

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Motor Traffic Statute

A STATUTE TO PROVIDE FOR THE LICENSING OF MOTOR VEHICLES AND FOR THE REGULATION OF PASSENGER CARRIAGE SERVICES AND THE CARRIAGE OF GOODS BY MOTOR VEHICLES WITHIN THE PROVINCE. THIS STATUTE IS INCONSISTANT WITH PROVISIONS OF THE MOTOR TRAFFIC ACT (CHAPTER 203) AND THE VEHICLES ORDINANCE (CHAPTER 202), AS AMENDED FROM TIME TO TIME .

BE it 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 Motor Traffic Statute of the Western Province, No. **7 of 1991**, and shall come into operation on such date as may be appointed by the Minister by order published in the Gazette.

PART I

Revenue Licences

Possession or use of a motor vehicle without a revenue licence is prohibited. 2.

(1) No person shall possess or use within the Province any motor vehicle for which a revenue licence issued by the competent authority is not in force.

(2) For the purposes of subsection (1) above, the competent authority in respect of motor vehicles belonging to the Western Province shall be the Provincial Commissioner of Motor Traffic of the Western Province or the Divisional Secretaries authorized by him and in respect of motor vehicles belonging to any other Province the competent authority shall be the authority appointed by the Provincial Council of that Province to issue motor vehicle revenue licences.

(3) If at the time of registering a motor vehicle the licensing authority has been mentioned as the Registrar of Motor Vehicles, the Commissioner of Motor Traffic, Government Agents of Gampaha and Kalutara of the Western Province, such motor vehicle is deemed to belong to the Western Province.

(4) The person who for the time being is, or is deemed under Part I of the Motor Traffic Act (Chapter 203), as amended from time to time, to be the registered owner of a motor vehicle, shall, for the purposes of subsection (1) be presumed, unless the contrary is proved, to possess that vehicle.

(5) The possession within the Province by a dealer of a motor vehicle imported by him into Sri Lanka for the purpose of sale shall be deemed not to be a contravention of subsection (1) so long as the vehicle remains unsold and is not used on any highway except under the authority of a dealer's licence.

(5 A) The possession by a manufacturer of a motor vehicle within

the Province for the purpose of sale, shall be deemed not to be a contravention of subsection (1) so long as the vehicle remains unsold and is not used on any highway within the Province.

(6) The possession of a motor vehicle by a person for the time being entitled to the possession thereof shall be deemed not to be a contravention of subsection (1) if, but only if, the motor vehicle is lawfully used under the authority of a dealer's licence and is identified by a distinctive number assigned for the purpose.

(7) The possession of a motor vehicle by a person (not being a dealer) by whom the vehicle was imported into Sri Lanka shall be deemed not to be a contravention of subsection (1), if, but only if, that person has made application for the registration of that vehicle and such application has not been finally determined.

(8) The use of a motor vehicle which upon importation into Sri Lanka is used on a highway within the Province only for the purpose and in the course of removal from the customs premises shall be deemed not to be a contravention of subsection (1).

(9) The possession by a person of a motor vehicle in respect of which notice of a period of non-user has been given under section 13 shall be deemed not to be a contravention of subsection (1), if, but only if, that motor vehicle is not used in any place during that period.

(10) The Commissioner may issue a permit authorizing the removal of any motor vehicle from a specified place within the Province for the purpose of repairs or for the purpose of compliance with any provision of this Statute or for any other specified purpose and the use of that motor vehicle for the purpose of such removal in accordance with a permit so issued shall be deemed not to be a contravention of subsection (1).

(11) When the revenue licence for a motor vehicle becomes void under section 15, the possession of that motor vehicle by the owner thereof, shall be deemed not to be a contravention of subsection (1) if he has applied for a new revenue licence for that motor vehicle and the application has not been finally determined or if he has given notice of a period of non-user under section 13.

(12) The possession or use, by the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, No. 19 of 1978, of a motor coach, a hiring motor vehicle or a lorry, shall be deemed not to be a contravention of subsection (1) so long as that coach or hiring motor vehicle or lorry is not used on any highway for the carriage of persons or goods for fee or reward.

(13) In the event of the licensing authority of a motor vehicle being changed from another Province to Western Province the possession of that motor vehicle by the owner thereof shall be deemed not to be a contravention of subsection (1) if he has forwarded an application for the revenue licence and paid the fees to the Commissioner until the necessary alterations in the registration certificate are made.

Classes or
descriptions of
revenue licences. 3.

(1) A revenue licence to be issued under this Part for a motor vehicle shall be a licence of one, or a combination of one or more, of the

following descriptions, that is to say, a motor car licence, a private coach licence, an omnibus licence, a motor tricycle licence, a lorry licence, a tricycle van licence, a motor cycle licence, a motor hearse licence, a motor ambulance licence, an invalid carriage licence, a hand tractor licence, a dual purpose vehicle licence, a land vehicle licence or any other type of motor vehicle licence not mentioned here before, and shall be issued having regard to the class or description of motor vehicles to which that vehicle belongs.

(2) Nothing in subsection (1) shall be deemed to affect or restrict the issue of dealer's licences under section 18 or of visitor's temporary licences under section 20.

Production of certificate of registration and certificate of insurance or security. 4.

(1) No revenue licence for any motor vehicle shall be issued by any licensing authority unless the certificate of registration relating to that vehicle is produced, and unless the particulars contained in the application for the licences are identical with the corresponding particulars contained in the certificate:

Provided, however, that the licensing authority may, if he thinks fit, dispense with the production of the certificate of registration in the case of any motor vehicle, other than a motor coach, motor tricycle van or lorry, for which a revenue licence in respect of any year is to be issued to any person to whom a revenue licence for that motor vehicle in respect of the preceding year has been issued by that authority.

(2) No revenue licence for any motor vehicle, other than a trailer, shall be issued by any licensing authority unless a certificate of insurance or a certificate of security, in conformity with requirements of Part II and relating to that vehicle, is produced to that authority by the applicant.

Licences for omnibuses and private coaches to be issued only to holders of operational permits. 5.

(1) No omnibus licence shall be issued to any person unless he holds a stage carriage permit issued by the proper authority.

(2) No private coach licence shall be issued under this Part except for a private coach the registered owner of which is the holder of a private coach permit authorizing the use of that coach.

Revenue licence for motor coaches, &c. not to be issued without examination and certification. 6.

No revenue licence for a motor coach, lorry, motor tricycle van, motor hearse or motor ambulance shall be issued by any licensing authority unless a certificate of fitness issued in respect thereof under section 98 and in force is produced.

Application for revenue licences. 7.

(1) Every application for a revenue licence (other than a dealer's licence or a visitor's temporary licence) for a motor vehicle shall-

(a) be made to the licensing authority of the place in which the motor vehicle will usually be kept during the period for which the licence is required;

(b) be substantially in such one of the prescribed forms, as may be appropriate to the case, and shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle;

(c) be signed by the registered owner of the motor vehicle; or his authorized agent;

(d) be accompanied by the licence fee under section 8;

(e) as the licensing year of a motor vehicle commences from the day and the month on the date of the first registration of that motor vehicle, be made before the corresponding day of the corresponding month (hereinafter called "the due date for the payment of licence fees") of the year in respect of which the licence is applied for;

(f) be accompanied by the previous year's licence:

Provided, however that-

(i) in the case of any motor vehicle in respect of which notice of period of non-user has been given under section 13, the application shall be made before the end of that period;

(ii) in the case of a motor vehicle in respect of which notice of a period of non-user has been given under section 13 and that notice ceases to be operative on any date by reason of the provisions of section 13(5), the application shall be made within three days of that date; -

(iii) in the case of a motor vehicle which is registered for the first time in Sri Lanka the application shall be made within three working days of the date of the registration of that vehicle;

(iv) in the case of a motor vehicle for which a new revenue licence is applied for as the revenue licence for the motor vehicle has become void upon a change of possession of that motor vehicle, the application shall be made within thirty days of the change of possession of that vehicle;

(v) in the case of a motor vehicle for which a new revenue licence is applied for as the revenue licence for that motor vehicle has become void under subsection (1) of section 15, the application shall be made within three days after the date on which the revenue licence has become void; and

(vi) in the case of a motor vehicle for which a new revenue licence is applied for in order to use that motor vehicle for a purpose not authorized by the revenue licence for that motor vehicle, the application shall be made within thirty days before the date on which it is intended to use that motor vehicle for that purpose.

(1 A) Where in respect of any motor vehicle an application is made for a new revenue licence which is necessary by reason of section 15, there shall be attached to such application a statement of the circumstances which necessitate a new licence and the licence which has become void under that section except where such licence has already been sent to the licensing authority.

(2) Where application for a revenue licence for a motor vehicle is required under subsection (1) to be made before any day or before the expiry of any period, as the case may be, and there is delay in making the application, the licensing authority may in his discretion, on proof to his satisfaction that the delay is due to any error, accident or misfortune, and on payment of the full amount of the licence fee which would under this Part have been payable on the licence if it had been issued on an application duly made under that subsection, issue a revenue licence expressed to be in force from the date of such issue; and in any case where a revenue licence for any motor vehicle has been issued under this subsection, no prosecution shall be instituted against any person for any contravention of section 2(1) in respect of that vehicle during the period of such delay and where a prosecution has been instituted before the date of such payment the Magistrate shall discharge such person.

Licence fees. 8.

(1) The licence fee on a yearly revenue licence (other than a dealer's licence), which is to come into force during any year, for a motor vehicle of any class or description shall be determined according to the prescribed rates for motor vehicles of that class or description.

(2) Where any revenue licence for a motor vehicle other than a dealer's licence, is to come into force within a period of 2 months from and after the due date for the payment of licensing fees for any year, the amount of the fee payable on that licence shall be the same as the amount payable on a yearly revenue licence for that motor vehicle under subsection (1).

(3) Where -

(a) application for a revenue licence for a motor vehicle in respect of which notice of a period of non-user in any year has been given under section 13, is made under paragraph (f)(i) or (ii) of the proviso to section 7(1) and the licensing authority is satisfied that the motor vehicle has not been unlawfully used between the due date for the payment of licensing fees for that year and the date from which the licence is to be in force; or

(b) application is made for a new revenue licence which is necessary by reason of section 15 and which

is to come into force after the due date for the payment of licensing fee,

the licence fee payable on that licence shall, save as is otherwise provided in subsection (2), be the licence fee payable under subsection (1) on a yearly licence, reduced by one-twelfth part for each complete calendar month of the period commencing on the due date for the payment of licensing fee in that year and ending on the last day of the month preceding the month in which the licence is to come into force,

(c) a fee at the rate of 1 /12th of the yearly licence fee as mentioned in subsection (1) will have to be paid for each calendar month of the interim period between 1st January, 1992 and the due date for the payment of licence fees in the event of the interim period exceeding four months licence fees for a period of not less than 13 months from 1st January, 1992 can be paid.

