it becomes necessary to leave the car unattended while it is halted or parked on a highway stop the engine before he so leaves the vehicle and take due precautions against its moving or being moved in his absence.

(3) Where it is necessary to leave on any highway any motor vehicle which is disabled by an accident, mechanical derangement or tyre failure, the driver of the vehicle so left on a highway at night, shall affix lamps on the front and on the rear of the vehicle, on the right or off side thereof, so as to indicate clearly the position of the vehicle on the highway.

**Regulations for the guidance of users of roads.**

**170.** (1) Regulations may be made under this Act prescribing a highway Code comprising such directions as may appear to the authority empowered to make such regulations to be proper for the guidance of persons using roads and including directions relating to the prohibition, regulation and control of traffic.

(2) Regulations may be made under subsection (1) amending, varying, replacing, adding to or rescinding any of the provisions of sections 149 to 169 of this Act.

(3) No regulation shall be made under this section in respect of any matter for which regulations may be made under section 16 of the Vehicles Ordinance except with the prior approval of the Minister of Health and Local Government.

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(4) In the event of any conflict or inconsistency between the provisions of any regulation made under this section and the provisions of any other written law (other than this Act) the provisions of such regulation shall prevail over such other written law.

**Hours of work and minimum wages.**

**171.** (1) No person shall drive, or cause or permit any person employed by him or subject to his orders to drive, any hiring car or motor coach or lorry—

(*a*) for any continuous period of more than four and half hours ; or

(*b*) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving.

(2) For the purposes of sub-section (1), any two or more periods of time shall be deemed to be a continuous period, unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment.

(3) The wages paid or payable by the owner of any hiring car or motor coach or lorry to any person employed by him as the driver or the conductor thereof shall not be less than the minimum rate of wages prescribed in that behalf by regulation.

**Public stands for hiring cars, omnibuses and lorries.**

**172.** (1) The local authority for any urban area may provide one or more public stands within that area for the use of hiring cars or omnibuses or lorries, or any specified class or description of hiring cars or omnibuses or lorries.

(2) Regulations may be made empowering the Commissioner in any case where he is satisfied that the provision for public stands made by the local authority for any urban area is unsatisfactory, to make such provision as he may deem necessary for the establishment and maintenance of public stands within that area in accordance with regulations so made.

**Regulations as to fares for hiring cars not plying under authority of a stage carriage permit.**

**173.** (1) Regulations may be made prescribing the maximum or the minimum fares or rates of fares which may be demanded from passengers on a hiring car, plying on any specified route or highway, or on the routes or highways in any specified area.

(2) A legible table in the English, Sinhalese and Tamil languages, of the maximum and the minimum fares or rates of fares, if any, prescribed under sub-section (1) in respect of any route or highway, shall be posted in a conspicuous position inside every hiring car plying on that route or highway.

(3) Nothing in the preceding provisions of this section or in any regulations made thereunder shall apply in the case of a hiring car for the time being used for the carriage of passengers at separate fares under the authority of a stage carriage permit granted under Part IV.

**174.** (1) The owner or driver of any hiring car, other than a hiring car for the time being used for the carriage of passengers at separate fares under the authority of a stage carriage permit granted under Part IV— **Prohibition against charging of excess fares for hiring cars.**

(*a*) shall not demand or receive from any passenger, in respect of any journey on any route or highway, any fare in excess of the highest authorised fare calculated on the basis of such maximum fares as may be prescribed under sub-section (1) of the last preceding section, in respect of that route or highway or, where a lower fare has been agreed upon, in excess of such lower fare ; or

(*b*) shall not receive or agree to receive from any passenger in respect of any journey on any route or highway, any fare less than the lowest authorised fare calculated on the basis of such minimum fares as may be so prescribed in respect of that route or highway.

(2) The owner or driver of any hiring car for the time being used for the carriage of passengers at separate fares under the authority of a stage carriage permit granted under Part IV—

(*a*) shall not demand or receive from any passenger, in respect of any journey on any route or highway, any fare in excess of the fare authorised in respect of that route or highway by any condition of that permit ; or

(*b*) shall not receive or agree to receive from any passenger in respect of any journey on any route or highway, any fare less than the fare authorised in respect of that route or highway by any condition of that permit.

**175.** The owner, driver or conductor of any omnibus— **Prohibition against charging of excess fares for omnibuses.**

(*a*) shall not demand or receive from any passenger, in respect of any journey of any route or highway, any fare in excess of the fare authorised in respect

of that route or highway by any condition of the stage carriage permit under the authority of which such omnibus is used ; or

(*b*) shall not receive or agree to receive from any passenger in respect of any journey on any route or highway, any fare less than the fare authorised in respect of that journey by any condition of that permit.

Recovery of excess fares.

**176.** (1) No person shall be bound by any agreement entered into by him to pay, in respect of any journey—

(*a*) on a hiring car referred to in sub-section (1) of section 174, any fare in excess of the highest authorised fare referred to in paragraph (*a*) of that sub-section ; or

(*b*) on a hiring car referred to in sub-section (2) of section 174, any fare in excess of the authorised fare referred to in paragraph (*a*) of that sub-section ; or

(*c*) on an omnibus, any fare in excess of the authorised fare referred to in the last preceding section ;

and any person who has paid any fare in excess of any such authorised fare as may be applicable to the case shall be entitled to recover the sum paid in excess from the person to whom such sum was paid.

(2) Where any person is convicted by any court of a contravention of the provisions of section 174 (1) (*a*), or 174 (2) (*a*) or paragraph (*a*) of section 175, the court may, in addition to any other punishment which it may lawfully impose for that contravention, order the repayment of any sum paid to that person in excess of the highest authorised fare, or the authorised fare, or the fare agreed upon, as the case may be, and such sum shall be recoverable in like manner as a fine imposed by the court, notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

(3) Any passenger in an omnibus who has duly paid the fare for any journey shall, if the omnibus fails to reach his destination owing to a breakdown of the omnibus or to any fault or neglect of the owner or of any servant of the owner, be entitled on demand to recover, the whole fare so paid.

(4) Where a fare is recoverable under sub-section (3) the person who received the fare shall repay it on demand to the passenger who is entitled to recover it.

(5) Where any person is convicted of a contravention of sub-section (4) the court may, in addition to any other punishment which it may lawfully impose for that contravention, order the repayment of the fare and such fare shall be recoverable in like manner as a fine imposed by the court notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

(6) Nothing in this section shall affect any civil remedy for the recovery of any fare or part of a fare which may be recoverable under the provisions of this section.

Recovery of fares.

**177.** (1) Where any person who is liable to pay any sum not exceeding twenty rupees justly due from him as the fare for a journey on any hiring car or omnibus or claimed from him as damages for any injury wilfully caused by him to any hiring car or omnibus during any such journey, fails or refuses to pay such sum on demand made by the owner of the car or omnibus as the case may be, or any servant or agent authorised by the owner to receive such sum, the Magistrate's court having jurisdiction over the place at which the journey began or ended or at which the injury occurred may, upon complaint made by the owner thereof, and upon summary proof of the facts alleged in that complaint, order such person to pay to the owner the sum so due as fare or such sum as damages for the injury and such costs and such compensation for loss of time incurred by the owner, driver or conductor of the car or omnibus, as the case may be, in attending court, as the court may determine; and every sum ordered to be paid under this section shall be recoverable in like manner as a fine imposed by the court notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

(2) Any person dissatisfied with an order made by a Magistrate's court under this section may prefer an appeal to the Supreme Court in like manner as if the order was a final order pronounced by a Magistrate's court in a criminal case or matter, and sections 338 to 352 of Criminal Procedure Code, shall apply to such appeal. Cap. 16.

Property left in hiring cars and omnibuses.

**178.** Regulations may be made providing for the safe custody and redelivery or disposal of property accidentally left by passengers in hiring cars and omnibuses, and prescribing the charges which may be made in respect thereof and the sums which may be paid by way of reward to the finders of such property.

Hiring cars and omnibuses to be kept clean.

**179.** The owner and the driver of every hiring car or omnibus shall take all such steps as may be necessary to ensure that the car or omnibus is kept in a clean and sanitary condition.

Carriage of person in excess of authorised number and of goods other than personal luggage, in private cars or private coaches

**180.** (1) Where the number of persons found at any time in a private coach on a highway exceeds the maximum number specified in the revenue licence for that coach or where goods other than such goods as may be prescribed or the personal luggage of a person are found in a private coach or private car on a highway, the driver thereof shall be guilty of an offence under this Act:

Provided, however, that the preceding provisions of this sub-section shall not apply in relation to the carriage of persons in any private coach on any day specified by the Minister by Order published in the *Gazette* if the coach is used on that day in an area and for a purpose so specified.

(2) Regulations may be made authorising the specification in the revenue licences for private cars of the maximum number of persons who may be carried in such cars; any regulation so made may provide for different numbers of persons to be carried in cars of different descriptions.

Where the number of persons found at any time in a private car on a highway exceeds the number specified under such regulations in the revenue licence for the car, the driver thereof shall be guilty of an offence under this Act.

(3) For the purposes of this section—

(*a*) a child under three years of age not occupying a separate seat in a private car or private coach shall not be reckoned as a person;

(*b*) the driver of the car or coach, as the case may, shall be reckoned as a person; and

(*c*) two children, being each over three years and under twelve years of age, shall be reckoned as one person.

(4) Regulations may be made defining the nature, description or weight of articles or packages which may be carried in private cars and private coaches as personal luggage, and of goods other than personal luggage, which may be carried in private cars and private coaches.

(5) Where any private car or private coach is authorised by permit issued under section 45 to be used for the carriage of articles of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the private car or private coach of articles of that description.

Carriage of passengers in excess of authorised number, and of goods other than personal luggage, in hiring cars and omnibuses.

**181.** (1) Where the number of passengers found at any time in a hiring car on a highway exceeds the maximum number specified in the revenue licence for that car, or where goods other than such goods as may be prescribed or the personal luggage of a passenger are found in a hiring car on a highway, the driver of the car shall be guilty of an offence :

Provided, however, that the preceding provisions of this sub-section shall not apply in relation to the carriage of passengers in any hiring car on any day specified by the Minister by Order published in the *Gazette* if the hiring car is used on that day in an area and for a purpose so specified.

(2) Where the number of passengers found at any time in an omnibus on a highway exceeds the maximum number specified in the revenue licence for that omnibus, or where goods other than such goods as may be prescribed or the personal luggage of a passenger are found in an omnibus on a highway, the conductor of the omnibus shall be guilty of an offence.

(3) For the purpose of this section—

(*a*) the following persons shall not be reckoned as passengers :—

(i) a child under three years of age not occupying a separate seat in a hiring car or omnibus ;

(ii) the driver of a hiring car or omnibus ;

(iii) the conductor of an omnibus ; and

(iv) a ticket inspector employed by the owner of an omnibus and wearing a metal badge with the word "INSPECTOR" legibly marked thereon ;

(*b*) two children, being each over three years and under twelve years of age, shall be reckoned as one passenger.

