



TRANSPORT BOARD LAW,

No. 19 OF 1978

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 26th May, 1978]

Printed on the Orders of Government

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA, (CEYLON)

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

Price: Rs. 1.45

Postage: 50 cents

Transport Board Law, No. 19 of 1978

[Certified on 26th May, 1978]

L. D.—O. 67/77.

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA CENTRAL TRANSPORT BOARD AND REGIONAL TRANSPORT BOARDS ; FOR THE EXERCISE, DISCHARGE AND PERFORMANCE BY THESE BOARDS OF THE POWERS, FUNCTIONS AND DUTIES OF THE CEYLON TRANSPORT BOARD ; FOR THE TRANSFER TO THE SRI LANKA CENTRAL TRANSPORT BOARD OF THE OFFICERS AND SERVANTS, PROPERTY, RIGHTS, OBLIGATIONS AND LIABILITIES, OF THE CEYLON TRANSPORT BOARD ; FOR THE REPEAL OF THE MOTOR TRANSPORT ACT, NO. 48 OF 1957 ; FOR THE AMENDMENT OF THE MOTOR TRAFFIC ACT AND FOR CONNECTED MATTERS.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows :—

1. This Law may be cited as the Transport Board Law, No. 19 of 1978, and shall come into operation on such date (hereafter in this Law referred to as the “ appointed date ”) as the Minister may, by Order published in the *Gazette*, appoint.

Short title
and date of
operation.

PART I

**The Sri Lanka Central Transport Board and
Regional Transport Boards**

2. (1) There shall be established a Board to be called the Sri Lanka Central Transport Board.

Establishment
of the Sri
Lanka Central
Transport
Board.

(2) The Board established by subsection (1) shall hereafter in this Law be referred to as the Central Board.

3. (1) There shall be established for each region which is described in general terms in Column II of Schedule I to this Law and is to be defined by Orders made under this Part and published in the *Gazette*, a Board to be called by the name mentioned in the corresponding entry in Column I of that Schedule.

Establishment
of Regional
Transport
Boards.

(2) The Boards established by subsection (1) shall hereafter in this Law be referred to as Regional Transport Boards.

The Central Board and the Regional Transport Boards to be bodies corporate.

4. The Central Board shall, by the name assigned to it by section 2, and each Regional Transport Board shall, by the name assigned to it by section 3, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Constitution of the Central Board and the Regional Transport Boards.

5. (1) The Central Board shall consist of—

- (a) the Chairman and three other members all of whom shall be appointed by the Minister from among persons who appear to the Minister to have had experience and shown capacity in transport, industrial, commercial or financial matters, or in administration or labour relations ;
- (b) the Chairman of each Regional Transport Board ; and
- (c) a state officer of the General Treasury nominated by the Minister in charge of the subject of Finance.

(2) The Minister may appoint one of the members appointed under subsection (1) (a) other than the Chairman to be the Vice-Chairman of the Central Board.

(3) Each Regional Transport Board shall consist of—

- (a) a Chairman and three other members all of whom shall be appointed by the Minister from among persons who appear to the Minister to have had experience and shown capacity in transport, industrial, commercial or financial matters, or in administration or labour relations ; and
- (b) a state officer nominated by the Minister in charge of the subject of Finance.

(4) The provisions of Schedule II to this Law shall have effect in relation to the Central Board and each Regional Transport Board.

Definition of and variation of regions.

6. (1) The Minister shall, by Order published in the *Gazette*, define each region for which a Regional Transport Board is established by this Law and each such region shall be so defined by reference to boundaries.

(2) The Minister may, by Order published in the *Gazette*, from time to time vary the regions defined under subsection (1) and the regions so defined after variation shall be described in that Order by reference to boundaries.

7. (1) It shall be the duty of the Central Board to co-ordinate the activities of the Regional Transport Boards and exercise a general control over the policy of those Boards and for that purpose to engage in—

Duties of the
Central Board
and Regional
Transport
Boards.

(a) the broader aspects of engineering, in relation to its business and that of the Regional Transport Boards ;

(b) production planning;

(c) co-ordination of schedules ;

(d) co-ordination of services and operational activities ;

(e) the import and purchase of motor vehicles and spares and accessories for motor vehicles ;

(f) civil engineering services ;

(g) overall budgeting and planning ; and

(h) the provision of managerial expertise and assistance to the Regional Transport Boards.

(2) It shall be the duty of each Regional Transport Board—

(a) to provide efficient regular omnibus services within its region and inter-regionally and to co-ordinate as far as possible such services with the railway passenger transport service and, while avoiding the provision of unnecessary and wasteful omnibus services, to extend and improve the omnibus services within its region and inter-regionally so as to meet the road passenger transport needs of the public ;

(b) to provide ferry services for the transport of passengers by water and to undertake the carriage of goods of every description by land ; and

- (c) to conduct its business in such a manner and to levy such fares in accordance with the provisions of this Law, as will secure that the revenue of the Board is not less than sufficient for meeting the charges which are proper to be made to the revenue of the Board and for establishing and maintaining an adequate general reserve.

(3) Nothing in this section shall be construed as imposing on the Central Board and the Regional Transport Boards, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which the Boards would not otherwise be subject.

Powers of the
Central
Board and the
Regional
Transport
Boards.