(4) No licence fee shall be payable on a revenue licence for a motor vehicle belonging to or exclusively used in the service of the Government of Sri Lanka or belonging to the Government of any foreign state, as the Minister, after reciprocal arrangements in that behalf have been made, may from time to time specify by Notification published in the Gazette or belonging to the representative in Sri Lanka (by whatsoever name, title or designation called) of the ' Government of any foreign state so specified or the Trade Commissioner or consular officer in Sri Lanka of any such Government or persons on the staff of any such representative or Commissioner or consular officer.

(5) Where the licence fee for the revenue licence for a motor vehicle is paid to a licensing authority and before that licence is issued a change of possession of that motor vehicle occurs, then, if the new registered owner of that motor vehicle produces a receipt for the payment of that fee and a certificate from the licensing authority that the licence has not been issued, no licence fee shall be payable by that registered owner.

(6) Where the amount paid by any person as licence fee for the revenue licence issued to him is less than the full amount payable for that licence, the licensing authority may by notice in writing, require such person to pay on or before the date specified in the notice the sum specified therein, such sum being an amount equal to the difference between the full fee payable for that revenue licence and the fee actually paid for that licence.

(7) Any person who fails to comply with the requirements of a notice given to him under Subsection (6) 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 and fifty rupees, and the court may, in addition to any such fine as the court may impose, order that person to pay the sum specified in that notice and such sum may be recovered in the same manner as a fine imposed by that court.

9. Every revenue licence (other than a dealer's licence or visitor's temporary licence) for a motor vehicle shall be issued by the licensing authority in such one of the prescribed forms, as may be appropriate to the case, shall be in force from the date on which it is expressed to come into force and shall, save as otherwise expressly provided in this Part, continue in force until the day of the

next year.

Power to insert conditions in revenue licence.

10. Any licensing authority may insert in any revenue licence for a motor coach, lorry or motor tricycle van issued by that authority such conditions as an examiner or other person may, after examination under this Statute of such coach, lorry or motor tricycle van, as the case may be, certify to be necessary in the interests of safety.

11.

(1) The licensing authority shall specify in every revenue licence issued by the authority-

(a) for a private coach, the maximum number of persons authorized to be carried in that coach; and

(b) for an omnibus, the maximum number of passengers authorized to be carried in that omnibus.

(2) For the purpose of determining the maximum number of persons or passengers, as the case may be, that may be carried on a private coach or an omnibus-

(a) three hundred and eighty-two millimeters of seating space shall be allowed for each person or passenger, as the case may be; and

(b) due regard shall be had to the safe load of the coach or omnibus which shall be calculated in such manner as the Commissioner may direct, the weight of each person or passenger, as the case may be, being reckoned in that calculation, as fifty kilogrammes:

Provided, however, that in the case of an omnibus other than an omnibus which is constructed or adapted mainly or wholly to carry passengers standing-

(a) which is constructed and equipped in accordance with such provisions as may be prescribed and is provided with a centre gangway; and

(b) which is to be used under the authority of a stage carriage permit for a regular omnibus services,

the following provisions shall, for such period as may be determined by the Commissioner, apply in lieu of the preceding provisions of this subsection :-

(i) three hundred and eighty-two millimetres of seating space shall be allowed for each passenger;

(ii) where the omnibus has a wheel base of not less than four thousand millimetres and not more than four thousand six hundred millimeters, the number of passengers determined for that omnibus under paragraph (i) shall be increased by eight;

(iii) where the omnibus has a wheel base of less than four thousand millimetres, the number of passengers determined for that omnibus under paragraph (i) shall be increased by one-fifth;

(iv) where the omnibus has a wheel base of more than four

thousand six hundred millimetres, the number of passengers determined for that omnibus under paragraph (i) shall be increased by a number not exceeding twelve:

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) three hundred and eighty-two millimetres of seating space shall be allowed for each passenger where any seats are provided;

(ii) one sixteen-hundredth of a square metre 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 one hundred and twenty-eight millimetres 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.

Maximum load to be specified on revenue licences for lorries and motor tricycle vans.

12. The licensing authority shall specify in every licence for a lorry or motor tricycle van issued by that authority the maximum load (that is to say, the payload) which may be carried on the lorry or motor tricycle van. For the purpose of determining the maximum load, each person permitted to be carried on the lorry or motor tricycle van shall be deemed to weigh fifty and eight-tenth kilogrammes.

Notice of period of 13. non-user.

(1)

(a) The registered owner or any person in possession of motor vehicle may on or before the due date of the payment of licensing fee in any year give written notice to the licensing authority that he does not intend to use the motor vehicle for such period, not less than six months, commencing on the due date of the payment of licensing fee may as may be specified in the notice:

Provided, however, that where any such written notice is given within seven days after the due date of the payment of licensing fee the licensing authority, if he is satisfied that the delay in giving such notice was due to any error, accident or misfortune, may in his discretion accept such notice as a notice duly given before the due date of the payment of licensing fee.

(b) Where a person comes into possession of a motor vehicle during the course of any year, he may, within

seven days after the date of coming into possession of the motor vehicle, give written notice that he does not intend to use the motor vehicle for such period commencing on that day, as may be specified in the notice.

(2) The registered owner of a motor vehicle, in respect of which notice of a period of non-user has been given under subsection (1), may by written notice given before the expiry of that period further extend the period:

Provided, however, that where any written notice purporting to extend a period of non-user is given within seven days after the date of the expiry of that period, the licensing authority, if he is satisfied that the delay in giving such notice was due to any error, accident or misfortune, may in his discretion accept such notice as a notice duly given before the expiry of that period; and the period of non-user shall be deemed to be extended accordingly.

(3) Every notice under this section shall be despatched by registered post, or delivered in person, to the licensing authority; and the licensing authority shall in every case where a notice is delivered in person issue a written acknowledgement of the receipt thereof.

(4) The period of non-user specified in any notice under this section shall not extend beyond the due date of the payment of licensing fees for the next succeeding year.

(5) Where any person is registered under Part I of the Motor Traffic Act (Chapter 203) as the new owner or the temporary owner of a motor vehicle, in respect of which notice of a period of non-user has been given under this section, that notice shall cease to be operative on the date of the registration of such new owner or temporary owner.

(5A) Where a person has not specified the period of non-user in any notice given under subsection (1) but, within fourteen days after the date of giving that notice, specified that period in writing, he shall be deemed to have specified that period in that notice.

(6) For the purposes of this Part "period of non-user" means any period specified in a notice given under subsection (1), and where any such period is extended or deemed to be extended under subsection (2), includes the period so extended or deemed to be extended.

Revenue licence to be carried on motor vehicles and produced when required.

14. The revenue licence issued for any motor vehicle

(a) or a facsimile of the original shall be displayed on the front of the motor vehicle and placed in a conspicuous position on the left or near side of the motor vehicle, so that the front of the licence and the writing thereon shall be clearly visible at all times to a person standing in front of the motor vehicle on the left or near side thereof;

(b) be made available for inspection on demand made by a police officer, Grama Niladhari, or examiner, or by any person authorized in writing by the Commissioner or the licensing authority:

Provided, however, that the revenue licence shall be removed from the vehicle and

produced when required by a court or the Commissioner for endorsement or retention.

Circumstance in which revenue licence becomes void. 15.

(1) The revenue licence for any motor vehicle shall become void if that motor vehicle is so altered that it is converted into a motor vehicle requiring a revenue licence

(a) which is of a class or description different from that of the first-mentioned revenue licence; or

(b) for which the licence fee is different from that for the first-mentioned revenue licence.

(2) The revenue licence for any motor vehicle shall become void on the date of the coming into force of a new revenue licence issued for that motor vehicle in order to authorize the use of that motor vehicle for a purpose not authorized by the first-mentioned revenue licence.

(3) A revenue licence to which subsection (4) of section 8 applies shall become void if in consequence of a change of possession of the motor vehicle for which that revenue licence has been issued, the said subsection ceases to apply to that revenue licence.

(4) A new revenue licence-

(a) to replace a revenue licence which is void under subsection (1) or subsection (3); or

(b) to authorize as indicated in subsection (2), the use of any motor vehicle for a purpose not authorized by the revenue licence replaced by the new revenue licence,

is in this Statute referred to as a new revenue licence which is necessary by reason of this section.

Surrender, cancellation and alteration of revenue licences. 16.

(1) The holder of a revenue licence may surrender it for cancellation to the licensing authority who issued it.

(2) Where, while the revenue licence for a motor vehicle is in force, the registration of that motor vehicle is cancelled under section 18 of the Motor Traffic Act (Chapter 203) the holder of that revenue licence may surrender it for cancellation to the licensing authority who issued it.

(3) Where a revenue licence-

(a) has been void under section 15, or;

(b) is a revenue licence to which subsection (2) of this section applies,

the licensing authority who issued that revenue licence may in writing order the holder of that revenue licence to surrender it to him for cancellation.

(4) Where it is necessary to make any alteration in a revenue licence, the licensing authority who issued that revenue licence, may in

writing order the holder of that revenue licence to return such licence to him for the purpose of making that alteration.

(5) The holder of a revenue licence in respect of whom an order under subsection (3) or subsection (4) is made shall comply with that order within fourteen days after it is communicated to him.

(6) Where a revenue licence -

(a) is surrendered under this section; or

(b) is replaced by a new revenue licence which is necessary by reason of section 15,

the licensing authority to whom the revenue licence is surrendered or whom issues the new revenue licence for the replaced revenue licence shall cancel by endorsement thereon under his hand the surrendered or the replaced revenue licence.

Refund of licence fee. 17.

(1) Where a new revenue licence which is necessary by reason of section 15(1) is issued for any motor vehicle, the person to whom the revenue licence which is replaced by the new revenue licence was issued shall be entitled to obtain from the licensing authority who issued the replaced revenue licence, a refund, subject to the deduction of a sum of five rupees, of one-twelfth part of the licence fee, paid by that person for the replaced revenue licence, in respect of each month of the period commencing from the date of the replaced revenue licence became void and ending on the next due date for the payment of licence fees. Every 30 days shall be computed as one month.

(2) Where the holder of a revenue licence for a motor vehicle, other than a revenue licence replaced by a new revenue licence which is necessary by reason of section 15 surrenders it for cancellation to the licensing authority who issued it, he shall be entitled to obtain from that licensing authority a refund, subject to the deduction of a sum of five rupees, of one-twelfth part of the licence fee paid by that person for the surrendered revenue licence, in respect of each month of the period commencing from the date on which the licence is surrendered and ending on the date on next due date for the payment of licence fee. Every 30 days shall be computed as one month.

(3) If any person who has paid to a licensing authority the licence fee for a revenue licence for a motor vehicle satisfies the licensing authority at any time before the issue of the revenue licence that such person is not required under this Statute to obtain such licence, he shall be entitled to a refund of that fee from that licensing authority.

(4) Where an applicant for a revenue licence pays to a licensing authority in revenue stamps, money or otherwise as the licence fee for that licence any sum in excess of that fee, he shall be entitled to obtain a refund of such excess from that licensing authority.

Dealer's licence. 18.

(1)

(a) The licensing authority of the area in which any

garage or place of business registered under section 42(1) of the Motor Traffic Act (Chapter 203) is situated within the Province shall, upon application in the prescribed form, and upon production of the dealer's certificate relating to that garage or place of business, and on payment of the licence fee at the rate prescribed for such licence, issue to the holder of that certificate such number of dealer's licences as he may require.

