

PARLIAMENT OF CEYLON

2nd Session 1957



Motor Transport Act, No. 48 of 1957

Date of Assent : October 31, 1957

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D.—O. 46/56.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRANSPORT BOARD CONCERNED WITH THE PROVISION OF REGULAR AND OCCASIONAL OMNIBUS SERVICES, AND HIRING CAR SERVICES, IN CEYLON AND FOR THE COMPULSORY ACQUISITION OR REQUISITION BY SUCH BOARD OF ANY IMMOVABLE OR MOVABLE PROPERTY REQUIRED FOR THE PURPOSES OF SUCH BOARD ; TO TERMINATE THE CONTINUANCE IN FORCE OF STAGE CARRIAGE PERMITS FOR REGULAR OMNIBUS SERVICES, AND HIRING CAR SERVICES, GRANTED UNDER THE MOTOR TRAFFIC ACT, No. 14 OF 1951 ; TO PROVIDE FOR THE ESTABLISHMENT OF A COMPENSATION TRIBUNAL FOR THE DETERMINATION OF THE COMPENSATION PAYABLE IN RESPECT OF PROPERTY COMPULSORILY ACQUIRED OR REQUISITIONED AND A FARES BOARD FOR THE DETERMINATION OF MAXIMUM FARES ; TO SPECIFY THE POWERS AND DUTIES OF SUCH BOARDS AND TRIBUNAL ; TO AMEND THE MOTOR TRAFFIC ACT, No. 14 OF 1951 ; AND TO MAKE PROVISION FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

(Date of Assent : October 31, 1957)

BE it enacted by the Queen'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 :—

1. This Act may be cited as the Motor Transport Act, No. 48 of 1957.

Short title.

PART I.

Ceylon Transport Board.

2. (1) There shall be established a Board which shall be called the Ceylon Transport Board and which shall consist of—

Establishment of Ceylon Transport Board.

- (a) a Chairman and five 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, and
- (b) an officer of the General Treasury nominated by the Minister of Finance.

(2) The Minister may appoint one of the members of the Ceylon Transport Board, other than the Chairman, to be the Vice-Chairman of the Board.

(3) A person shall be disqualified for being appointed or being a member of the Ceylon Transport Board if he is a Senator or a Member of Parliament.

(4) Before appointing a person to be a member of the Ceylon 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 ; and the Minister shall also satisfy himself, from time to time, with respect to every member of the Board 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 the Board 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 sub-section.

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

(6) Every member of the Ceylon Transport Board, other than the member nominated by the Minister of Finance, shall,—

(a) subject to the provisions of sub-sections (7) and (8), 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 re-appointment.

(7) Any member of the Ceylon Transport Board, other than the member nominated by the Minister of Finance, may be removed from office by the Minister, and the member nominated by the Minister of Finance may be removed from office by that Minister, without assigning a reason.

(8) A member of the Ceylon Transport Board who is not a public officer may resign from the Board by letter addressed to the Minister.

(9) Where any member of the Ceylon Transport Board becomes, by reason of illness or other infirmity or absence from Ceylon, 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 person to act in his place, and, if he is the member nominated by the Minister of Finance, that Minister may nominate any officer of the General Treasury to act in his place.

(10) If the Chairman or Vice-Chairman of the Ceylon Transport Board becomes, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint a fit person to act in his place.

(11) All or any of the members of the Ceylon Transport Board may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister of Finance.

(12) The quorum for any meeting of the Ceylon Transport Board shall be three members of the Board, and, subject as aforesaid, the Board may regulate its own procedure.

(13) The Ceylon Transport Board may act notwithstanding a vacancy among the members thereof.

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

The Ceylon Transport Board to be a body corporate.

4. The application of the seal of the Ceylon Transport Board shall be authenticated by the signature of the Chairman of the Board or some other member of the Board authorised by the Board to authenticate the application of such seal, and of the officer of the Board, if any, who is designated General Manager or some other officer of the Board authorised by the Board to act in his stead in that behalf.

Application of the seal of the Ceylon Transport Board.

5. (1) It shall be the general duty of the Ceylon Transport Board—

General duty of the Ceylon Transport Board.

(a) to provide efficient regular omnibus services in Ceylon 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 of Ceylon so as to meet the road passenger transport needs of the public, and

(b) subject to the provisions of sub-section (2), to conduct the business of the Board in such manner, and to levy such fares in accordance with the provisions of this Act, 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.

(2) Where the Minister, after consultation with the Ceylon Transport Board, is satisfied that the Board will be unable, during any period reckoned from the date of commencement of its business, to perform the duty imposed on the Board by paragraph (b) of sub-section (1) by reason only of the heavy initial expenditure that will have to be incurred by the Board in first commencing and carrying on its business, the Minister may, by Order published in the *Gazette*, exempt the Board during that period from the provisions of that paragraph.

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

Powers of the
Ceylon
Transport
Board.

6. (1) The Ceylon Transport 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 immovable or movable property ;
- (ii) to employ such officers and servants as may be necessary for carrying out the work of the Board ;
- (iii) to do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or of 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 ;
- (iv) to establish a provident fund, and provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Board ;

- (v) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Board ;
- (vi) to provide for passengers transported by the Board such amenities as shelters or stations ;
- (vii) to undertake the carriage of newspapers, mails, parcels or other postal articles for payment ;
- (viii) to provide occasional omnibus services in Ceylon, and hiring car services on any route either in lieu of omnibus services where the Board is of opinion that the provision of omnibus services is impracticable or difficult, or in addition to 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 ;
- (ix) to provide and maintain places at which omnibuses or hiring cars of the Board may be halted or may stand for hire ;
- (x) to delegate to any officer of the Board any such function of the Board as the Board may consider necessary so to delegate for the efficient transaction of business ;
- (xi) to enter into and perform all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board ;
- (xii) to make rules in relation to its officers and servants, including their appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave to them ;
- (xiii) to make rules in respect of the administration of the affairs of the Board ; and
- (xiv) to do all other things which, in the opinion of the Board, are necessary to facilitate the proper carrying on of its business.

(2) Nothing in the preceding provisions of this section shall be construed as authorising the disregard by the Ceylon Transport Board of any law for the time being in force.

Powers of the Minister in relation to the Ceylon Transport Board.

7. (1) The Minister may, after consultation with the Ceylon Transport Board, give to the Board general or special directions as to the performance of the duties and the exercise of the powers of the Board in relation to matters which appear to him to affect the national interest, and the Board shall give effect to such directions.

(2) The Minister may from time to time direct the Ceylon 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, and the Board shall carry out every such direction.

(3) The Minister may from time to time order all or any of the activities of the Ceylon 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 shall afford all such facilities, and furnish all such information, as may be necessary to carry out the order.

The General Manager and the Chief Accounting Officer.

8. (1) The Ceylon Transport Board may, in consultation with the Minister, appoint to the staff of the Board a General Manager.

(2) The Ceylon Transport Board shall, in consultation with the Minister, appoint to the staff of the Board a Chief Accounting Officer.

Appointment of public officers, and officers and servants of the Local Government Service and of any local authority, to the staff of the Ceylon Transport Board.

9. (1) At the request of the Ceylon Transport Board, any officer in the public service may, with the consent of that officer and the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) Where an officer in the public service is temporarily appointed to the staff of the Ceylon Transport Board,—

(a) he shall be subject to the same disciplinary control as any other member of such staff ;

(b) if, at the time of his temporary appointment to the staff of the Board, his substantive post in the public service was a post

declared to be pensionable under the Minutes on Pensions,—

- (i) he shall, while in the employ of the Board, be deemed to have been absent from duty in the public 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 the 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 Ceylon 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 public service as may be determined by the Minister of Finance ; and
- (c) if, at the time of his temporary appointment to the staff of the Board, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, No. 18 of 1942, his service to the 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 the Board, continue to pay to the Public Service Provident Fund such contributions as he was liable under that Ordinance to pay, and in respect of him the Board shall pay at the close of each financial year out of the funds of the Board to the Deputy Secretary to the Treasury to be credited to the officer's 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 an officer in the public service is permanently appointed to the staff of the Ceylon Transport Board,—

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

(b) if, at the time of his permanent appointment to the staff of the Board, his substantive post in the public 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 public service on the ground 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 the 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 of Finance, and

(iii) in the event of his death while in the employ of the 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 the Board may be made in respect of him ; and

(c) if, at the time of his permanent appointment to the staff of the Board, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, No. 18 of 1942, 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 Ceylon Transport Board employs any 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 the 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 Ceylon Transport Board, any officer or servant of the Local Government Service Commission or any local authority may, with the consent of that officer or servant and that Commission or authority, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to that staff, on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and that Commission or authority.

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

10. All officers and servants of the Ceylon Transport Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Officers and servants of the Ceylon Transport Board deemed to be public servants. Cap. 15.

11. The Ceylon Transport Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, No. 11 of 1954, and the provisions of that Act shall be construed accordingly.

Ceylon Transport Board deemed to be a scheduled institution within the meaning of the Bribery Act.

12. The Minister, after consultation with the Ceylon Transport Board, may, by Order published in the *Gazette*, declare that, with effect from such date as shall be specified in the Order, all regular omnibus services in Ceylon (other than those provided by the Colombo Municipal Council) shall be provided exclusively by the Board. The date so specified may, before that date, be altered by the Minister, after consultation with the Ceylon Transport Board, by Order published in the *Gazette*.

Date on and after which all regular omnibus services, other than those provided by the Colombo Municipal Council, are to be provided by the Ceylon Transport Board.

13. On the date specified by the Minister by Order made and published under section 12, all stage carriage permits for regular omnibus services in force on the day immediately preceding that date, other than any stage carriage permit held by the Colombo Municipal Council, shall cease to be in force notwithstanding anything to the contrary in the Motor Traffic Act.