(4) Regulations may be made defining the nature, description or weight of articles or packages which may be carried in hiring cars or omnibuses as personal luggage, and of the goods other than personal luggage, which may be carried in hiring cars or omnibuses.

(5) Where any omnibus or hiring car is authorised by permit issued under section 45 to be used for the carriage of articles of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the omnibus or hiring car of articles of that description.

Persons not to enter hiring car or omnibus when full.

**182.** Where the driver or conductor of a hiring car, omnibus or private coach at any time requests any person not to enter the car, omnibus or coach on the ground that it is at that time carrying the full number of persons or passengers, as the case may be, which may be carried thereon in accordance with the revenue licence therefor, that person shall not enter or attempt to enter the car, omnibus or coach.

Touting for passengers.

**183.** No owner, driver, or conductor, or person acting on behalf of the owner, driver, or conductor, of a hiring car or omnibus standing or plying for hire shall speak, make any noise, or sound any instrument, in order to attract the attention of the public or of a possible passenger.

Register to be kept by owners of hiring cars and omnibuses.

**184.** (1) The owner of every hiring car or omnibus shall, unless exemption in respect of that hiring car or omnibus has been granted in accordance with regulations, keep and maintain a register in the prescribed form and shall enter in the register the following particulars in respect of each occasion on which the car or omnibus is used on a highway—

(*a*) the date on which and the time at which the car or omnibus leaves the owner's garage or premises and returns thereto ;

(*b*) the name of the driver and the number of his driving licence ; and

(*c*) in the case of an omnibus, the name of the conductor and the number of his conductor's licence.

(2) Every entry made in the register under sub-section (1) shall be signed by the driver of the hiring car or omnibus in respect of which the entry is made, and in the case of an omnibus shall also be signed by the conductor.

(3) Every register kept under this section shall be open to inspection on demand made by an examiner or by a police officer.

Record-sheet to be carried on each omnibus.

**185.** The driver of every omnibus shall unless exemption in respect of that omnibus has been granted in accordance with regulations, carry therein on each occasion on which the omnibus is used for any journey, and produce for inspection whenever required so to do by a police officer, a record-sheet in the prescribed form containing copies of the entries made in the register under section 184 in respect of that journey, and shall enter in such record-sheet in the prescribed manner and at the prescribed intervals such further particulars, relating to that journey and the return journey, as may be prescribed.

Lorry not to be used outside area of operation specified in licence.

**186.** Where any lorry is used on any highway outside the area of operation specified in the revenue licence for that lorry, the owner and the driver of the lorry shall severally be guilty of an offence.

Licensed conductor to be carried on omnibus.

**187.** (1) A licensed conductor shall be carried in every omnibus used on any highway.

(2) The conductor shall have the word "CONDUCTOR" legibly marked on some conspicuous part of his clothing or wear in a conspicuous position a metal badge bearing the word "CONDUCTOR" in legible letters.

Tickets for passengers on omnibuses.

**188.** (1) The conductor of an omnibus shall issue to every passenger on payment of his fare a serially numbered ticket indicating the destination to which the passenger is entitled to travel and the legal fare for the journey.

(2) Every passenger on an omnibus shall produce his ticket for inspection on demand made at any time by the conductor or by any person authorised thereto by the owner of the omnibus, and shall in default of such production pay the fare for the distance which he has travelled.

Overtaking of other motor coaches.

**189.** The driver of a motor coach—

(*a*) shall not drive the coach alongside of, or overtake any other motor coach which is proceeding in the same direction, unless the other coach is stopped or unless its driver has given a signal indicating that the coach in the rear may pass it ;

(*b*) shall not without reasonable cause omit to give the signal that his coach may be overtaken, by another motor coach in the rear, if the driver of such other coach has indicated his desire to pass.

Carriage on lorry of goods in excess of maximum load.

**190.** Where the weight of goods found at any time on a lorry on a highway exceeds the maximum load specified on the revenue licence for that lorry, or where the distribution of the load is such as to cause danger the driver of the lorry shall, save as provided in section 216, be guilty of an offence under this Act.

Persons who may be carried on a lorry.

**191.** (1) Not more than three persons shall be carried on a lorry in addition to the driver thereof, and no person shall be so carried on a lorry unless he is—

(*a*) the owner or hirer of the lorry ; or

(*b*) the owner or hirer of the goods carried on the lorry ; or

(*c*) the servant or agent of any one of the persons described in paragraphs (*a*) and (*b*) :

Provided, however, that any four or more of the persons described in paragraphs (*a*), (*b*) and (*c*) may be carried on a lorry under the authority of a special permit issued for the purpose by a prescribed officer in his discretion :

And provided further that any number of persons, not being persons described in paragraphs (*a*), (*b*) and (*c*), may be carried on a lorry under the authority of a special permit issued for the purpose by the Commissioner in his discretion.

(2) Every special permit under sub-section (1) shall be in the prescribed form and shall be subject to the conditions set out in that form.

Regulations as to motor vehicles.

**192.** (1) Regulations may be made—

(*a*) prohibiting, restricting or controlling the use of motor vehicles generally or any specified class or description of motor

vehicles, as respects highways or the highways in any specified area or any specified highway or part of a highway;

(*b*) prescribing any condition or requirement not expressly provided for in this Act, as to the construction and equipment and use of all or any specified class or description of motor vehicles;

(*c*) prescribing the compulsory use of taximeters complying with the prescribed requirements on hiring cars generally or on any specified class or description of hiring cars or on hiring cars used in any specified areas and providing for the regulation of the use and the inspection and testing of taximeters;

(*d*) providing that motor vehicles generally or any specified class or description of motor vehicles shall comply with such anti-dazzle requirements as may be prescribed;

(*e*) prohibiting, restricting or regulating the carriage of petroleum or other fuel, acids and other dangerous or offensive articles on motor coaches;

(*f*) providing for the licensing, supervision and control of conductors of omnibuses and of ticket inspectors employed by owners of omnibuses, for the revocation or suspension of such licences and for the imposition and recovery of fees for such licences;

(*g*) prescribing the duties and regulating the conduct of drivers, conductors and ticket inspectors of hiring cars and omnibuses;

(*h*) prescribing the minimum educational or other qualifications required for the grant of conductor's licences in respect of omnibuses;

(*i*) providing for endorsements to be made on such licences on conviction of the holder thereof of any offence under this Act;

(*j*) providing for the regulation and control of queues at stopping places for omnibuses, the facilities to be provided at such stopping places and the charges to be made for the use of such facilities;

(*k*) prescribing the use of stopping places or public stands for omnibuses and restricting the halting or stopping of omnibuses on all highways generally or on the highways in any specified area or any specified highways or part of a highway ;

(*l*) providing that badges be worn by drivers and conductors of hiring cars and omnibuses ;

(*m*) providing for the regulation and control of the conduct of passengers in hiring cars and omnibuses ;

(*n*) as respects hiring cars or omnibuses—

(i) authorising the removal from such cars or omnibuses of persons committing a breach of any provision of this Act or of any regulation by the drivers or conductors thereof or by any police officer on the request of the drivers or conductors thereof.

(ii) requiring passengers in such cars or omnibuses who are reasonably suspected by the drivers or conductors thereof of contravening any provison of this Act or of any regulation to give their names and addresses to a police officer or to the drivers or conductors thereof on demand ;

(iii) requiring in the case of hiring cars, the issue of tickets in the prescribed form to passengers in such cars ;

(iv) requiring passengers in such cars or omnibuses to declare, if so requested by the drivers or conductors thereof, the journey they intend to take or have taken, and to pay the fare for the whole of such journey and to accept tickets provided therefor ;

(v) requiring, on demand being made for the purpose by the drivers or conductors of such cars or omnibuses or by any other person authorised by the registered owners thereof, the production during the journey and the

surrender at the end of the journey by the holders thereof of tickets issued to them ;

(vi) requiring passengers in such cars or omnibuses, if so requested by the drivers or conductors thereof, to leave the cars or omnibuses on the completion of the journey for which they have paid ;

(vii) requiring the surrender of tickets by the holders thereof on the expiry of the period for which they are issued ;

(*o*) as respects every public stand in any specified area or any public stand—

(i) regulating the use of the public stand and authorising the issue of permits in that behalf ;

(ii) prescribing the fees to be charged for such permits, and the manner of disposal of the fees recovered on the issue of such permit ;

(iii) prescribing the manner in which motor vehicles may enter or leave the public stand or be placed therein ;

(iv) regulating and controlling the behaviour of the drivers and conductors of motor vehicles using the public stand ;

(v) prohibiting or restricting the cleaning or repair of motor vehicles in the public stand ;

(vi) restricting the admission or entry of persons into the public stand and regulating the behaviour of persons who enter therein ;

(*p*) prescribing the minimum rates of the wages to be paid by the owners of hiring cars, motor coaches or lorries to the drivers and conductors employed by them ;

(*q*) prescribing the particulars which are to be entered by the driver of an omnibus in the record-sheet required by section 185, and the manner in which and the intervals at which such particulars are to be entered ;

(*r*) prescribing the circumstances in which and the conditions subject to which, exemption from the provisions of sections 184 and 185 may be granted by the Commissioner in respect of any omnibus or hiring car ;

(*s*) providing that any specified provision of this Part shall not apply in the case of any lorry which is for the time being used for the purposes of His Majesty's Services.

(2) No regulation applicable in any area within the administrative limits of any local authority shall be made for or in respect of any matter for which that local authority may make by-laws or regulations under any other written law, except with the prior approval of the Minister of Health and Local Government.

(*c*) *Road Racing and Tests*

Orders enabling holding of races and tests.

**193.** (1) For the purpose of enabling the holding of any motor road race or test, the Minister may, upon the recommendation of the Inspector-General of Police, by Order declare—

(*a*) that any specified highway or highways upon which such race or test is to be held, and any other adjacent or adjoining highway or part of any such highway shall be closed to traffic on any specified day or days or during any specified time on any specified day or days ;

(*b*) that the provisions of this Act relating to speed limits and to the driving of motor vehicles on highways shall not apply in relation to the persons taking part in such race or test and the motor vehicles driven in such race or test ;

(*c*) that every person taking part in such race or test and the persons responsible for the holding of the race or test shall comply with all such conditions as may be specified in the Order.

(2) No Order under sub-section (1) shall be made for the purposes of any road race or test, unless the Minister is satisfied that there is in force a policy of insurance, insuring the owner of every motor vehicle participating in the race or test and every participant against any liability

which may be incurred in respect of the death of or bodily injury to any other person not being a participant, or in respect of damage to property of any such other person, arising out of the use of motor vehicles in such race or test.

