

# PROVINCIAL COUNCIL NOTIFICATION

## WESTERN PROVINCE

### Western Province Provincial Council Road Passenger Carriage Services Statute

A STATUTE FOR THE REGULATION OF ROAD PASSENGER CARRIAGE SERVICES ORIGINATING WITHIN THE PROVINCE AND FOR ENABLING THE PROVINCIAL COUNCIL TO ENGAGE IN THE BUSINESS OF PROVIDING SUCH SERVICES. THIS STATUTE IS INCONSISTENT WITH THE PRIVATE OMNIBUS SERVICES ACT NO : 44 OF 1983 AND THE MOTOR TRAFFIC ACT (CAP 203 CLE) AS AMENDED.

Be it be enacted by the Provincial Council of the Western Province as follows :-

Short title and date of operation 1. This STATUTE may be cited as the Road Passenger Carriage Services Statute of the Western Province No : **1 of 1990** and shall come into operation on such date as may be appointed by the Minister by Order published in the Gazette.

Administration of the Statute 2.

(1) For the purposes of this statute there shall be appointed a Provincial Director of Omnibus Transport (hereinafter referred to as "the Director") who shall be in charge of the general administration of this Statute and such number of Provincial Deputy Directors of Omnibus Transport and such other officers as may be necessary for the purpose of carrying out or giving effect to the provisions of this Statute.

(2) Any power, duty or function of the Provincial Director under this statute may be exercised, performed or discharged by any Provincial Deputy Director or other officer who is authorised to do so by writing under the hand of a Provincial Director.

Stage carriage permits for regular services. 3.

(1) Subject to Sub-section (2) hereof, no person, other than a Regional. Transport Board as provided for in the Transport Board Law No:19 of 1978 enacted by the Parliament of Sri Lanka, shall use within the Province on or after the date this Statute comes into operation an Omnibus, for the purpose of a regular service originating within the province, for the carriage of passengers for fee or reward except under the authority of a stage carriage permit granted by the Provincial Director under this Statute and for the time being in force.

(2) A stage carriage permit in respect of a route originating within the province issued under the Private Omnibus Services Act No. 44 of 1983 as amended by Private Omnibus Services (Amendment) Act No. 38 of 1985 shall be deemed to be a stage carriage permit issued under this Statute and shall be valid for the period for which the permit is issued or for 6 months from the date of operation of this Statute whichever is less.

(3) No person shall use on or after the date on which this Statute comes into operation any vehicle, other than an Omnibus, for the purpose of a regular service for the carriage by road of passengers for a fee or reward.

(4) Any person authorised under section 2 (2) or any police officer may seize any vehicle used in contravention of the provision of this section, and shall produce such vehicle, without undue delay, before the Magistrate Court within the local limits of whose jurisdiction it was seized.

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

Incorporation Clause 4.

(1) The provisions contained in Section 4 to 32 (both inclusive) and Section 35 of the Private Omnibus Services Act 44 of 1983 (as amended or included by the Private Omnibus Services (Amendment) Act No. 38 of 1985) enacted by the Parliament of, Sri Lanka subject to the substitution of the word 'statute' for the word 'Act' wherever appearing in the said sections, shall be deemed to be incorporated in, and shall form part of this statute and shall mutatis mutandis, apply to the regulation of road passenger carriage services within the Province.

(2) Any reference in the provisions referred to in subsection 1 to any official, place, institution or other thing listed in column 1 hereunder shall be deemed to be a reference to the corresponding official, place, institution or other thing listed in column 2 hereof.

Column 1	Column 2
The Minister	Provincial Minister in charge of subject of Transport
Director	Provincial Director
Federation	Provincial Federation
Sri Lanka	the Province
Public Officer	Officer of the Provincial Public Service
This Act	This statute

Obtaining revenue Licences 5. Notwithstanding anything to the contrary in section 28 of the Motor Traffic Act (as amended) the holder of a stage carnage permit for a regular Omnibus services issued under this statute may obtain an omnibus licence.

6. Notwithstanding anything to the contrary in section 46 of the Motor Traffic Act (as amended by the Private Omnibus Act No. 44 of 1983) enacted by the Parliament of Sri Lanka an Omnibus may be used in any highway within the Province under the authority of stage carriage permit issued under this statute.

Non applicability of Private Omnibus Services Act (as amended) within the Province 7. Except for the purposes of Section 4 of this Statute, the provisions of the Private Omnibus Services Act No : 44 of 1983 (as amended from time to time) shall cease to be in operation within the province for the regulation of any road passenger carriage services originating in the province.

Investment in Company for road passenger carriage services 8. The Provincial Council may, invest, or acquire or hold shares or stocks in any public company incorporated under the Companies Act of Sri Lanka (No. 17 of 1982) carrying on or engaged in or about to carry on or engage in the business within the Province of providing road passenger carriage services.

Provided, however, that no such investment or acquisition or holding of shares or stocks shall be made or entered into unless the Provincial Council acquires thereby not less than fifty one per centum of the shares or stocks which will ensure that Provincial Council acquires thereby the controlling interest in the Company.

Approval of Provincial Council for Investment 9. Prior to the investment or acquisition of shares the Minister, in consultation with the Minister of Finance shall, submit for the approval of the Provincial Council

(a) A report on the state of the business in which the investment is proposed to be made, including its assets and liabilities, made by a qualified auditor as defined in Article 154(8) of the Constitution of the Democratic Socialist Republic of Sri Lanka, and

(b) the proposal for investment or acquisition or holding of shares or stocks

and obtain the approval of the Council.

Extension of Services to other Provinces 10. The services provided by the aforesaid Company may extend to inter-provincial road passenger carriage service with the concurrence of the Provincial Council of the other province and subject to any other written law pertaining to road passenger carriage services.

Memorandum and Articles of Company 11. The Memorandum and Articles of Association of any Company referred to above shall provide :

(a) for the appointment of the majority of the Directors and for their removal by the Minister.

(b) that the Minister may give general directions to the Company regarding the exercise and discharge of their powers.

(c) that the memorandum and articles of Association shall not be amended except with the prior approval of the Minister.

(d) that the objectives of the Company shall be while rendering the maximum service to the Public the generation of income for the Provincial Council of the Western Province through the operation of efficient and cost effective road passenger carriage services within the province which may also be extended inter-provincially.

Interpretation 12. In this Statute, unless the context otherwise requires :-

"Minister" shall mean the Minister of the Board of Ministers of the Provincial Council who is assigned the function of Transport.

"Minister of Finance" shall mean the Minister of the Board of Ministers of the Provincial Council who is assigned the function of Finance.

"Omnibus" shall have the same meaning as in the Motor Traffic Act.

"Passenger" shall have the same meaning as in the Motor Traffic Act.