Termination of stage carriage permits for regular omnibus services other than those held by the Colombo Municipal Council.

Date on and after which all regular omnibus services provided by the Colombo Municipal Council are to be provided by the Ceylon Transport Board.

14. At any time after the date on which all stage carriage permits for regular omnibus services, other than stage carriage permits for such services held by the Colombo Municipal Council, have ceased to be in force, the Minister, after consultation with the Ceylon Transport Board and with the approval of the Government, may, by Order published in the *Gazette*, declare that, with effect from such date as shall be specified in the Order, all regular omnibus services provided by the Colombo Municipal Council shall be provided exclusively by the Board. The date so specified may, before that date, be altered by the Minister, after consultation with the Ceylon Transport Board, by Order published in the *Gazette*.

Termination of stage carriage permits for regular omnibus services held by the Colombo Municipal Council.

15. On the date specified by the Minister by Order made and published under section 14, all stage carriage permits for regular omnibus services held by the Colombo Municipal Council and in force on the day immediately preceding that date shall cease to be in force notwithstanding anything to the contrary in the Motor Traffic Act.

Power of Minister to terminate stage carriage permits for regular hiring car services.

16. The Minister, after consultation with the Ceylon Transport Board, may, from time to time, by Order published in the *Gazette*, declare that, with effect from such date as shall be specified in the Order, any such stage carriage permit for a regular hiring car service as shall be so specified, shall cease to be in force; and such Order shall have effect notwithstanding anything to the contrary in the Motor Traffic Act.

No compensation for loss incurred by reason of cessation of stage carriage permits for regular omnibus or hiring car services.

17. No person shall be entitled to compensation for any loss incurred by him, whether directly or indirectly or by way of business or otherwise, by reason of his stage carriage permit—

- (a) for a regular omnibus service having ceased to be in force by virtue of the provisions of section 13 or section 15; or
- (b) for a regular hiring car service having ceased to be in force by virtue of the provisions of section 16.

Duty of stage carriage permit holders to carry on their undertakings so long as their permits are in force.

18. (1) Every holder of a stage carriage permit for a regular omnibus service or a regular hiring car service shall, until such permit ceases to be in force, provide the omnibus service or the hiring car service, as the case may be, which he is authorised by such permit to provide, as efficiently as he was able to do before the coming into force of this Act.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

19. (1) Any officer authorised by the Minister may, by notice (hereafter in this Act referred to as a "notice of claim") published in the *Gazette* and in one Sinhala newspaper, Tamil newspaper and English newspaper, declare that such movable or immovable property, other than money, as has been used or is intended to be used by the holder of a stage carriage permit for the purpose of providing a regular omnibus service, is required for the purposes of the Ceylon Transport Board. Such property is hereafter in this Act referred to as "notified property".

Notice of claim or disclaimer in respect of property used or intended to be used by holder of stage carriage permit for the purpose of providing a regular omnibus service.

(2) Where a notice of claim is published under sub-section (1), any officer authorised by the Minister may from time to time, by notice (hereafter in this Act referred to as a "notice of disclaimer") published in like manner as the notice of claim, disclaim the need, for the purposes of the Ceylon Transport Board, of any property referred to in the notice of claim and specified in the notice of disclaimer.

(3) No person shall alienate to any person other than the Ceylon Transport Board—

(a) any property which is specified in a notice of claim and is not disclaimed by a notice of disclaimer, or

(b) any rights in respect of that property,

and any alienation of that property or those rights to any person other than the Ceylon Transport Board shall be null and void.

(4) Any person shall, if requested by any authorised officer so to do, furnish to such person as shall be specified in the request information with regard to any such matter within his knowledge relating to any movable or immovable property referred to in a notice of claim as shall be so specified.

(5) Any person who fails to furnish the information referred to in sub-section (4), or who wilfully withholds all or any part of such information, or who furnishes information knowing such information to be false, or who wilfully or negligently destroys or damages or causes to be destroyed or damaged any notified

property shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(6) Regulations may be made under this Act—

- (a) empowering any person authorised in that behalf by the Ceylon Transport Board to inspect any notified property, and requiring the persons in whose possession or custody such property is to allow and assist the inspection thereof ;
- (b) providing that a report as to the condition of any notified property may be made, and may be subsequently amended, by or under the authority of the Ceylon Transport Board ;
- (c) providing for the service of copies of such report or any amendment thereof on persons having an interest in the property to which the report relates ;
- (d) requiring persons on whom copies of such report or any amendment thereof have been served to notify the Ceylon Transport Board whether or not they are in agreement with such report or amendment, and, if they are not in agreement, to specify any objections they may have and the grounds of such objections and to produce all documents relied on by them in support of such objections ;
- (e) prohibiting the making of any improvements or alterations to any notified property without the prior approval of the Ceylon Transport Board ; and
- (f) providing for all matters connected with or incidental to the matters aforesaid.

(7) For the purposes of this section, the expression “ authorised officer ” means the Chairman of the Ceylon Transport Board or any member or officer of the Board authorised in that behalf by the Chairman.

Compulsory
transfer to the
Ceylon
Transport
Board of
certain
property.

20. (1) The Minister may, by Order (hereafter in this Act referred to as a “ vesting order ”) published in the *Gazette*, vest in the Ceylon Transport Board, with effect from such date as shall be specified in the Order, any such notified property as has not

been disclaimed by a notice of disclaimer, or any omnibus which is or has been exclusively used for the purpose of the operation of an occasional omnibus service.

(2) Before a vesting Order takes effect, the Minister may from time to time, after consultation with the Ceylon Transport Board, alter, by Order published in the *Gazette*, the date on which such vesting Order takes effect.

(3) A vesting Order shall have the effect of giving the Ceylon Transport Board absolute title to any property specified in the Order with effect from the date specified therein and free from all encumbrances.

21. (1) The Minister may, by Order (hereafter in this Act referred to as a "requisitioning Order") published in the *Gazette*, requisition, with effect from such date as shall be specified in the Order, any such notified property as is immovable property, in order that it may be temporarily used by the Ceylon Transport Board for the purposes of its business.

Requisitioning
of immovable
notified property
required for the
purposes of the
Ceylon
Transport
Board.

(2) Before a requisitioning Order takes effect, the Minister may from time to time, after consultation with the Ceylon Transport Board, alter, by Order published in the *Gazette*, the date on which such requisitioning Order takes effect.

(3) A requisitioning Order shall have the effect of authorising the Ceylon Transport Board, with effect from the date specified in the Order, to take possession of the property specified in the Order and to use such property temporarily for the purpose of the business of the Board.

(4) Where any property is requisitioned by a requisitioning Order, the Minister may, by Order (hereafter in this Act referred to as a "derequisitioning Order") published in the *Gazette*, derequisition such property with effect from such date as shall be specified in the derequisitioning Order.

(5) Before a derequisitioning Order takes effect, the Minister may from time to time, after consultation with the Ceylon Transport Board, alter, by Order published in the *Gazette*, the date on which such derequisitioning Order takes effect.

(6) Where, immediately before the date on which any property is requisitioned for the Ceylon Transport Board, a person, other than the owner of

such property, was entitled to possession of such property under the terms of any lease, that lease shall be deemed for all purposes to have expired on that date.

Compulsory acquisition of requisitioned property.

22. Where it is found that any property requisitioned for the Ceylon Transport Board is permanently required for the purpose of the business of the Board, such property may be vested in the Board by a vesting Order.

Taking possession of property vested in, or requisitioned for, the Ceylon Transport Board.

23. (1) Any person authorised in that behalf by the Chairman of the Ceylon Transport Board may take possession of any property vested in or requisitioned for the Board.

(2) Any officer of the Ceylon Transport Board authorised in that behalf by the Chairman of the Board shall, by notice given to the person in possession of any property vested in or requisitioned for the Board,—

(a) inform such person that such authorised officer intends to take possession of such property for and on behalf of the Board on such date and at such time and place as shall be specified in the notice, and

(b) require such person or his authorised agent to be present on the date and at the time and place so specified, and to allow and assist such authorised officer to take possession of such property for and on behalf of the Board.

Where such property is an omnibus, the notice aforesaid may be given to the registered owner of that omnibus within the meaning of the Motor Traffic Act instead of being given to the person in possession of that omnibus.

(3) Any notice required to be given to any person under the preceding provisions of this section shall be deemed to be given to him if such notice is sent to him by registered letter through the post.

(4) Any person who contravenes any requirement of any notice given to him under this section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

24. (1) Every person who prevents or obstructs any person from or in taking possession, under section 23, of any property for and on behalf of the Ceylon Transport Board shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

Prevention of, or obstruction to, taking possession of property for and on behalf of the Ceylon Transport Board.

(2) Where an officer authorised by the Chairman of the Ceylon Transport Board under section 23 to take possession of any property for and on behalf of the Board is unable or apprehends that he will be unable to take possession of such property because of any obstruction or resistance that has been or is likely to be offered, he shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction over the place where that property is kept or situated, be entitled to an order of the court directing the Fiscal to deliver possession of that property to him for and on behalf of the Board.

(3) Where an order under sub-section (2) is issued to the Fiscal by a Magistrate's Court, he shall forthwith execute that order and shall in writing report to the court the manner in which that order was executed.

(4) For the purpose of executing an order issued by a Magistrate's Court under sub-section (2), the Fiscal or any person acting under his direction may use such force as may be necessary to enter any place where any movable property to which that order relates is kept and seize such movable property, or to enter any land, building or other structure to which that order relates and to eject any person in occupation thereof, and to deliver possession of such movable property, land, building or other structure to the person who is authorised to take possession thereof for and on behalf of the Ceylon Transport Board.

