

N.B.—Part I : Sec. (IIA) and Part IV (A) of Gazette No. 768 of 21.05.93 were not published.

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The Gazette of the Democratic Socialist Republic of Sri Lanka

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No. 769—FRIDAY, MAY 28, 1993

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

(Separate paging is given to each language of every Part in order that it may be filed separately)

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IMPORTANT NOTICE REGARDING ACCEPTANCE OF NOTICES FOR PUBLICATION IN THE WEEKLY "GAZETTE"

ATTENTION is drawn to each of the 'Notices' appearing in the 1st week of every month, regarding the latest dates and times of acceptance of notices for publication in the weekly *Gazette* at the end of each Part of the *Gazette of the Democratic Socialist Republic of Sri Lanka*.

All notices to be published in every Part of the *Gazette* shall close at 12 noon of each Friday, a fortnight before the date of publication. All Departments, Corporations, Boards, etc., are advised that any notification fixing specific dates for closing times of applications in regard to vacancies, tender notices and the dates and times of auction sales, etc., should be prepared with due regard to this change, i.e., by giving adequate time both from the time of despatch of notice to the Government Press and from the date of publication thus enabling those interested in the contents of the notices to actively and positively participate.

All notices to be published in the weekly *Gazette* should reach this Department positively by 12 noon of the Friday, two weeks prior to date of publication, e.g., Notices for publication in the weekly *Gazette* of June 03, 1993 should reach the Government Press on or before 12 noon on May 21, 1993.

Department of Govt. Printing,
Colombo 8,
January 01, 1993.

NEVILLE NANAYAKKARA,
Government Printer.

Provincial Council Notifications

My No. CPC/A/12/90 (xviii).

CENTRAL PROVINCIAL COUNCIL

IT is notified that the following Statute has been unanimously passed by the Central Provincial Council on 22nd day of December, 1992 and the Honourable Governor's assent has been received by his letter No. GCP/AS/03 of 08.03.1993.

P.R. RANASINGHE,
 Assembly Secretary,
 Central Provincial Council.

Central Provincial Council,
 Assembly Secretariat,
 P.O. Box 92,
 Pallekele,
 Kundasale,
 23rd April, 1993.

Central Province

ROAD PASSENGER CARRIAGE SERVICES STATUTE

A STATUTE TO REGULATE THE ROAD PASSENGER CARRIAGE SERVICES OPERATING WITHIN THE PROVINCE IN TERMS OF ITEM 8 OF LIST I IN THE NINTH SCHEDULE TO THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

BE it passed by the Provincial Council of the Central Province as follows.

- Short Title. 01. This Statute may be cited as the Central Province Road Passenger Carriage Services Statute, No. 04 of 1992.
- Administration of the Statute. 02. (1) For the purposes of this Statute, there shall be appointed a Provincial Director of Transport (hereinafter referred to as "the Director") who shall be in charge of the general administration of the principles and provisions of this Statute and such number of Provincial Deputy Directors of Transport and Provincial Assistant Directors of Transport and such other Officers, as may be necessary, for the purpose of carrying out or giving effect to the principle and provisions of this Statute.
- (2) Any power, duty or function of the Director under this Statute may be exercised, performed or discharged, under his directions, by any Provincial Deputy Director of Transport or Provincial Assistant Director of Transport or any other officer who is authorised so to do by writing under the hand of the Director.
- (3) The Director and any officer authorised by him under Sub-section (2) shall carry out or give effect to the principles and provisions of this Statute and or of any regulations made thereunder, subject to the general direction and control of the Minister.
- Passenger Carriage Services Permits for regular service. 03. (1) Subject to the provisions of Sub-section (2) no person shall use on or after the date on which this Statute comes into force an omnibus for the purpose of a regular service originating within the Province for the carriage of passengers for fee or reward except under the authority of a Passenger Carriage Service Permit granted by the Director under this Statute.
- (2) A Stage Carriage Permit for passenger transport granted under the Road Passenger Carriage Service Statute, No. 20 of 1990 of the Central Province Provincial Council or any document deemed to be a Stage Carriage Permit under the said Statute and remaining in force immediately before the date on which this Statute comes into force shall be deemed to be a Passenger Carriage Service Permit granted under this Statute for the period of validity of the said permit unless revoked earlier under this Statute.
- (3) No person shall use on or after the date on which this Statute comes into force any vehicle other than an omnibus for the purpose of a regular service for the carriage of passengers for a separate fare.