8. (1) The Central Board may exercise all or any of the following powers :—

(i) to acquire, hold, take or give on lease or hire, mortgage, pledge, and sell or otherwise dispose of, any movable or immovable property ;

(ii) to employ such officers and servants as may be necessary for carrying out the work of the Central Board ;

(iii) to do anything for the purpose of advancing the skill of persons employed by the Central Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated, including the provision by the Board and the assistance of the provision by others, of facilities for training persons required to carry out the work of the Board and at the request of any Regional Transport Board, to exercise these powers in respect of the persons employed by that Regional Transport Board and the equipment of such Board ;

(iv) to establish a provident fund for the persons employed by the Central Board and the persons employed by the Regional Transport Boards ;

(v) to provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Central Board ;

- (vi) to manufacture, assemble, distribute and sell motor vehicles of every description and to manufacture, distribute and sell spares for motor vehicles of every description ;
- (vii) to construct, manufacture, import, purchase, maintain and repair anything required for the purpose of the business of the Central Board and that of the Regional Transport Boards ;
- (viii) to delegate to any officer of the Central Board any such function of the Board as the Board may consider necessary so to delegate for the efficient transaction of its business ;
- (ix) to enter into and perform, directly or through any officer or agent authorized in that behalf, all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Central Board ;
- (x) to make rules in relation to the officers and servants of the Central Board and those of the Regional Transport Boards, including their appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave to them ;
- (xi) to make rules in respect of the administration of the affairs of the Central Board ;
- (xii) to do all things necessary to co-ordinate the activities of the Regional Transport Boards ;
- (xiii) to provide engineering, technical, legal, medical and financial assistance and advice to the Regional Transport Boards and any other assistance or advice that may be required by the Boards for the proper and efficient exercise, performance and discharge of their powers, duties and functions ; and
- (xiv) to do all other things which, in the opinion of the Central Board, are necessary to facilitate the proper carrying on of its business and other activities, or the business and other activities of any Regional Transport Board.

(2) Each Regional Transport Board may exercise all or any of the following powers :—

- (i) to hold, take or give on lease or hire, and, with the concurrence of the Central Board, to acquire, mortgage, pledge, and sell or otherwise dispose of, any movable or immovable property ;
- (ii) to employ such officers and servants as may be necessary for carrying out the work of the Regional Transport Board ;
- (iii) to do anything for the purpose of advancing the skill of persons employed by the Regional Transport Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated, including the provision by the Board and the assistance of the provision by others, of facilities for training in Sri Lanka and, with the concurrence of the Central Board, outside Sri Lanka, of persons required to carry out the work of the Board ;
- (iv) to provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Regional Transport Board ;
- (v) to maintain and repair anything required for the purpose of the business of the Regional Transport Board ;
- (vi) to purchase from the Central Board and where it is not possible to do so to purchase within Sri Lanka anything required for the purpose of the business of the Regional Transport Board ;
- (vii) to provide regular and occasional omnibus services within its region and inter-regionally and hiring car services on any route either in lieu of such omnibus services where the Regional Transport Board is of opinion that the provision of omnibus services is impracticable or difficult, or in addition to the omnibus services where the Board is of opinion that the provision of such hiring car services is necessary to meet an increased demand for passenger transport ;

- (viii) to provide for passengers transported by the Regional Transport Boards such amenities as shelters or stations ;
- (ix) to provide and maintain places at which omnibuses, hiring cars or lorries of the Regional Transport Boards may be halted or may stand for hire ;
- (x) to undertake carriage of newspapers, mails, parcels or other postal articles for payment ;
- (xi) to establish, maintain and operate ferry services for the transport of passengers and goods by water ;
- (xii) to undertake the carriage of goods of every description and for that purpose to acquire or requisition, with the concurrence of the Central Board, any property movable or immovable, other than money, used or intended to be used by the owner of any motor transport service for the transport of goods ;
- (xiii) to delegate to any officer of the Regional Transport Board any such function of the Board as the Board may consider necessary so to delegate for the efficient transaction of its business ;
- (xiv) to enter into and perform, directly or through any officer or agent authorized in that behalf by the Regional Transport Board, all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board ;
- (xv) to make, with the concurrence of the Central Board, rules in respect of the administration of the affairs of the Regional Transport Board ; and
- (xvi) to do all other things which in the opinion of the Regional Transport Board are necessary to facilitate the proper carrying on of its business and other activities.

(3) (a) The Central Board in consultation with any Regional Transport Board may, from time to time, with the approval of the Minister, determine the fares which may be levied by that Regional Transport Board in respect of all the omnibus

services of that Board or the omnibus services of that Board in particular areas within its region or any particular class of omnibus service or services of that Board.

(b) The fares determined under paragraph (a) shall be published in the *Gazette* and shall come into operation on such date as may be specified therein.

(c) For the purposes of this subsection the expression "omnibus services" includes any hiring car services, any ferry services, or motor transport services for the transport of goods provided by the Regional Transport Board.

(4) Nothing in the provisions of subsections (1), (2) and (3) shall be construed as authorizing the disregard by the Central Board or the Regional Transport Boards of any law for the time being in force.

Transfer of
ferries.

9. (1) The Minister in charge of the subject of Tolls may, from time to time, subject to the provisions of subsection (2), make Orders for the following purposes, that is to say—

(a) for the purpose of transferring to any one or more Regional Transport Boards any ferry established under the Tolls Ordinance together with any movable property connected with or required for the purpose of such ferry ; and

(b) for the purpose of transferring to one or more of the Regional Transport Boards any contracts or liabilities of the Republic connected with such ferry.

(2) Every such Order shall be published in the *Gazette* and shall come into force on the date of its publication or on such later date as may be specified in the Order.

(3) No movable property and no contract or liability of the Republic shall be transferred to any one or more of the Regional Transport Boards under subsection (1) without the concurrence of the Minister in charge of the subject of Finance.