25. (1) Where any immovable property, other than any notified property, is required to be acquired for the purpose of the business of the Ceylon 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, No. 9 of 1950, and be transferred to the Board.

Acquisition of immovable property under the Land Acquisition Act for the Ceylon Transport Board.

(2) Any sum payable for the acquisition of an immovable property under the Land Acquisition Act, No. 9 of 1950, for the Ceylon Transport Board shall be paid by the Board.

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Special grant
or lease of
Crown property
to the Ceylon
Transport
Board.

26. Where any immovable property of the Crown is required for the purpose of the business of the Ceylon 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, No. 8 of 1947, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Board.

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Power to
require
information
and to inspect.

27. (1) The Chairman of the Ceylon Transport Board or any person authorised in that behalf by such Chairman may direct the holder of a stage carriage permit for a regular omnibus service or for a regular hiring car service or an occasional omnibus service to furnish to him such information, returns, statements or statistics relating to the business carried on by that holder under the authority of that permit as may be indicated in the direction; and that holder shall comply with that direction.

(2) The Chairman of the Ceylon Transport Board or any person authorised in that behalf by such Chairman may—

- (a) inspect any movable or immovable property used or intended to be used by the holder of a stage carriage permit for the purpose of providing a regular omnibus service, and
- (b) examine any books or other records maintained for such purpose and take copies of all or any of the entries in such books or records.

(3) Any person who fails, without reasonable cause, to comply with the provisions of sub-section (1) or who furnishes information knowing such information to be false or obstructs any person in the exercise of the powers conferred on him by sub-section (2) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding one year or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine.

28. (1) The Ceylon Transport Board may, with consent of the Minister, or in accordance with terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting obligations or discharging its duties under this Act : provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by Ceylon Transport Board under this sub-section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister of Finance.

Borrowing powers of the Ceylon Transport Board.

(2) The Ceylon Transport Board may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money, otherwise than by way of a temporary loan under sub-section (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 money required for the payment of any compensation under this Act which is payable in cash by the Ceylon Transport Board ;
- (d) the redemption of any stock issued or any loan raised by the Ceylon Transport Board ;
- (e) any other purpose for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under sub-section (1).

(3) The Ceylon Transport Board may, with the consent of the Minister given with the concurrence of the Minister of Finance, borrow money for any of the purposes mentioned in sub-section (2) by the issue of Ceylon transport stock or in any other manner whatsoever.

(1) The Ceylon Transport Board—

- (a) may create and issue any stock required for the purpose of exercising the powers of the Board under sub-section (3) of section 28, and
- (b) shall create and issue such stock as is required for the purpose of satisfying any right to compensation under this Act which is to be satisfied by the issue of stock,

Ceylon transport stock.

and the stock so created and issued is in this Act referred to as "Ceylon transport stock".

(2) Ceylon transport stock shall be issued, transferred, dealt with, redeemed and cancelled in accordance with such terms as may be determined by the Ceylon Transport Board with the approval of the Minister given with the concurrence of the Minister of Finance.

Government
guarantee.

30. (1) The Minister of Finance shall guarantee the repayment of the principal of, and the payment of the interest on, any Ceylon transport stock created and issued under section 29(1)(b), and may, with the concurrence of the Minister, guarantee the repayment of, and the payment of the interest on, any Ceylon transport stock created and issued under section 29(1)(a). Any sums required for fulfilling any such guarantee as is provided under this sub-section shall be charged on and issued out of the Consolidated Fund of Ceylon, and any such sums shall be repaid, together with interest thereon, at such rates as the Minister of Finance may determine with the concurrence of the Minister, by the Ceylon Transport Board in such manner and over such period as the Minister of Finance may with such concurrence determine:

Provided that no such sum shall be paid out of the Consolidated Fund of Ceylon unless the prior sanction of the House of Representatives has been obtained therefor.

(2) Immediately after a guarantee is given under sub-section (1), the Minister of Finance shall lay a statement of the guarantee before the Senate and the House of Representatives.

(3) Where any sum is issued out of the Consolidated Fund of Ceylon under sub-section (1), the Minister of Finance shall forthwith lay before the Senate and the House of Representatives a statement that such sum has been issued.

Investment of
funds of the
Ceylon
Transport
Board.

31. Any funds of the Ceylon Transport Board which are not immediately required for the purposes of the business of the Board may be invested by the Board in such manner as the Board thinks proper.

Reserves.

32. (1) The Ceylon Transport Board—

(a) may establish and maintain an insurance reserve to cover the insurance of the movable and immovable property of the Board and to meet liabilities arising in respect of third-party risks ; and

(b) 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.

(2) The sums to be carried from time to time to the credit of each of the reserves specified in sub-section (1) shall be as the Ceylon Transport Board may determine.

(3) The application of the moneys comprised in the general reserve shall be as the Ceylon Transport Board may determine. The purposes of the general reserve shall be to ensure the financial stability of the Board's undertaking and to prevent frequent fluctuations in the fares levied by the Ceylon Transport Board in respect of the omnibus and hiring car services provided by the Board and the powers of the Board in relation to the general reserve shall be exercised accordingly.

33. (1) The revenue of the Ceylon Transport Board in any year shall be applied in defraying the following charges, and shall be so applied in the order of priority set out hereunder :—

Application
of the revenue
of the Ceylon
Transport
Board.

(a) the working and establishment expenses (including allocations to the insurance reserve and depreciation reserve), in connection with the exercise and performance of the powers and duties of the Board properly chargeable to revenue account ;

(b) the interest on any temporary loan raised by the Board ;

(c) any 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 Ceylon Transport Board in any year which remains after the charges mentioned in sub-section (1) have been satisfied shall be allocated to the general reserve.

Accounts of
Ceylon
Transport
Board and audit
of such
accounts.

34. (1) The Ceylon Transport Board shall cause proper accounts of its income and expenditure and of all its other transactions to be kept and shall prepare an annual statement of accounts and statistics relating to its business in such form and containing such particulars as the Minister with the concurrence of the Minister of Finance may from time to time specify.

(2) The accounts of the Ceylon Transport Board for each financial year shall be audited by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) For the purpose of meeting the expenses incurred by him in the audit of the accounts of the Ceylon Transport Board, the Auditor-General shall be paid by the Board such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Ceylon Transport Board by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purposes of such audit, be credited to the Consolidated Fund of Ceylon.

(4) The Auditor-General shall examine the accounts of the Ceylon Transport Board and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him ;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board ; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Board.

(5) The Auditor-General shall transmit his report to the Ceylon Transport Board.

(6) For the purposes of this section, the expression "qualified auditor" means any person who is registered as an auditor under the Companies Ordinance, No. 51 of 1938.

35. The Auditor-General and any person assisting the Auditor-General in the audit of the accounts of the Ceylon Transport Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the Board or its officers with such information within their knowledge as may be required for such purposes.

Powers of the Auditor-General and his Assistants.

36. (1) The Ceylon Transport Board shall, as soon as possible, after the end of each financial year of the Board, make to the Minister a report on the exercise and performance by the Board of its powers and duties during that year and on its policy and programme. Such report for any year shall set out any direction given by the Minister to the Ceylon Transport Board during that year unless the Minister has notified to the Board his opinion that it is against the interests of national security to do so. The Minister shall lay a copy of such report before the Senate and the House of Representatives.

Report of Ceylon Transport Board and copies of Auditor-General's report and statement of accounts and statistics to be sent to Minister and laid before the Senate and the House of Representatives, and copies of such reports and statistics to be made available for purchase by the public.

(2) The Ceylon Transport Board shall, on receipt of the Auditor-General's report in each year, transmit to the Minister—

- (a) a copy of such report, and
- (b) a copy of the statement of accounts and statistics prepared under sub-section (1) of section 34.

(3) The Minister shall lay copies of the report and statement referred to in sub-section (2) before the Senate and the House of Representatives.

(4) The Ceylon Transport Board shall cause copies of the report of the Board and of the Auditor-General's report and statistics referred to in sub-section (2), to be printed at the expense of the Board and to be made available for purchase by the public at such price as shall be determined by the Board.

37. (1) Where the Minister is satisfied that the Ceylon Transport Board has established an adequate insurance reserve to meet liabilities arising in respect of third-party risks, the Minister may, by Order published in the *Gazette*, exempt the Ceylon Transport Board from the operation of the provisions of sub-section (1) of section 99 of the Motor Traffic Act with effect from such date as shall be specified in the Order.

Power to exempt the Ceylon Transport Board from operation of section 99 (1) of the Motor Traffic Act.

(2) An Order made and published under sub-section (1) shall have the force of law.

PART II.

Special provisions relating to employees of holders of stage carriage permits for regular omnibus services.

Employment by the Ceylon Transport Board of certain employees of holders of stage carriage permits for regular omnibus services.

38. (1) Every person who was a regular employee of the holder of a stage carriage permit for a regular omnibus service and who was engaged in work connected with that omnibus service may, before such date as shall be specified by the Chairman of the Ceylon Transport Board by notice published in the Gazette and in one Sinhala newspaper, Tamil newspaper and English newspaper, notify the Ceylon Transport Board in writing that he desires to obtain employment with the Board :

Provided that the preceding provisions of this sub-section shall not apply to any person who, in the capacity of a director or managing director, was a regular employee of a company holding a stage carriage permit for a regular omnibus service, or who, while being a regular employee of such company, was the holder of shares in such company of the value at par of not less than one thousand rupees.