(3) At least two clear days before any Order made under sub-section (1) is to have effect, the Commissioner shall by advertisement in at least two daily newspapers give notice of the fact that the race or test is to be held and that any highway or part of a highway is to be closed to traffic.

The cost of each such advertisement shall be paid by the person upon whose application the Order under sub-section (1) is made.

(4) Any person who, upon being required so to do by any police officer, refuses to depart from any highway or part of a highway which is closed to traffic by an Order under sub-section (1), or to remove any vehicle of which he is in charge from any such highway or part of a highway, shall be guilty of an offence.

(5) Any direction contained in any Order under sub-section (1) shall have effect notwithstanding anything to the contrary in any other provision of this Act; and every person contravening any such direction shall be guilty of an offence.

### (*d*) *Derelict Motor Vehicles*

**Disposal of derelict motor vehicles.**

**194.** (1) Where a derelict motor vehicle is so left on any part of a highway as to cause any obstruction or nuisance, the Commissioner or the licensing authority may, by notice served either generally or by registered post, require the owner of that vehicle to take steps to remove the obstruction or nuisance.

(2) Every owner on whom a notice is served under sub-section (1), shall comply with the requirements set out therein.

(3) If the owner of any derelict motor vehicle cannot for any reason be found or makes default in complying with any notice served under sub-section (1), the Commissioner or the licensing authority may cause the vehicle to be removed and make such order as may be necessary for its disposal.

(4) No proceedings, civil or criminal, shall be instituted or maintained against the Commissioner or a licensing authority in respect of any order made under sub-section (3).

## PART IX

### Examination, Inspection and Testing of Motor Vehicles

Power to inspect and test motor vehicles.

**195.** (1) For the purpose of ascertaining the mechanical condition of any motor vehicle or the condition of the tyres fitted thereon, any examiner or authorised officer—

(*a*) may stop a motor vehicle on a highway if he has reasonable grounds for believing that the vehicle or any tyre fitted thereon is not in a fit condition; and may by written order direct the driver of the vehicle to produce the vehicle for examination at any suitable place reasonably convenient to the driver and specified in the order; and

(*b*) may in any case where the motor vehicle has been or is suspected to have been involved in an accident, enter, test and inspect the vehicle wherever it may be, and may for that purpose require it to be stopped or enter any premises on which the vehicle is for the time being kept or suspected to be kept.

(2) A copy of every order issued by any examiner or authorised officer under paragraph (*a*) of sub-section (1) shall be transmitted or full particulars communicated by him forthwith to the examiner appointed for the area within which the place named by the driver of the motor vehicle and specified in the order is situated.

(3) An examiner shall not at any time stop, enter or examine any motor vehicle under the preceding provisions of this section unless on demand by the owner or driver of the vehicle he produces for inspection a written authority issued to him in that behalf by the Commissioner.

(4) An examiner before whom a motor vehicle is produced for examination for the purposes of this section shall not detain the vehicle for a longer period than half an hour.

(5) For the purposes of this section "authorised officer" means—

(*a*) any police officer of a rank not below that of Sub-Inspector;

(*b*) any Police Sergeant in uniform who is in charge of a police station; or

(*c*) any other police officer who is authorised in that behalf by the Inspector-General of Police.

Power of Registrar to require inspection and examination of motor vehicles.

**196.** (1) The Registrar may at any time whether before or after the registration of a motor vehicle, require the motor vehicle to be brought to any convenient place specified by him and to be inspected and examined, and if necessary to be weighed and measured, if he has reason to believe—

(*a*) that the motor vehicle does not comply with the requirements of this Act or of any regulation ; or

(*b*) that any information furnished to him in respect of the motor vehicle is false or incorrect ; or

(*c*) that the motor vehicle is not in a serviceable condition ; or

(*d*) that the weight, dimensions, character or seating accommodation of the motor vehicle has been altered after registration thereof.

(2) Where the Registrar is satisfied, after the inspection and examination of a motor vehicle under sub-section (1), that such vehicle is not in a serviceable condition he may, by written notice served on the registered owner thereof, prohibit the use of that vehicle until the Registrar is satisfied, after a further inspection and examination under that sub-section that the defects specified in the notice have been removed. Where the Registrar is so satisfied he shall revoke the notice.

(3) Where the use of a motor vehicle has been prohibited by a notice under sub-section (2), no person shall use that vehicle or cause or permit such vehicle to be used until the notice is revoked under that sub-section.

Approved garages and approved lorry examiners.

**197.** The Commissioner may, upon application in that behalf in the prescribed form made by a person who is a repairer of motor vehicles, and upon payment of the prescribed fee, by order declare—

(*a*) that every garage or other place of business of such person, specified in the order, shall be an approved garage for the purposes of the yearly examination and certification of lorries required by section 29 prior to the issue of lorry licences in respect thereof ; and

(*b*) that such person, and every other person employed at any such garage and specified in the order, shall each be an approved lorry examiner for the purposes of such examination and certification of lorries at that garage.

The Commissioner may in his discretion revoke or alter any order made under this section.

Examination of hiring cars, &c. before issue of revenue licences.

**198.** (1) An examiner shall, upon the production before him of a hiring car, motor hearse or motor ambulance, for the purposes of the yearly examination and certification required by section 29 prior to the issue of a revenue licence in respect thereof and upon payment of the prescribed fee for such examination, examine that car, hearse or ambulance as the case may be, and certify whether or not it is fit for use. In certifying that a hiring car, motor hearse or motor ambulance is fit for use, the examiner may insert such conditions relating to the use thereof as he may deem necessary in the interests of public safety. In certifying that any such car, hearse or ambulance is unfit for use, the examiner shall state his reasons therefor.

(2) A certifying officer shall, upon the production before him of a motor coach for the purposes of the yearly examination and certification required by section 29 prior to the issue of a revenue licence in respect thereof and upon payment of the prescribed fee for such examination, examine that coach and certify whether or not it is fit for use. In certifying that the coach is fit for use, (in this Act referred to as a " certificate of fitness ") the certified officer may insert such conditions relating to the use thereof as he may deem necessary in the interests of public safety. A certificate of fitness shall remain in force for a period of one year or for such shorter period, not less than three months, as may be specified therein. In certifying that the coach is unfit for use, the certifying officer shall state his reasons therefor.

(3) The Minister may, by order published in the *Gazette*, declare that the provisions of sub-section (2) shall apply in the case of hiring cars in lieu of the provisions of sub-section (1); and accordingly upon the publication of such an Order the provisions of sub-section (2) shall apply in the case of a hiring car in like manner as they apply in the case of a motor coach.

(4) The yearly examination and certification of a lorry required by section 29 prior to the issue of a revenue licence in respect thereof may be carried out either by an examiner or by any approved lorry examiner at an approved garage.

(5) The provisions of sub-section (1) shall, upon production of a lorry before an examiner for the purposes referred to in sub-section (4), apply in like manner as they apply in the case of a hiring car, motor hearse and motor ambulance.

(6) The person for the time being in charge of any approved garage shall, upon the production at such garage of a lorry for the purposes of the yearly examination and certification required by section 29 prior to the issue of a lorry licence in respect thereof and upon payment of the prescribed fee for such examination, cause that lorry to be examined, and to be certified as fit for use or otherwise, by any approved lorry examiner at that garage. In certifying that a lorry is fit for use the examiner may insert such conditions relating to the use thereof as he may deem necessary in the interests of public safety. In certifying that a lorry is not fit for use, the examiner shall state his reasons therefor.

(7) The registered owner of any hiring car, motor coach, motor hearse, motor ambulance or lorry, which is certified, after examination under the preceding provisions of this section, to be unfit for use, may, on payment of the prescribed fee, appeal to the Commissioner against such certification ; and the decision of the Commissioner on any such appeal shall be final and conclusive.

Examination of hiring cars, motor coaches and lorries and prohibition of use thereof.

**199.** (1) This section shall apply to all motor vehicles of the following classes or descriptions, namely, hiring cars, motor coaches and lorries, and the expression "motor vehicle to which this section applies" wherever it occurs therein shall be construed accordingly.

(2) The licensing authority of any area, within which any motor vehicle to which this section applies is used, may, if he has reason to suspect that the vehicle is unfit for use, by a written order direct the registered owner thereof to produce it for examination at a time and place specified in the Order.

(3) Where any Order made in respect of a motor vehicle under sub-section (2) is not complied with by the registered owner the licensing authority

may in his discretion by written notice prohibit the use of that vehicle until it is produced for examination at such time and place as may be specified in the notice or at any such other time and place as may be appointed by the licensing authority on application made in that behalf by the registered owner.

(4) Where a motor vehicle to which this section applies is found upon examination to be unfit for use, the examiner shall annex to his report a full list of all defects found by him in the vehicle and shall deliver or transmit a copy of the report and the list to the registered owner, to the licensing authority and to the Commissioner.

(5) Where the finding of the examiner after the examination of any motor vehicle under sub-section (4) is that it is unfit for use the licensing authority shall by a written notice prohibit the use of that vehicle, until all necessary repairs, adjustments or alterations are effected and an examiner certifies to the licensing authority after further examination that the vehicle is fit for use.

(6) The registered owner of any motor vehicle to which this section applies and the use of which is prohibited by notice under sub-section (5), may appeal to the Commissioner against the finding of the examiner, whether after the first examination referred to in sub-section (4) or after the further examination referred to in sub-section (5), that the vehicle is unfit for use.

(7) Upon any appeal under sub-section (6), the Commissioner may in his discretion cause the motor vehicle to which the appeal relates to be examined by any examiner other than the examiner against whose finding the appeal is preferred and may either confirm that finding, or reverse that finding and certify that the vehicle is fit for use. The decision of the Commissioner on any such appeal shall be final and conclusive.

(8) Where any motor vehicle to which this section applies and the use of which has been prohibited by a notice under sub-section (5), is certified by an examiner after the further examination referred to in that sub-section or by the Commissioner under sub-section (7), to be fit for use the licensing authority by whom the notice was issued shall revoke the notice.

(9) Where the use of a motor vehicle to which this section applies has been prohibited by a notice

under sub-section (5), no person shall use that vehicle, or cause or permit that vehicle to be used, until the notice is revoked under sub-section (8).

(10) Every examination of a motor vehicle under this section shall be carried out by an examiner, and no examiner shall carry out any such examination except at the request of the licensing authority or the Commissioner.

(11) The registered owner of every motor vehicle examined under this section shall pay a prescribed fee for each examination, carried out for the purposes of sub-section (4) or sub-section (5) or sub-section (7).

Inspection of lorries and prohibition of use.

200. (1) An examiner shall at any time, on production if so required of his authority, be entitled to enter and inspect any lorry, and for that purpose to stop the lorry, and to detain the lorry during such time as is required for the inspection, and may at any time which is reasonable, having regard to the circumstances of the case, enter any premises on which he has reason to believe that a lorry is kept. If any person obstructs an examiner in the performance of his duty or where required so to do fails to stop the lorry, he shall be guilty of an offence under this Act.