(4) Upon the complaint of the Director or any person authorised by him under Section 2, any police officer may seize any vehicle used in contravention of the provisions of this Statute or the regulations made thereunder and shall produce or cause to be produced such vehicle without undue delay before the Magistrate's Court within the local limits of whose jurisdiction it was seized.

(5) Where any vehicle is produced before the Magistrate's Court under the provisions of Sub-section (4), the Magistrate may make order detaining the said vehicle until the conclusion of the trial or, make order releasing the said vehicle subject to such conditions as the Magistrate may impose in the circumstances of the case.

04. (1) The registered owner of an omnibus shall obtain a valid Omnibus Revenue Licence in order to receive a passenger Carriage Service Permit under this Statute (hereinafter referred to as a "permit").

Obtaining Revenue Licence and unlimited insurance.

(2) The registered owner of an omnibus shall, in order to receive a permit for regular passenger carriage service, submit proof of a valid unlimited insurance against Third Party risks in his name in respect of the omnibus.

05. (1) A permit shall entitle the holder thereof to use an omnibus of which he is the registered owner for the operation of a regular service for carriage of passengers on the route or routes specified in such permit, in accordance with the conditions attached thereto.

Authorised passenger carriage service by omnibus.

(2) No permit shall be granted in respect of any omnibus to any person who is not the registered owner of such omnibus.

(3) (a) No person shall obtain more than one permit for regular services under this Statute in respect of the same omnibus.

(b) The provisions of paragraph (a) shall not apply where the permit, obtained earlier has been revoked under this Statute.

(c) Any person who contravenes the provisions of paragraph (a) thereby commits an offence under this Statute.

06. (1) Every application for a permit shall be made to the Director under the hand of the registered owner of the omnibus in respect of which the application is made, in such form as may be prescribed.

Application for a permit.

(2) Every applicant for a permit shall submit together with the application under Sub-section (1), the following details under his hand :—

(i) the registration number, seating capacity and the internal height of the omnibus to which the application relates ;

(ii) the place of origin, important intermediate places, destination, route number and the distance of the route (approximately) on which the omnibus to which the application relates will be used for passenger carriage service at separate fares ; and

(iii) such other particulars as the Director may require for the purpose of exercising his discretion under Section 7.

07. (1) Subject to the provisions of Sub-section (2), the Director shall have full power and discretion to either grant, renew, transfer or refuse to grant, renew or transfer a permit.

Disposal of applications for permits.

(2) The Director, in exercising his discretion in regard to the grant, transfer or refusal to grant or transfer a permit or a renewal or otherwise thereof and in regard to the allocation of a route or routes in respect of which permits may be granted or transferred under this Statute 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 a separate fare, and shall in particular, have regard in using such discretion to the following matters :—

(i) the extent to which the proposed carriage of passengers is necessary or desirable in the public interest ;

(ii) the suitability of the proposed route or routes ;

(iii) the extent, if any, to which the needs of the proposed route or routes or of any such route have been already adequately served ;

(iv) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services) and the co-ordination of all forms of passenger transport, including transport by railway ;

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

Duration of a permit.

08. (1) No permit shall be issued by the Director to any person under this Statute, except upon the payment by such person to him of such fee or fees as may be prescribed and fulfilment by him of such conditions and requirements as may be prescribed or stipulated under this Statute.

(2) Every permit shall—

- (i) be in the prescribed form ;
- (ii) unless it is cancelled earlier, be in force for a period of twelve months from the date of its issue.