(2) Upon the receipt of a notification given under sub-section (1) by any person to whom that sub-section applies, the Ceylon Transport Board shall offer him employment—

- (a) in any such post on the staff of the Board as may be determined by the Board to be reasonably comparable with the post held by him on the appointed date in the employ of the holder of a stage carriage permit for a regular omnibus service, and
- (b) on such terms, other than terms relating to remuneration, as may be determined by the Board, and
- (c) on such terms relating to remuneration as are not less favourable than those which, in the opinion of the Board, are the terms to which a worker with the skill and experience of such person should normally have been entitled in the employ of such holder :

Provided that, if such person was, on April 12, 1956, in receipt of a monthly remuneration of not more than five hundred rupees from such holder, the remuneration offered to him by the Ceylon Transport Board shall not be less than the remuneration he received from such holder on such date.

(3) The Ceylon Transport Board shall, if any person to whom sub-section (1) applies accepts the offer of employment made to him by the Board under sub-section (2), employ him in the post and on the terms specified in that offer unless—

- (a) he is certified by a medical practitioner approved by the Board to be unfit for such employment by reason of any infirmity of mind or body, or
- (b) the Board is of opinion that he is unsuitable for employment with the Board for any reason whatsoever.

39. The services of any person who is appointed to the staff of the Ceylon Transport Board under section 38 may be terminated if the Board finds that he is unsuitable for employment with the Board. Either written notice of such termination shall be given by the Board to such person at least one month before the date of such termination or one month's salary or wages shall be paid to him by the Board in lieu of such notice.

Power of the Ceylon Transport Board to discontinue services of persons employed under section 38.

40. (1) The following provisions shall apply to a person (hereafter in this section referred to as the "qualified employee") who was in the employ of the holder of a stage carriage permit for a regular omnibus service on such work as was connected with that omnibus service, and who, after April 12, 1956, has ceased or ceases to be in the employ of such holder, whether of his own accord or otherwise :—

Duty of holders of stage carriage permits to make certain payments to their employees who leave the service of such holders.

- (a) where there is a provident fund established by such holder and contributions have been made to that fund by the qualified employee, then, notwithstanding anything to the contrary in the rules or regulations governing that fund, such holder shall pay to the qualified employee out of that fund the total amount of those contributions and any interest payable thereon, and the qualified employee shall not be entitled to the contributions made to that fund by his employer in respect of him and any interest payable thereon ;
- (b) where the qualified employee had been employed by such holder for a continuous period of not less than twelve months immediately before the date on which the

qualified employee has ceased or ceases to be in the employ of such holder, such holder shall,—

(i) if the qualified employee was remunerated at a monthly rate, pay to the Ceylon Transport Board as a gratuity to him a sum calculated at the rate of one half of a month's salary in respect of each complete year of employment under such holder, and

(ii) if the qualified employee was remunerated at a daily rate, pay to the Ceylon Transport Board as a gratuity to him a sum calculated at the rate of fifteen days' wages in respect of each complete year of employment under such holder,

and the salary or wages referred to in the preceding sub-paragraph (i) or (ii) shall be the salary or wages payable by such holder to the qualified employee immediately before the qualified employee ceased to be in the employ of such holder ;

(c) if the qualified employee was, before he was employed by such holder, employed for any period in connection with the business of providing a regular omnibus service which was carried on by any other person and which has been taken over by such holder, then such holder shall pay to the Ceylon Transport Board as a gratuity to the qualified employee,—

(i) where such period does not exceed five years, a sum calculated at the rate specified in paragraph (d) of this sub-section in respect of each complete year of employment of the qualified employee in connection with such business in such period, and

(ii) where such period is more than five years, a sum calculated in accordance with the provisions of the preceding sub-paragraph (i) in respect of the part of such period up to

five years, and an additional sum of one hundred rupees in respect of the rest of such period ;

(d) the rate for the purposes of sub-paragraph (i) of paragraph (c) of this sub-section shall be one half of the salary or wage paid by such holder to the qualified employee immediately before the qualified employee ceased to be in the employ of such holder ;

(e) where such holder has already paid to the qualified employee any sum out of a provident fund established by such holder, then, notwithstanding the provisions of paragraph (a) of this sub-section,—

(i) if such sum is equal to or more than that payable out of such fund to the qualified employee under such paragraph, no payment out of such fund shall be made to the qualified employee under such paragraph, and

(ii) if such sum is less than that payable out of such fund to the qualified employee under such paragraph, the amount payable out of such fund to the qualified employee under such paragraph shall be reduced by the deduction therefrom of such sum ;

(f) where such holder has already paid to the qualified employee a gratuity in respect of the qualified employee's period of service referred to in paragraph (c) of this sub-section, then, notwithstanding the provisions of that paragraph,—

(i) if the gratuity already paid is equal to or more than the gratuity payable in respect of the qualified employee under that paragraph, no gratuity under that paragraph shall be paid in respect of the qualified employee, and

(ii) if the gratuity already paid is less than the gratuity payable in respect of the qualified employee under that

paragraph, the gratuity payable under that paragraph shall be reduced by the deduction therefrom of the amount of the gratuity already paid ;

- (g) where the services of the qualified employee have been terminated by such holder for serious misconduct, then, notwithstanding the provisions of paragraphs (b) and (c) of this sub-section, the qualified employee shall not be entitled to any gratuity under any of those paragraphs, and the question whether the misconduct is serious shall be decided by a Labour Tribunal constituted under section 41 upon a reference of such question to such Tribunal by the Commissioner of Labour ;
- (h) such holder shall pay to the qualified employee any sums due to the qualified employee as remuneration in respect of his employment with such holder ;
- (i) such holder shall pay to the Ceylon Transport Board any sum due to the qualified employee in repayment of any security furnished by the qualified employee in respect of his employment with such holder.

(2) Where the Ceylon Transport Board is paid any sum under sub-section (1) in respect of the qualified employee, then,—

- (a) if that sum is paid as a gratuity, the Board shall, if that employee is on the staff of the Board, credit that sum to his account in any provident fund established by the Board, and, if that employee is not on the staff of the Board, transmit that sum to the Commissioner of Labour ; and
- (b) if that sum is paid under paragraph (i) of sub-section (1), the Board shall, if that employee is on the staff of the Board and is required by the Board to furnish any security in respect of his employment with the Board, retain that sum as that security or as part of that security, and, if that employee is on the staff of the Board and is not required by the Board to furnish any such security, credit that sum to his account in any provident fund

established by the Board, and, if that employee is not on the staff of the Board, transmit that sum to the Commissioner of Labour.

(3) Where the Commissioner of Labour receives any sum from the Ceylon Transport Board under sub-section (2), he shall,—

- (a) if the address of the person entitled to that sum is known, pay that sum or cause it to be paid to that person, and
- (b) if such address is not known, credit that sum to a special account opened for the purposes of this sub-section, and that sum shall be available for payment to that person, or, if he is dead, to his heirs as determined by the Commissioner of Labour upon application made in that behalf to the Commissioner.

41. (1) The Minister may, in consultation with the Minister to whom the subject of labour is for the time being assigned, constitute a Labour Tribunal or Labour Tribunals for the purposes of section 42. Each such Tribunal shall consist of a fit and proper person.

Labour
Tribunals.

(2) Every Labour Tribunal constituted under this section shall have all the powers of a District Court—

- (a) to summon and compel the attendance of witnesses,
- (b) to compel the production of books, records and other documents relating to remuneration and terms of employment of any employees, or to any matter under inquiry by the Tribunal, and
- (c) to administer an oath or affirmation to witnesses.

(3) Every person giving evidence on any matter before a Labour Tribunal constituted under this section shall be bound to state the truth on such matter.

(4) The members of Labour Tribunals constituted under this section shall be remunerated at such rate as may be determined by the Minister with the concurrence of the Minister of Finance.

(5) Every person who as a witness attends a Labour Tribunal constituted under this section shall be paid as travelling and other expenses such sum as shall be determined by the Tribunal.

(6) Such sums as may be required for making the payments under sub-section (4) and sub-section (5) and for defraying the expenses of Labour Tribunals constituted under this section shall be provided by the Ceylon Transport Board.

Matters that
are to be
referred to
Labour
Tribunals.

42. (1) In addition to the reference of questions under paragraph (g) of section 40 (1) by the Commissioner of Labour, the following disputes shall be referred, in the manner specified below, for decision to Labour Tribunals constituted under section 41 :-

(a) any dispute between the Ceylon Transport Board and any person as to whether or not he is a person to whom the Board shall offer employment under section 3 shall be referred by the Board for decision to a Labour Tribunal constituted under section 41 ;

(b) any dispute as to whether or not any sum payable by any person under section 4 shall, upon application being made in that behalf to the Commissioner of Labour by any party to the dispute, be referred by the Commissioner for decision to a Labour Tribunal constituted under section 41.

(2) The decision of a Labour Tribunal constituted under section 41 on any matter referred to it under this Act shall be final and shall not be called in question in any court.

(3) Regulations may be made under this Act in respect of the reference of matters under this Act to and the inquiries into such matters by, Labour Tribunals constituted under section 41.

43. In this Part of this Act—

Interpretation
of certain
expressions
occurring in
this Part.

“appointed date” means any such date before the commencement of this Act as shall be declared by the Minister, by Order published in the *Gazette* to be the appointed date for the purposes of this Part of this Act ;

“regular employee” means a person who has been employed by the holder of a stage carriage permit for a regular omnibus service for at least one hundred and eighty days in any consecutive period of twelve months within the period commencing on April 13, 1955, and ending on April 12, 1957, and who has continued to be in the employ of such holder until the appointed date, such one hundred and eighty days being a period including—

- (a) the days on which such person has been engaged in work connected with such omnibus service,
- (b) every holiday to which he was entitled under any written law,
- (c) every holiday allowed to him by his employer,
- (d) every day of his absence on any ground approved by his employer,
- (e) every day of his absence due to any injury to him caused by, or arising out of, or in the course of, his employment,
- (f) every day of his absence due to any occupational disease suffered by him, and
- (g) every day of his absence due to a strike or lockout that is not illegal, the total of such days of absence in any year being not more than thirty,

but any day taken into account under any one of the preceding sub-paragraphs (a) to (g) in computing the said period of one hundred and eighty days shall not be taken into account again under any other of those sub-paragraphs ;

“salary” means basic salary and includes a cost-of-living allowance or dearness allowance;

“wages” mean basic wages and include cost-of-living allowance or dearness allowance.