(4) Upon the publication of an Order under subsection (1) in the *Gazette*—

(a) the ferry and the movable property specified in the Order shall vest in the Regional Transport Board or Boards specified in that Order ;

(b) the contracts specified in the Order shall be deemed to be the contracts of that Board or those Boards and all subsisting rights and obligations of the Republic under such contracts shall be deemed to be the rights and obligations of that Board or those Boards ; and

(c) any liabilities specified in the Order shall be deemed to be the liabilities of that Board or those Boards.

10. (1) The Minister may give to the Central Board or to any Regional Transport Board general or special directions as to the performance of the duties and the exercise of the powers of the Central Board or that Regional Transport Board, as the case may be, in relation to matters which appear to him to affect the national interest, and the Board to which such directions are given shall give effect to such directions.

Power of the Minister in relation to the Central Board and Regional Transport Boards.

(2) The Minister may from time to time direct the Central Board or any Regional Transport Board to furnish to him, in such form as he may require, returns, accounts and other information with respect to the property and business of the Board so directed, and that Board shall carry out every such direction.

(3) The Minister may from time to time order all or any of the activities of the Central Board or of any Regional Transport Board to be investigated and reported upon by such person or persons as he may specify and, upon such order being made, the Board in respect of whose activities such order is made shall afford all such facilities, and furnish all such information, as may be necessary to carry out the order.

Powers of the Central Board in relation to the Regional Transport Board.

11. (1) The Central Board may give to any Regional Transport Board general or special directions as appear to the Central Board to be necessary or expedient for the purpose of co-ordinating the activities of the Regional Transport Boards and exercising a general control over the policy of those Boards, and every Regional Transport Board so directed shall give effect to such directions.

(2) Every Regional Transport Board shall afford to the Central Board facilities for obtaining information with respect to the property and activities of the Regional Transport Board, furnish the Central Board with returns, accounts and other information with respect to such property and activities, and afford to the Central Board facilities for the verification of information furnished, in such manner and at such time as the Central Board may require.

The general manager of the Central Board and Regional Transport Boards and the chief accounting officer of the Central Board.

12. (1) The Central Board and every Regional Transport Board may, in consultation with the Minister, appoint to the staff of the Central Board or the Regional Transport Board, as the case may be, a general manager.

(2) The Central Board shall, in consultation with the Minister, appoint to the staff of the Board a chief accounting officer.

Appointment of state officers, officers of the Local Government Service, officers of any local authority, officers of the Central Board and officers of Regional Transport Boards to the staff of the Central Board or any Regional Transport Board.

13. (1) At the request of the Central Board or any Regional Transport Board any officer in the state service may, with the consent of that officer and of the Secretary to the Ministry in charge of the Minister to whom the subject of Public Administration has been assigned, be temporarily appointed to the staff of the Central Board or that of the Regional Transport Board making that request, as the case may be, for such period as may be determined by the Central Board or that Regional Transport Board with like consent, or with like consent be permanently appointed to such staff.

(2) Where any state officer is temporarily appointed to the staff of the Central Board or any Regional Transport Board—

(a) if, at the time of his temporary appointment to the staff of such Board, his substantive

post in the state service was a post declared to be pensionable under the Minutes on Pensions—

- (i) he shall while in the employ of such Board be deemed to have been absent from duty in the state service on leave granted without salary on grounds of public policy and accordingly section 10 (i) of those Minutes shall apply to him ; and
 - (ii) in respect of him such Board shall pay out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Sri Lanka for every complete month during which he is in the employ of the Board such sum not exceeding twenty-five *per centum* of the salary payable to him in his substantive post in the state service as may be determined by the Minister in charge of the subject of Finance ; and
- (b) if, at the time of his temporary appointment to the staff of such Board, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, his service to such Board shall, for the purpose of that Ordinance, be deemed to be service to the Government, and accordingly he shall, while he is in the employ of such Board, continue to pay to the Public Service Provident Fund such contributions as he may be liable under that Ordinance to pay, and in respect of him such Board shall pay at the close of each financial year out of the funds of such Board to the Deputy Secretary to the Treasury to be credited to the appropriate account in the Public Service Provident Fund a sum equivalent to such contribution

as the Government is liable to pay to the Public Service Provident Fund in respect of him.

(3) Where any state officer is permanently appointed to the staff of the Central Board or any Regional Transport Board—

(a) he shall be deemed to have left the state service ;

(b) if, at the time of his permanent appointment to the staff of such Board, his substantive post in the state service was a post declared to be pensionable under the Minutes on Pensions—

(i) he shall be eligible for such an award under those Minutes as might have been made to him if he had been retired from the state service on the grounds of ill health on the date of his permanent appointment to the staff of the Board ;

(ii) the amount of any such award made under those Minutes shall not be paid to him unless his employment in the staff of such Board is terminated by retirement on account of age or ill health or by the abolition of the post held by him in such staff or on any other ground approved by the Minister in charge of the subject of Finance ; and

(iii) in the event of his death while in the employ of such Board, such an award as might have been made in respect of him under those Minutes if he had died immediately before his permanent appointment to the staff of such Board may be made in respect of him ; and

(c) if, at the time of his permanent appointment to the staff of such Board, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, he shall for the purpose of that Ordinance, be deemed

to have left the service of the Government upon the determination of contract with the consent of the Government otherwise than by dismissal.

(4) Where the Central Board or any Regional Transport Board employs a person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to such Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) (a) At the request of the Central Board or any Regional Transport Board any officer or servant of the Local Government Service or of any local authority may, with the consent of that officer or servant and the Local Government Service Advisory Board or that authority, as the case may be, be temporarily appointed to the staff of the Central Board or the Regional Transport Board making the request for such period as may be determined by the Central Board or the Regional Transport Board with like consent, or with like consent be permanently appointed to such staff, on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Central Board or the Regional Transport Board and the Local Government Service Advisory Board or authority.