(b) Every dealer's licence within the Province shall be in the prescribed form, and the licensing authority shall assign to each licence issued in respect of each registered garage or place of business a dealer's licence number consisting of the garage number allotted to that garage or place of business and of a serial number, set out in such form as may be prescribed.

(2) A dealer's licence issued within the Province by any licensing authority shall be valid, for the purposes of this Statute only so long as the person to whom the licence was issued carries on business as a dealer in, or manufacturer or repairer of, motor vehicles at a registered garage or place of business situated within the administrative area of that authority.

(3) Subject to the provisions of subsection (2), a dealer's licence shall be valid until the thirty-first day of December of the year in respect of which it is issued.

(4) A licensing authority shall not issue any dealer's licence in any year to any person who is not the holder of a dealer's certificate for that year.

Use of motor
vehicle under
dealer's licence. 19.

(1) A dealer's licence shall authorize the use of a motor vehicle which belongs to the dealer or is entrusted to him for sale or repair, and is being tested or is being used for the purposes of effecting a sale within the Province:

Provided, however, that no such licence shall be deemed to authorize the carriage on any motor vehicle of passengers or goods for fee or reward, on of any person other than a person testing or inspecting the vehicle with a view to the purchase thereof.

(2) A motor vehicle sold by a person who is the holder of a dealer's certificate may, under the authority of a dealer's licence issued to that person, be used by the purchaser of the motor vehicle during the ten days next following the sale for any purpose other than the carriage of passengers or goods for fee or reward:

Provided, however, that the use of the motor vehicle by the purchaser under the authority of a dealer's licence shall be, and shall be deemed to have, been, a contravention of the provision of subsection (1) unless the purchaser, within the three days next following the sale -

(a) in the case of a motor vehicle for which a revenue

licence is not in force, makes application under section 7 for a revenue licence for that vehicle;

(b) in the case of a motor vehicle for which a revenue licence is in force, makes application under section 12 of the Motor Traffic Act (Chapter 203) for registration as the new owner of that vehicle.

(3) Where any motor vehicle is used under the authority of a dealer's licence -

(a) that licence shall be carried on the motor vehicle in the manner provided in section 14;

(b) two identification plates, each bearing the dealer's licence number assigned to that licence under section 18(1), shall be affixed to the motor vehicle in accordance with such of the prescribed provisions as may be applicable to a motor vehicle of that class or description.

(4) Where a motor vehicle, sold by a person who is the holder of a dealer's certificate, is used after the sale under the authority of a dealer's licence issued to that person, the revenue licence subsequently issued for the motor vehicle shall be expressed to have come into force on the date of the sale, and the duty payable thereon shall be computed accordingly.

(5) The holder of a dealer's certificate -

(a) shall keep a record, in the prescribed form, of every occasion on which a motor vehicle is used under the authority of a dealer's licence issued to him; and

(b) shall where a motor vehicle is sold and used after the sale under the authority of any such licence, keep a record of the engine and chassis numbers of the motor vehicle, the name and address of the purchaser, the date and time of the removal of the motor vehicle after the sale and the number assigned to that licence under section 18(1), and shall forward a duplicate of the record to the Commissioner immediately after the sale; and

(c) shall produce the record for inspection whenever required so to do by any police officer or by any person authorized in writing by the Commissioner or the licensing authority.

Temporary licence 20.
for visitor's motor
vehicle.

(1) The Commissioner, if he is satisfied, upon application made in the prescribed form, that any motor vehicle has been imported into Sri Lanka from a Port or Harbour within the Province -

(a) for participation in a motor sports meet approved by the Commissioner, or

(b) for the purpose of being used by the owner of that vehicle during visit to Sri Lanka, may, notwithstanding that no person has been registered as the owner of that vehicle, issue to the owner a visitor's temporary licence in the prescribed form, authorizing the possession and use of the motor vehicle for a period not exceeding three months from the date of importation.

(2) No visitor's temporary licence shall be issued under this section except upon payment of the prescribed fee; and every fee paid for a temporary licence shall be credited to the Provincial Fund.

Restrictions on use 21.
of motor vehicle in
contravention of
revenue licence.

(1) No person shall use any motor vehicle within the Province for any purpose not authorized by the revenue licence for the time being in force for that vehicle, or in contravention of any of the conditions contained in that licence.

(2) The Commissioner may issue a permit for the purpose of -

(a) authorizing a motor car or a motor tricycle to be used for a specified period for the carriage of samples of goods not exceeding one hundred kilogrammes in weight; or

(b) authorizing a motor car or a motor tricycle to be used for a specified period for the carriage of mails or newspapers; or

(c) authorizing an omnibus to be used, subject to such conditions as may be specified in the permit for the carriage of mails or newspapers.

(3) Regulations may be made empowering the Commissioner, in any case not provided for in subsection (2), to issue a permit authorizing the use of any motor vehicle for any specified purpose not authorized by the revenue licence for the time being in force for that vehicle, and prescribing the conditions subject to which any such permit may be issued.

(4) No person shall be deemed to have contravened the provisions of subsection (1) by reason only of the use of a motor vehicle in accordance with any permit issued under subsection (2) or under any regulation made under subsection (3).

PART II

Insurance Against Third-party Risks

Users of motor 22.
vehicles to be
insured or secured
against third-party
risks

(1) Save as is otherwise provided in subsection (2), no person shall use or drive, or cause or permit any other person to use or drive, a motor vehicle on a highway within the Western Province unless there is in force in relation to the use of the vehicle by that person or

that other person, as the case may be, a policy of insurance, or a security, in respect of third-party risks, in conformity with the requirements of this Part.

(2) The provisions of subsection (1) shall not apply in the case of a motor vehicle belonging to the State at any time when the motor vehicle is being used or driven for the purposes of the Government of Sri Lanka.

Requirements as to 23,
policies of
insurance.

(1) In order to conform to the requirements of this Part a policy of insurance, in relation to the use of a motor vehicle must be a policy which-

(a) is issued by an insurer (hereinafter referred to as an "authorized insurer") who is authorized by the Government of Sri Lanka, subject to such conditions as may be prescribed to issue policies of insurance for the purposes of this Part; and

(b) insures, in accordance with the provisions of paragraph (c) such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle on a highway; and

(c)

(i) in the case of a motor coach, covers any liability which is referred to in paragraph (b) and which may be incurred in respect of any one accident, up to an amount which shall not be less than twenty thousand rupees in respect of persons other than passengers, and up to an amount which shall not be less than two thousand rupees in respect of each passenger authorized to be carried therein;

(ii) in the case of a lorry, covers any liability which is referred to in paragraph (b) and which may be incurred in respect of any one accident, up to an amount which shall not be less than twenty thousand rupees; or

(iii) in the case of any other motor vehicle, covers any such liability which is referred to in paragraph (b) as may actually be incurred:

Provided that nothing in this subsection shall be deemed to require any such policy to cover-

(i) liability in respect of the death of any person in the employment of a person insured by the policy, or in respect of bodily injury sustained by any person so

employed, where such death or injury arises out of and in the course of such employment;

(ii) except in the case of a motor vehicle in which passengers are carried for fee or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise; or

(iii) any contractual liability.

(2) The conditions prescribed for the purposes of paragraph (a) of subsection (1) may include a condition requiring a deposit to be made by an insurer.

(3) Notwithstanding anything in any other law to the contrary, an insurer issuing a policy of insurance for the purposes of this Part shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or class of persons.

(4) A policy of insurance shall be of no effect for the purposes of this Part unless and until there is issued by the insurer to the person by whom the policy is effected a certificate in the prescribed form containing such particulars of any conditions subject to which the policy is issued and of such other matters as may be prescribed.

(5) In this Part the expression "policy of insurance" includes a covering note.

Requirements as to 24. securities.

(1) In order to conform to the requirements of this Part a security in relation to the use of a motor vehicle must-

(a) be given either by an authorized insurer or by some person or body of persons carrying on in Sri Lanka or in any other part of the Commonwealth countries the business of giving such undertakings as are referred to in paragraph (b), and authorized by the Government of Sri Lanka, subject to such conditions as may be prescribed, to give such security for the purposes of this Part; and

(b) consist of any undertaking by the giver of the security, subject to any conditions specified therein, to make good, up to an amount prescribed by section 23(1)(c), in the case of a policy of insurance relating to a motor vehicle of that class, any failure on the part of the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security, duly to discharge any such liability required by section 23(1) to be covered by a policy of insurance, as may be incurred by him or them.

(2) The conditions prescribed for the purposes of paragraph (a) of

subsection (1) may include a condition requiring a deposit to be made by any person or body of persons desiring to be authorized to give security for the purposes of this Part.

(3) A security shall be of no effect for the purposes of this Part unless and until there is issued, by the person or body of persons giving the security to the person to whom it is given, a certificate in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of such other matters as may be prescribed.

Certain conditions 25.
in policies or
securities be of no
effect.

(1) Where a certificate of insurance has been issued in connexion with a policy of insurance, so much of the policy as purports to restrict, or attach conditions, to the insurance of any person insured thereby shall, save as is otherwise provided in subsection (4), be of no effect as respects any such liability as is required to be covered by section 23 (1)(b).

(2) Any condition in a policy of insurance effected for the purposes of this Part, providing that no liability shall arise under the policy, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connexion with any claims in respect of any liability mentioned in section 23(1)(b)..

(3) Nothing in subsection (1) or subsection (2) shall be deemed to render void any provision in a policy of insurance requiring the person insured to repay to the insurer any sums which the insurer may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

(4) Nothing in subsection (1) shall apply in the case of any condition in a policy of insurance, being a condition which-

(a) excludes the use of the motor vehicle to which the policy relates-

(i) for business purposes, except by the insured, or by some other named individual, in person;

(ii) for business purposes, other than the business purposes of the insured;

(iii) for the carriage of goods or samples in connexion with any trade or business;

(iv) for the carriage of persons, or goods for fee or reward;

(v) for organized racing or speed testing;

(vi) on a contract of letting and hiring;

(b) provides that the motor vehicle shall not be driven by a person other than -

(i) the insured "or any person driving with his express or implied permission;

(ii) the insured or any person employed by him;

(iii) any person or persons named in the policy;

(c) provides that the motor vehicle shall not be driven by -

(i) any person or persons named in the policy;

(ii) any person who is not the holder of a driving licence;

(iii) any person whose driving licence has been cancelled or suspended or who is for the time being disqualified for obtaining a driving licence; or

(d) in the case of a motor cycle which has no side car attached thereto, provides that no person other than the driver shall be carried thereon;

(e) excludes liability for injury caused or contributed to by conditions of war, riot or civil commotion.

(5) Where a person, who has completed eighteen years of age, drives any motor vehicle in accordance with the conditions set out in section 45(2) for the purpose of learning to drive a motor vehicle, no condition inserted under paragraph (c) (ii) of subsection (4) in the policy of insurance relating to that vehicle shall be of any effect as respects any such liability, as is required to be covered by section 23(1) (6), and as may be incurred while the motor vehicle is driven by that person.