Conditions to be attached to the permit for the benefit of passengers and other matters:

09. Subject to the provisions of this Statute and of any regulations made thereunder, every permit issued under this Statute shall have attached thereto all such conditions as may be determined by the Director, for securing the safety and convenience of the public, including conditions requiring—

- (i) that the fares to be charged shall be as stated in the application for the permit ;
- (ii) that the omnibus used under the authority of the permit shall be operated only on such route or routes specified in the permits ;
- (iii) that copies of the time table (where required) and the fare-table shall be carried and kept exhibited in the omnibus used under the authority of the permit ;
- (iv) that the omnibus used under the authority of the permit shall be maintained at all times in a mechanically fit, roadworthy and serviceable condition ;
- (v) that the conductor engaged in the omnibus used under the authority of the permit or such other person performing the functions of the conductor shall deliver to each passenger a ticket complete with clear indication of the fare charged and the terminal points of the journey of such passenger and bearing the registered number of the said omnibus.
- (vi) that the omnibus used under the authority of the permit shall not carry at any time more than the number of passengers permitted by the permit ; and
- (vii) that in the case of disruption to the journey due to a mechanical failure of the omnibus used under the authority of the permit or to a lapse on the part of the driver or the conductor thereof, appropriate alternative arrangements shall be made for the passengers to reach the destination.

Specifications of authorised omnibus in the permit.

10. The Director may at the time of the grant of a permit specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, the omnibus, the use of which is authorised by the permit.

Power of the Director to issue directions.

11. The Director may issue to any person to whom a permit has been granted, any such directions as he may think necessary for the purpose of making such person comply with the provisions of this Statute or any regulations made thereunder, and the persons to whom any such directions are issued shall comply with such directions within such time as shall be specified therein.

Permit not transferable.

12. No permit shall be transferable to any other person by its holder and accordingly any such transfer shall be null and void.

Holder of permit to inform Director of any change of

13. The holder of a permit shall within fourteen days of any change in the particulars stated in his application for the permit, inform the Director in writing, of such change and obtain his concurrence in writing thereon.

14. Where an application is submitted to the Director by a holder of a permit for renewal thereof, the Director may renew such permit for a period of one year, or less than one year from the date of its expiry, if he is satisfied that the holder of the permit—

Renewal of permit.

- (i) has observed the provisions of this Statute or any regulations made thereunder ;
- (ii) has not been convicted of any offence under this Statute or any regulation made thereunder ; and
- (iii) pays the prescribed fees for the renewal of the permit and fulfill other requirements.

15. If the Director is satisfied that the holder of a permit—

Cancellation, etc. of a permit.

- (i) has contravened any of the provisions of this Statute or any regulation made thereunder ;
- (ii) has not complied with any direction issued to him under Section II ; or
- (iii) has furnished in any application or return or in any written information or written explanation sent by him under this Statute, any particulars which to his knowledge are false or incorrect

then the Director may, in respect of such permit, make an order, imposing a surcharge not exceeding three times the fees payable for the permit, suspending the permit for a period not exceeding three months or cancelling the permit.

16. (1) Where the Director decides to refuse the grant or renewal of a permit, or makes an order under Section 15, he shall communicate in writing to the applicant or the holder of the permit, as the case may be, his decision or order together with the reasons therefor.

Director to communicate his decision to applicant or holder of permit together with reasons therefor.

(2) An order made by the Director under Section 15 suspending or cancelling a permit or a decision to refuse the grant or renewal of a permit shall take effect subject on the following provisions, on the day immediately after thirty days from the date of making such order or decision (inclusive of that date). For the purpose of this Sub-section, "the date of despatch of the order or decision by registered post" shall be deemed to be the date of making the order or the decision.

17. (1) The applicant or the holder of a permit, as the case may be, who is aggrieved by a decision or order of the Director under this Statute—

Appeals.

- (i) refusing the grant or the renewal of a permit ; or
- (ii) imposing a surcharge, suspending cancelling the permit

may appeal in writing against such decision or order within seven days from the date of making such decision or order, to the Secretary to the Ministry of the Minister.