(2) If, on the inspection of a lorry under sub-section (1) it appears to the examiner that the lorry, owing to any defects therein, is, or is likely to become, unfit for service until the defects have been remedied, he may prohibit the use of the lorry :

Provided that, where in the opinion of the examiner the defects are such as can be remedied within any period not exceeding ten days and are not defects which involve immediate risk to public safety, the prohibition shall not come into operation before the expiration of that period, and shall not come into operation upon the expiration of that period if any examiner, being satisfied that the defects have been or are in the course of being remedied, withdraws the prohibition before the expiration of that period.

(3) Where under this section an examiner prohibits the use of a lorry as aforesaid, he shall forthwith give notice in the prescribed form of the prohibition to the registered owner of the lorry, the person in charge thereof at the time of the inspection and, to the Commissioner.

In the case of a prohibition on the ground of such defects as are specified in the Proviso to the last foregoing sub-section a notice given under this sub-section shall specify the period within which the defects can, in the opinion of the examiner, be remedied.

(4) Subject as provided in sub-section (2) of this section, a prohibition under this section shall become operative as soon as notice thereof has been given either to the registered owner, or to the person in charge of the lorry, and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.

(5) A prohibition under this section which has become operative may be removed by any examiner if he is satisfied that the lorry is fit for service.

(6) A person aggrieved by the refusal of an examiner to remove a prohibition may make application to the Commissioner to have the lorry inspected by a Divisional Road Transport Officer, and, where any such application is made, the Divisional Road Transport Officer, on the matter being referred to him, shall, if he considers that the lorry is fit for service, remove the prohibition.

(7) A person aggrieved by the refusal of a Divisional Road Transport Officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Commissioner, who shall have power to make such order on the appeal as he thinks fit, and any such order shall be binding on the Divisional Road Transport Officer.

(8) Where any examiner or Divisional Road Transport Officer withdraws or removes a prohibition, he shall forthwith give notice of the withdrawal or removal to the registered owner of the lorry and to the Commissioner.

(9) No person shall use a lorry or cause or permit a lorry to be used, at any time whilst a prohibition under this section is operative in relation to the lorry.

(10) A person who is convicted of an offence under this Act by reason of a contravention of the provisions of sub-section (9) shall be liable to a fine not exceeding two hundred and fifty rupees in the case of a first offence, and in the case of a second or subsequent offence, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

**Power to ascertain the laden weight of lorries and number of persons or passengers carried on motor vehicles.**

**201.** (1) For the purpose of ascertaining the total laden weight of any lorry, any examiner may at any time, on the production if so required of his authority, stop any lorry on a highway and may thereupon take reasonable steps to ascertain the laden weight of the lorry, whether by the use of wheel weighers, weighbridge, or other machine for weighing motor vehicles, and may for that purpose require the person for the time being in charge of the lorry to drive it or permit it to be driven to the nearest wheel weigher, weighbridge or other machine as aforesaid.

(2) For the purpose of ascertaining the number of persons or passengers, as the case may be, carried in any motor vehicle, an examiner may, on the production if so required of his authority, stop that vehicle on any highway and may thereupon take all reasonable steps as may be necessary for that purpose.

(3) Where any lorry is weighed for the purposes of sub-section (1), it shall be the duty of every person on that lorry, if required so to do to alight from the lorry before it is weighed.

(4) Where any lorry is weighed laden under sub-section (1) the amount of the difference between the weight of lorry when laden and the tare of the lorry as specified in the lorry licence for the time being in force therefor shall be deemed, until the contrary is proved, to be the weight of the goods carried thereon.

(5) The preceding provisions of this section shall apply in relation to a certifying officer and a police officer as they apply to an examiner, except that it shall not be necessary for a police officer to produce any authority.

**Production of documents carried in lorries.**

**202.** (1) An examiner may at any time, on production if so required of his authority, require the person in charge of any lorry to produce, and to permit him to inspect and copy, any document which by or by regulations made under this Act is required to be carried on, or by the driver of, the lorry and for that purpose may stop and detain the lorry for such time as is required for the inspection and copying and, if any person, when required by an examiner so to do, fails to produce to the examiner any such document as aforesaid, or to permit him to inspect or copy any such document, that person shall be guilty of an offence under this Act.

(2) The provisions of the preceding sub-section shall apply in relation to a Divisional Road Transport Officer or a certifying officer or a police officer as they apply in relation to an examiner, except that it shall not be necessary for a police officer in uniform to produce any authority.

Inspection of hiring cars, &c. and prohibition of use.

**203.** (1) Any certifying officer, or any examiner authorised in that behalf by the Commissioner, shall at any time, on the production if so required of his authority, be entitled to enter and inspect any hiring car or motor coach, and for that purpose to stop the car or coach, and to detain it during such time as is required for the inspection, and may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such car or coach is kept. If any person obstructs any such officer or examiner in the performance of his duty, or when required so to do fails to stop a hiring car or motor coach, he shall be guilty of an offence under this Act.

(2) If, on the inspection of a hiring car or motor coach under sub-section (1), it appears to the certifying officer or examiner, that the car or coach, as the case may be, owing to any defects therein, is, or is likely to become, unfit for service, until the defects have been remedied, he may prohibit its use on any highway :

Provided that, where in the opinion of the certifying officer or examiner, as the case may be, the defects are such as can be remedied within any period not exceeding forty-eight hours and are not defects which involve immediate risk to public safety, the prohibition shall not come into operation before the expiration of that period, and shall not come into operation upon the expiration of that period, if any certifying officer or any examiner referred to in sub-section (1), being satisfied that the defects have been or are in the course of being remedied, withdraws the prohibition before the expiration of that period.

(3) Where under this section any certifying officer or examiner prohibits the use of a hiring car or motor coach, he shall forthwith give notice in the prescribed form of the prohibition to the registered owner thereof, to the person in charge thereof at the time of the inspection and to the Commissioner. In the case of a prohibition on the ground of such defects as are specified in the Proviso to the last

foregoing sub-section a notice given under this sub-section shall specify the period within which the defects can, in the opinion of the certifying officer or examiner, as the case may be, be remedied.

(4) Subject as provided in sub-section (2) a prohibition under this section shall become operative as soon as notice thereof has been given to the registered owner, or to the person in charge of the hiring car or motor coach in respect of which the prohibition has been imposed and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.

(5) A prohibition under this section which has become operative may be removed by any certifying officer, or any examiner referred to in sub-section (1), if he is satisfied that the hiring car or motor coach in respect of which the prohibition has been imposed is fit for service.

(6) A person aggrieved by the refusal of any certifying officer or examiner to remove a prohibition under this section may make an application to the Commissioner to have the hiring car or motor coach in respect of which the prohibition is operative inspected by a Divisional Road Transport Officer, and, where any such application is made, the Divisional Road Transport Officer, on the matter being referred to him, shall, if he considers that it is fit for service, remove the prohibition.

(7) A person aggrieved by the refusal of a Divisional Road Transport Officer to remove a prohibition imposed under this section may, within the prescribed time and in the prescribed manner, appeal to the Commissioner who shall have power to make such order on the appeal as he thinks fit, and any such order shall be binding on the Divisional Road Transport Officer.

(8) Where any certifying officer, examiner or Divisional Road Transport Officer withdraws or removes a prohibition under this section, he shall forthwith give notice of the withdrawal or removal to the registered owner of the hiring car or motor coach to which the prohibition relates and to the Commissioner.

(9) No person shall use a hiring car or motor coach or cause or permit such car or coach to be used, on a highway at any time whilst a prohibition under this section is operative in respect thereof.

(10) A person who is convicted under this Act by reason of a contravention of the provisions of sub-section (9) shall be liable to a fine not exceeding two hundred and fifty rupees in the case of a first offence, and in the case of a second or subsequent offence, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Regulations.

**204.** Regulations may be made—

(*a*) providing for the periodical inspection or testing of such steam boilers, gas cylinders or other vessels working under pressure as may be used for supplying motive power or light to a motor vehicle, and for the payment of fees for such testing of vehicles, and

(*b*) prescribing the methods to be followed and the tests to be applied in the examination of motor vehicles, and the formation and nature of the reports to be furnished after such examination under this Act.

Service of notices, &c.

**205.** Every notice or order for the purposes of this Part shall be deemed to have been duly served on or issued to the registered owner of a motor vehicle to which it relates if it is despatched to such owner by registered post.

## PART X

### Administration and Procedure

Appointment of officers and servants.

**206.** (1) There may be appointed persons to be or to act as—

(*a*) Commissioner of Motor Traffic ;

(*b*) such Deputy and Assistant Commissioners as may from time to time be required for the purposes of this Act ;

(*c*) Registrar of Motor Vehicles ;

(*d*) such Divisional Road Transport Officers, Certifying Officers and Examiners of Motor Vehicles as may from time to time be required for the purposes of this Act.

(2) There may be appointed such other officers and servants as may from time to time be required for the purposes of this Act.

(3) Any power, function or duty of the Commissioner under this Act may be exercised or performed by any Deputy Commissioner or other officer who is authorised so to do by writing under the hand of the Commissioner.

(4) Any power, function or duty of the Registrar under this Act may be exercised or performed by any officer appointed under this Act who is authorised so to do by writing under the hand of the Registrar.

(5) All persons, officers and servants exercising powers or discharging duties or functions under this Act shall be deemed to be public servants within the meaning of the Penal Code. Cap. 15.

General functions and duties of the Commissioner.

**207.** Subject to the provisions of this Act, the Commissioner shall be charged with the following functions and duties :—

(*a*) the control, organisation and co-ordination of passenger and goods transport by road ;

(*b*) the making of recommendations to the Minister with regard to the co-ordination of road transport with rail transport and with other commercial transport ; and

(*c*) the other powers, functions and duties conferred or imposed on the Commissioner by or under this Act.

Constitution of Transport Appeals Tribunal.

**208.** (1) For the purpose of hearing appeals preferred as hereinafter provided, there shall be a Transport Appeals Tribunal (hereinafter referred to as " the Tribunal ") consisting of eight members who shall be appointed from time to time by the Governor-General.

(2) Five members of the Tribunal (hereinafter referred to as "the lawyer members") shall be advocates or proctors with not less than ten years' professional experience, and the other three members of the Tribunal shall be persons who have had wide experience and shown capacity in Transport, in industrial, commercial or financial matters, in administration, or in the organisation of workers.

(3) A person shall not be eligible for appointment under sub-section (1) as a member of the Tribunal if—

(*a*) he is a Senator or a Member of Parliament ; or

(*b*) he is a public officer or a judicial officer within the meaning of the Ceylon (Constitution) Order in Council, 1946 ; or

(*c*) he carries on the business of passenger or goods transport by road for fee or reward or is a director or officer of any company carrying on such business.