(b) Where an officer or servant of the Local Government Service or of any local authority is temporarily appointed to the staff of the Central Board or any Regional Transport Board he shall be subject to the same disciplinary control as any other member of such staff.

(6) Any officer or servant—

(i) of the Central Board may, with the consent of that officer or servant and that Board, be temporarily or permanently appointed to the staff of any Regional Transport Board ;

(ii) of any Regional Transport Board may, with the consent of that officer or servant and

that Board, be temporarily or permanently appointed to the staff of the Central Board,

on such terms and conditions, including those relating to provident fund rights, as may be agreed upon by the Board on the staff of which that officer or servant is employed and the Board to the staff of which that officer or servant is to be appointed.

(7) For the purpose of subsection (5) "local authority" means any Municipal Council, Urban Council, Town Council or Village Council.

Officers and servants of the Central Board and every Regional Transport Board deemed to be public servants.

14. All officers and servants of the Central Board and all officers and servants of every Regional Transport Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

The Central Board and every Regional Transport Board to be a scheduled institution within the meaning of the Bribery Act.

15. The Central Board and every Regional Transport Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

Acquisition of immovable property under the Land Acquisition Act for the Central Board or any Regional Transport Board.

16. (1) Where any immovable property is required to be acquired for the purposes of the business of the Central Board or that of any Regional Transport Board and the Minister, by Order published in the *Gazette*, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act and be transferred to the Central Board or the Regional Transport Board, as the case may be.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Central Board or any Regional Transport Board shall be paid by the Central Board or the Regional Transport Board, as the case may be.

17. (1) Where any immovable property of the State is required for the purpose of the business of the Central Board or any Regional Transport Board, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to those Boards.

State property both movable and immovable to be made available to the Central Board or any Regional Transport Board.

(2) Where any movable property of the State is required for the purpose of the Central Board or any Regional Transport Board, the Minister may, by Order published in the *Gazette*, transfer to and vest in the Central Board or the Regional Transport Board, as the case may be, the possession and use of that property.

18. (1) The Central Board may, and any Regional Transport Board after receiving the approval of the Central Board for the purpose may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Central Board or the Regional Transport Board, as the case may be, may require for meeting its obligations or discharging its duties under this Law :

Borrowing powers of the Central Board and Regional Transport Boards.

Provided, that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Central Board or any Regional Transport Board under this subsection shall not at any time exceed such sums as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

(2) The Central Board may, and any Regional Transport Board after receiving the approval of the Central Board for the purpose may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money otherwise than by way of temporary loan under subsection (1) for all or any of the following purposes :—

(a) the provision of working capital ;

- (b) the provision of money for meeting any expenses incurred in connection with any permanent work or other thing the cost of which is properly chargeable to capital ;
- (c) the provision of any money required for the purpose of paying any compensation under this Law which is payable in cash by such Board ;
- (d) the redemption of any loan raised by such Board ;
- (e) any other purpose for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under subsection (1).

(3) The Central Board may, and any Regional Transport Board after receiving the approval of the Central Board for the purpose may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money for any of the purposes mentioned in subsection (2) in any manner, as such Board considers fit in the circumstances.

Investment
of funds of the
Central Board.

19. Any funds of the Central Board which are not immediately required for the purposes of the business of that Board may be invested in such manner as the Board thinks proper.

Funds of the
Regional
Transport
Boards not
immediately
required for
their business.

20. Any funds of any Regional Transport Board which are not immediately required for the purpose of the business of that Regional Transport Board shall be credited to the funds of the Central Board.

PART II

Finance

Reserves.

21. (1) The Central Board shall establish and maintain—

- (i) a depreciation reserve to cover the depreciation of movable and immovable property of the Board ; and
- (ii) a general reserve.

(2) Every Regional Transport Board shall establish and maintain—

(i) a depreciation reserve to cover the depreciation of the movable and immovable property of the Board ; and

(ii) a general reserve.

(3) The sums to be carried from time to time to the credit of each of the reserves specified in subsections (1) and (2) shall be as the Central Board and each respective Regional Transport Board with the concurrence of the Central Board, as the case may be, may determine.

(4) The application of the moneys comprised in the general reserve of the Central Board shall be as that Board may determine.

(5) The application of the moneys comprised in the general reserve of each Regional Transport Board shall be as that Regional Transport Board with the concurrence of the Central Board may determine.

(6) The purposes of the general reserve of the Central Board and of every Regional Transport Board shall be—

(a) to ensure the financial stability of the undertaking of such Board ;

(b) to prevent, in the case of each Regional Transport Board, frequent fluctuations in the fares levied by each such Board in respect of the omnibus and hiring car services, ferry services, and motor transport services for the transport of goods provided by each such Board,

and the powers of the Central Board and of each Regional Transport Board in relation to the general reserve shall be exercised accordingly.

Application of the revenue of the Central Board and of the Regional Transport Boards.

22. (1) The revenue of the Central Board and that of every Regional Transport Board shall be applied in defraying the following charges and shall be so applied in the order of priority set out hereunder :—

- (a) the working and establishment expenses (including where applicable, allocation to the depreciation reserve), in connection with the exercise and performance of the powers and duties chargeable to revenue account of the Central Board or the Regional Transport Board, as the case may be ;
- (b) the interest on any temporary loan raised by such Board ;
- (c) the sums required to be transferred to any sinking fund or redemption fund ; and
- (d) the interest on and the repayment of the principal of any Government loan.