Production of certificate of insurance or certificate of security on application for revenue licence.

26. Every applicant for a revenue licence for a motor vehicle other than a motor vehicle belonging to the State or a Provincial Council or a local authority, shall produce to the licensing authority a certificate of insurance or a certificate of security, as the case may be, to prove that on the date on which the licence is to come into operation there will be in force the necessary policy of insurance or the necessary security in relation to the use of the motor vehicle by the applicant or by other persons on his order or with his permission.

Requirements as to 27. production of certificate of insurance or of security.

(1) The driver of any motor vehicle on a highway shall, on being required so to do by any police officer, give his name and address and the name and address of the owner of the vehicle, and produce to: inspection the certificate of insurance or of security issued in respect of that vehicle:

Provided, however, that no person shall be deemed to have contravened the provisions of this subsection by reason only of the failure to produce such certificate, if before the expiry of a period of

five days from the date on which the production of the certificate was so required, he delivers the certificate in person for inspection at such police station as may have been specified by him on that date.

(2) The owner of a motor vehicle shall give such information as may be required by a police officer for the purpose of determine whether or not the vehicle was being driven in contravention, of section 22 on any occasion when the driver was required under subsection (1) to produce the certificate.

Duty of insurers to satisfy decree against persons insured in respect of third-party risks.

(1) If after a certificate of insurance has been issued under section 23 (4) to the persons by whom a policy has been effected, a decree in respect of any such liability as is required by section 23 (1) (b) to be covered by a policy of insurance. (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of sections 29 to 32 pay to the persons entitled to the benefit of the decree any sum payable thereunder in respect of that liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum under such decree.

(2) In this section, "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

Insurers to have notice of action.

29. No sum shall be payable by an insurer under the provisions of section 28 -

(a) in respect of any decree, unless before or within seven days after the commencement of the action in which the decree was entered, notice of the action had been given to the insurer by a party to the action; or

(b) in respect of any decree, so long as execution thereof is stayed pending appeal.

Non-liability of insurer where policy is cancelled before event.

30. No sum shall be payable by an insurer under the provisions of section 28 in connexion with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein and either-

(a) before the happening of the said event the certificate of insurance was surrendered to the insurer, or an affidavit stating that the certificate had been lost or destroyed, was made and delivered to the insurer by the persons to whom the certificate was issued; or

(b) after happening of the said event but before the expiration of a period of three months from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or an affidavit was made and delivered to the insurer by the person to whom the certificate was issued; or

(c) either before or after the happening of the said event, but within the said period of three months, the insurer has commenced proceedings under this Part in respect of the failure to surrender the certificate.

Declaration of non-liability for misrepresentation, &c. 31.

(1) No sum shall be payable by an insurer under section 28 if, in any proceedings commenced before or within three months after the institution of the action in which the decree was entered, he has obtained from a court of competent jurisdiction-

(a) a declaration that, apart from any provision contained in the policy, he is entitled to avoid is on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular; or

(b) if he has already avoided the policy on such ground, a declaration that he was entitled so to do apart from any provision contained in the policy:

Provided that an insurer who has obtained such a declaration as aforesaid in any such proceedings shall not thereby become entitled to the benefit of this section as respects any decree obtained in an action instituted before the commencement of those proceedings, unless before or within seven days after the commencement of those proceedings he has given notice thereof to the person who is the plaintiff in the said action specifying the non-disclosure or false representation on which he proposes to rely; and any person to whom notice of such proceedings is so given shall be entitled, if he thinks fit, to be made a party to the proceedings.

(2) In subsection (1) "material fact" and "material particular" mean respectively, a fact and a particular of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions.

Declaration of non-liability for breach of condition. 32.

No sum shall be payable by an insurer under section 28 in respect of any decree if, in proceedings commenced before or within three months after the institution of the action in which the decree was entered, the insurer has obtained from a court of competent jurisdiction a declaration that a breach has been established of a condition specified in the policy, being one of the conditions enumerated in section 25(4):

Provided that an insurer who has obtained such a declaration as aforesaid in any such proceedings shall not thereby become entitled to the benefit of this section as respects any decree obtained in an action instituted before the commencement of those proceedings, unless before or within seven days after the commencement of those proceedings he has given notice thereof to the person who is the plaintiff in the said action specifying the breach of condition on which he proposes to rely; and any person to whom notice of such proceedings is so given shall be entitled, if he thinks fit, to be made a party to the proceedings.

Recovery of excess amount paid by insurer. 33.

If the amount which an insurer becomes liable under section 28 to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of that section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

Further rights of third-parties and effect of death on certain causes of action. 34.

(1) No settlement made by an insurer in respect of any claim which might be made by a third-party in respect of any liability of the nature referred to in section 23 (1) (b) shall be valid unless such third-party is a party to the settlement.

(2) Notwithstanding anything contained in any other law, the death of a person to whom a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Part, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.

Rights of third-parties against insurers on insolvency of the insured. 35.

(1) Where under any policy of insurance effected for the purposes of this Part, a person is insured against any liability which he may incur to a third-party, then -

(a) in the event of the insured person being adjudged insolvent or making a composition or arrangement with his creditors; or

(b) where the insured person is a company, in the event of a winding up order being made or a resolution for a voluntary winding up being passed with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, * if, either before or after that event, any such liability to any third-party is incurred by the insured person, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything contained in any other law to the contrary, be transferred to and vest in the third-party to whom the liability is so incurred.

(2) Where any condition in a policy issued for the purposes of this Part purports either directly or indirectly to avoid the policy or to alter the rights of the parties thereunder upon the happening to the insured person of any of the events specified in paragraph (a) or paragraph (b) of subsection (1), such condition shall be of no effect.

(3) Upon a transfer of rights under subsection (1), the insurer shall be under the same liability to the third-party as he would have been to the insured person:

Provided, however, that-

(a) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third-party, nothing in this Part shall affect the rights of the third-party against the insured person in respect of the balance,

(b) if the liability of the insurer to the insured person is less than the liability of the insured person to the third-party, nothing in this Part shall affect the rights

of the third-party against the insured person in respect of the balance.

Duty to give information as to insurance. 36.

(1) Every person, against whom a claim is made in respect of any liability referred to in section 23(1)(b), shall on demand made by or on behalf of the person making the claim, state whether or not he is insured in respect of that liability by any policy issued for the purposes of this Part, or would have been so insured if the insurer has not avoided or cancelled the policy, and shall, if he is or would have been so insured, give such particulars with respect of that policy as were specified in the certificate of insurance issued in respect thereof.

(2) In the event of any insured person being adjudged insolvent or making a composition or arrangement with his creditors, or, where the insured person is a company, in the event of a winding up order being made or a resolution for a voluntary winding up being passed with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge, it shall be the duty of the insolvent, debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property, to give at the request of any person claiming that the insolvent, debtor or company is under such liability to him as is covered by the provisions of this Part, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by section 14 of the Motor Traffic Act (Chapter 203), as amended from time to time, and for the purpose of enforcing such rights, if any; and any condition in a policy of insurance in so far as it purports whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If the information given to any person in pursuance of this section discloses ground for supposing that there have been or may have been transferred to him under section 35 rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by this section on the persons therein mentioned.

(4) The duty imposed by this section to give information shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents, in the possession or power of the person on whom the duty is so imposed, to be inspected and copies thereof to be taken.

Settlement between insurers and insured persons.

37. Where a person who is insured under a policy of insurance issued for the purposes of this Part has been adjudged insolvent, or where, if such insured person is a company, a winding up order has been made or a resolution for voluntary winding up has been passed with respect to the company, no agreement made between the insurer and the insured person after liability has been incurred to a third-party and after the commencement of the proceedings in insolvency or of the winding up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights

transferred to the third-party under section 14 of the Motor Traffic Act (Chapter 203), as amended from time to time, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Insolvency of insured person not to affect claims by third-parties.

38. Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in section 35(1) shall, notwithstanding anything contained in that section or in section 36, or section 37, not affect any liability of that person of the nature referred to in section 23 (1)(b); but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 35 and 36 on the person to whom the liability was incurred.

Application of sections 35, 36 and 37.

39.

(1) For the purposes of sections 35, 36 and 37 the expression "liabilities to third-parties" in relation to a person insured under any policy of insurance shall not include any liability of that person in the capacity of insurer under some other policy of insurance.

(2) The provisions of sections 35, 36 and 37 shall not apply -

(a) where a company is wound-up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or

(b) to any case to which subsections (1) and (2) of section 24 of the Workmen's Compensation Ordinance apply.

Duty to surrender certificate on cancellation of policy.

40. Whenever the period of cover under a policy for insurance issued for the purposes of this Part is terminated or suspended by any means before its expiration by effluxion of time, the insured person shall, within seven days after such termination or suspension, deliver to the insurer by whom the policy was issued the latest certificate of insurance given by the insurer in respect of the said policy, or, if the said certificate has been lost or destroyed, make and deliver to the insurer an affidavit to that effect.

Duty of insurer to notify Commissioner of cancellation or suspension of the policy.

41. Whenever a policy of insurance issued for the purposes of this Part is cancelled or suspended by the insurer who has issued the policy, the insurer shall within seven days notify such cancellation or suspension to the Commissioner or to such other authority as may be prescribed.

Application of this Part to securities.

42. The provisions of section 25 and of sections 28 to 41 shall apply in relation to securities having effect under this Part as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in any of those sections to being insured, to a certificate of insurance, to an insurer, and to persons insured, shall be construed respectively as references to the having in force of the security, to the certificate of security, and to the persons whose liability is covered by the security.

Application of deposits.

43. No part of any sum which may be deposited by any insurer or any person or body of persons in accordance with any regulation made for the purposes of section 23 or section 24 shall, so long as any liabilities, which have been incurred by him, being such liabilities as are required to be covered by a policy of insurance under this Part, have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

Regulations for the purposes of this

44. Regulations may be made for or in respect of all or any of the following matters:-

Part.

- (a) all matters stated or required in this Part to be prescribed;
- (b) the forms to be used for the purposes of this Part;
- (c) the conditions subject to which an insurer or a person or body of persons giving security may be authorized for the purposes of section 23 or section 24, and the amount of the deposit that may be required and the person with whom and the manner in which such deposit is to be made and kept;
- (d) applications for and the issue of, certificates of insurance or of security; the custody, production, cancellation and suspension of such certificates, and the issue of duplicates of such certificates;
- (e) the records to be kept by insurers and by persons giving securities for the purposes of this Part, and the information to be furnished to the Commissioner and to licensing authorities by such insurers and persons;
- (f) the adaptation or modification of any of the provisions of this Part for the purpose of the application of such provision in the case of motor vehicles imported for use in Sri Lanka by visitors making a temporary stay in Sri Lanka;
- (g) all matters connected with or incidental to the matters specifically referred to in this section; and
- (h) all such other matters as may be necessary for carrying out or giving effect to the principles and provisions of this Part.

PART III

REGULATION OF PASSENGER CARRIAGE AND GOODS CARRIAGE Service within the Province

(Use of Motor Vehicles within the Province)

Prohibition of
driving without
driving licence. 45.