(4) The Minister may if he thinks fit so to do call upon any person proposed for appointment under sub-section (1) as a member of the Tribunal to declare the nature and extent of any financial interest, if any, which he has in any business of passenger or goods transport by road for fee or reward ; and it shall be the duty of any member of the Tribunal who acquires or has any such interest forthwith to disclose to the Minister the nature and extent of such interest.

(5) The Governor-General shall appoint a lawyer member of the Tribunal to be the Chairman thereof.

(6) The Minister shall, before making any recommendation to the Governor-General in regard to the exercise of the powers conferred on the Governor-General by this section, obtain the advice of the members for the time being of the Judicial Service Commission.

(7) Every member of the Tribunal shall, unless he earlier vacates office or is removed by the Governor-General therefrom, hold office for a period of three years from the date of his appointment. Any member of the Tribunal who vacates office by effluxion of time shall be eligible for reappointment.

(8) The members of the Tribunal shall be remunerated at such rates as may be prescribed.

(9) There shall be appointed a Secretary to the Tribunal (hereinafter referred to as " the Secretary ").

**Meeting of Tribunal for hearing of appeals.**

**209.** (1) The Secretary shall, under the direction of the Chairman of the Tribunal, convene meetings of the Tribunal for the purpose of the hearing of appeals.

(2) The quorum for a meeting of the Tribunal for the hearing of an appeal shall be three members ; and for the purpose of constituting a quorum, the Secretary shall summon to each meeting the Chairman, one lawyer member and one other member of the Tribunal :

Provided, however, that if the Chairman so directs in respect of any specified meeting, the Secretary shall so summon one other lawyer member in lieu of the Chairman.

The Secretary shall choose by lot the members, other than the Chairman, to be summoned for any meeting.

(3) In the event of the inability of any member of the Tribunal to attend any meeting to which he is summoned, the Secretary shall, in accordance with such directions as may be specially or generally given by the Chairman, summon an appropriate member to attend the meeting.

(4) The Chairman of the Tribunal shall preside at every meeting of the Tribunal :

Provided that in the absence of the Chairman from any meeting, the three members summoned to and present at the meeting shall choose from among themselves a Chairman for the meeting.

(5) A member of the Tribunal who is interested in the subject matter of an appeal preferred to the Tribunal or who has been consulted as an advocate or a proctor or otherwise in regard to that matter shall not participate in a meeting of the Tribunal at which that appeal is heard.

(6) A meeting of the Tribunal may from time to time be postponed or adjourned.

Appeals to the Tribunal.

**210.** (1) Where any person has, under any other provision of this Act, a right of appeal against any determination or order of the Commissioner, such right may be exercised by, and only by, the preferring of an appeal to the Tribunal in accordance with the succeeding provisions of this section.

(2) Every appeal to the Tribunal against any determination or order of the Commissioner shall be preferred by written statement setting out the grounds of the appeal.

(3) Every statement of appeal shall be transmitted to the Secretary to the Tribunal within fourteen days of the service on the appellant—

(*a*) of notice of the determination or order against which the appeal is preferred, in a case where the notice sets out the reasons therefor ; or

(*b*) in any other case, of the statement of reasons referred to in section 63 or section 97, as the case may be.

(4) Every statement of appeal shall be accompanied by the prescribed fee.

(5) In the case of an appeal against any determination or order under Part V, the statement of appeal shall be accompanied by a certificate signed by a proctor or advocate to the effect that in his opinion the question of law set out in the statement properly arises in relation to that determination.

(6) Every statement of appeal shall be made in conformity with such regulations as may be made in that behalf; and there shall be named as respondent to the appeal the Commissioner and every other person who is required by such regulations to be so named as respondent.

(7) No appeal shall be entertained by the Tribunal unless it is preferred in accordance with the provisions in that behalf set out in the preceding provisions of this section or in any regulations made for the purposes of this section.

(8) Notice of every appeal preferred under this section shall be served in accordance with regulations on the Commissioner and each respondent, if any.

Disposal of appeals.

**211.** (1) The Tribunal may make such inquiries as it may deem necessary for the purposes of any appeal, and may, if it thinks fit, admit or call for any evidence, whether oral or documentary.

(2) After the hearing of an appeal the Tribunal shall give such decision thereon as it may think fit.

(3) In every case where the decision of the Tribunal upon any appeal makes it necessary so to do, the Tribunal shall either make a fresh determination, or vary the determination of the Commissioner and issue all such directions as may be necessary to enable the Commissioner to give effect to the determination as so varied.

(4) In the event of any difference of opinion among the members of the Tribunal, the decision of the majority shall be the decision of the Tribunal.

(5) The Secretary shall give notice in writing of the decision of the Tribunal upon any appeal to the appellant, to the Commissioner and to every other respondent to the appeal.

(6) Subject to the provisions of section 212, the decision of the Tribunal shall be final and conclusive.

Right of appeal to the Supreme Court on questions of law.

**212.** (1) Where the appellant or any respondent or the Commissioner is dissatisfied with the decision of the Tribunal, he may, by written petition in which the other parties to the appeal are mentioned as respondents, appeal to the Supreme Court against that decision on a question of law.

(2) The petition of appeal under sub-section (1) shall state the question of law to be argued, shall bear a certificate by an advocate or a proctor that such question is fit for adjudication by the Supreme Court, shall be presented to the Tribunal by the appellant within twenty-one days after the date of the Tribunal's decision against which the appeal is preferred, and shall be accompanied by a sufficient number of copies for service on each of the persons mentioned as respondents.

(3) Every such petition of appeal shall be accompanied by the prescribed fee.

(4) Where a petition of appeal is presented to the Tribunal in the manner and within the time specified in sub-section (2), it shall be the duty of the Tribunal—

(*a*) to cause the petition to be transmitted to the Supreme Court, together with the record of the proceedings in which the decision of the Tribunal against which the petition is preferred was made; and

(*b*) to cause notice of the appeal to be served on the respondents named in the petition of appeal, together with a copy of the petition of appeal.

(5) Every appeal to the Supreme Court, under this section may be heard and determined by any Judge of that Court.

(6) Upon a decision being given by the Supreme Court in any appeal under the preceding provisions of this section, the Registrar of the Supreme Court shall remit the case to the Tribunal together with the decision of the Court, and it shall be the duty of the Tribunal in such manner as that decision may require to rescind or vary the determination or order in connection with which the appeal was preferred and, where necessary for the purpose of giving effect to such decision, to make a fresh determination.

(7) In any proceedings before the Supreme Court, the Court may make such order in regard

to costs and to the fee paid under sub-section (3) as to the Court may seem fit. Such costs may, notwithstanding anything contained in any other written law, be recoverable in the manner prescribed in section 214 (3).

(8) Notwithstanding anything in any other law, no appeal shall lie to His Majesty in Council, whether as of right or by leave, against the decision of the Supreme Court on any appeal preferred under the preceding provisions of this section.

**Duty of Commissioner to carry out decisions upon appeal.**

**213.** Where in consequence of an appeal to the Tribunal against any determination or of an appeal to the Supreme Court in connection with that determination that determination is varied or a fresh determination is made as hereinbefore provided, it shall be the duty of the Commissioner to give effect to the determination as so varied or to the fresh determination, as the case may be.

**Regulations.**

**214.** (1) Regulations may be made prescribing—

(*a*) the procedure to be followed and the powers exercisable by the Tribunal ;

(*b*) the form and the manner of preparing appeals to the Tribunal and the fees to be paid in respect of such appeals ;

(*c*) the circumstances in which and the rules according to which costs may be awarded by the Tribunal against any party to an appeal ;

and providing generally for all matters connected with or incidental to the matters hereinbefore mentioned.

(2) Subject to any regulations made under sub-section (1), the Tribunal may regulate its own procedure.

(3) Any sum ordered by the Tribunal to be paid by any authority, officer or person by way of costs in accordance with regulations made under sub-section (1), may be recovered, on application made to the Magistrate's court having jurisdiction in the place where such authority or officer has his office or where such person is resident, in like manner as a fine imposed by the court, notwithstanding that such sum may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

Motor Traffic Advisory Council.

**215.** (1) There shall be a Motor Traffic Advisory Council consisting of the Commissioner as Chairman and such other person not exceeding ten in number as may be appointed by the Minister.

(2) Every member of the Council who is appointed under sub-section (1) shall, unless he earlier vacates the office or is removed by the Minister therefrom, hold office for such period not exceeding three years as may be determined by the Minister at the time of the appointment. Any such member vacating office by effluxion of time shall be eligible for re-appointment.

(3) It shall be the duty of the Council to advise the Commissioner on all such matters connected with the regulation of motor traffic or the administration of this Act as may be referred by the Commissioner to the Council for such advice.

(4) Meetings of the Council may be summoned by the Commissioner whenever he may deem it necessary, and shall be summoned by him once at least in each half-year :

Provided, however, that the Chairman shall summon a meeting whenever he is requested in writing so to do by not less than three members of the Council.

(5) Regulations may be made providing for the conduct of business by the Council and prescribing the procedure to be followed at meetings of the Council. Subject to any such regulations, the Council may regulate its own procedure.

## PART XI

### Offences, Penalties and Proceedings in Court

Contravention of Act, regulation, order, &c.

**216.** (1) Any person—

(*a*) who contravenes any provision of this Act or any regulation, or fails to comply with any Order, direction, demand, requirement or notice lawfully issued, made or given under any provision of this Act or any regulation ; or

(*b*) who, being holder of any permit or licence granted or issued under this Act, fails to comply with any condition attached to that permit or licence, as the case may be,

shall be guilty of an offence under this Act.

(2) Where a motor vehicle is used, or where anything is done or omitted to be done in connection with a motor vehicle, in contravention of any provision of this Act or any regulation—

(*a*) the person, if any, on whom a duty or prohibition, or the liability in respect of such contravention, is imposed by such provision or regulation, shall be guilty of an offence under this Act ; and

(*b*) the driver and the owner of the motor vehicle shall also be guilty of an offence under this Act, notwithstanding that a duty or prohibition, or the liability in respect of such contravention is not expressly imposed by such provision or regulation on the driver or the owner :

Provided, however, that—

(i) the driver shall not under paragraph (*b*) be deemed to be guilty of an offence under this Act, if he proves to the satisfaction of the court that the contravention was not due to any act, omission default or neglect on his part ;

(ii) the owner, if he was not present in the motor vehicle at the time of such contravention, shall not be deemed under paragraph (*b*) to be guilty of an offence under this Act, if he proves to the satisfaction of the court that the contravention was committed without his consent or was not due to any act or omission on his part or that he had not taken reasonable precautions to prevent such contravention ;

(iii) the owner shall not, in the case of a contravention of any provision of Part VIII or of any regulation made under section 192 (other than a provision or regulation by which a duty, prohibition or liability is expressly imposed on the owner) be deemed under paragraph (*b*) to be guilty of an offence under this Act unless he aided and abetted such contravention.

