

CHAPTER 203

MOTOR TRAFFIC (AMENDMENT)

AN ACT TO AMEND THE MOTOR TRAFFIC ACT.

Acts  
Nos. 7 of 1957,  
48 of 1957,  
43 of 1958,  
63 of 1961,  
35 of 1962,  
2 of 1963,  
39 of 1964,  
40 of 1964,  
3 of 1966.

[Act No. 7 of 1957—18th March, 1957.]

[Act No. 48 of 1957—31st October, 1957.]

[Act No. 43 of 1958—4th November, 1958.]

[Act No. 63 of 1961—1st July, 1961.]

[Act No. 35 of 1962—5th December, 1962.]

[Act No. 2 of 1963—21st March, 1963.]

[Act No. 39 of 1964—12th November, 1964.]

[Act No. 40 of 1964—12th November, 1964.]

[Not in operation on 31st December, 1966.]

[Act No. 3 of 1966—22nd March, 1966.]

Short title.

1. This Act may be cited as the Motor Traffic (Amendment) Act.

Amendment  
of section 2  
of Chapter  
203.  
[§ 90 (1), 48 of  
1957.]

2. Section 2 of the Motor Traffic Act, hereinafter referred to as “the principal Act”, is hereby amended by the addition, at the end of that section, of the following new subsection :—

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

Amendment  
of section 5  
of the  
principal  
Act.  
[§ 2, 40 of 1964.]

3. Section 5 of the principal Act is hereby amended, in subsection (3) of that section, by the substitution, for the words “a lorry”, of the words “a lorry, motor tricycle van”.

4. Section 7 of the principal Act is hereby amended in subsection (4) of that section by the substitution, for the expression "prescribed form.", of the expression "prescribed form, and by the prescribed fee for the entry in the register, as required by subsection (5) of section 9 of the name of that person as the absolute owner thereof."

Amendment of section 7 of the principal Act. [§ 21 (a), 2 of 1963.]

5. Section 9 of the principal Act is hereby amended by the insertion, immediately after subsection (6) of that section, of the following new subsection:—

Amendment of section 9 of the principal Act. [§ 21 (b), 2 of 1963.]

" (7) Within a period of fourteen days after the termination of a hire-purchase agreement in respect of a motor vehicle, the person who so let that vehicle shall forward to the Registrar a written application for the deletion from the entry in the register relating to that vehicle of the name of the absolute owner thereof entered under subsection (5). Such application shall be accompanied by the prescribed fee for such deletion."

6. Section 13 of the principal Act is hereby amended, in subsection (2) of that section, by the substitution, for the expression "prescribed form", of the expression "prescribed form and by the prescribed fee for the entry in the register, as required by subsection (4) of section 14, of the name of that person as the absolute owner thereof."

Amendment of section 13 of the principal Act. [§ 21 (c), 2 of 1963.]

7. Section 14 of the principal Act is hereby amended by the insertion, immediately after subsection (5) of that section, of the following new subsection:—

Amendment of section 14 of the principal Act. [§ 21 (d), 2 of 1963.]

" (6) Within a period of fourteen days after the termination of a hire-purchase agreement in respect of a motor vehicle, the person who so let that vehicle shall forward to the Registrar a written application for the deletion from the entry in the register relating to that vehicle of the name of the absolute owner thereof entered under subsection (4). Such application shall be accompanied by the prescribed fee for such deletion."

Insertion of  
new section  
14A in the  
principal  
Act.

[§ 2, 43 of 1958.]

8. The following new section is hereby inserted immediately after section 14, and shall have effect as section 14A, of the principal Act :—

'Power to change the distinctive number of a motor vehicle in certain circumstances.

14A. (1) Where a special series of distinctive numbers is determined for the purpose of assigning, under subsection (1) of section 9, a distinctive number to each motor vehicle the registered owner of which is a diplomat or which belongs to the government of any recognized foreign state, then, if the distinctive number of any such motor vehicle is not of such special series, the Registrar shall cancel the distinctive number of that motor vehicle and assign to it a distinctive number which is of such special series.