(2) The surplus of the revenue of the Central Board and of each Regional Transport Board in any year which remains after the charges mentioned in subsection (1) have been satisfied shall be allocated to the general reserve of the Central Board and of the respective Regional Transport Board.

Financial year.

23. The financial year of the Central Board and of every Regional Transport shall be the calendar year.

Application of the provisions of the Finance Act, No. 38 of 1971.

24. Unless otherwise specially provided for by this Law, the provisions of Part II of the Finance Act, No. 38 of 1971, shall, *mutatis mutandis*, apply to the financial control and accounts of the Central Board and of every Regional Transport Board.

PART III

Transitional and General

25. On the appointed date—

- (a) all the movable and immovable property of the Ceylon Transport Board on the day immediately prior to the appointed date (including money in the funds of that Board), shall vest in, and be the property of, the Central Board ;
- (b) all the contracts and agreements of the Ceylon Transport Board on the day immediately prior to the appointed date shall be deemed to be the contracts and agreements of the Central Board, and all subsisting rights, liabilities and obligations of the Ceylon Transport Board under such contracts and agreements shall be deemed to be the rights, liabilities and obligations of the Central Board ;
- (c) the Provident Fund established and maintained by the Ceylon Transport Board for its officers and servants under the repealed Motor Transport Act, No. 48 of 1957, shall be deemed to be a provident fund established and maintained by the Central Board for the officers and servants of the Central Board and the Regional Transport Boards under this Law ;
- (d) any action, application or appeal instituted or made by or against the Ceylon Transport Board in any court or tribunal and pending on the day immediately prior to the appointed date shall be deemed to be an action, application or appeal instituted or made by or against the Central Board ;
- (e) any decree or award entered or made by a court or tribunal in any action, application or appeal instituted or made by or against the Ceylon Transport Board and remaining unsatisfied in whole or in part on the day immediately prior to the appointed date shall be deemed to be a decree or award in favour of or against the Central Board, as the case may be, and may, subject to the

Property, contracts, rights, obligations and liabilities of, pending actions and applications by or against, and unsatisfied decrees or awards in favour of or against, the Ceylon Transport Board.

provisions of the Civil Procedure Code, or any other enactment, in relation to the execution of a decree or award, be enforced by or against the Central Board.

Transfer of property to Regional Transport Boards.

26. The Minister may, in consultation with the Central Board, by Order published in the *Gazette* transfer to any Regional Transport Board any property vested in the Central Board by this Law and such property shall from the date of that Order or any later date as may be specified therein, vest in, and be the property of, that Regional Transport Board.

Officers and servants of the Ceylon Transport Board.

27. On the appointed date, all officers and servants of the Ceylon Transport Board on the day immediately prior to that date shall be deemed to be transferred to the service, and to be officers and servants, of the Central Board on the same terms and conditions as were applicable to them immediately preceding that date.

Transfer to the Regional Transport Boards of officers and servants deemed to be officers and servants of the Central Board.

28. The Central Board may, by order in writing, transfer to the service of any Regional Transport Board with effect from a date to be specified in that order any person deemed to be an officer or servant of the Central Board by section 27 and that officer or servant shall with effect from that date cease to be an officer or servant of the Central Board and be deemed to be an officer or servant of the Regional Transport Board to which that order relates on the same terms and conditions as were applicable to him immediately preceding that date.

Period of service under the Ceylon Transport Board or the Central Board deemed to be a period of service under the Central Board or Regional Transport Board, as the case may be.

29. For the purpose of computing the period of service of an officer or servant deemed under this Law to be an officer or servant of the Central Board or of any Regional Transport Board—

- (a) the period of service of that officer or servant under the Ceylon Transport Board immediately preceding the appointed date shall be deemed to be a period of service under the Central Board; and
- (b) the period of service of that officer or servant under the Central Board and the period of service of that officer or servant deemed

to be a period of service under the Central Board shall be deemed to be a period of service under the Regional Transport Board.

30. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law. Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of the following matters :—

(a) any matter in respect of which regulations are authorized or required by this Law to be made ;

(b) the establishment of a Central Consultative Committee to advise the Central Board on the adequacy, suitability, and efficiency of, and on any other matter relating to, the regular omnibus services and hiring car services provided by the Regional Transport Boards ;

(c) the establishment of a regional consultative committee for each region to advise the Regional Transport Board of the respective region on the adequacy, suitability and efficiency of, and any other matter relating to, the regular omnibus services and hiring car services, provided by that Board ;

(d) the remuneration of the members of the Central Consultative Committee and regional consultative committees ;

(e) the prevention of damage to, or the commission of nuisance on, the property used by the Central Board and property of the Regional Transport Boards including property used for the purpose of providing regular or occasional omnibus services and hiring car services, and the imposition of penalties on, and the recovery of compensation from, persons responsible for damage or nuisance ; and

(f) the restriction of the admission or entry of persons into any place provided and maintained by the Regional Transport

Boards for the halting or parking of their omnibuses, hiring cars and lorries and the regulation of the behaviour of persons who enter therein.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of the publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the National State Assembly for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

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

Offences.

31. (1) Any passenger in any omnibus, hiring car or ferry of any Regional Transport Board—

- (a) who evades the payment of the fare due from him ;
- (b) who wilfully refuses or neglects on arriving at his destination, to quit that omnibus, hiring car or ferry ;
- (c) who uses or makes any obscene, indecent or offensive language or gesture or behaves in any manner likely to annoy or insult any person ;
- (d) who spits upon, or wilfully spoils any part of, such omnibus, hiring car or ferry ;
- (e) who smokes or carries any lighted pipe, cigar, cigarette or article for smoking in any part of such omnibus or hiring car in which a notice prohibiting smoking is exhibited ; or
- (f) who throws out of such omnibus, hiring car or ferry any bottle, liquid or other article or thing likely to annoy persons or to cause damage or injury to any person or property,

shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding two hundred rupees :

Provided that a prosecution shall not be instituted against any person in respect of an offence under paragraph (a) if such person pays to any officer of the respective Regional Transport Board, authorized by that Board to receive such payments, a penalty of twenty rupees together with twice the fare due from him.