Attempt and abetment.

**217.** Any person who attempts to commit, or abets the commission of, an offence under this Act shall be guilty of that offence.

Penalty for driving when drunk or under influence of drink or drugs.

**218.** Any person who is guilty of the offence of contravening the provisions of section 153 (1) shall—

(*a*) on conviction by a District Court, be liable to a fine not exceeding two thousand rupees or to imprisonment, of either description for a term not exceeding two years or to both such fine and imprisonment ; or

(*b*) on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

Penalty for driving recklessly or dangerously.

**219.** (1) Any person who is guilty of the offence of contravening the provisions of section 153 (2) shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, and on a second or subsequent conviction, to a like fine or to rigorous imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for driving negligently.

(2) Any person who is guilty of the offence of contravening the provisions of section 153 (3) shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred rupees.

Penalty for driving without insurance or security against third-party risks.

**220.** Any person who is guilty of the offence of contravening the provisions of section 99 shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Penalty for giving false information.

**221.** Any person who—

(*a*) in or in connection with any application—

(i) for the registration of a motor vehicle or a revenue licence for a motor vehicle ; or

(ii) for a driving licence or for the extension of the validity of such driving licence ; or

(iii) for a conductor's licence or any other licence required by any regulation or any renewal thereof; or

(iv) for any alteration or correction of any such licence ; or

(*b*) in or in connection with any application made under Part IV or Part V ; or

(*c*) in giving any information lawfully demanded or required under this Act or any regulation,

makes any statement which to his knowledge is false or in any material respect misleading, shall be guilty of an offence under this Act, and on conviction after summary trial before a Magistrate shall be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for fraudulent imitation of revenue licences, &c.

222. (1) Any person who—

(*a*) fradulently uses or allows any other person to use ; or

(*b*) fraudulently imitates, alters, mutilates, defaces or destroys,

any identification plate, or any certificate of registration, revenue licence for a motor vehicle, driving licence, permit issued under section 137 (4) or under Part IV or Part V, conductor's licence or any other licence, or any duplicate of any such permit or licence, issued or deemed to have been issued under this Act or any regulation, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

(2) Any person who—

(*a*) forges or fraudulently imitates or alters any certificate of insurance or certificate of security, or uses or causes or permits any other person to use any such certificate knowing it to be forged or fraudulently imitated or altered ; or

(*b*) fraudulently uses or causes or permits any other person to use fraudulently any certificate of insurance or security ; or

(*c*) knowingly makes any false statement or withholds any material information for the purpose of obtaining a certificate of insurance or a certificate of security,

shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment..

(3) Any person who issues a certificate of insurance or a certificate of security which he knows to be false in any material particular shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Penalty for contravention of Parts IV and V.

223. Any person—

(*a*) who is guilty of the offence of using any hiring car, private coach, omnibus or lorry in contravention of any provision of Part IV or Part V ; or

(*b*) who is guilty of the offence of failing to comply with any condition attached to a permit granted under any such Part,

shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred and fifty rupees, and on a second or subsequent conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Offence by body corporate or partnership.

224. Where the person convicted of an offence under this Act is a body corporate or a partnership, every director or officer of the body corporate, or every member of the partnership, as the case may be, shall each be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he has used due diligence to prevent the commission of the offence.

Penalty for causing disappearance of evidence or giving false information relating to an offence.

225. Any person who, knowing or having reason to believe that an offence under this Act has been committed in connection with the use or the driving of a motor vehicle, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, where that offence is not an offence within the meaning of sections 38 (3) and 198 of the Penal Code, be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Cap. 15.

General penalty.

226. Any person guilty of any offence, for which no other punishment is expressly provided in this Act, shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees, and on a second or subsequent conviction, to a fine not exceeding two hundred rupees.

Power of court to order recovery of licence fee.

227. (1) Where any court convicts any person of the offence of possessing or using a motor vehicle in contravention of section 25 (1), and a certificate is produced, signed by the licensing authority and stating the amount of fee which would have been payable on a revenue licence for that motor vehicle if application for the licence had been duly made and the licence duly issued in accordance with the provisions of Part III the court shall, in addition to any other punishment which it may impose for that offence, order a sum equal to that amount to be recovered from that person as though it were a fine imposed by the court; and any such sum may be so recovered notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose. Every such sum when recovered by the court, shall be disposed of under this Act in like manner as the fee payable on a revenue licence for that motor vehicle.

(2) Any person who is dissatisfied with any order made under sub-section (1) may, if he appeals against the conviction in consequence of which the Order was made, appeal against the Order

to the Supreme Court and the provisions of sections 338 to 352 of the Criminal Procedure Code shall apply to such appeal. Cap. 16.

(3) Where a sum equal to the fee payable on the revenue licence required for any motor vehicle in respect of any year or part of a year is recovered from any person in pursuance of any Order made under sub-section (1) or by the Supreme Court under sub-section (2), and that motor vehicle is fit to be used on a highway and all other requirements of this Act relating to the licensing of motor vehicles have been complied with in respect of that motor vehicle, the licensing authority shall issue a revenue licence for that motor vehicle in respect of that year or part of a year in like manner as if the application for such licence had been duly made under Part III and accompanied by the amount of the fee payable on such licence.

Motor vehicle to be deemed to be property of registered owner for purposes of section 60 of the Criminal Procedure Code.

228. For the purposes of section 60 of the Criminal Procedure Code a motor vehicle shall be deemed to be the property of the person who for the time being is the registered owner of that vehicle.

## PART XII

### SUPPLEMENTARY

Fees.

229. Where in any case reference is made in this Act to a prescribed fee, reference shall be deemed to be made to such of the fees prescribed by regulation as may be appropriate to the case; and unless otherwise expressly provided by this Ordinance or by regulation made under the Revenue Collection Ordinance every such fee— Cap. 192.

(*a*) shall be collected by means of revenue stamps to be provided by the person by whom the fee is payable, and to be cancelled by or by order of the Commissioner; and

(*b*) shall be credited to the Consolidated Fund:

Provided, however, that no fee shall be payable in respect of—

(i) the registration of any motor vehicle belonging to or exclusively used in the service of His Majesty or belonging to the Government of the United States of America or such other foreign state as the Minister may from time to time

specify by notification published in the *Gazette* or belonging to the Representative in Ceylon (by whatsoever name, title or designation called) of the Government of any part of His Majesty's Dominions or the United States of America or any other foreign state so specified or the Trade Commissioner or Consular Officer in Ceylon of any such Government or persons on the staff of any such Representative or Commissioner or Consular Officer ; or

(ii) the issue of a driving licence to, or the extension of the validity of the driving licence of, any member of the Ceylon Army for the purpose of authorising such member to drive within Ceylon, on military duty, any type or description of motor vehicles used for military purposes ; or

(iii) the issue of a driving licence to or the extension of the validity of any such licence of the Representative in Ceylon (by whatsoever name, title or designation called) of the Government of any part of His Majesty's Dominions or the United States of America or any other foreign state specified by notification published under paragraph (i) of this Proviso or the Trade Commissioner in Ceylon of any such Government or the consular officer in Ceylon of any such Government or persons on the staff of any such Representative or Commissioner or consular officer.

Power to declare urban areas.

**230.** Regulations may be made declaring any specified area, other than an area within the administrative limits of a local authority, to be an urban area for the purposes of this Act.

Regulation of petrol pumps.

**231.** Regulations may be made, at the request of any licensing authority—

(*a*) permitting and regulating the construction and operation of pumps or other devices for the supply of petrol or other fuel for motor vehicles and imposing fees for the privilege ;

(*b*) for inspecting and testing the accuracy of such pumps or devices or testing the quality and specific gravity of such petrol or other fuel, and imposing fees for such inspection or testing ; and

(*c*) providing for the recovery and disposal of such fees.

Verification of facts in application.

**232.** Any officer or authority to whom application is made for anything to be done under this Act may require any facts stated in the application, and any other necessary information, to be verified to his satisfaction.

Issue of duplicates.

**233.** (1) Any officer or authority by whom any certificate, permit or licence under this Act or any regulation has been granted or issued shall, upon proof to his satisfaction that such certificate, permit or licence has been lost, destroyed, defaced or damaged, issue a duplicate of the certificate, permit or licence to the person entitled thereto ; and any duplicate so issued shall be deemed for all purposes to be a certificate, permit or licence, as the case may be, granted or issued in accordance with the provisions of this Act or of any regulation.

(2) No duplicate shall be issued by any officer or authority under sub-section (1) on the ground that a certificate, permit or licence is surrendered to that officer or authority.

(3) (*a*) No duplicate of a driving licence shall be issued under sub-section (1) unless the application is accompanied by two copies of a photograph of the applicant, of such size as may be prescribed and taken not earlier than six months before the date of the application.

(*b*) Where any duplicate of a driving licence is issued under sub-section (1), the Commissioner shall set out, on that duplicate, copies of all such endorsements or entries made on the licence as may be brought to his notice.

(4) (*a*) No duplicate of any certificate, permit or licence shall be issued by the Commissioner under this section except upon payment of the prescribed fee.

(*b*) No duplicate of a revenue licence for a motor vehicle shall be issued by a licensing authority under this section except upon payment of the prescribed fee.

(5) Where any duplicate is issued to any person under sub-section (1) on the ground that a certificate, permit or licence was lost or destroyed, that person shall, if the certificate, permit or licence or any part thereof is subsequently recovered, forward such certificate, permit or licence or part thereof to the officer or authority by whom the duplicate is issued.

Duty of owner to give information as to driver and occupants of motor vehicle.

**234.** Where any police officer or headman has reason to suspect that an offence in connection with a motor vehicle has been committed, it shall be lawful for him or any other police officer or headman to require the owner of the motor vehicle to furnish all information in his possession as to the name, address, description, antecedents, and whereabouts of the driver, the conductor if any, and the occupants of the motor vehicle at the time of the alleged offence.

Duty of owners to obtain information as to drivers and conductors.

**235.** The owner of a motor vehicle shall when he engages a driver or a conductor obtain from him the serial number of his driving licence or conductor's licence, as the case may be, and his full name and address.

Recovery of damages for injury to highway, bridge, &c.

**236.** If by reason of an offence under this Act any injury is caused to any highway, or bridge, or to any lamp-post, stand-pipe, telegraph or telephone post or wire, or a gate at a railway crossing, or to any other fixture or equipment of any description whatsoever, affixed or erected on or about a highway and in charge of any Department of Government or of any local authority, the Department or authority may cause such injury to be repaired, and may, either before or after the repairs are effected, recover the estimated or actual cost thereof from the owner of the motor vehicle which caused the injury.

Power of Commissioner to decide questions as to classification of motor vehicles.