(2) Where a person who is not a diplomat becomes the registered owner of a motor vehicle which does not belong to the government of a recognized foreign state and to which a distinctive number of the special series referred to in subsection (1) has been assigned, the Registrar shall cancel that distinctive number and assign to that motor vehicle a distinctive number which is not of such special series.

(3) Where a motor vehicle which belongs to the government of a recognized foreign state and the distinctive number of which is of the special series referred to in subsection (1) ceases to belong to that government, the Registrar shall, unless a diplomat becomes the registered owner, or the government of any other recognized foreign state becomes the owner, of that motor vehicle, cancel that distinctive number and assign to that motor vehicle a distinctive number which is not of such special series.

(4) In this section—

“diplomat” means the diplomatic representative in Ceylon of the government of any other country, or any person who is a member of the diplomatic staff of such diplomatic representative and who is a citizen or subject of such other country; and

“recognized foreign state” means a country whose government has a diplomatic representative in Ceylon.’

9. Section 18 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“Cancellation of registration of a motor vehicle.

18. Where a motor vehicle which is registered has been permanently removed from Ceylon, or destroyed, or dismantled and broken up, or otherwise rendered permanently unserviceable, the Registrar shall cancel the registration of that vehicle upon the receipt of a written application in that behalf from the registered owner of that vehicle accompanied by the prescribed fee for such cancellation:

Provided, however, that the Registrar may, of his own motion, cancel the registration of a motor vehicle if he is satisfied that the registered owner thereof is dead, or cannot be found, and that such vehicle has ceased to be a motor vehicle.”

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

“(10) The possession or use by the Ceylon Transport Board of a motor coach shall not be deemed to be a contravention of subsection (1) so

Replacement of section 18 of the principal Act.

[§ 21 (e), 2 of 1963.]

Amendment of section 25 of the principal Act.

[§ 90 (1), 48 of 1957.]

long as that coach is not used on any highway for the carriage of passengers or goods for fee or reward.”.

Amendment  
of section 26  
of the  
principal  
Act.  
[§ 3, 40 of 1964.]

11. Section 26 of the principal Act is hereby amended, in subsection (1) of that section, by the substitution, for the words “a lorry licence”, of the words “a lorry licence, a motor-tricycle van licence”.

Amendment  
of section 35  
of the  
principal Act.  
[§ 2, 63 of 1961.]

12. Section 35 of the principal Act is hereby amended as follows:—

(1) in subsection (1) of that section—

(a) in paragraph (a) of that subsection, by the substitution, for the words “that coach; and”, of the words “that coach;”;

(b) in paragraph (b) of that subsection,—

(i) by the omission of the words “a hiring car or”; and

(ii) by the substitution, for the words “that car or omnibus, as the case may be:”, of the words “that omnibus; and”;

(c) by the insertion, immediately after paragraph (b) of that subsection, of the following new paragraph:—

“(c) for a hiring car, the maximum number of persons authorized to be carried in that car so however that such maximum number does not exceed eight (including the driver).”; and

(d) by the omission of the proviso to that subsection; and

(2) in subsection (2) of that section—

(a) in the proviso to that subsection—

(i) by the substitution, for the words “in the case of an omnibus”, of the words “in the case of an

[§ 2, 3 of 1966.]

omnibus other than an omnibus which is constructed or adapted mainly or wholly to carry passengers standing”,

- (ii) by the substitution, in paragraph (ii) of that proviso, 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

[§ 90 (1), 48 of 1957.]

- (iii) by the addition at the end of that proviso, of the following new paragraph:—

[§ 90(1), 48 of 1957.]

“ (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: ”; and

- (b) by the addition, at the end of that subsection, of the following:—

[§ 2, 3 of 1966.]

“ And provided further that in the case of an omnibus—

- (a) which is constructed or adapted mainly or wholly to carry passengers standing, and  
 (b) which is used on such route or routes as may be specified in a permit issued therefor by the Commissioner,

the following provisions shall apply in lieu of the preceding provisions of this subsection:—

- (i) Fifteen inches of seating space shall be allowed for each passenger where any seats are provided,  
 (ii) One and a quarter square feet of standing space shall be allowed for each passenger who is standing.