- (1) Subject to the provisions of subsection (2) -
 - (a) no person shall drive motor vehicle of any class on a highway unless he is the holder of an effective driving licence which is valid for motor vehicles of that class; and
 - (b) no person shall employ or permit any other person to drive a motor vehicle of any class on a highway unless the person so employed or permitted is the holder of an effective driving licence which is valid for motor vehicles of that class.
- (2) For the purpose of learning or being permitted to drive a motor vehicle, a person, notwithstanding that he is not the holder of a

driving licence, may -

(a) where he has completed the age of eighteen years, drive on a highway any motor vehicle, other than a motor tricycle van, motor coach, or lorry;

(b) where he has completed the age of twenty-one years, drive on a highway any motor tricycle van, motor coach, or lorry:

Provided, always that-

(i) no person other than the person learning to drive and the person instructing him and no goods, as the case may be, are carried in any such motor vehicle;

(ii) the holder of an effective driving licence which is valid for motor vehicles of that class accompanies him for the purpose of instructing him and seated at his side: Provided, however, that the requirements herein shall not apply to motor cycles and tractors;

(iii) there is carried above each identification plate fixed on the vehicle in such manner as not to obstruct any such identification plate, a white board or plate bearing the letter "L" painted thereon in red, the vertical line and which letter shall be 18 centimetres the horizontal line 13 centimetres and the thickness 2 centimetres.

Driving licence to 46.
be carried by
driver and
produced when
required.

(1) The driver of a motor vehicle shall always carry his driving licence on his person or in the motor vehicle and shall, on demand made by a police officer, forthwith produce the licence and permit it to be inspected:

Provided, however, that no person shall be deemed to have contravened the provisions of this subsection, if he proves to the satisfaction of the court that his licence had at the time of the alleged contravention been forwarded to the relevant authority for an extension of its validity.

(2) Every holder of a driving licence who is charged before any court with any offence under this Statute, or with any offence under any other written law committed in connexion with the driving of a motor vehicle, shall take the licence with him to the court and shall, if he is, convicted of the offence, forthwith produce the licence to the court for the purpose of endorsement under section 47.

(3) Where a driving licence is not produced in accordance with the provisions of subsection (2), the court may make order disqualifying the holder of that licence for driving a motor vehicle until the licence is produced to the court.

(4) Where a driving licence is produced to a police officer at any investigation made by him into an offence alleged to have been committed in connexion with the driving of a motor vehicle by the person who is the holder of the licence, the police officer may take charge of such licence for the time being and issue to such person a

permit under his hand, in the prescribed form and setting out the prescribed particulars.

(5) A permit issued under subsection (4) shall be deemed to be sufficient authority for the person to whom it is issued to drive a motor vehicle, notwithstanding that he is not in possession of a driving licence, for such period not exceeding sixty days as may be specified in the permit by the police officer, and for such further period or periods as the court before which he is charged may specify by endorsement made on the permit.

(6) Every driving licence taken by a police officer under subsection (4) shall-

(a) where it is subsequently decided that no charge should be preferred against the holder thereof, be returned to him within a week after such decision is taken; or

(b) where a charge is preferred, be returned to him, unless it is cancelled or suspended by the court, within a week after the final disposal of the charge.

Suspension or
cancellation of
driving licences
and order
disqualifying
persons for
obtaining licences.

47.

(1) Subject to the provisions of subsection (2), any court before which a person is convicted of any offence under this Statute, or of any offence under any other written law committed in connexion with the driving of a motor vehicle, may in addition to any other punishment which it may lawfully impose for that offence-

(a) if the person convicted is the holder of a driving licence, suspend the licence for a specified period not exceeding two years, or cancel the licence; or

(b) if the person convicted is not the holder of a driving licence declare him to be disqualified for obtaining a driving licence for a specified period.

(2) Where the driving licence of any person convicted of the offence of contravening any of the provisions of subsections (1) and (2) of section 60, or of any offence in connexion with the driving of a motor vehicle punishable under section 272 or section 328 of the Penal Code, contains at the time of such conviction endorsements, made after the 1st day of January, 1941, under the Motor Car Ordinance, No. 45 of 1938, or made under this Statute in respect of not less than two and not more than four previous convictions of any of those offences or of the offence of contravening any of the provisions of any such enactment corresponding to the provisions of subsections (1) and (2) of section 60, the court shall either cancel the licence or suspend the licence for a stated period, which shall be not less than six months nor more than two years; and where the licence contains at the time of such conviction endorsements so made in respect of five previous convictions of any of the offences aforesaid, the court shall cancel the licence.

Prohibition of
driving motor
vehicles while
suspension orders
or cancellation

48. No person shall drive a motor vehicle on a highway at any time while any order suspending or cancelling his driving licence or declaring him to be disqualified for obtaining a licence, is in force.

orders are in force.

Speed limits. 49.

- (1) A motor coach or lorry shall not be driven-
 - (a) on any highway within an urban area, at a greater speed than thirty-two kilometres per hour; or
 - (b) on any highway outside an urban area, at a greater speed than fifty-six kilometres per hour.
- (2) A land vehicle shall not be driven on any highway at a greater speed than twenty-four kilometres per hour.
- (3) A motor tricycle or a motor tricycle van, shall not be driven on any highway at a greater speed than thirty-two kilometres per hour.
- (4) A motor vehicle of any class or description to which subsections (1), (2) and (3) do not apply shall not be driven-
 - (a) on any highway within an urban area at a greater speed than fifty-six kilometres per hour, or
 - (b) on any highway outside an urban area at a greater speed than seventy-two kilometres per hour.

No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes if the observances of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

Regulations as to speed limits different from those set out in section 49. 50.

- (1) Regulations may be made, as respects all highways or the highways in any specified area or any specified highway or part of a highway, prescribing for all motor vehicles or any specified class or description of motor vehicles or any specified motor vehicles, speed limits more stringent, or in excess of, the limits set out in section 49.
- (2) No motor vehicle, to which any regulation made under subsection (1) applies, shall be driven at a speed exceeding the limit prescribed by the regulation on any highway or part of a highway in respect of which the regulation is made.

Exemptions from, and relaxation of speed limits. 51. Regulations may be made in respect of all highways or the highways in any specified area or any specified highway-

- (a) prescribing for all motor vehicles or any specified class or description of motor vehicles, or any specified motor vehicle, speed limits less stringent than those set out in section 49; or
- (b) exempting, subject to such conditions as may be prescribed, all motor vehicles or any specified class or description of motor vehicles or any specified motor vehicle, belonging to or exclusively employed in the service of the Government of Sri Lanka or any Provincial Council or of any local authority, from the provisions of section 49.

Regulations for 52.
restriction of motor
traffic.

(1) Regulations may be made prohibiting, restricting or controlling the use of all motor vehicles or any specified class or description of motor vehicles on all highways or on the highways in any specified area or on any specified highway, or part thereof, so far as such prohibition, restriction or control is necessary for the safety or convenience of the public or the prevention of injury to or excessive wear of any highway or any bridge on any highway.

(2) No motor vehicle of any class or description, to which any regulation made under subsection (1) applies, shall be used in contravention of that regulation on any highway in respect of which that regulation is made.

Restriction of 53.
motor traffic on
highways outside
Colombo.

(1) Regulations may be made-

(a) declaring any specified highway outside Colombo to be suitable for use by-

(i) motor coaches; or

(ii) lorries having a tare exceeding one and one-half metric tons; or

(iii) articulated vehicles, trailers or six-wheeled motor vehicles; or

(iv) any other class or description of motor vehicles having a tare exceeding two and one-quarter metric tons; and

(b) prescribing the conditions or restrictions subject to which such motor vehicles may be used on such highway.

(2) No motor vehicle of any class or description specified in subsection (1) shall be used on any highway in the Province outside Colombo, unless such highway has been declared by regulation under that subsection to be suitable for use by that class or description of motor vehicles, or otherwise than in accordance with such conditions or restrictions as may be prescribed by that regulation:

Provided, however, that any motor vehicle of any class or description specified in subsection (1) may be used on any highway outside Colombo, which is in charge of the Road Development Authority or Western Province Provincial Road Development Authority or Irrigation Department or Provincial Irrigation Department or any local authority, and which has not been declared by regulation under that subsection to be suitable for such traffic, if the use of such vehicle on such highway has been authorized by a permit issued by the Chairman of the Road Development Authority or the Chairman of Western Province Provincial Road Development Authority or the Director of Irrigation or the Provincial Director of Irrigation or the Mayor or Chairman of the local authority or any officer authorized in that behalf by that Chairman, Director, Mayor

or Chairman, as the case may be, on the ground that such use is necessary-

(a) for the purpose of carrying goods belonging to or intended for the exclusive use of the Government of Sri Lanka or a Provincial Council;

(b) for the purpose of carrying furniture or household goods to or from any premises to which such highway is the only means of access;

(c) for the purpose of proceeding to any other highway which had been declared by regulation to be suitable for such traffic;

(d) for the purpose of proceeding to or returning from places of pilgrimage; or

(e) for such other purpose as may be prescribed.

Condition of motor vehicles. 54. No motor vehicle shall be used on any highway unless it is in all respects in such a condition that it will not cause or be likely to cause, danger to any person in the vehicle or on the highway or using the highway, or to any property on or adjoining the highway.

Regulations as to lights on motor vehicles. 55. Where the Minister is satisfied that any highway or part of a highway is adequately lighted for motor traffic by street lamps, regulations may be made prohibiting the use, on that highway, or part of a highway, of dimmed headlights; and on any highway or part of a highway in respect of which such regulations have been made, no headlight throwing its rays forward shall, so long as the street lamps are alight, be used on a motor vehicle unless the glare of such headlight is effectively dimmed or prevented in such manner or by such device as may be prescribed.

Motor vehicles to be driven in accordance with section 57. 56.

(1) No person shall drive a motor vehicle on a highway in contravention of any of the provisions of section 57.

(2) It shall not be a sufficient defence for the driver of a motor vehicle in any prosecution entered against him for a contravention of any of the provisions of section 57 to prove that he has complied with the provisions of section 62.

Rules of the roads. 57.

(1) A motor vehicle being driven shall be kept to the left or near side of the road except when such vehicle in overtaking other traffic or turning right:

Provided, however, that on a highway which permits the flow of traffic in the same direction in three or more parallel lanes which are demarcated, vehicles may be driven along two parallel lanes in the same direction except the lane closest to the centre of the road:

Provided further, that vehicles being driven on parallel lanes should not be driven from one parallel lane to another in such a manner as to cause obstruction to other traffic.