(2) Any passenger in any omnibus of any Regional Transport Board who—

- (a) does not retain with him throughout the journey the ticket that is issued to him for that journey ; or
- (b) fails or refuses to show or surrender such ticket when called upon to do so by the the conductor of that omnibus or by any other person authorized by the Board in that behalf,

shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding one hundred rupees :

Provided that a prosecution shall not be instituted or maintained in respect of an offence under this subsection against any such passenger if he pays to an officer of the Regional Transport Board authorized by the Board to receive such payment, a penalty of two rupees and fifty cents together with twice the fare due from him for that journey.

(3) Any person—

- (a) who fraudulently uses or allows any other person to use any ticket issued by or under the authority of any Regional Transport Board ;
- (b) who fraudulently imitates, alters, mutilates, defaces or destroys any such ticket ;
- (c) who, without authority from such Board, sells, supplies or distributes, offers for sale or supply or distribution, any such ticket ;
- (d) who without such authority prints what purports to be, or is capable of being used as, any such ticket ;
- (e) who wilfully damages or defaces any omnibus, hiring car or ferry of any Regional Transport Board or any part of its equipment ;
or

- (f) who wilfully does or causes to be done with regard to any part of such omnibus, hiring car or ferry or its equipment anything which is calculated to obstruct or interfere with the working of such omnibus, hiring car, or ferry or causes any injury or discomfort to any person,

shall be guilty of an offence and shall, on conviction by 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.

(4) Any officer or servant of the Central Board or any Regional Transport Board who, without authority from the Central Board or the respective Regional Transport Board, as the case may be—

- (a) opens or otherwise tampers or interferes with any machine for the issue of tickets belonging to any Regional Transport Board ; or

- (b) alters or tampers with any bill or receipt issued by the Central Board or any Regional Transport Board,

shall be guilty of an offence and shall on conviction by 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.

(5) Any person who travels as a passenger in any omnibus, hiring car or ferry of any Regional Transport Board without having a pass in his possession issued by the respective Regional Transport Board or without having purchased a ticket, shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding one hundred rupees:

Provided that a prosecution shall not be instituted or maintained against any person in respect of an offence under this subsection if that person pays to any officer of the respective Board authorized in that behalf by the Board to receive such payments a penalty of twenty rupees together with twice the fare due from him.

(6) Any person who contravenes or fails to comply with any provision of this Law or any regulation made thereunder for which no other punishment is expressly provided by this Law or the regulations, shall be guilty of an offence and shall, on conviction by 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.

(7) Where any person is prosecuted for an offence under this Law or any regulation made thereunder the burden of proving, where relevant, that he had purchased a ticket or that he had a valid pass in his possession shall lie on him.

(8) Any person who attempts to commit an offence under this Law or any regulation made thereunder shall be guilty of that offence.

32. Any person who commits any offence punishable under section 31 may be lawfully arrested, without any warrant or written authority, by any officer of the Regional Transport Board in respect of which that offence is committed not below the rank of an inspector of that Board, or by any other person whom such officer may call to his aid or by any police officer, notwithstanding anything to the contrary in the Administration of Justice Law, No. 44 of 1973, and every person so arrested shall forthwith—

Arrest of
offenders.

(a) be produced before a Magistrate to be dealt with according to law ; or

(b) where it is impracticable so to do, be handed over to the officer in charge of the nearest police station to be dealt with according to law :

Provided that an officer of the Regional Transport Board, in respect of which that offence was committed, not below the rank of an officer in charge of a depot or omnibus station of that Board may release that person on his executing a bond, with or without a surety as that officer may direct, to appear before a Magistrate's Court if and when he is so required to do.

Power of companies to enter into contracts with the Central Board or any Regional Transport Board.

33. Any company or other body of persons may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform all such contracts with the Central Board or any Regional Transport Board as may be necessary for the performance of the duties and the exercise of the powers of the Central Board or the Regional Transport Board, as the case may be.

Protection for action taken under this Law or on the direction of the Central Board or any Regional Transport Board.

34. (1) No suit or prosecution shall lie—

(a) against the Central Board or any Regional Transport Board for any act which in good faith is done or purported to be done under this Law by the Central Board or the Regional Transport Board, as the case may be ; or

(b) against any member, officer, servant or agent of such Board for any act which in good faith is done or purported to be done by him under this Law or on the direction of such Board.

(2) Any expense incurred by the Central Board or any Regional Transport Board in any suit or prosecution brought against that Board before any court shall be paid out of the funds of that Board and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the funds of the Board.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act done or purported to be done by him under this Law or on the direction of the Central Board or the respective Regional Transport Board, as the case may be, shall, if the court holds that the act was so done or purported to be done in good faith, be paid out of the funds of the Board unless such expense is recovered by him in such suit or prosecution.

35. No writ against person or property shall be issued against a member of the Central Board or any Regional Transport Board in any action brought against the Board.

No writ to issue against person or property of a member of the Central Board or Regional Transport Board.

36. (1) The Motor Traffic Act is hereby amended in the manner set out in Part I of Schedule III to this Law.

Provisions in regard to the Motor Traffic Act.