- (iii) A strap-hanger or support of any kind whatsoever shall be provided in the omnibus for each passenger who is standing.

In reckoning the standing space for passengers no account shall be taken of the nine inches of space in front of each row of seats, if seats are provided in the omnibus, and the space reserved for the entry and exit of passengers into and from the omnibus."

Amendment of section 60 of the principal Act. [§ 2, 7 of 1957.]

13. Section 60 of the principal Act is hereby amended, in subsection (2) of that section, by the substitution, for all the words from "public;" to the end of that subsection, of the word "public."

Insertion of new section 60A in the principal Act. [§ 3, 7 of 1957.]

14. The following new section is hereby inserted immediately after section 60, and shall have effect as section 60A, of the principal Act:—

"Provision of omnibus services when stage carriage permit is revoked.

60A. (1) Where a stage carriage permit is revoked under section 60, the Commissioner may—

- (a) grant a stage carriage permit to any person or persons authorizing the provision of an omnibus service or omnibus services on the route or routes in respect of which the revoked stage carriage permit was issued, or
- (b) himself provide an omnibus service or omnibus services on such route or routes.

(2) Nothing in sections 51, 52, 53, 54, 55, 56 and 66 shall apply in relation to the grant of any stage carriage permit under subsection (1).

(3) The Minister may by Order published in the Gazette vest in Her Majesty in right of the Government of Ceylon or requisition any such omnibuses or other property used by any person for

the provision of a regular or an occasional omnibus service or tourist or other similar service as may be required by the Commissioner for the provision by him of an omnibus service.

(4) Any property vested in Her Majesty under subsection (3) shall so vest free from all encumbrances.

(5) Where any property is on any date vested in Her Majesty under subsection (3), the Commissioner shall pay under the general directions of the Minister fair compensation to the person in whose possession that property was on the day on which such property vested in Her Majesty.

(6) Where any property is on any date requisitioned under subsection (3), the Commissioner shall pay as compensation a fair rent or hire to the person in whose possession that property was on the day immediately preceding that date. Any compensation under this subsection shall be considered as accruing due from day to day during the period of requisition and shall be apportionable in respect of time accordingly.

(7) The mode of payment of compensation under this section shall be as determined by the Minister of Finance.

(8) Where any person is aggrieved by the decision of the Commissioner in respect of any compensation payable under this section, that person may make a written appeal from that decision to the Minister, and the Minister's decision on every appeal under this subsection shall be final and conclusive and shall not be called in question in any court.

(9) The Commissioner or any officer authorized by him in that behalf may take possession of any omnibus or other property vested in Her Majesty or requisitioned under subsection (3).

(10) Every person who prevents or obstructs any person from or in taking possession, under subsection (9), of any omnibus or other property vested in Her Majesty or requisitioned under subsection (3) 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.”.

Amendment of section 62 of the principal Act. [§ 4, 7 of 1957.]

15. Section 62 of the principal Act is hereby amended, in subsection (1) of that section, by the omission of paragraph (b) of that subsection and the relettering of paragraph (c) of that subsection as paragraph (b).

Amendment of section 66 of the principal Act. [§ 90 (1), 48 of 1957.]

16. Section 66 of the principal Act is hereby amended, in subsection (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”.

Insertion of new section 73A in the principal Act. [§ 90 (1), 48 of 1957.]

17. The principal 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. 48 of 1957, 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.”.

18. Section 122 of the principal Act is hereby amended by the substitution, for paragraph (g) of that section, of the following new paragraphs:—

Amendment  
of section 122  
of the  
principal Act.  
[§ 4, 40 of 1964.]

- “ (g) private cars,  
(h) motor tricycle vans,  
(i) land vehicles, and  
(j) motor vehicles not hereinbefore specified.”.

19. Section 125 of the principal Act is hereby amended in subsection (3) thereof, by the substitution, for the word “Ordinance.”, of the words “Ordinance unless the Commissioner, after considering any report made in respect of that person by the Inspector-General of Police, is satisfied that that person is a fit and proper person to be a holder of such a licence.”.