**237.** Where any question, as to the class to which a motor vehicle of any type or description should be deemed to belong, arises in connection with the registration or licensing of that vehicle, the decision of the Commissioner on that question shall be final and conclusive for the purposes of this Act; and in deciding any such question the Commissioner shall have due regard to the construction and the equipment of the motor vehicle and the purpose for which it is intended to be used.

**Certificate of examination to be admissible in evidence.**

**238.** Where, in any proceedings under this Act, any question arises as to whether a motor vehicle does or does not comply with any provision of this Act or any regulation, the certificate of any examiner, certifying officer, Divisional Road Transport Officer or other prescribed person to the effect that he has examined the vehicle and stating the result of his examination, shall be admissible in evidence and shall be sufficient *prima facie* evidence of any fact or opinion stated therein relating to the matter in question, and the court shall not permit the examiner, officer or other person to be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers such cross-examination to be necessary in the interests of justice.

**Procedure for making regulations.**

**239.** (1) The Minister may make regulations for all matters for which regulations are required or authorised to be made under this Act, all matters stated or required by this Act to be prescribed, and all other matters incidental to or connected with such matters.

(2) No regulation made by the Minister under this Act shall have effect until it has been approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*. Every regulation shall, upon notification of such approval in the *Gazette*, be as valid and effectual as if it were herein enacted.

**Application of Act to persons and motor vehicles in His Majesty's service.**

**240.** (1) Save as otherwise provided in this Act, the provisions of this Act shall apply in the case of persons and motor vehicles in the service of His Majesty :

Provided, however, that the provisions of sections 2, 21 and 25 shall not apply in the case of any motor vehicle ordinarily used by the Governor-General or the Prime Minister :

And provided further that regulations may, with the concurrence, of the Minister of Defence and External Affairs, be made exempting—

(*a*) members, or any specified class or description of members, of His Majesty's Forces; and

(*b*) motor vehicles, or any specified class or description of motor vehicles, which belong to or are exclusively used for the purpose of any of His Majesty's Forces,

from all the provisions, or any specified provision, of this Act or of any regulations made thereunder.

(2) For the purposes of facilitating any exercises of the Services, the Minister may, with the concurrence of the Minister of Defence and External Affairs, by Order—

(*a*) declare that any specified highway or highways or part of any such highway shall be closed to traffic on any specified day or days or during any specified time on any specified day or days ; and

(*b*) declare that the provisions of this Act or any specified provisions of this Act shall not apply to the members of His Majesty's Forces participating in such exercises or to or in relation to the motor vehicles used for the purposes of such exercises.

(3) For the purposes of the preceding provisions of this section, the expression " exercises of the services " includes any exercises, manoueuvres, training or movement of His Majesty's Forces.

Protection of public interests.

**241.** (1) It is hereby declared that nothing in this Act is to be treated as conferring on the holder of a permit or licence granted or issued thereunder any right to the continuance of any benefits arising from the provisions of this Act, or from a permit or licence, as the case may be, or from any conditions attached thereto.

(2) It is hereby declared that in the event of the compulsory acquisition by the Government or by any local authority or prescribed public authority or any undertaking by which a service is provided under the authority of a stage carriage permit granted under Part IV of this Act, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

In this section " compulsory acquisition " means compulsory acquisition under the authority of any written law which may hereafter be enacted in that behalf.

## PART XIII

### INTERPRETATION

**242.** In this Act, unless the context otherwise requires— Interpretation.

" animal " means elephant, horse, cattle, ass, mule, sheep, goat, or pig ;

" articulated vehicle " means a motor vehicle, having attached thereto a trailer which is so constructed and by partial superimposition so attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle ;

" at night " means at any time during the period between a quarter of an hour after sunset and a quarter of an hour before sunrise ;

" certificate of insurance " means a certificate issued under section 100 (4) ;

" certificate of security " means a certificate issued under section 101 (2) ;

" Colombo " means the Municipality of Colombo ;

" Commissioner " means the Commissioner of Motor Traffic ;

" driver " means the person for the time being driving a motor vehicle ;

" examiner " means an examiner of motor vehicles appointed or deemed to be appointed under this Act ;

" headman " means a headman authorised by a Government Agent or Assistant Government Agent to perform police duties and wearing his authorised uniform or badge ;

" highway " includes every place over which the public have a right of way, or to which the public or any part of the public are granted access, and every place where the motor traffic thereon is regulated by a police officer ;

" hiring car " means a motor car registered as a hiring car ;

" invalid carriage " means a motor vehicle the tare of which does not exceed five hundredweight and which is specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and intended for use solely by such persons ;

" land vehicle " means a motor vehicle (including a trailer) constructed for use for work on land in connection with agriculture, forestry, land levelling, dredging or similar operations ;

" licensing authority "—

(*a*) in relation to the revenue district of Colombo, means the Registrar ;

(*b*) in relation to any other revenue district means the Government Agent of the province in which that district is situated, or the Assistant Government Agent of that district ;

" local authority " means any Municipal Council, Urban Council or Town Council ;

" lorry " means a motor vehicle constructed or adapted wholly or mainly for the carriage of goods, and includes a trailer so constructed or adapted and a tractor, but does not include a land vehicle ;

" motor ambulance " means a motor vehicle constructed or adpated wholly or mainly for the carriage of sick or injured persons ;

" motor cab " means a hiring car which is fitted with a taximeter and an indicator which indicates clearly whether the car is on hire or is plying for hire ;

" motor car " means a motor vehicle, not being a motor cycle, motor ambulance, motor hearse or invalid carriage, which is constructed or adapted for the carriage of not more than eight persons (including the driver) and their effects and includes a trailer so constructed or adapted ;

" motor coach " means a motor vehicle, not being a motor ambulance or motor hearse, constructed or adapted for the carriage of more than eight persons (including the driver) and their effects, and includes a trailer so constructed or adapted ;

" motor cycle " means a motor vehicle designed to travel on not more than three wheels, and having a tare which together with the tare of any side car attached thereto, does not exceed five hundred weight ;

" motor hearse " means a motor vehicle specially designed and constructed for the carriage of dead bodies for burial or cremation ;

" Motor Traffic Advisory Council " means the Motor Traffic Advisory Council established under section 215 of this Act ;

" motor vehicle " means any mechanically propelled vehicle intended or adapted for use on roads, and includes a trolly vehicle and a trailer and a tractor, but does not include—

(*a*) any vehicle used on specially prepared ways such as railways and tramways ; and

(*b*) a road roller *bona fide* used as such and not used as a tractor for the purpose of carrying goods ;

" obstructing traffic " includes any wilful act or unreasonable use of a highway which is likely to cause any risk of accident or damage to traffic on the highway or to

impede the free movement of traffic in any manner required or permitted by law on the highway ;

" omnibus " means a motor coach registered as an omnibus ;

" overtaking " includes passing or attempting to pass any other traffic proceeding in the same direction ;

" parking " means the bringing of a motor vehicle to a stationary position or causing it to wait for any purpose other than that of immediately taking up or setting down persons, passengers or goods ;

" parking place " means a place set apart under this Act as a place at which motor vehicles or any specified class or description of motor vehicles may be parked ;

" passenger " means a person carried in a hiring car or omnibus, but does not include the driver or, in the case of an omnibus, the conductor ;

" plying for hire " means standing or waiting to be hired by passengers, whether on a highway or not ;

" police officer " means a member of the police force in uniform ;

" prescribed " means prescribed by this Act or any regulation thereunder ;

" private car " means a motor car registered as a private car ;

" private coach " means a motor coach registered as a private coach ;

" public stand " means a place set apart under this Act as a place at which hiring cars, omnibuses or lorries or any specified class or description of hiring cars, omnibuses or lorries may be halted or may stand for hire ;

" register " means the register of motor vehicles kept under this Act ;

" Registrar " means the Registrar of motor vehicles ;

" regulation " means a regulation made under this Act ;

" repealed Ordinance " means the Motor Car Ordinance, No. 45 of 1938 ;

" stopping place " means a place set apart under this Act as a place at which omnibuses may be halted for the purpose of taking up or setting down passengers ;

" tare " means the actual weight of a fully equipped motor vehicle when unladen, including the weight of accumulators, but excluding the weight of any water or fuel ;

" tractor " means a motor vehicle constructed solely for hauling another vehicle, and not for carrying persons or goods ;

" traffic " includes bicycles, tricycles, motor vehicles, tram cars, vehicles of every description, pedestrians, processions, and bodies of troops, and all animals being ridden, driven or led ;

" traffic signs " includes all signals, warning sign-posts, direction posts, signs, marks, or devices, erected or provided on or about a highway for the guidance or direction of persons using the highway ;

" trailer " includes a caravan and every description of vehicle attached to and drawn by a motor vehicle but does not include a side car attached to a motor cycle ;

" Tribunal " means the Transport Appeals Tribunal constituted under section 208 ;

" trolley vehicle " means a mechanically propelled vehicle for use upon roads without rails and moved by power transmitted thereto from some external source ;

" urban area " means—

(*a*) any area comprised within the administrative limits of any local authority ; or

(*b*) any other area declared by regulation to be an urban area for the purposes of this Act ;

" wireless set " means any apparatus which is capable in itself of transmitting or receiving wireless signals with or without the addition of aerials, valves, power supply, telephones, loudspeakers or equivalent devices.

## PART XIV

### Repeals and Transitional Provisions

Repeals.

243. (1) The Motor Car Ordinance, No. 45 of 1938, and the Omnibus Service Licensing Ordinance, No. 47 of 1942, are hereby repealed :

Provided, however, that—

(*a*) all the provisions of the repealed Ordinance relating to the disposal of applications for licences for lorries shall continue in force for the purpose and only for the purpose of enabling the provisions of section 246 of this Act to have effect ;

(*b*) the provisions of the Omnibus Service Licensing Ordinance, No. 47 of 1942, shall continue in force for the purpose and only for the purpose of enabling the provisions of section 246 of this Act to have effect ; and

(*c*) the provisions of the repealed Ordinance relating to the constitution and powers and functions of the Tribunal of Appeal and to appeals to the Tribunal of Appeal or appeals from decisions of the Tribunal shall continue in force but only for the purpose of enabling the provisions of section 246 of this Act to have effect.

(2) The Minister, upon being satisfied that the continuance in operation of any provisions of the repealed Ordinance or of the Omnibus Service Licensing Ordinance, No. 47 of 1942, is no longer required for the purpose of enabling the provisions of section 246 of this Act to have effect, may, by Order published in the *Gazette*, declare that the Proviso to sub-section (1) of this section shall cease to have effect.

Savings for registrations, licences, certificates of competence, &c.