PART III.

Compensation.

Notice to persons entitled to make claims to the compensation payable under this Act in respect of any property vested in or requisitioned for the Ceylon Transport Board.

44. Where any property is vested in or requisitioned for the Ceylon Transport Board, the Chairman of the Board shall, by notice published in the *Gazette* and in at least one Sinhala newspaper, Tamil newspaper and English newspaper, direct every person who was interested in such property immediately before the date on which such property was so vested or requisitioned, to make, within a period of one month reckoned from the date specified in the notice, a written claim to the whole or any part of the compensation payable under this Act in respect of such property and to specify in the claim—

- (a) his name and address,
- (b) the nature of his interest in such property,
- (c) the particulars of his claim, and
- (d) how much of such compensation is claimed by him.

Provisions to be complied with by the Chairman on the receipt of claims to compensation.

45. Upon the receipt of any claim made under section 44 to the compensation payable under this Act in respect of any property vested in or requisitioned for the Ceylon Transport Board, the Chairman of the Board shall cause the following documents to be sent to the claimant by registered letter through the post :—

- (a) a copy of any such report in regard to the condition of the aforesaid property as has been made by or under the authority of the Ceylon Transport Board under any regulation made under this Act, if a copy of the report has not already been served on the claimant ;

- (b) a copy of any such assessment of the compensation payable under this Act in respect of the aforesaid property as has been made by or under the authority of the Ceylon Transport Board ;
- (c) a notice requiring the claimant, within the time specified in the notice,—
- (i) to furnish to the Ceylon Transport Board a written statement setting out whether or not he agrees with the report referred to in the preceding paragraph (a) and the assessment referred to in the preceding paragraph (b) and, if he does not so agree, any objections that he may have to such report and assessment, and the grounds of such objections ; and
 - (ii) to produce to the Ceylon Transport Board all documents, and in particular any document in regard to the condition of the aforesaid property, relied on by him in support of any such objection.

46. (1) The Chairman of the Ceylon Transport Board shall refer to the Compensation Tribunal for determination the amount of the compensation payable in respect of any property vested in or requisitioned for the Board, and shall transmit to the Tribunal all claims made to such compensation, together with all documents furnished by the claimants in support of their claims, and all documents copies of which have been served on or transmitted to the claimants by the Board.

Reference to the Compensation Tribunal for an award as to compensation in respect of any property vested in or requisitioned for the Ceylon Transport Board.

(2) A reference made under sub-section (1) to the Compensation Tribunal is hereafter in this Act referred to as a "reference for an award as to compensation".

47. (1) The amount of compensation to be paid under this Act in respect of any omnibus vested in the Ceylon Transport Board on any date shall be an amount equal to the cost, as at that date, of a new omnibus which is not equipped with tyres and which is of the same make and type as the omnibus so vested, or, if an omnibus of that type is not in production,

Compensation in respect of omnibuses vested in the Ceylon Transport Board.

of a new omnibus which is not equipped with tyres and which is reasonably comparable with the omnibus so vested,—

(a) after deducting from the said cost,—

(i) where a period of less than one complete year has elapsed between the said date and the date of registration under the Motor Traffic Act of the omnibus so vested, one forty-eighth of the said cost in respect of each month of that period ; or

(ii) where one or more complete years have so elapsed, one-fourth of the said cost in respect of the first year and, in respect of each subsequent year, one-fourth of the said cost as reduced by the total deductions to be made in respect of the previous years, and

(b) if it is established that the physical condition of the omnibus so vested is materially better or worse at the date on which it was so vested than the normal physical condition at that date of an omnibus which is of the same age, make, and type as the omnibus so vested, or, if an omnibus of that type is not in production, of an omnibus which is of the same age as, and is reasonably comparable with, the omnibus so vested, after adding to or deducting from the said cost, as reduced by the deductions, if any, to be made under paragraph (a) of this sub-section, such amount as fairly represents the difference :

Provided that, where the omnibus so vested was used in any country other than Ceylon prior to its first registration under the Motor Traffic Act, the cost to be taken into account for the purpose of the computation of the compensation payable in respect of that omnibus shall not be the cost of such new omnibus as is specified in the preceding provisions of this sub-section but shall be the cost, as at the date of vesting of the omnibus so vested, of a second-hand omnibus which is not equipped with tyres and which is of the same make and type as the omnibus so vested, or, if an omnibus of that type is not in production, of a second-hand omnibus which is not equipped with tyres and which is reasonably comparable with the omnibus so vested.

(2) Where an omnibus vested on any date in the Ceylon Transport Board is equipped with any tyres at that date, the compensation to be paid in respect of that omnibus under sub-section (1) shall be increased by an amount equal to the amount which such tyres would fetch if sold in the open market, and if this Act were not in force, on that date.

(3) Where any omnibus for which a revenue licence for any year is in force under the Motor Traffic Act is vested in the Ceylon Transport Board with effect from any date in that year, the compensation payable in respect of that omnibus under sub-section (1) shall be increased by an amount which bears to the licence fee paid for such licence the same proportion as the period commencing on such date and ending on the thirty-first day of December of that year bears to the period commencing on the date of the coming into force of such licence and ending on such thirty-first day of December.

48. The amount of compensation to be paid under this Act in respect of any property vested on any date in the Ceylon Transport Board, other than an omnibus, shall,—

Compensation
in respect of
properties
vested in the
Ceylon Trans-
port Board,
other than
omnibuses.

(a) where such property was owned on the day immediately preceding such date by the holder of a stage carriage permit for a regular omnibus service or by a person whose stage carriage permit for a regular omnibus service ceased to be in force by virtue of the provisions of section 13, be the actual price paid by him for the purchase of such property and an additional sum which is equal to a reasonable value of any improvements made by him to such property, or, if such purchase price is not ascertainable, be an amount, equal to the price which such property would have fetched if it had been sold in the open market on April 12, 1956; and

(b) where such property was, on the day immediately preceding the date on which it was vested in the Ceylon Transport Board, owned by any person other than any of those specified in paragraph (a) of this section, be an amount equal to the price

which such property would have fetched if it had been sold in the open market ■
April 12, 1956 :

Provided that, where such property consists - machinery, tools or other movable property, a reasonable amount for depreciation shall be deducted from the amount which represents the price actually paid for its purchase by the person entitled to the compensation payable in respect of such property, if such compensation is based on such price.

Compensation in respect of property requisitioned for the Ceylon Transport Board.

49. (1) The amount of compensation to be paid in respect of any property requisitioned for the Ceylon Transport Board shall be a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of such property, during the period of the requisition, under a lease granted immediately before the beginning of that period whereby the tenant undertakes to pay all usual rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain such property in a state to command the rent.

(2) The compensation under sub-section (1) in respect of any property shall be considered as accruing due from day to day during the period of the requisitioning of such property and shall be apportionable in respect of time accordingly.

Proportionate payment of compensation, and interest on compensation until date of payment.

50. (1) The amount of compensation to be paid to any person in respect of any property vested in the Ceylon Transport Board shall be proportionate to the interest such person had in such property.

(2) Any compensation payable under this Act shall carry interest, as from the date on which it accrues due until payment, at such rate as may be determined by the Minister with the concurrence of the Minister of Finance.

Right to compensation.

51. No compensation in respect of any property vested in or requisitioned for the Ceylon Transport Board shall be paid to any person under this Act unless such person is entitled to such compensation according to an award (hereafter in this Act referred to as an "award as to compensation") made by the Compensation Tribunal under this Act.

52. The following provisions shall apply in any case where a person is entitled to compensation in respect of any property vested in or requisitioned for the Ceylon Transport Board :—

Deductions from compensation.

(a) where any sums—

- (i) have been certified under the hand of the Commissioner of Income Tax to the Ceylon Transport Board to be due from such person as tax on income or profits, or
- (ii) have been certified under the hand of the Commissioner of Labour, or by a Labour Tribunal constituted under section 41, to the Ceylon Transport Board to be due from such person to any other person under section 40, or
- (iii) have been certified under the hand of the Commissioner of Motor Traffic to the Ceylon Transport Board to be due from such person as licence fees under the Motor Traffic Act in respect of any omnibuses used by such person for providing omnibus services,

then, from the amount of the compensation to which such person is entitled, the Ceylon Transport Board shall pay, in the order of priority specified in the preceding provisions of this paragraph, the sums so specified ; and the payment shall, in the case of a sum referred to in the preceding sub-paragraph (i), be made to the Commissioner of Income Tax, and in the case of a sum referred to in the preceding sub-paragraph (ii), be made to the Ceylon Transport Board or to the Commissioner of Labour according as that sum is payable under section 40 to the Ceylon Transport Board or to the qualified employee, and in the case of a sum referred to in the preceding sub-paragraph (iii), be made to the Commissioner of Motor Traffic ; and the provisions of sub-section (2) of section 40 shall apply to any sum paid under this paragraph to the Ceylon Transport Board in like manner as they apply to any sum paid to the Board under sub-section (1)

of section 40, and the provisions of sub-section (3) of section 40 shall apply to any sum paid under this paragraph to the Commissioner of Labour in like manner as they apply to any sum received by the Commissioner under sub-section (2) of section 40 ;

(b) where the amount of such compensation has been applied in payment of any sums referred to in the preceding paragraph (a), the balance, if any, of that amount remaining after it has been so applied shall be paid by the Ceylon Transport Board to the person or persons entitled thereto.