Amendment  
of section 125  
of the  
principal Act.  
[§ 2, 39 of 1964.]

20. Section 128 of the principal Act is hereby amended, in subsection (2) of that section, by the substitution, for the words “motor cycles”, wherever those words occur collectively in that subsection, of the words “motor cycles, motor tricycle vans”.

Amendment  
of section 128  
of the  
principal Act.  
[§ 5, 40 of 1964.]

21. Section 160 of the principal Act is hereby amended, in subsection (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,”.

Amendment  
of section 160  
of the  
principal Act.  
[§ 90 (1), 48 of  
1957.]

Amendment  
of section 164  
of the  
principal Act.  
[§ 3, 39 of 1964.]

22. Section 164 of the principal Act is hereby amended as follows:—

(1) in subsection (1) thereof—

(a) in paragraph (b) by the substitution, for the word “reconstruction.”, of the words “reconstruction ; or” ;

(b) by the insertion, immediately after paragraph (b), of the following paragraph:—

“ (c) by order of the Ceylon Transport Board for the purpose of indicating—

(i) places set apart for the parking of omnibuses and hiring cars belonging to such Board ; and

(ii) stopping places for omnibuses belonging to such Board.” ; and

(2) in subsection (4) of that section, by the substitution, for the word “Department”, wherever that word occurs in that subsection, of the words “Department or the Ceylon Transport Board”.

Amendment  
of section 178  
of the  
principal Act.  
[§ 3, 63 of 1961.]

23. Section 178 of the principal Act is hereby amended by the repeal of subsection (2) of that section, and the substitution therefor of the following new subsection:—

“ (2) Where the number of persons found at any time in a private car on a highway exceeds eight (including the driver thereof), the driver thereof shall be guilty of an offence under this Act.”.

24. Section 179 of the principal Act is hereby amended as follows:—

Amendment  
of section 179  
of the  
principal Act.  
[§ 4, 63 of 1961.]

(1) in subsection (1) of that section—

(a) by the substitution, for the word “passengers”, of the words “persons (including the driver)”; and

(b) by the substitution, for the word “passenger”, of the word “person”; and

(c) by the omission of the proviso to that subsection;

(2) in subsection (3) of that section, by the substitution, in sub-paragraph (ii) of paragraph (a) of that subsection, for the words “a hiring car or”, of the word “an”;

(3) by the insertion, immediately after subsection (3) of that section, of the following new subsection:—

“(3A) For the purposes of this section in its application in the case of a hiring car,—

(a) a child under three years of age not occupying a separate seat in that car shall not be reckoned as a person;

(b) two children, being each over three years and under twelve years of age, shall be reckoned as one person.”; and

(4) in the marginal note to that section, by the substitution, for the words “of passengers”, of the words “of persons or passengers”.

25. Section 185 of the principal Act is hereby amended as follows:—

Amendment  
of section 185  
of the  
principal Act.  
[§ 4, 39 of 1964.]

(a) in subsection (1) of that section, by the substitution, for the words “A licensed conductor”, of the words and figure “Save as is otherwise provided in subsection (3), a licensed conductor”; and

(b) by the insertion, immediately after subsection (2) of that section, of the following new subsection :—

“ (3) The provisions of subsection (1) shall not apply in relation to an omnibus of the Ceylon Transport Board at any time when the omnibus is being used for plying between two fixed places without stopping at any other place for the purpose of picking up or setting down passengers.”.

Amendment  
of section 186  
of the  
principal Act.  
[§ 90 (1), 48 of  
1957.]  
[§ 5, 39 of 1964.]

26. Section 186 of the principal Act is hereby amended as follows :—

(a) in subsection (1) of that section—

(i) by the substitution, for the words “The conductor”, of the words and figure “Save as is otherwise provided in subsection (3), the conductor”, and

(ii) by the substitution, for all the words from “the destination” to the end of that subsection, 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.”; and

(b) by the insertion, immediately after subsection (2) of that section, of the following new subsection :—

(3) The provisions of subsection (1) shall not apply in relation to an omnibus of the Ceylon Transport Board at any time when the omnibus is being used for plying between two fixed places without stopping at any other place for the purpose of picking up or setting down passengers.”.