(2) The provisions in Part II of Schedule III to this Law shall, notwithstanding anything to the contrary in the Motor Traffic Act, have effect in regard to the application of such of the sections of that Act as are specified in those provisions.

37. The Motor Transport Act, No. 48 of 1957, is hereby repealed.

Repeal.

38. In this Law, unless the context otherwise requires,—

Interpretation.

“Ceylon Transport Board” means the Ceylon Transport Board established by the repealed Motor Transport Act, No. 48 of 1957 ;

“hiring car” has the same meaning as in the Motor Traffic Act ;

“immovable property” means land and includes land covered with water, houses, buildings and parts of houses and buildings ; and

“omnibus” has the same meaning as in the Motor Traffic Act.

SCHEDULE I

[Section 3.]

REGIONAL TRANSPORT BOARDS

<i>Column I</i>	<i>Column II</i>
<i>Name of Regional Transport Board</i>	<i>Description of Region</i>
1. The Colombo North Region Transport Board	Area covered by the omnibus services operated within the region by the Negombo, Ja-Ela, Kirindiwela, Nittambuwa, Gampaha, Kadawata, Mattakkuliya, Meetotamulla, Talangama and Angoda Depots

<i>Column I</i> <i>Name of Regional Transport Board</i>	<i>Column II</i> <i>Description of Region</i>
2. The Colombo South Region Transport Board	Area covered by the omnibus services operated within the region by the Kalutara, Alutgama, Matugama, Horana, Panadura, Kesbewa, Moratuwa Ratmalana, Avissawella, Homagama, Deraniyagala, Maharagama and Udahamulla Depots.
3. The North-Western Region Transport Board	Area covered by the omnibus services operated within the region by the Kurunegala South, Kegalle, Mawanella, Narammala, Alawwa, Kurunegala North, Wariyapola, Nikawerariya, Maho, Kuliyaipitiya, Chilaw and Puttalam Depots.
4. The North-Central Region Transport Board	Area covered by the omnibus services operated within the region by the Anuradhapura, Kebitigollawa, Kekirawa, Polonnaruwa, Dambulla, Medawachchiya and Galgamuwa Depots.
5. The Northern Region Transport Board	Area covered by the omnibus services operated within the region by the Jaffna, Point Pedro, Kilinochchi, Karainagar, Mullaitivu, Mannar and Vavuniya Depots.
6. The Eastern Region Transport Board	Area covered by the omnibus services operated within the region by the Trincomalee, Batticaloa, Amparai, Kalmunai Mutur, Akkaraipattu and Kantalai Depots.
7. The Central Region Transport Board	Area covered by the omnibus services operated within the region by the Matale, Kandy North, Teldeniya, Hasalaka, Kandy South, Yatinuwara, Gampola, Hanguranketa, Watumulla, Nuwara-Eliya, Hatton, Pundulu Oya and Nawalapitiya Depots.

<i>Column I</i>	<i>Column II</i>
<i>Name of Regional Transport Board</i>	<i>Description of Region</i>
8. The Uva Region Transport Board	Area covered by the omnibus services operated within the region by the Badulla, Bandarawela, Moneragala, Keppetipola, Bibile, Mahiyangana, Ratnapura, Balangoda and Embilipitiya Depots.
9. The Southern Region Transport Board	Area covered by the omnibus services operated within the region by the Matara, Tangalla, Kataragama, Akuressa, Hakmana, Galle, Ambalangoda, Elpitiya and Udugama Depots.

SCHEDULE II

PROVISIONS RELATING TO THE CENTRAL BOARD AND REGIONAL TRANSPORT BOARDS [Section 5.]

1. A person shall be disqualified for being appointed or being a member of the Central Board or a Regional Transport Board if he is a member of the National State Assembly.

2. Before appointing a person to be a member of the Central Board or a Regional Transport Board, the Minister shall satisfy himself that such person will have no such financial or other interest as is likely to affect prejudicially the discharge by such person of his functions as a member of the Board to which he is proposed to be appointed ; and the Minister shall also satisfy himself, from time to time, with respect to every member of these boards appointed by the Minister that he has no such interest. Any person who is appointed by the Minister, or whom the Minister proposes to appoint as a member of these boards shall, whenever requested by the Minister so to do, furnish to the Minister such information as the Minister considers necessary for the performance of his duties under this section.

3. A member of the Central Board or a Regional Transport Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board of which he is a member shall disclose the nature of his interest at a meeting of the Board of which he is a member and such disclosure shall be recorded in the minutes of the Board and that member shall not take part in any deliberation or decision of that Board with respect to that contract.

4. Every member of the Central Board and a Regional Transport Board, other than the members nominated by the Minister in charge of the subject of Finance, shall—

(a) subject to the provisions of sections 5 and 6 hold office for such period not exceeding five years as the Minister shall specify in the instrument by which that member is appointed ; and

(b) be eligible for reappointment.

5. Any member of the Central Board or a Regional Transport Board, other than the members nominated by the Minister in charge of the subject of Finance may, without any reason being assigned therefor, be removed from office by the Minister and a member nominated by the Minister in charge of the subject of Finance may, without any reason being assigned therefor, be removed by that Minister.

6. A member of the Central Board or a Regional Transport Board who is not a state officer may resign from the Board of which he is a member by letter in that behalf addressed to the Minister.

7. Where any member of the Central Board or a Regional Transport Board becomes, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, then if he is a member appointed by the Minister, the Minister may appoint a fit and proper person to act in his place and if he is a member nominated by the Minister in charge of the subject of Finance, that Minister may nominate a state officer to act in his place.