- (2) A motor vehicle being overtaken by other traffic shall be driven so as to allow such other traffic to pass it.
- (3) A motor vehicle shall not be driven so as to overtake other traffic unless the driver of the vehicle has a clear and unobstructed view of the road ahead of him.
- (4) A motor vehicle overtaking other traffic shall be kept on the right off side of such other traffic: Provided, however, that a motor vehicle may pass or overtake a vehicle, or an animal which is being led or driven, on the side which in all the circumstances appears reasonable to be the safer side at that time.
- (5) A motor vehicle shall not be driven alongside of or overtake, other traffic proceeding in the same direction, in such manner as to obstruct any traffic proceeding in the opposite direction.
- (6) A motor vehicle shall not be driven so as to cross or commence to cross a highway, or be turned in a highway, in such manner as to obstruct any traffic on the highway.
- (7) A motor vehicle proceeding from a place which is not a highway into a highway, or from a highway into a place which is not a highway, shall not be driven in such manner as to obstruct any traffic on the highway.
- (8) A motor vehicle proceeding from any highway to any other highway shall not be driven in such manner as to obstruct any traffic on such other highway.
- (9) A motor vehicle which, at the intersection of two or more highways, turns into or crosses the highway declared and indicated by a notice under section 59 to be the main road shall not be driven in such manner as to obstruct any traffic on that main road.
- (10) Where two or more motor vehicles approach, to arrive at, the intersection of two or more highways at the same time from different directions, and any two or more of the drivers thereof indicate their intersection, then, if traffic is not regulated at that intersection by a police officer or by means of light signals or of notices under section 59, no such motor vehicle shall be driven along that part of the area of intersection until any other such motor vehicle coming from the right or off side, has passed it.
- (11) Where two or more motor vehicles approach each other on a narrow highway, each of such vehicles shall be made to slow down for the purpose of allowing safe passage to the other vehicles or to any other traffic on the highway.
- (12) Unless otherwise directed by a police officer on duty a motor vehicle turning to the left from any highway into any other highway shall be kept as near as possible to the left edge of the highway in the manner indicated in the following diagram:-

(13) A motor vehicle turning to the right from any highway into any other highway shall, firstly, be positioned for the manoeuvre by being driven, ridden or pushed nearly parallel to the centre of the road. At the same time the driver shall signal his intention to turn right. On reaching the point of turn, which should be close to the centre of the intersection of the two highways he shall proceed to complete the manoeuvre by turning right into the other highway, having ascertained that his path is clear of on-coming traffic.

Where there is any structure at the above-mentioned intersection, the manoeuvre shall be completed keeping such structure on the right of the motor vehicle unless otherwise ordered by & police officer.

(14) A motor vehicle shall stop before entering a main road from some place and at the transverse coloured lines drawn for stopping vehicles.

General duty of driver to avoid accidents. 58.

(1) Notwithstanding anything contained in section 57, it shall be the duty of the driver of every motor vehicle on a highway to take such action as may be necessary to avoid any accident.

(2) The breach by the driver of any motor vehicle on a highway of any of the provisions of section 57 shall not be deemed to exonerate the driver of any other motor vehicle on the highway at that time from any breach of the duty imposed on him by subsection (1).

Declaration of main roads. 59.

(1) Regulations may be made declaring which of two or more intersecting highways shall be deemed to be the main road.

(2) Warning notices, in such form as may be prescribed, shall be exhibited and maintained by the authority responsible for the highway at suitable places on intersecting highways for the purpose of indicating each main road declared under this section.

Driving after consumption of alcohol or drugs and reckless or negligent driving. 60.

(1) No person shall drive a motor vehicle on a highway after he has consumed alcohol or any drug.

(1A) No person shall drive any omnibus or any other vehicle intended for the carriage of persons for fee or reward on a highway after he has consumed alcohol or any drug.

(1B) Any person who drives a motor vehicle on a highway after he has consumed alcohol or any drug and thereby causes death or injury to any person, shall be guilty of an offence under this Statute.

(1 C)

(a) Where a police officer suspects that the driver of a motor vehicle on a highway has consumed alcohol he may require such person to submit himself immediately to a breath test for alcohol or to an examination by a Government or Provincial Council Medical Officer to ascertain whether that person has

consumed alcohol and that person shall comply with such requirement.

(b) Where a breath test for alcohol or an examination by a Government or Provincial Council Medical Officer reveals that such person has consumed alcohol or where such person refuses to submit himself to such test or examination it shall be presumed that such person has consumed alcohol unless evidence to the contrary has been adduced.

(c) Where a police officer suspects that the driver of a motor vehicle on a highway has consumed liquor or any drug it shall be lawful for the police officer to produce such person before a Government or provincial Council Medical Officer for examination and that person shall comply with such requirements.

(d) The report of a Government or Provincial Council Medical Officer to the effect that the driver of a motor vehicle on a highway has ' consumed any drug shall be sufficient evidence of that fact that such person has consumed any drug unless evidence to the contrary has been adduced.

(e) Where such person refuses to submit himself to any such examination by the Government or Provincial Council Medical Officer it shall be presumed that he was driving after the consumption of drugs unless evidence to the contrary has been adduced.

(1CC) Where a police officer has reasonable grounds to believe that any person has committed an offence under this section, he may, without a warrant, arrest such person. Provided however that such police officer shall as soon as possible produce the arrested person before a police officer not below the rank of the inspector of police; who shall determine whether the arrest is in the circumstances justified or not and whether the arrested person needs to be medically examined in accordance with the regulations made in that behalf.

(1D) Regulations may be made prescribing-

(i) the mode and manner in which the breath test for alcohol shall be conducted;

(ii) the concentration of alcohol in a person's blood at or above which a person shall be deemed to have consumed alcohol;

(iii) the mode and manner in which any examination may be conducted to ascertain whether a driver of a motor vehicle has consumed any drug; and

(iv) the concentration of any drug in a person's blood at or above which a person shall be deemed to have consumed any drug.

(2) No person shall drive a motor vehicle on a highway recklessly or

in a dangerous manner or at a dangerous speed.

(3) No person shall drive a motor vehicle on a highway negligently or without reasonable consideration for other persons using the highway.

Position of driver 61.
when driving
motor vehicle.

(1) No person shall drive a motor vehicle on a highway when he is in such a position that he has not or cannot have full control of the vehicle or a full and unobstructed view of the highway and the traffic ahead of the motor vehicle.

(2) The driver of a motor vehicle on a highway shall not permit any person to sit beside him in any position which obstructs or is likely to obstruct the view of a highway and the traffic ahead of the motor vehicle or which hinders or is likely to hinder the steering or the control of the vehicle.

(3) The driver of a motor vehicle shall not permit any person to sit or stand on the right hand side of the driver's seat if the vehicle is steered from the right or off side thereof, or on the left hand side of that seat if the vehicle is steered from the left or near side thereof.

(4) The driver of a motor vehicle shall have continuously both hands on the steering wheel or hand bars, as the case may be, except when changing gears or when giving necessary hand signals or manipulating essential vehicle controls.

Signals by drivers. 62.

(1) Signals given by drivers of motor vehicle shall be -

(a) operated by an electro-mechanical device which shall be illuminated both by day and by nights; such illumination shall be intermittent and be clearly visible both from the front and rear of the vehicle. The colour of the signal lights shall be amber (or white with the express authority of the Commissioner);

(b) operated by flashing the headlamps when indication of forward progress is intended.

(2) No lights of an intermittent or flashing pattern shall be used either outside or inside a vehicle, other than those mentioned in subsection (1).

(3) In the event of an unexpected failure of the warning device as set out in subsection (1), manual signals as prescribed in the regulations under this Statute shall be temporarily employed.

(4) The driver of a motor vehicle which has no electrically operated signals shall, before commencing to turn to or change direction towards the left, extend his right arm and hand horizontally straight out from the right, or off side with the palm turned to the front and rotate his arm from shoulder in an anti-clockwise direction. In the case of electrically operated vehicles such directions would be seen by operating the left-hand indicator.

(5) The driver of a motor vehicle may if he thinks fit

(a) in order to signal to an overtaking vehicle not to attempt to pass, extend his right arm and hand horizontally, straight out from the right or off side of the motor vehicle with the palm turned downwards and move the arm up and down;

(b) in order to signal to an overtaking vehicle to pass, extend his right arm and hand below the level of the shoulder from the right or off side of the vehicle with the palm turned to the front and move the arm backwards and forwards or when electrical signals are being operated, activate the left signal.

(6) When approaching a police officer on duty at the intersection of two or more highways, the driver of a motor vehicle shall extend his arm, in the direction in which he wishes to proceed, so as to be visible to the police officer or activate the relevant electrically operated signals.

(7) Regulations may be made requiring or authorizing the use of any signals other than those referred to in subsections (1), (2), (3), (4), (5) and (6).

Reversing of motor vehicles 63. The driver of a motor vehicle shall not reverse the vehicle or permit it to travel backwards on a highway for a longer distance than may be necessary for the purpose of turning that vehicle or for any other reasonable purpose.

Sound or light warnings 64.

(1) The driver of a motor vehicle on a highway shall give sufficient warning of the approach or position of the motor vehicle by sounding an efficient instrument whenever such warning is necessary for safety or by flashing the headlamp beams in a dipped position: Provided, however, that when a motor vehicle is stationary on a highway, no warning instrument affixed to that vehicle shall be operated except for the purpose of preventing an accident or ensuring the safety of the vehicle or its occupants.

(2) No whistle or horn, other than a horn sounding a signal note, shall, for the purposes of subsection (1) be sounded on any motor vehicle on any highway within the limits of an urban area.

(3) Regulations may be made prohibiting or restricting the use, for the purposes of subsection (1), of all warning instruments or any specified instrument, in any urban area or specified part thereof during any specified hours of the day.

(4) In any area in respect of which any regulation have been made under subsection (3), no person shall, notwithstanding the provisions of subsection (1), use any warning instrument in contravention of those regulations.

Riding on running boards, &c, of motor vehicles. 65. The driver of any motor vehicle on highway or, in the case of an omnibus, the conductor, shall not permit any person to ride, and no person shall ride, on the running boards, wings or fenders or on the outside of the motor vehicle except on a properly constructed seat or except for the purpose of testing the vehicle during or after repairs.

Riding in 65A. No conductor of an omnibus on a highway shall permit any passenger to ride,

omnibuses. and no passenger shall ride, in any omnibus except in seat provided for the use of passengers or in the gangway provided between two rows of seats in a single decked omnibus, or in the gangway provided between the rows of seats in the lower deck of a double decked omnibus.

Number of persons 66.
in front seats of
motor cars and
riding on the
pillion of motor
bicycles.

(1) The owner or driver of a motor car on a highway shall not cause or permit more than two persons in addition to the driver to ride in the front seat or seats of the car.

(2) The driver of a motor cycle which has no side car attached thereto shall not carry more than one person on the cycle when it is used on a highway, and such person shall not be carried otherwise than sitting astride the cycle on a seat securely fixed thereto behind the driver's seat.

(3) Every person who drives or is carried on a motor cycle shall wear securely on his head a protective helmet of a type approved by the Minister.

(4) Where a rider of a motor cycle carries on his motor cycle any other person who is not wearing a helmet of a type approved by the Minister under subsection (3), both such rider and such other person shall be guilty of an offence under this Statute.

Distribution of
advertisements,
&c.

67. The driver of a motor vehicle shall not permit any person to distribute, and no person who is in the motor vehicle shall distribute, any advertisement, leaflet or handbill from the vehicle while it is in motion on a highway.

Use of amplifying 68.
equipment and
loudspeakers.