27. The following new section is hereby inserted immediately after section 239, and shall have effect as section 239A, of the principal 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.

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

- (a) any omnibus used for the 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, No. 48 of 1957, 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.”.

Insertion of new section 239A in the principal Act. [§ 90 (1), 48 of 1957.]

28. 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, No. 48 of 1957, the principal Act is hereby amended by the insertion, immediately after section 239A inserted by the Motor Transport Act, No. 48 of 1957, in the principal Act, of the following new section which shall have effect as section 239B :—

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

239B. (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.

Insertion of new section 239B in the principal Act. [§ 90 (1), 48 of 1957.]

\* 1st January, 1958, declared by Order published in Gazette No. 11,219 of 13th December, 1957.

(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 tramways services were provided in the month of December, 1949, or on such other route within the administrative limits of that Council as may be approved by the Minister."

Insertion of new section 239c in the principal Act. [§ 90 (1), 48 of 1957.]

29. 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, No. 48 of 1957, the principal Act is hereby amended by the insertion, immediately after section 239B inserted by the Motor Transport Act, No. 48 of 1957, in the principal Act, of the following new section which shall have effect as section 239c:—

"Prohibition of grant of stage carriage permits for regular omnibus services to the Colombo Municipal Council.	239c. 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."
--	---

Amendment of section 240 of the principal Act. [§ 6, 39 of 1964.]

30. Section 240 of the principal Act is hereby amended as follows:—

(1) by the insertion, immediately after the definition of "certificate of security", of the following new definition:—

"Ceylon Transport Board" means the Ceylon Transport Board established under the Motor Transport Act, No. 48 of 1957; ;

[§ 6, 40 of 1964.]

(2) in the definition of "lorry", by the substitution, for the words "a land vehicle", of the words "a land vehicle or motor tricycle van";

[§ 6, 40 of 1964.]

(3) in the definition of "motor cycle", by the substitution, for the words "motor vehicle", of the words "motor vehicle, other than a motor tricycle van,"; and

(4) by the insertion, immediately after the definition of "Motor Traffic Advisory Council", of the following new definition:—

[§ 8, 40 of 1964.]

'"motor tricycle van" means a motor vehicle designed to travel on three wheels, and having a tare which does not exceed five hundredweight, and which is constructed or adapted wholly or mainly for the carriage of goods';

31. Section 243 of the principal Act is hereby amended by the repeal of subsection (7) of that section.

Amendment of section 243 of the principal Act. [§ 2, 35 of 1962.]

32. The amendments made in the principal Act by paragraph (1) of section 3, and by section 6, of Act No. 39 of 1964 shall be deemed to have come into force on October 31, 1957.

Retrospective effect of certain amendments. [§ 7, 39 of 1964.]

33. The Motor Traffic (Amendment) Act, No. 40 of 1964, shall come into operation on such date\* as the Minister may appoint by Order published in the Gazette.

Date of operation of Act No. 40 of 1964. [§ 1, 40 of 1964.]

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

[§ 90 (2), 48 of 1957.]

The provisions† set out below 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:—

1. Section 169 of the Motor Traffic Act shall not apply to or in relation to any omnibus or hiring car of the Ceylon Transport Board.

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

\* Not in operation on 31st December, 1966.

† Vide section 10 of the Motor Transport (Amendment) Act, No. 34 of 1962.

3. Sections 170, 174 and 182 of the Motor Traffic Act shall not apply to or in relation to any omnibus or hiring car of the Ceylon Transport Board.

4. (1) Section 173, section 183, and paragraph (k) of subsection (1) of section 190, of the Motor Traffic Act shall not apply to or in relation to any omnibus of the Ceylon Transport Board.

(2) Paragraph (o) of subsection (1) of section 190 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 subsection (1) of section 190 of the Motor Traffic Act shall not apply to or in relation to the Ceylon Transport Board.

5. Subsection (2) of section 186 of the Motor Traffic Act shall not apply to or in relation to any omnibus of the Ceylon Transport Board.