Mode of payment of compensation.

53. The mode of payment of compensation under this Act shall be determined by the Minister in consultation with the Minister of Finance.

Provision for cases where compensation is not accepted, etc.

54. Where any compensation payable to any person under this Act is not accepted by him when it is tendered to him or where such person is dead or not in existence or not known, it shall be paid to any District Court or Court of Requests according as the amount of the compensation exceeds or does not exceed three hundred rupees, to be drawn by the person or persons entitled thereto.

PART IV.

Compensation Tribunal.

Constitution of the Compensation Tribunal

55. (1) There shall be established, for the purposes of this Act, a Compensation Tribunal (hereinafter referred to as the "Tribunal") consisting of ten members appointed by the Governor-General of whom at least five shall be persons with judicial or legal experience.

(2) A person shall be disqualified for being appointed or being a member of the Tribunal if he is a Senator, a Member of Parliament, or a member of the Ceylon Transport Board or the Fares Board.

(3) A member of the Tribunal with judicial or legal experience shall be appointed to be the Chairman, and another member with similar experience shall be appointed to be the Vice-Chairman, of the Tribunal by the Governor-General.

(4) Every member of the Tribunal shall, unless he earlier vacates office or is removed therefrom by the Governor-General, hold office for a period of three years. Any member of the Tribunal who vacates office by effluxion of time shall be eligible for re-appointment.

(5) There shall be appointed a Secretary to the Tribunal (hereinafter referred to as the "Secretary") and such other officers and servants as may be necessary for the performance of the work of the Tribunal.

56. (1) The members, officers and servants of the Tribunal shall be remunerated at such rates as may be determined by the Minister with the concurrence of the Minister of Finance.

Remuneration of members, officers and servants of the Tribunal and expenses of the Tribunal.

(2) The remuneration of the members, officers and servants of the Tribunal and any other expenses of the Tribunal shall be paid by the Permanent Secretary to the Ministry of Transport and Works out of the moneys provided for the purpose by Parliament. Such Permanent Secretary shall in writing notify to the Ceylon Transport Board all sums paid by him under this sub-section, and the Ceylon Transport Board shall, upon receipt of such notification, pay the amount specified therein to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon.

57. (1) The Secretary shall, under the direction of the Chairman or in his absence the Vice-Chairman of the Tribunal, convene meetings of the Tribunal for the consideration and determination of references for awards as to compensation made to the Tribunal.

Meetings of the Tribunal.

(2) The Chairman or the Vice-Chairman and four other members of the Tribunal shall be summoned to a meeting of the Tribunal. Such other members shall be chosen by lot by the Secretary. The quorum for a meeting of the Tribunal shall be three members.

(3) Two separate meetings of the Tribunal may be convened and held at the same time to consider and determine different references for awards as to compensation.

(4) Where the Chairman or the Vice-Chairman is summoned to a meeting of the Tribunal, the Chairman or Vice-Chairman, as the case may be, shall preside at that meeting, and in his absence the members of the

Tribunal summoned to and present at that meeting shall choose from among themselves a chairman for that meeting.

(5) A member of the Tribunal who is interested in any matter which is the subject of a reference for an award as to compensation or who has been consulted as an advocate or a proctor or in any other capacity in regard to that matter by or on behalf of any person interested therein shall not participate in any proceedings of a meeting of the Tribunal on such reference.

(6) A meeting of the Tribunal may from time to time be postponed or adjourned.

Proceedings
before
Tribunal.

58. (1) Every reference for an award as to compensation shall be considered and determined at a meeting of the Tribunal.

(2) The Secretary shall fix a date, time and place for the consideration and determination by the Tribunal of each reference for an award as to compensation.

(3) The Secretary shall, in respect of every reference for an award as to compensation, keep a record of all such proceedings before the Tribunal as relate to that reference.

Power to
summon
witnesses, etc.

59. (1) The Chairman or the Vice-Chairman of the Tribunal and, if the Chairman or Vice-Chairman is not presiding at any meeting of the Tribunal, the chairman of that meeting shall, for the purposes of the consideration and determination of any reference for an award as to compensation, have all the powers of a District Court—

- (a) to summon and compel the attendance of witnesses,
- (b) to compel the production of documents, and
- (c) to administer any oath or affirmation to witnesses.

(2) Every person who attends a meeting of the Tribunal as a witness shall be paid as travelling and other expenses such sum as shall be determined by the Chairman or in his absence the Vice-Chairman of the Tribunal.

Persons giving
evidence bound
to state the
truth.

60. Every person giving evidence on any matter before a meeting of the Tribunal shall be bound to state the truth on such matter.

61. (1) The determination made at a meeting of the Tribunal on any matter considered at that meeting shall be deemed to be the determination of the Tribunal on that matter.

Determination
of the Tribunal.

(2) Where the members of the Tribunal who consider any matter disagree with regard to the determination on that matter, the determination of the majority of them shall be the determination of the Tribunal on that matter, and, where the members are equally divided in their opinion, the determination supported by the chairman of the meeting by which that matter is considered shall be the determination of the Tribunal on that matter.

(3) Every determination of the Tribunal shall contain the reasons therefor.

62. Subject to the provisions of this Act in respect of procedure, the Tribunal may lay down the procedure to be observed at meetings of the Tribunal.

Tribunal may
regulate its
procedure at
meetings.

63. Where a reference for an award as to compensation is made to the Tribunal, the Tribunal shall, before making such award, give the Chairman of the Ceylon Transport Board and every person who has made a claim to compensation an opportunity of being heard either in person or by an agent authorised in that behalf.

Chairman of
the Ceylon
Transport
Board and
claimants to
compensation
to be given an
opportunity
of being heard
before the
making of an
award.

64. (1) Where a copy of any report made by or under the authority of the Ceylon Transport Board in regard to the condition of any property vested in or requisitioned for the Board is served on any claimant to compensation in respect of such property, then, in so far as that claimant is concerned, that report shall, in any proceedings relating to the claim of that claimant before the Tribunal, be *prima facie* evidence of the facts stated therein until the contrary is proved.

Provisions in
regard to
evidence.

(2) Where a copy of the Ceylon Transport Board's assessment of compensation in respect of any property is served on any claimant to such compensation, then, in so far as that claimant is concerned, that assessment shall, in any proceedings relating to the claim of that claimant before the Tribunal, be *prima facie* evidence of the facts stated therein until the contrary is proved.

(3) Where a report in regard to the condition of any property vested in or requisitioned for the Ceylon Transport Board, or the Board's assessment of any compensation, is *prima facie* evidence of the facts stated therein under the preceding provisions of this section in any proceedings relating to a claim to compensation before the Tribunal, then the claimant shall not be entitled to produce in those proceedings any document in support of any objection to such report or assessment unless that document had been produced to the Board as required by or under this Act.

An award as to compensation by the Tribunal on a reference.

65. (1) Where a reference for an award as to compensation is made to the Tribunal in respect of any property vested in or requisitioned for the Ceylon Transport Board the Tribunal shall, after considering all such matters and hearing all such witnesses as may be necessary for the purpose and after complying with the provisions of section 63 and section 64, make, save as otherwise provided in sub-section (2), an award determining—

- (a) whether or not each person who has made a claim to compensation is a person entitled to compensation, and if so, the capacity in which he is so entitled,
- (b) the amount of the compensation payable in respect of such property in accordance with the provisions of this Act, and
- (c) the apportionment of the compensation among the persons entitled to compensation :

Provided that, where there is a dispute as to the persons entitled to such compensation or as to the apportionment of such compensation among the persons entitled to such compensation, the Tribunal shall defer making an award and shall refer the dispute for decision to the District Court within whose local jurisdiction such property, being immovable property, is situated, or, being movable property, was kept at the time it was so vested, and shall, after such Court makes its decision on such dispute, make an award in accordance with such decision.

(2) Where no person makes a claim to compensation in respect of any property vested in or requisitioned for the Ceylon Transport Board, it shall not be necessary to determine in the award under this section the matters specified in paragraphs (a) and (c) of sub-section (1) and to comply with the provisions of sub-section (3) relating to the giving of notice of the award to claimants to compensation.

(3) The Tribunal shall cause written notice of its award to be given to the Chairman of the Ceylon Transport Board and the claimants to compensation.

(4) An award of the Tribunal shall be final and shall not be called in question in any court.

PART V.

Fares Board.

66. (1) There shall be established, for the purposes of this Act, a Fares Board consisting of a Chairman and three other members appointed by the Minister.

Establishment of Fares Board.

(2) At least one member of the Fares Board shall be a person with wide experience in finance.

(3) A person shall be disqualified for being appointed or being a member of the Fares Board if he is a Senator, a Member of Parliament, or a member of the Ceylon Transport Board or the Compensation Tribunal.

67. Every member of the Fares Board shall, unless he earlier vacates office or is removed from office by the Minister, hold office for a period of three years commencing on the date of his appointment. Any such member vacating office by the effluxion of time shall be eligible for re-appointment.

Term of office of members of Fares Board.

68. Any member of the Fares Board may resign from the Board by letter addressed to the Minister.

Resignation of members of Fares Board.

69. The Minister may remove from office any member of the Fares Board without assigning a reason.

Removal from office of members of Fares Board.

Quorum for
meetings of
Fares Board.

70. The quorum for any meeting of the Fares Board shall be three members of the Board.

Procedure at
meetings of
Fares Board.

71. (1) The Chairman of the Fares Board shall, if he is present at any meeting of the Board, preside at that meeting, and if he is absent from any meeting of the Board, the members of the Board present at that meeting shall elect one from among themselves to be the chairman of that meeting.