(1) The driver of a motor vehicle which is in motion shall not use or permit any person to use, and no person in the motor vehicle shall use, any amplifying equipment with loudspeaker fitted to or carried in the vehicle:

Provided, however, that an amplifying equipment may be used in a motor vehicle which is in motion, if the volume of the sound emanating from such equipment is so regulated as to ensure that it is confined within the vehicle and intended for the hearing only of the occupants thereof.

(2) This section shall not apply in the case of any motor vehicle used for naval, military, air force or police purposes or for the purposes of the Department of Posts, the Department of Telecommunications or of any other prescribed department of Government or a Provincial Council or of the Sri Lanka Central Transport Board or any Regional Transport Board established by the Transport Board Law, No. 19 of 1978, or by the Ceylon Tourist Board or by any motor vehicle transporting tourists, if a permit authorizing the use of amplifying equipment with loudspeaker on such motor vehicle has been issued by the Commissioner.

Need to display
warning signs of
repairs of
highways.

69. It shall be the duty of a person who repairs or causes to repair a highway to provide signs and display lamps at night for the safety of users of such highway.

Duty in case of 70.

accident.

(1) Where in any accident due to the use of any motor vehicle on a highway any injury is caused to any person, animal or property, the following provisions shall have effect:-

(a) The driver of the motor vehicle shall -

(i) immediately stop the vehicle;

(ii) furnish his name and address, the name and address of the owner of the vehicle, the distinctive number of the vehicle and other particulars relating thereto, if requested so to do by any person in charge of the property or the animal to which, the injury has been caused, or by any police officer or Grama Niladhari; ,

(iii) in any case where the person to whom injury has been caused so requests, or if he is unconscious or if the injury caused to that person appears to endanger life, take that person immediately to a hospital or to a medical practitioner, and thereafter report the accident forthwith to the officer in charge of the nearest police station; and

(iv) in every case referred to in paragraph (iii), report the accident forthwith to the officer in charge of the nearest police station.

(b) The owner of the motor vehicle, whether or not he was present at the time of the accident, shall on demand by any police officer or Grama Niladhari, furnish all information in his possession as to the name, address, description, antecedents and whereabouts of the driver of the vehicle and of every person in the vehicle at the time of the accident, and every such owner who, in compliance with any such demand, gives any information which to his knowledge is false or in any particular misleading, shall be guilty of an offence under this Statute.

(c) Every person, other than the driver, who was in the vehicle at the time of the accident shall -

(i) furnish his name and address and all such information as may be in his possession as to the names and addresses of the driver and of the owner of the vehicle and the distinctive number of the vehicle and other particulars relating thereto, if requested so to do by any person to whom, or the owner or person in charge of the property or animal to which, the injury has been caused, or by any police officer or Grama Niladhari; or

(ii) within twenty-four hours of the

accident communicate his name and address and the fact that he was in the vehicle at the time of the accident to the officer in charge of a police station.

(2) Where in any accident due to the use of a motor vehicle on a highway any injury is caused to any person, and the driver of the motor vehicle on being requested so to do by a police officer or a Grama Niladhari, or by the person who has been injured or any other person acting on his behalf, does not at the time produce the certificate of insurance or of security relating to that vehicle -

(a) the driver shall, as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, produce such certificate for inspection at the nearest police station:

Provided, however, that no person shall be deemed to have contravened the provisions of this subsection by reason only of his failure to produce such certificate, if, before the expiry of a period of six days from the date on which the production of the certificate was so required, he produces the certificate in person at such police station as may have been specified by him on that date;

(b) the owner of the motor vehicle shall give such information as may be required by a police officer for the purpose of determining whether or not the vehicle was being driven in contravention of the provisions of section 22 at the time when the driver was required to produce the certificate.

Traffic direction and signals of police officer or traffic warden to be obeyed.

71. The driver of a motor vehicle shall obey all oral directions or hand signals, given by a police officer or a traffic warden in the execution of his duty, to stop or reverse the vehicle or to make it slow down or turn back or to pass on such side or to keep to such line of traffic as may be indicated by the police officer or traffic warden.

Motor vehicles to be stopped on request of officers in command of troops &c.

72. Whenever a request to stop any motor vehicle on a highway is made, either verbally or by raising the hand as a signal, by a person in command of a body of troops or having charge of any animal, the driver of the motor vehicle shall immediately stop the vehicle and keep it stationary so long as may be reasonably necessary.

Traffic signs and notices of police officer, local authority, Road Development Authority and Western Province Road Development Authority.

73.

(1) Subject to such regulations as may be made in that behalf under subsection (2), traffic signs and notices may be erected or exhibited on, or so as to be visible from, any highway-

(a) by order of a police officer not below the rank of Superintendent or Assistant Superintendent, for the purposes of any regulation of traffic; or

(b) by order of the local authority of any area in the case of a highway in charge of that local authority or in the case of a highway in charge of the Road

Development Authority or the Western Province Provincial Road Development Authority by order of the Chairman of such authority

(i) for the purpose of regulating the movement of traffic or indicating the route to be followed by traffic or for any other purpose relating to or connected with the use of motor vehicles on that highway; or

(ii) for the purpose of prohibiting, restricting or regulating traffic over any bridge or any section of the highway, which is in a dangerous condition or in course of repair, construction or reconstruction; or

(c) by order of the Sri Lanka Central Transport Board or a Regional Transport Board established under the Transport Board Law, No. 19 of 1978, or the Director of Omnibus Transport of the Western Province in concurrence with the Road Development Authority or Western Province Provincial Road Development Authority, the local authority and the police for the purpose of indicating -

(i) places set apart for the parking of omnibuses belonging to any such Board or private omnibuses; and

(ii) stopping places for omnibuses belonging to any such Board or private omnibuses.

(2) Regulations may be made prescribing the size, colour, type or form of traffic or form of traffic signs and notices, declaring the significance of such signs and notices, and restricting or regulating the erection and exhibition of such signs or notices for the purposes of this section.

(3) The driver of a motor vehicle shall obey all traffic signs or notices erected or exhibited under subsection (1) and intended to apply to all motor vehicles of the class or description to which that motor vehicle belongs.

(4) In any prosecution for a contravention of subsection (3), every traffic sign or notice erected, exhibited or provided on or so as to be visible from, any highway shall, unless the contrary is proved, be deemed to have been duly erected or exhibited under subsection (1).

(5) Save as provided in subsection (1), and except with the sanction of the local authority or the Road Development Authority or the Western Province Provincial Road Development Authority, as the case may be, and except in accordance with any regulation made under subsection (2), no person shall erect, exhibit or maintain on, or so as to be visible from, a highway, any traffic sign or notice appearing to be intended for the guidance of motor vehicles.

(6) For the purpose of this section, "traffic sign" includes a sign for

regulating by means of light signals the movement of traffic.

(7) In this section "local authority" includes a Pradeshiya Sabha and any such board, institution or corporation as is empowered by law to construct and maintain roads and is declared by the Government of Sri Lanka by notification published in the Gazette to be a local authority for the purposes of this section.

Precautions to be 74.
taken when petrol
is taken into tank.

(1) The engine of a motor vehicle shall be stopped and any light other than an electric light in or on the vehicle shall be extinguished before any petrol or other fuel is poured or discharged into the tank of the vehicle or into any receptacle in or on the vehicle.

(2) No person shall smoke, or carry a lighted pipe, cigar or cigarette, or light a match, in any motor vehicle for or within three yards of any motor vehicle or petrol pump, while any petrol or other fuel is being poured or discharged into the tank of the vehicle or into any receptacle in or on the vehicle.

Halting or parking 75.
of motor vehicles
on highway.

(1)

(a) A notice prohibiting, restricting or regulating the halting or parking of motor vehicles, or indicating any parking place set apart for motor vehicles, on any highway or part of a highway in any urban area, may be exhibited by or by order of the local authority of that area in a conspicuous position on, or so as to be visible from, that highway or part of a highway.

(b) For the purposes of any prosecution for an offence under this Statute, every notice in an urban area purporting to be exhibited under this subsection by or by order of the local authority of that area, shall unless the contrary is proved, be deemed to have been lawfully exhibited by the local authority.

(2) Regulations may be made at the request of the local authority of any urban area for the purpose of prohibiting, restricting or regulating the halting or parking of motor vehicles or for the purpose of regulating and controlling the use of any parking place set apart for motor vehicles, on any highway or part of a highway within that area; and where regulations are so made, the local authority shall not under subsection (1) exhibit any notice or cause any notice to be exhibited except in accordance with the regulations.

(3) Where the halting or parking of motor vehicles on any highway or part of a highway is prohibited by a notice exhibited under subsection (2), the driver of a motor vehicle shall not allow the vehicle to stand on that highway or part of a highway except for such length of time as may be necessary for the purpose of-

(a) obeying any traffic sign or notice erected or exhibited on that highway or part thereof by any officer or authority; or

(b) following in due order the movement of any

traffic on that highway or part thereof at that time; or

(c) allowing any person to alight from or to enter the motor vehicle; or

(d) loading goods into or unloading goods from the motor vehicle, subject to such restrictions as may be imposed by any regulation under subsection (2) applicable to that highway or part thereof as to the hours during which goods may be so loaded or unloaded.

(4) Where the halting or parking of motor vehicles on any highway or part of a highway is restricted by any notice exhibited under subsection (1) or any regulation made under subsection (2), the driver of a motor vehicle shall not allow that vehicle to stand on that highway or part of a highway except for one of the purposes specified in subsection (3), or otherwise than in such manner, or during any period other than such period, as may be specified in the notice or the regulation, as the case may be.

(5) Where the halting or parking of motor vehicles on any highway or part of a highway is not prohibited or restricted by any notice exhibited under subsection (1) or any regulation made under subsection (2), verbal directions or signals may be given by a police officer or Grama Niladhari for the purposes of the regulation of traffic on that highway or part of a highway, and the driver of a motor vehicle shall not allow that vehicle to stand on that highway or part thereof otherwise than in such position or for such time as may be indicated by the police officer or Grama Niladhari.

(6) On any highway or part of a highway to which sections (3), (4) and (5) do not apply the driver of a motor vehicle shall not allow that vehicle to stand in such position or for such length of time as to obstruct or to be likely to obstruct traffic.

(7) In this section "local authority" includes a Pradeshiya Sabha and any such board, institution or a corporation as is empowered by law to construct and maintain roads and is declared by the Government of Sri Lanka by notification published in the Gazette to be a local authority for the purpose of this section.

Precautions to be 76.
taken when motor
vehicle is halted or
left unattended or
disabled on a
highway.

(1) The driver of a motor vehicle shall, whenever the vehicle is halted or parked on a highway, place the vehicle as near as possible to the edge of the highway or in such position or such manner as may be indicated by a traffic sign or notice exhibited on or near the highway or by a police officer on duty.

(2) The driver of a motor vehicle shall, whenever it becomes necessary to leave the motor vehicle unattended while it is halted or parked on a highway, stop the engine before he so leaves the vehicle and take due precautions against its moving or being moved in his absence.

(3) Where it is necessary to leave on any highway any motor vehicle which is disabled by an accident, mechanical breakdown or tyre failure, the driver of the vehicle so left on a highway at night shall

illuminate the front and rear of the vehicle so as to indicate clearly the position of the vehicle on the highway.