(2) The Secretary to the Ministry of the Minister shall convey in writing within seven days from the date of receipt of such appeal by him to the applicant or the holder of the permit as the case may be as well as the Director his decision on the appeal under Sub-section (1).

(3) The applicant or the holder of a permit, as the case may be, who is not satisfied with the decision of the Secretary given under Sub-section (2) may make within seven days from the date of such decision a further appeal in writing to the National Transport Commission, and the National Transport Commission shall give its decision in writing on the appeal within seven days of the receipt of the appeal.

(4) The National Transport Commission may on an appeal under Sub-section(3)—

- (a) allow the appeal and direct the Director to grant or renew the permit, as the case may be ; or
- (b) allow the appeal and revoke the order imposing the surcharge or suspending or cancelling the permit ; or
- (c) disallow the appeal.

(5) The decision of the National Transport Commission taken on the appeal under Sub-section (3) read with Sub-section (4) shall be final and conclusive.

(6) The Secretary to the Ministry of Provincial Councils and the Director shall be promptly informed of the decision of the National Transport Commission on such appeal.

(7) The Director shall comply with any directive of the National Transport Commission issued to him under Sub-section (4).

Spot fines.

18. (1) Where it is detected by an officer authorised by the Director or by a Police Officer, that any provision of this Statute, with regard to an omnibus used under the authority of a permit this Statute, has been violated while transporting passengers, the person who admits liability for such violation may pay, in lieu of prosecution for such violation, a spot fine determined by such officer or Police Officer not exceeding a sum of Rupees Five hundred and the officer or Police Officer determining such a spot fine shall issue his determination in writing with an appropriate intimation to the Director indicating the route and the registration number of the omnibus.

(2) The amount of spot fine shall be paid to the Director or to the nearest Divisional Secretary's office to the credit of the Provincial Fund of the Central Province and the receipt submitted within two weeks of the detection to the Director in proof of such payment.

Permit to be displayed on the windscreen.

19. Any permit issued under this Statute shall be displayed conspicuously on the windscreen of the omnibus in respect of which the permit has been issued.

Returns, etc.

20. The Director may give notice in writing to any person who is the holder of a permit requiring him to furnish within the time specified in such notice any such return, information or explanation as the Director may require for the purpose of exercising his powers and discharging his duties under this Statute and it shall be the duty of such person to comply with the requirements of such notice.

21. (1) The Director shall have the power to issue directives and make arrangements through the relevant local bodies or by such other means as considered appropriate to establish, remove, maintain, improve or change the locations of, in any manner, the bus-stands and bus halting places within the limits of the Provincial Council in the interest of the passengers.

(2) The Director shall have the power to enforce time tables for the operation of omnibuses from bus-stands or halting places and to supervise or to make appropriate arrangements to supervise the staff engaged in the management of time tables and to issue directives and instructions to such staff.

(3) The Director shall have, where appropriate, the power to appoint, and power to exercise disciplinary control including the power of dismissal over, the staff engaged in the management of time tables for operation of omnibuses.

Recommendation, etc., of the Minister.

22. The Minister may submit at appropriate times proposals and recommendations for approval by the Provincial Council to provide facilities, in keeping with the general policy of the State, for procurement of omnibuses and for tax concessions, purely for the benefit of the Passenger Transport Service.

Offences and Penalties.

23. Every person who contravenes or fails to comply with any provision of this Statute or any regulation, order, directive or requirement made, issued or given thereunder, or furnishes any return, written information or written explanation containing any particulars which to his knowledge are false or incorrect commits an offence under this Statute and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding One Thousand Five Hundred Rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Regulations.

24. (1) The Minister may make regulations in respect of any matter required by this Statute to be prescribed or in respect of which regulations are authorised by this Statute to be made.