(2) Any question which arises at any meeting of the Fares Board shall be decided by a majority of the votes of the members of the Board present at that meeting.

(3) Where the members of the Fares Board present at any meeting of the Board are equally divided in their opinion on any matter which arises at that meeting, the decision supported by the chairman of that meeting shall be the decision of the Board on that matter.

(4) Subject to the other provisions of this Part, the Fares Board may regulate its own procedure.

Staff required
for the work of
the Fares
Board.

72. There shall be appointed such officers and servants as may be necessary for the performance of the work of the Fares Board.

Remuneration
of members,
officers and
servants of the
Fares Board and
expenses of the
Board.

73. (1) The members, officers and servants of the Fares Board shall be remunerated at such rates as may be determined by the Minister with the concurrence of the Minister of Finance.

(2) The remuneration of the members, officers and servants of the Fares Board and any other expenses of the Fares Board shall be paid by the Permanent Secretary to the Ministry of Transport and Works out of the moneys provided for the purpose by Parliament. Such Permanent Secretary shall in writing notify to the Ceylon Transport Board all sums paid by him under this sub-section, and the Ceylon Transport Board shall, upon receipt of such notification, pay the amount specified therein to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon.

Fares schemes.

74. The Ceylon Transport Board shall, from time to time, prepare and submit to the Fares Board for approval schemes (hereafter in this Act referred to as "fares schemes") in respect of fares prepared in accordance with section 75.

Contents of fares schemes.

75. (1) A fares scheme shall fix the maximum fares which may be levied by the Ceylon Transport Board in respect of all the omnibus services of the Board, or the omnibus services of the Board in particular areas, or any particular class of omnibus service or services of the Board.

(2) A fares scheme may revoke or amend any previous fares scheme.

76. (1) Where the Ceylon Transport Board has submitted a fares scheme to the Fares Board, the Ceylon Transport Board shall publish it in such manner as the Fares Board shall direct, together with a notice specifying the time and the manner (which shall be determined by the Fares Board) in which objections to such scheme and other representations with respect thereto may be made to the Fares Board by any body of persons referred to in sub-section (2).

Objections to fares schemes and consideration of, and decision on, fares schemes by Fares Board.

(2) Any objection to a fares scheme or any other representation with respect thereto may be made—

(a) by any such body representative of the persons or of any class of the persons using the omnibus services to which that scheme relates as may be approved by the Minister, or

(b) by the local authority within whose administrative limits such omnibus services are wholly or partly provided.

(3) Every objection and representation under sub-section (2) shall be in writing, and, in the case of an objection, the grounds of the objection shall be stated.

(4) As soon as possible after the time for making objections and representations with respect to a fares scheme has elapsed, the Fares Board shall hold a public inquiry into such scheme and shall at that inquiry hear the Ceylon Transport Board and any body or local authority mentioned in sub-section (2) who desires to be heard, and shall thereafter either refuse to approve such scheme or approve it with or without alterations :

Provided that the Fares Board shall not be bound to hear any such body or authority unless that body or authority has duly made to the Fares Board any objection or other representation with respect to such scheme.

(5) A fares scheme approved by the Fares Board shall be published in such manner as shall be specified by the Fares Board and shall come into force on such date or dates as shall be so specified.

(6) It shall be the duty of the Ceylon Transport Board to give to the Fares Board all such assistance as is necessary or as the Fares Board may require for the purpose of making a decision on a fares scheme submitted to the Fares Board for approval.

Alteration of
fares schemes.

77. (1) An application for the alteration of a fares scheme in force may be made to the Fares Board—

(a) by the Ceylon Transport Board, or

(b) by any such body representative of the persons or of any class of persons using the omnibus services to which that scheme relates as may be approved by the Minister, or

(c) by the local authority within whose administrative limits the omnibus services to which that scheme relates are wholly or partly provided :

Provided that the Fares Board shall not entertain any application under this section for the alteration of any fares scheme if—

(i) less than twelve months have elapsed since the coming into force of such scheme, or

(ii) in its opinion the application relates to a matter which has been the subject of consideration by the Fares Board within the twelve months immediately preceding the making of the application.

(2) Every application under sub-section (1) shall be in writing and shall state the reasons for the proposed alteration of the fares scheme to which the application relates.

(3) Where an application is made to the Fares Board under this section (not being an application which the Fares Board refuses to entertain), the applicant shall publish the application in such manner as the Fares Board shall direct together with a notice specifying the time and manner (which shall be determined by the Fares Board) in which objections to the application and other representations with

respect thereto may be made to the Fares Board by any person or body of persons specified in sub-section (1) other than the applicant.

(4) As soon as possible after the time of making objections and representations with respect to an application under this section has elapsed, the Fares Board shall hold a public inquiry into the application and shall at that inquiry hear any person or body specified in sub-section (1) who desires to be heard, and shall thereafter make such order with respect to the matter of the application as the Fares Board thinks fit :

Provided that the Fares Board shall not be bound to hear any such person or body, other than the Ceylon Transport Board and the applicant, who has not duly made to the Fares Board any objection or other representation with respect to the application.

(5) Where an order is made under sub-section (4) altering a fares scheme, particulars of the alteration shall, unless the Fares Board determines that in all the circumstances publication is unnecessary, be published in such manner as the Fares Board shall specify.

(6) It shall be the duty of the Ceylon Transport Board to give to the Fares Board all such assistance as is necessary or as the Fares Board may require for the purpose of making a decision on any application made to the Fares Board under this section.

78. (1) The Minister may at any time require the Fares Board to review the operation of any fares scheme.

Review of fares schemes.

(2) Where the Fares Board has been required by the Minister to review the operation of any fares scheme, the Ceylon Transport Board shall publish notice thereof in such manner as the Fares Board shall direct, and such notice shall specify the time and manner (which shall be determined by the Fares Board) in which representations with respect thereto may be made to the Fares Board.

(3) Representations may be made to the Fares Board under this section—

- (a) by any such body representative of the persons or of any class of the persons using the omnibus services to which the fares scheme relates as may be approved by the Minister ; or

(b) by the local authority within whose administrative limits the omnibus services to which that scheme relates are wholly or partly provided.

(4) As soon as possible after the time for making representations with respect to the review of the fares scheme has elapsed, the Fares Board shall hold a public inquiry into the scheme and shall at that inquiry hear the Ceylon Transport Board and any local authority or body specified in sub-section (3) who desires to be heard, and shall thereafter alter the scheme in such manner as the Fares Board thinks fit or may determine that no alteration is necessary, and any alteration made by the Fares Board shall be published in such manner, and shall come into force on such date, as the Fares Board may specify :

Provided that the Fares Board shall not be bound to hear any such authority or body, other than the Ceylon Transport Board, who has not duly made to the Fares Board any representation with respect to the review of the scheme.

(5) It shall be the duty of the Ceylon Transport Board to give to the Fares Board all such assistance as is necessary or as the Fares Board may require for the purpose of any review of any fares scheme under this section.

Power to increase, without public inquiry, maximum fares by a fares scheme.

79. (1) Where the maximum fares fixed by any fares scheme or fares schemes in force in respect of the omnibus services provided by the Ceylon Transport Board are inadequate to meet the costs of providing such services by reason of an increase in such costs and the Ceylon Transport Board will be unable to perform its general duty under paragraph (b) of sub-section (1) of section 5 unless such maximum fares are immediately increased, the Fares Board may, upon application made in that behalf by the Ceylon Transport Board with the approval of the Minister, increase such maximum fares ; and the provisions of section 77 which require that the application and a notice specifying the time and manner in which objections and representations may be made with respect to the application shall be published and that a public inquiry into the application shall be held shall not apply in relation to an application made by the Ceylon Transport Board under this sub-section.

(2) Where the maximum fares referred to in sub-section (1) are increased by the Fares Board upon an application made in that behalf by the

Ceylon Transport Board under that sub-section, the provision in the proviso to sub-section (1) of section 77 that the Fares Board shall not entertain an application for the alteration of any fares scheme if less than twelve months have elapsed since the coming into force of such scheme shall not apply in relation to an application for the alteration of such maximum fares as so increased.

80. Neither the Ceylon Transport Board nor the Fares Board shall do anything in the exercise of its powers as respect the fares to be levied for the transport of passengers by the omnibus services provided by the Ceylon Transport Board which will prevent the Ceylon Transport Board from discharging its general duty under paragraph (b) of sub-section (1) of section 5.

Special provisions as to exercise by the Ceylon Transport Board and the Fares Board of their powers as to fares.

81. (1) Subject to the provisions of sub-section (2), the fares levied by the Ceylon Transport Board in respect of any omnibus service provided by the Board shall not be more than the maximum fares fixed in such fares scheme for the time being in force as relates to that omnibus service.

Fares levied by the Ceylon Transport Board to be not more than maximum fares fixed in fares scheme in force, etc.

(2) Until a fares scheme is in force with respect to an omnibus service provided by the Ceylon Transport Board on any route, the Board shall levy in respect of that omnibus service fares at such rate per mile determined by the Board with the approval of the Minister as does not exceed the maximum rate per mile at which fares were charged in any part of Ceylon for the transport of passengers by omnibus prior to the provision of an omnibus service on that route by the Ceylon Transport Board.

(3) The Ceylon Transport Board shall cause to be made a record of the fares levied for the transport of passengers by omnibus on each route before the date of the provision of an omnibus service on that route by the Board, and shall, within three months from that date, transmit a copy of such record to the Minister.

82. For the purposes of this Part, the expression "omnibus services" includes any hiring car services provided by the Ceylon Transport Board.

Interpretation of the expression "omnibus services" for the purpose of this Part.

PART VI.

General.