8. If the Chairman or the Vice-Chairman of the Central Board or a Chairman of a Regional Transport Board becomes, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint a fit person to act in his place.

9. The members of the Central Board and the Regional Transport Boards shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

10. Seven members shall form the quorum for any meeting of the Central Board and three members shall form the quorum for any meeting of a Regional Transport Board.

11. Subject to the other provisions of this Schedule the Central Board and each Regional Transport Board may regulate its own procedure in regard to its meetings and the transaction of business at such meetings.

12. The Central Board and each Regional Transport Board may act notwithstanding a vacancy among its members.

13. (1) The seal of the Central Board and that of a Regional Transport Board shall be in the custody of the respective Board.

(2) The application of the seal of the Central Board shall be authenticated by the signature of the Chairman of that Board and of some other member of the Central Board authorized by the Board to authenticate the application of the seal.

(3) The application of the seal of a Regional Transport Board shall be authenticated by the signature of the Chairman of that Board and of some other member of the Board authorized by the Board to authenticate the application of the seal.

SCHEDULE III

[Section 36(1).]

PART I

AMENDMENTS TO THE MOTOR TRAFFIC ACT

1. Section 2 of the Motor Traffic Act is hereby amended by the addition, at the end of that section, of the following new subsection :—

“(8) The possession or use by the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, 1978, of a motor coach, hiring car or a lorry shall be deemed not to be a contravention of subsection (1) so long as that coach or car or lorry is not used on any highway for the carriage of persons or goods for fee or reward.”

2. Section 25 of the Motor Traffic Act is hereby amended by the addition, at the end of that section, of the following new subsection :—

“(10) The possession or use by the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, 1978, of a motor coach, a hiring car, or a lorry shall be deemed not to be a contravention of subsection (1) so long as that coach, hiring car or lorry is not used on the highway for the carriage of passengers or goods for fee or reward.”

3. Section 35 of the Motor Traffic Act is hereby amended in subsection (2) of that section, as follows :—

(1) by the substitution for paragraph (ii) of the proviso to that subsection of the following paragraph :—

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

(2) by the insertion, immediately after paragraph (iii) of the proviso to that subsection, of the following new paragraph :—

(iv) Where the omnibus has a wheel base of more than one hundred and eighty inches, the number of passengers determined for that omnibus under paragraph (i) shall be increased by a number not exceeding twelve.”.

4. Section 66 of the Motor Traffic Act is hereby amended by the substitution for subsection (3) of that section, of the following subsection :—

“(3) Nothing in the preceding provisions of this section shall prevent the grant of a stage carriage permit to the Colombo Municipal Council authorizing the provision of services on any route on which a tramway service was provided in the month of December 1949, or on such other route within the administrative limits of that Council as may be approved by the Minister or affect the continuance in force of any such permit granted to that Council.”.

5. Section 160 of the Motor Traffic Act is hereby amended by the substitution, for subsection (3) of that section, of the following subsection :—

“(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 Posts and Telecommunications Department or of any other prescribed department of Government or of any Regional Transport Board established by the Transport Board Law, 1978, if a permit authorizing the use of a wireless set on such coach or lorry has been issued by the Commissioner.”.

6. Section 186 of the Motor Traffic Act is hereby amended by the substitution, for subsection (1) of that section, of the following subsection :—

“(1) The conductor of an omnibus shall issue to every passenger on payment of his fare, a serially numbered ticket indicating the fare for the journey and either the starting point or the destination of such passenger’s journey, by name or by number of the fare stage.”.

7. The following new sections are hereby inserted immediately after section 239, and shall have effect as sections 239A and 239B, of the Motor Traffic Act:—

“Provisions relating to stage carriage permits not to apply to omnibuses or hiring cars used for the purpose of providing regular or occasional omnibus services or hiring car services by the Regional Transport Boards.

239A. The provisions of this Act relating to stage carriage permits shall not apply to or in relation to—

(a) any omnibus used for the purposes of providing a regular or an occasional omnibus service ; or

(b) any hiring car used for the purpose of providing a hiring car service,

by any Regional Transport Board established by the Transport Board Law, 1978, and accordingly no stage carriage permit shall be required for the registration of any such Regional Transport Board as the owner of such omnibus or for the grant of the revenue licence in respect of such omnibus, or for the use of such omnibus on any highway, or for any other purpose whatsoever connected with such omnibus.

Prohibition of grant of stage carriage permits for regular omnibus services.

239B. Notwithstanding anything to the contrary in any other provisions of this Act, a stage carriage permit for a regular omnibus service shall not be granted to any person.”.

PART II

[Section 36(2).]

PROVISIONS IN REGARD TO THE APPLICATION OF CERTAIN SECTIONS OF THE MOTOR TRAFFIC ACT

1. Sections 169 and 170 of the Motor Traffic Act shall not apply to or in relation to any omnibus, hiring car or lorry of any Regional Transport Board.

2. Sections 171 and 172 of the Motor Traffic Act shall not apply to or in relation to any hiring car of any Regional Transport Board.

3. (1) Sections 173, 183, 186 (2) and 190 (1) (*k*) of the Motor Traffic Act shall not apply to or in relation to any omnibus of any Regional Transport Board.

(2) Sections 174 and 182 of the Motor Traffic Act shall not apply to or in relation to any omnibus or hiring car of any Regional Transport Board.

10 (3) Section 190 (1) (*o*) of the Motor Traffic Act shall not apply to or in relation to any place provided and maintained by any Regional Transport Board as a place at which omnibuses, hiring cars or lorries may be halted or may stand for hire.

(4) Section 190 (1) (*p*) of the Motor Traffic Act shall not
15 apply to or in relation to any Regional Transport Board.