(2) In particular and without prejudice to the generality of the powers conferred by Sub-section (1), the Minister may make regulations in respect of all or any of the following matters:—

- (i) the procedure to be followed, forms to be used and fees to be paid in obtaining, renewing or amending a permit;
- (ii) the plates and marks to be carried on omnibuses used under the authority of a permit;
- (iii) the documents to be carried by drivers and conductors of omnibuses used under the authority of permits and the particulars to be entered thereon;
- (iv) the standards to be observed by any person using an omnibus used under the authority of a permit;
- (v) the records to be kept in respect of journeys performed by an omnibus used under the authority of a permit;

- (vi) the records to be kept by the holders of permits in respect of the persons employed by such holders as drivers or conductors of the omnibuses used under the authority of such permit and the times of the commencement and cessation of work by such persons and the intervals of rest taken by them.
- (vii) the preservation of records kept under this Statute, the inspection of such records by any prescribed authority and the production for the purpose of such inspection on demand made by such authority ;
- (viii) the procedure for the conduct of business of, and the procedure for the discharge of the functions by any Association, Society or Federation of the holders of permits or passengers which have interests in the passenger transport service ;
- (ix) consultation with the Associations or passengers and holders of permits ;
- (x) the organisation and management of bus stands and bus halting places, particularly for the co-ordination and scheduling of bus operations, time-keeping and orderly and equitable use of facilities ;
- (xi) determination of qualifications and causing periodical check of physical fitness of drivers and conductors engaged on omnibuses used under the authority of permits ;
- (xii) measures to be taken in an emergency or critical situations or when it is deemed that a serious breakdown is imminent in passenger transport services in any area or on any route in the Province ;
- (xiii) formation of advisory bodies or committees, nominating or appointing members thereto, and determining their powers and functions, for the purposes of advising him and making recommendations to him particularly on regulating, or improving efficiency in the passenger transport service within the Province, initiating new services, determining fares, fees and charges to be levied from passengers and permit holders, regulating the number of omnibuses on different routes, having consideration for ensuring equitable economic viability in maintaining services by the permit holders and on any other relevant matters ;
- (xiv) procedures relating to issue of inter provincial permits where necessary.

(3) Every regulation made under Sub-section (2) shall be published in the *Gazette* and shall come into force on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made under Sub-section (2) shall as soon as convenient after the publication in the *Gazette* be brought before the Provincial Council for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(5) The date on which any regulation is deemed to be so rescinded shall be published in the *Gazette*.

25. Where an offence under this Statute is committed by a body of person then—

- (i) If that body of persons is a body corporate, every person who at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of that body corporate ; or
- (ii) if that body of persons is a firm, every person who at the time of the commission of the offence was a partner of the firm

Liability of a body of persons.

shall be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and all other circumstances.

26. (1) The Road Passenger Carriage Services Statute, No. 20 of 1990 of the Provincial Council is hereby repealed with effect from the date on which this Statute comes into force, without prejudice to any decision or action previously made or taken thereunder.

Repeals.

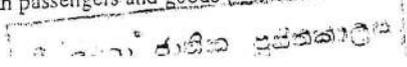
(2) Notwithstanding the provisions of Sub-section (1), the regulations made under the said Road Passenger Carriage Services Statute, No. 20 of 1990 shall be deemed to be regulations made under this Statute until they are repealed or replaced with regulations made under this Statute.

27. In this Statute, unless the context otherwise requires—

“ local authority ” means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created and established by or under any law to exercise, perform and discharge powers, functions and duties exercised, performed and discharged by any such Council or Sabha ;

“ dual purpose vehicle ” means a vehicle designed to carry both passengers and goods ;

Interpretation.



" hiring car " means a motor car registered as a hiring car ;

" Minister " means the Minister of the Board of Ministers in charge of the subject of Transport in the Provincial Council ;

" omnibus " means a motor coach registered as an omnibus under the Motor Traffic Act and shall be deemed to include a dual-purpose vehicle ;

" 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 ;

" prescribed " means prescribed by regulations made under this Statute ;

" province " means the Central Province of the Democratic Socialist Republic of Sri Lanka ;

" Provincial Council " means the Central Provincial Council ; and

" separate fare " means a payment made by a person entitling him to be carried as a passenger on an omnibus ;

28. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

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