83. (1) The Minister may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this Act.

Regulations.

(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 the following matters :—

- (a) any matter in respect of which regulations are authorised by this Act to be made ;
- (b) the establishment of a Central Consultative Committee to advise the Ceylon Transport Board on the adequacy, suitability, and efficiency of, and on any other matter relating to, the regular omnibus services and hiring car services provided in Ceylon ;
- (c) the establishment of Regional Consultative Committees to advise the Ceylon Transport Board on the adequacy, suitability, and efficiency of, and on any other matter relating to, the regular omnibus services and hiring car services provided in the regions for which such Committees have been established ;
- (d) the remuneration of the members of the aforesaid Committees ;
- (e) the prevention of damage to, or the commission of nuisances on, the property used by the Ceylon Transport Board 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 such damage or nuisance ;
- (f) the restriction of the admission or entry of persons into any place provided and maintained by the Ceylon Transport Board for the halting or parking of its omnibuses and hiring cars 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 such 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 Senate and the House of Representatives 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.

84. (1) Any passenger in any omnibus or hiring car of the Ceylon Transport Board—

- (a) who evades the payment of the fare due from him ; or
- (b) who wilfully refuses or neglects, on arriving at his destination, to quit that omnibus ; or
- (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 ; or
- (d) who spits upon or out of, or wilfully soils any part of, such omnibus or hiring car ; or
- (e) who smokes or carries any lighted pipe, cigar or cigarette 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 or hiring car any bottle, liquid or other article or thing likely to annoy persons or to cause danger or injury to any person or property,

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

Provided that no prosecution shall be instituted or maintained against any person in respect of an offence under the foregoing paragraph (a) if such person pays to any officer of the Ceylon Transport Board authorised by the Board to receive such payments, a penalty of five rupees together with twice his fare.

(2) Any person—

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

is calculated to obstruct or interfere with the working of such omnibus or hiring car, or causes any injury or discomfort to any person,

shall be guilty of an offence 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 officer or servant of the Ceylon Transport Board who, without authority from the Board,—

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

(b) alters or tampers with any bill or receipt issued by the Board,

shall be guilty of an offence 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.

(4) Any person who attempts to commit an offence under this Act shall be guilty of that offence.

Liability of directors and certain officers of a body corporate for offence committed by that body.

85. Where an offence under this Act is committed by 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 the body corporate or was purporting to act in such capacity, shall be deemed to be guilty of that offence unless he proves that that offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances.

Provision in regard to mortgages and leases.

86. (1) Where, at the time when any property is vested in the Ceylon Transport Board, such property is subject to a mortgage or lease, the rights of the mortgagee or of the purchaser of the mortgaged property under a mortgage decree, or of the lessee, shall, notwithstanding the provisions of section 20 (3), be limited to any sum paid under this Act as compensation in respect of such property.

(2) Nothing in this Act shall affect the right of a mortgagee to have recourse to any property or security other than that vested in the Ceylon Transport Board under this Act for the recovery of the debt secured by the mortgage.

(3) Where, at the time when any property is requisitioned for the Ceylon Transport Board, such property is subject to a lease, the rights of the lessee shall, notwithstanding the provisions of section 21 (6), be limited to any sum paid under this Act as compensation in respect of such property.

87. 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 Ceylon Transport Board as may be necessary for the performance of the duties and the exercise of the powers of the Board.

Power of companies etc., to enter into contracts with the Ceylon Transport Board.

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

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

Protection for action taken under this Act or on the direction of the Ceylon Transport Board.

(2) Any expense incurred by the Ceylon Transport Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the funds of the 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 sub-section (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 Act or on the direction of the Ceylon Transport Board shall, if the court holds that such 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.

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

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

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

Provision in regard to the Motor Traffic Act.

(2) The provisions in Part II of the Schedule to this Act 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.

Interpretation.

91. In this Act unless the context otherwise requires—

“Ceylon Transport Board” means the Ceylon Transport Board established under this Act ;

“Compensation Tribunal” means the Compensation Tribunal established under this Act ;

“Fares Board” means the Fares Board established under this Act ;

“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 or buildings ;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Committee ;

“Motor Traffic Act” means the Motor Traffic Act, No. 14 of 1951 ;

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

“person who was interested”,—

(a) in relation to any immovable property vested in or requisitioned for the Ceylon Transport Board, means a person who, immediately before the date on which such property was so vested or requisitioned, had an interest in such property as owner, co-owner, mortgagee, lessee or otherwise, whether absolutely for himself or in trust for any other person ; and

(b) in relation to any movable property vested in the Ceylon Transport Board, means any person who, immediately before the date on which such property was so vested, had an interest in such property as owner, co-owner, mortgagee,

pledgee, hirer or otherwise, whether absolutely for himself or in trust for any other person ;

“ property requisitioned for the Ceylon Transport Board ” means property requisitioned for the Ceylon Transport Board by virtue of a requisitioning Order; and any cognate expression shall be construed accordingly;

“ property vested in the Ceylon Transport Board ” means property vested in the Ceylon Transport Board by virtue of a vesting Order; and any cognate expression shall be construed accordingly ;

“ stage carriage permit ” has the same meaning as in the Motor Traffic Act.

SCHEDULE.

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 sub-section :—

“ (8) The possession or use by the Ceylon Transport Board of a motor coach shall be deemed not to be a contravention of sub-section (1) so long as that coach 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 sub-section :—

“ (10) The possession or use by the Ceylon Transport Board of a motor coach shall not be deemed to be a contravention of sub-section (1) so long as that coach is not used on any highway for the carriage of passengers or goods for fee or reward.”

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

(1) by the substitution in paragraph (ii) of the Proviso to that sub-section, for the words “ one hundred and fifty-seven inches,” of the words “ one hundred and fifty-seven inches and not more than one hundred and eighty inches,” ; and

(2) by the addition, at the end of that Proviso, 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, in sub-section (3) of that section, by the substitution, for the expression “in the month of December, 1949, or”, of the expression “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”.

5. The Motor Traffic Act is hereby amended by the insertion, immediately after section 73, of the following new section which shall have effect as section 73A of that Act :—

“ Prohibition of grant of stage carriage permits for regular hiring car services in respect of certain routes.

73A. With effect from the date on which any stage carriage permit for a regular hiring car service in Ceylon ceases to be in force under section 16 of the Motor Transport Act, no stage carriage permit for a regular hiring car service shall be granted to any person in respect of the route or routes on which regular hiring car services were provided under the authority of the permit which so ceases to be in force.”.

6. Section 162 of the Motor Traffic Act is hereby amended, in sub-section (3) of that section, by the substitution, for the words “Department of Government,”, of the words “Department of Government or of the Ceylon Transport Board,”.

7. Section 188 of the Motor Traffic Act is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from “the destination” to the end of that sub-section, of the following :—

“ the fare for the journey and either the starting point or destination of such passenger’s journey, by name or by number of the fare stage.”.

8. The following new section is hereby inserted immediately after section 241, and shall have effect as section 241A, 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 Ceylon Transport Board.

241A. The provisions of this Act relating to stage carriage permits shall not apply to or in relation to—

- (a) any omnibus used for the purpose 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 the Ceylon Transport Board established under the Motor Transport Act, and accordingly no stage carriage permit shall be required for the registration of the Ceylon 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.”

9. With effect from the date on which all stage carriage permits for regular omnibus services in Ceylon, other than any stage carriage permit held by the Colombo Municipal Council, cease to be in force by virtue of section 13 of the Motor Transport Act, the Motor Traffic Act is hereby amended by the insertion, immediately after section 241A inserted by the Motor Transport Act in the Motor Traffic Act, of the following new section which shall have effect as section 241B :—

“ Prohibition of grant of stage carriage permits for regular omnibus services except to the Colombo Municipal Council.

241B. (1) Notwithstanding anything to the contrary in any other provision of this Act, no stage carriage permit for a regular omnibus service shall be granted to any person other than the Colombo Municipal Council.

(2) A stage carriage permit granted to the Colombo Municipal Council shall be for the purpose of enabling that Council to provide regular omnibus

services on any route on which tramway services were provided in the month of December, 1949, or on such other route within the administrative limits of the Council as may be approved by the Minister.”.

10. With effect from the date on which all stage carriage permits for regular omnibus services held by the Colombo Municipal Council cease to be in force by virtue of section 15 of the Motor Transport Act the Motor Traffic Act is hereby amended by the insertion, immediately after section 241B inserted by the Motor Transport Act in the Motor Traffic Act, of the following new section which shall have effect as section 241C :—

“ Prohibition of grant of stage carriage permits for regular omnibus services to the Colombo Municipal Council.

241C. Notwithstanding anything to the contrary in any other provision of this Act, no stage carriage permit for a regular omnibus service shall be granted to the Colombo Municipal Council.”.

PART II.

Provisions in regard to the Application of certain Sections of the Motor Traffic Act.

1. Sections 171, 173 and 174 of the Motor Traffic Act shall not apply to or in relation to any hiring car of the Ceylon Transport Board.

2. Sections 172, 176 and 184 of the Motor Traffic Act shall not apply to or in relation to any omnibus or hiring car of the Ceylon Transport Board.

3. (1) Section 175, section 185, and paragraph (k) of sub-section (1) of section 192, of the Motor Traffic Act shall not apply to or in relation to any omnibus of the Ceylon Transport Board.

(2) Paragraph (o) of sub-section (1) of section 192 of the Motor Traffic Act shall not apply to or in relation to any place provided and maintained by the Ceylon Transport Board as a place at which its omnibuses or hiring cars may be halted or may stand for hire.

(3) Paragraph (p) of sub-section (1) of section 192 of the Motor Traffic Act shall not apply to or in relation to the Ceylon Transport Board.