244. (1) Every motor vehicle which, immediately prior to the appointed date, was registered or deemed to have been registered under the repealed Ordinance (other than a vehicle to which section 245 applies) shall be deemed to be a motor vehicle duly registered under this Act ; and every person who was at that time registered under the repealed Ordinance as the owner of the vehicle shall be deemed for the purposes of this Act to be the registered owner thereof :

Provided, however, that—

(*a*) every such motor vehicle which was so registered as a motor cab shall be deemed for the purposes of this Act to be registered as a hiring car ; and

(*b*) every such motor vehicle which is within the meaning of this Act a motor coach, and which was not registered under the repealed Ordinance as an omnibus, shall be deemed for the purposes of this Act to be and to be registered as a private coach.

(2) (*a*) Every register, certificate of registration, licence, dealer's certificate, and permit, and every duplicate of any such certificate or licence issued or kept under the repealed Ordinance and in force immediately prior to the appointed date ; and

(*b*) every entry, alteration or endorsement made under that Ordinance in any such certificate or licence and in force immediately prior to the appointed date,

shall be deemed to be a register, certificate, licence, permit, duplicate, entry, alteration or endorsement of the corresponding description kept, issued or made under this Act, and shall continue to have effect accordingly.

(3) Every certificate of competence issued or deemed to have been issued under the repealed Ordinance and in force immediately prior to the appointed date, shall be deemed to be a driving licence issued under this Act and to be valid for each class of motor vehicles specified or referred to therein ; and the provisions of this Act shall apply accordingly :

Provided, however, that—

(*a*) no such certificate of competence shall be deemed to be a driving licence which is valid for hiring cars, unless it was expressed to be valid for motor cabs ; and

(*b*) every such certificate of competence which was expressed to be valid for omnibuses shall be deemed to be a driving licence valid also for motor coaches.

(4) The provisions of section 126 of this Act shall, in their application in the case of any certificate of competence deemed under sub-section (3) to be a driving licence, have effect subject to the modification that the reference in sub-section (1) of that section to a period of twelve months shall be deemed to be a reference to the period ending on the anniversary in the year 1952 of the date of the issue of the certificate of competence.

(5) Every order made by any court under the repealed Ordinance and every order deemed by that Ordinance to have been made thereunder, by which a certificate of competence was cancelled, shall be deemed to be an order made under this Act with reference to a driving licence and shall have effect as though this Act had been in operation at the time the order was made ; and the provisions of section 139 of this Act shall apply accordingly.

(6) Every order made by any court under the repealed Ordinance, and every order deemed by the repealed Ordinance to have been made thereunder, by which a certificate of competence was suspended or by which a person was disqualified for a stated period for obtaining a certificate of competence, shall be deemed to be an order made under section 138 of this Act with reference to a driving licence ; and the provisions of section 139 of this Act shall apply accordingly.

(7) Every notice or sign duly erected or exhibited under any provision of the repealed Ordinance or any regulation made thereunder, or deemed by that Ordinance to have been erected or exhibited thereunder, for the purpose of the regulation of traffic, shall be deemed to be erected or exhibited under this Act.

(8) Every notice of non-user duly given under the repealed Ordinance and in force at the appointed date shall be deemed to be a notice given under this Act.

(9) Every regulation made or deemed to have been made under the repealed Ordinance or the Omnibus Service Licencing Ordinance, No. 47 of 1942, shall, if it is in force immediately prior to the appointed date and is not inconsistent with the provisions of this Act, be deemed to be a regulation made under this Act and have effect accordingly ; and may be amended, replaced or repealed by regulations made under this Act.

(10) Every person who is at the appointed date an authorised insurer within the meaning of section 128 of the repealed Ordinance, shall be deemed for the purposes of Part VI of this Act to be an authorised insurer.

Special provision relating to motor wagons.

**245.** (1) For the purposes of this section "existing motor wagon" means any motor vehicle adapted for the carriage of more than eight and not more than fifteen persons (including the driver)–

(*a*) which was, immediately prior to January 1, 1950, registered under the repealed Ordinance as a motor car for the conveyance of persons, but not as a motor cab, and

(*b*) which did not comply with the provisions of that Ordinance and of the regulations made thereunder relating to the constructions and equipment of omnibuses.

(2) An existing motor wagon may, on application made to the Registrar in that behalf by the person who, immediately prior to January 1, 1951, was registered under the repealed Ordinance as the owner thereof, be registered under this Act—

(*a*) as a hiring motor wagon, if it is stated by such owner to be intended for use for the carriage of passengers for fee or reward; or

(*b*) in any other case, as a private motor wagon.

(3) No existing motor wagon shall be registered under sub-section (2) unless application for such registration is made before the expiration of a period of three months from the appointed date.

(4) No existing motor wagon shall be used on any highway at any time after the expiration of the period specified in sub-section (3) unless it has been registered under sub-section (2).

(5) An existing motor wagon which is registered under sub-section (2) as a hiring motor wagon or a private motor wagon shall, notwithstanding that it is adapted for the carriage of more than eight persons (including the driver), be deemed for the purposes of this Act, but subject to the provisions of sub-section (6) of this section, to be a hiring car or a private car, as the case may be.

(6) All the provisions of this Act relating to the powers and requirements in respect of the examination, inspection and testing of motor coaches, to the determination of the seating capacity of motor coaches, and to driving licences required to authorise the driving of motor coaches, shall apply to and in relation to every motor wagon registered under sub-section (2) in like manner as though such motor wagon were a motor coach.

(7) Notwithstanding anything in this Act, no person shall be registered under this Act as the new owner of an existing motor wagon unless that person is already registered under this Act as the owner of any other such motor wagon.

(8) No person shall be guilty of an offence under this Act in respect of the possession or use of an existing motor wagon at any time within the period specified in sub-section (3), by reason only that such motor wagon is not registered under sub-section (2).

Savings for existing road service licences and provision for pending applications for such licences and for licences for lorries.

**246.** (1) Every road service licence issued under the Omnibus Service Licensing Ordinance, No. 47 of 1942, and in force immediately prior to the appointed date shall be deemed to be a stage carriage permit granted under this Act, and the holder of every such licence shall be deemed to be the holder of a stage carriage permit; and all the provisions of this Act relating to the provision of omnibus services or hiring car services and to the suspension, cancellation and alteration of stage carriage permits and to the issue of stage carriage permits (whether to the holders of such licences or to other persons) shall apply accordingly.

(2) In any case where an application which was made to the Commissioner of Motor Transport under the Omnibus Service Licencing Ordinance, No. 47 of 1942, for a road service licence has neither been granted nor refused by the Commissioner prior to the appointed date, the application shall lapse and no further proceedings shall be taken thereon :

Provided, however, that if the application was for a licence authorising the use of omnibuses for substantially the same purposes as those authorised by a road service licence of which the applicant was the holder at the time of the application, and the applicant, within thirty days from the appointed date, makes application for a stage carriage permit

under this Act, the road service licence of which he was the holder shall continue in force until his application for such permit is finally determined and shall be deemed until such time to be a stage carriage permit granted under this Act.

(3) In any case where an application which was made to the Commissioner of Motor Transport under the repealed Ordinance for a licence for a lorry has neither been granted nor refused by the Commissioner prior to the appointed date, the application shall lapse and no further proceedings shall be taken thereon :

Provided, however, that where the applicant, within thirty days from the appointed date, makes application for a permit under Part V of this Act authorising the use of that lorry for substantially the same area of operation and substantially the same routes as those specified in the licence under the repealed Ordinance previously held by him, the Commissioner may make Order authorising the licensing authority to issue to the applicant a revenue licence for that lorry in such terms and for such purposes as may be specified in the Order ; and such Order shall, until the date on which the application for a permit under Part V is finally determined, be deemed for the purposes of this Act to be a permit under that Part.

(4) In any case where an application was made to the Commissioner of Motor Transport under the Omnibus Service Licensing Orinance, No. 47 of 1942, for a road service licence, or under the repealed Ordinance for a licence for a lorry, and the Commissioner has given a decision granting or refusing the application—

(*a*) all the provisions of sections 13 and 14 of Ordinance No. 47 of 1942, or as the case may be, sections 50 to 54 of the repealed Ordinance shall apply in relation to the right of appeal against such decision, and in relation to any appeal which may have been duly preferred thereunder prior to the date of the commencement of this Act ;

(*b*) if the decision is that the application should be granted, and no appeal is or has been preferred against it, effect shall be given to the decision as provided in sub-section (5) or in sub-section (6) of this section ;

(c) if an appeal is or has been preferred against the decision, and the final determination upon such appeal, whether by a tribunal of appeal or the Supreme Court or by His Majesty in Council, is that the application should be granted, effect shall be given to such final determination as provided in sub-section (5) or in sub-section (6) of this section.

(5) In any case where sub-section (4) requires effect to be given to a decision or a final determination that an application for a road service licence shall be granted, it shall be the duty of the Commissioner of Motor Traffic to grant a stage carriage permit under this Act to the person to whom, for the purpose for which, and subject to the terms and conditions subject to which, a road service licence is in terms of such decision or determination required to be issued.

(6) In any case where sub-section (4) requires effect to be given to a decision or a final determination that an application for a licence for a lorry shall be granted, it shall be the duty of the Commissioner of Motor Traffic to make Order authorising the licensing authority to issue to the applicant a revenue licence under this Act in such terms and for such purposes as may be specified in the Order, so however that in specifying such terms and purposes the Commissioner shall have regard in all respects to the decision or final determination upon the application; and such Order shall until December 31, 1951, be deemed for the purposes of this Act to be a permit granted under Part V of the Act.

Removal of difficulties.

**247.** It shall be lawful for the Minister, by Order published in the *Gazette*, to make such provision as he may in his discretion consider necessary or expedient for the purpose of providing for any unforseen or special circumtances, or of resolving, determining or adjusting any doubt, question or matter, which may arise in relation to the application of this Act or in respect of which provision is not made in this Act.

Every Order made under this section shall upon publication thereof in the *Gazette* have the force of law and be as valid and effectual as if it were herein enacted.

## *SCHEDULE.*

### Part A.

(SECTION 55 (7).)

| *I.* *Persons.* | *II.* *Road Service Licences.* |
|---|---|
| The Panadura Motor Transit Co. (Wes., Sab., and Uva) Ltd., Panadura | Road Service Licence No. 238 authorising a service of three return trips between Colombo and Badulla, the service to run express between Colombo and Ratnapura. |
| The Kelani Valley Motor Transit Co., Ltd., 505, Union Place, Colombo 2. | Road Service Licence No. 193 authorising a service of three return trips between Colombo and Norton Bridge, the service to run express between Colombo and Talduwa. |
| The Lanka Matha Motor Transit Co., Ltd., Udabaddawa. | Road Service Licence No. 801 authorising a service of four return trips between Colombo and Hettipola the service to run express between Colombo and Mawatagama. |

### Part B.

(SECTION 55 (8).)

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|---|---|
| The Colombo Omnibus Co., Ltd. | Road Service Licence No. R. 9 between Maradana and Colombo Fort. |
| | Road Service Licence No. R. 12 between Maradana and Korteboam Street. |