(4) Where in the opinion of a police officer any obstruction is caused to traffic on any highway or public sidewalk by a motor vehicle halted, or parked on highway, or by any object, thing or material, such police officer may cause the motor vehicle causing such obstruction or such other object, thing or material to be removed and charge the cost of such removal to the owner.

(5) No police officer shall be held liable in damage for any damage caused in good faith in the course of the removal of a motor vehicle, object, thing or material under subsection (4).

Regulations for the
guidance of users
of roads. 77.

(1) Regulations may be made under this Statute prescribing a highway code comprising such directions as may appear to the authority empowered to make such regulations to be proper for the guidance of persons using roads and including directions relating to the prohibition, regulation and control of traffic.

(2) Notwithstanding anything in section 109 of this Statute, the contravention of any provision of the highway code prescribed by regulation under subsection (1) shall not of itself be an offence within the meaning of this Statute, but such contravention may, in any proceedings (whether civil or criminal, and including proceedings for an offence under this Statute) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.

Hours of work. 77A.

(1) No person shall drive, or cause or permit any person employed by him or subject to his orders to drive, any motor tricycle van or motor coach or lorry-

(a) for any continuous period of more than four and a half hours; or

(b) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving.

(2) For the purposes of subsection (1), any two or more periods of time shall be deemed to be a continuous period, unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment.

Public stands for
motor tricycle vans
omnibuses and
lorries. 78.

(1) The local authority for any urban area may provide one or more public stands within that area for the use of motor tricycle vans, omnibuses or lorries, or any specified class or description of motor tricycle vans, omnibuses or lorries.

Prohibition against
charging of excess 79. The owner, driver or conductor of any omnibus-

fares for omnibuses.

(a) shall not demand or receive from any passenger, in respect of any journey on any route or highway, any fare in excess of the fare authorized in respect of that route or highway by any condition of the stage carriage permit under the authority of which such omnibus is used; or

(b) shall not receive or agree to receive from any passenger in respect of any journey on any route or highway, any fare less than the fare authorized in respect of that journey by any condition of that permit.

Recovery of excess 80. fares.

(1) No person shall be bound by any agreement entered into by him to pay in respect of any journey on an omnibus any fare in excess of the authorized fare referred to in section 79 and any person who has paid any fare in excess of any such authorized fare as may be applicable to the case shall be entitled to recover the sum paid in excess from the person to whom such sum was paid.

(2) Where any person is convicted by any court of a contravention of the provisions of paragraph (a) of section 79 the court may, in addition to any other punishment which it may lawfully impose for that contravention, order the repayment of any sum paid to that person in excess of the highest authorized fare, or the authorized fare, or the fare agreed upon, as the case may be, and such sum shall be recoverable in like manner as a fine imposed by the court, notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

(3) Any passenger in an omnibus who has duly paid the fare for any journey shall, if the omnibus fails to reach his destination owing to a breakdown of the omnibus or to any fault or neglect of the owner or of any servant of the owner, be entitled on demand to recover the whole fare so paid.

(4) Where a fare is recoverable under subsection (3) the person who received the fare shall repay it on demand to the passenger who is entitled to recover it.

(5) Where any person is convicted of a contravention of subsection (4) the court may, in addition to any other punishment which it may lawfully impose for that contravention, order the repayment of the fare and such fare shall be recoverable in like manner as a fine imposed by the court notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

(6) Nothing in this section shall affect any civil remedy for the recovery of any fare or part of a fare which may be recoverable under the provisions of this section.

Recoveries of 81. fares.

(1) Where any person who is liable to pay any sum not exceeding fifty rupees justly due from him as the fare for a journey on any omnibus or claimed from him as damages for any injury wilfully caused by him to any omnibus during any such journey, fails or refuses to pay such sum on demand made by the owner of the omnibus, or any servant or agent authorized by the owner to receive

such sum, the Magistrate's court having jurisdiction over the place at which the journey began or ended or at which the journey occurred may, upon complaint made by the owner thereof, and upon summary proof of the facts alleged in that complaint order such person to pay to the owner the sum so due as fare or sum as damages for the injury and such costs and such compensation for loss of time incurred by the owner, driver or conductor of the omnibus in attending court, as the court may determine; and every sum ordered to be paid under this section shall be recoverable in like manner as a fine imposed by the court notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

(2) Any person dissatisfied with an order made by a Magistrate's court under this section may prefer an appeal to the Court of Appeal in like manner as if the order was a final order pronounced by a Magistrate's court in a criminal case or matter, and Chapter XXVIII of the Code of Criminal Procedure Act, No. 15 of 1979, shall, *mutatis mutandis*, apply to such appeal.

Property left in omnibuses.

82. Regulations may be made providing for the safe custody and re-delivery or disposal of property accidentally left by passengers in omnibuses, and prescribing the charges which may be made in respect thereof and the sums which may be paid by way of reward to the finders of such property.

Carnage of persons 83.
in excess of authorized number in private coaches and of goods other than personal luggage in motor cars or private coaches.

(1) Where the number of persons found at any time in a private coach on a highway exceeds the maximum number specified in the revenue licence for that private coach or where goods other than such goods as may be prescribed or the personal luggage of a person are found in a motor car or private coach on a highway, the driver thereof shall be guilty of an offence under this Statute:

Provided, however, that the preceding provisions of this subsection shall not apply in relation to the carriage of persons in any private coach on any day specified by the Minister by order published in the Gazette if the coach is used on that day in an area and for a purpose so specified.

(2) Where the number of persons found at any time in a motor car on a highway exceeds nine (including the driver thereof), the driver thereof shall be guilty of an offence under this Statute.

(3) For the purposes of this section-

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

(b) the driver of the car or coach, as the case may be, shall be reckoned as a person; and

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

(4) Regulations may be made defining the nature, description or weight of articles or packages which may be carried in motor cars and private coaches as personal luggage, and of goods other than

personal luggage, which may be carried in motor cars and private coaches.

(5) Where any motor car, motor tricycle or private coach is authorized by permit issued under section 21 to be used for the carriage of articles of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the motor car, motor tricycle or private coach of articles of that description.

Carriage of persons or passengers in excess of authorized number and of goods other than personal luggage in omnibuses.

84.

(1) Where the number of passengers found at any time in an omnibus on a highway exceeds the maximum number specified in the revenue licence for that omnibus, or where goods other than such goods as may be prescribed or the personal luggage of a passenger are found in an omnibus on a highway, the conductor of the omnibus shall be guilty of an offence.

(2) For the purposes of this section -

(a) the following persons shall not be reckoned as passengers-

(i) a child under three years of age not occupying a separate seat in an omnibus;

(ii) the driver of an omnibus;

(iii) the conductor of an omnibus; and

(iv) a ticket inspector employed by the owner of an omnibus and wearing a metal badge with the word "Inspector" legibly marked thereon;

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

(3) Regulations may be made defining the nature, description or weight of articles or packages which may be carried in omnibus as personal luggage, and of the goods, other than personal luggage, which may be carried in omnibuses.

(4) Where any omnibus is authorized by permit issued under section 21 to be used for the carriage of article of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the omnibus articles of that description.

Persons not to enter omnibus or private coach when full.

85. Where the driver or conductor of an omnibus or private coach at any time requests any person not to enter the omnibus or coach on the ground that it is at that time carrying the full number of persons or passengers, as the case may be, which may be carried thereon in accordance with the revenue licence therefor, that person shall not enter or attempt to enter the omnibus or coach.

Touting for passengers.

86. No owner, driver or conductor, or person acting on behalf of the owner, driver, or conductor, of an omnibus standing or plying for hire shall speak, make any noise, or

sound any instrument, in order to attract the attention of the public or of a possible passenger.

Register to be kept 87.
by owners of
omnibuses.

(1) The owner of every omnibus shall, unless exemption in respect of that omnibus has been granted in accordance with regulations, keep and maintain a register in the prescribed form and shall enter in the register the following particulars in respect of each occasion on which the omnibus is used on a highway:-

(a) the date on which and the time at which the omnibus leaves the owner's garage or premises and returns thereto;

(b) the name of the driver and the number of his driving licence; and

(c) the name of the conductor and the number of his conductor's licence.

(2) Every entry made in the register under subsection (1) shall be signed by the driver of the omnibus in respect of which the entry is made and shall also be signed by the conductor.

(3) Every register kept under this section shall be open to inspection on demand made by an examiner or by a police officer.

Record sheet to be
carried on each
omnibus.

88. The driver of every omnibus shall, unless exemption in respect of that omnibus has been granted in accordance with regulations,] carry therein on each occasion on which the omnibus is used for any journey, and produce for inspection whenever required so to do by a police officer, a record sheet in the prescribed form containing copies of the entries made in the register under section 87 in respect of that journey, and shall enter in such record sheet in the prescribed manner and at the prescribed intervals such further particulars, relating to that journey and the return journey, as may be prescribed.

Licensed
conductor to be
carried on omnibus
and issue of tickets
by him. 89.

(1) Save as is otherwise provided in subsection (3), a licensed conductor shall be carried in every omnibus used on any highway.

(2) The conductor shall have the word "CONDUCTOR" legibly marked on some conspicuous part of his clothing or wear in a conspicuous position a metal badge bearing the word "CONDUCTOR" in legible letters.

(3) The provisions of subsection (1) shall not apply in relation to an omnibus of the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, No. 19, of 1978, 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 getting down passengers.

(4) Save as is otherwise provided in subsection (3) the conductor of an omnibus shall issue to every passenger on payment of his fare a serially numbered ticket indicating the fare for the journey and either the starting point or destination of such passenger's journey, by name or by a number of the fare stage.

Carriage on lorry or motor tricycle van of goods in excess of maximum load or maximum axle load. 90.

(1) Where the weight of goods found at any time on a lorry or a motor tricycle van on a highway exceeds the maximum load or maximum axle load specified on the revenue licence for that lorry or motor tricycle van, or where the distribution of the load is such as to cause danger, the driver of the lorry or motor tricycle van shall, save as provided in section 109, be guilty of an offence under this Statute

(2) Where in the opinion of a police officer, any lorry or motor tricycle van on a highway carries goods the weight of which exceeds the maximum load specified on the revenue licence for that lorry or motor tricycle van, or carries goods loaded thereon in such a manner as is in the opinion of such police officer dangerous to any user of the highway such police officer may detain the lorry or motor tricycle, van, and-

(a) in any case where he is of the opinion that the lorry or motor tricycle van carries goods the weight of which exceeds the maximum load specified on the revenue licence for that lorry or motor tricycle van, remove or cause to be removed any such excess goods or part thereof and take all such necessary steps to ensure the safe custody of such goods until they are returned to the owner of the lorry or motor tricycle van or the owner of the goods; or

(b) in any case where the lorry or motor tricycle van carries goods loaded thereon in such a manner as is dangerous to any user of the highway cause the goods to be re-loaded in such a manner as is not dangerous to the users of the highway.

Persons who may be carried on a lorry. 91.

(1) Not more than five persons shall be carried on a lorry, in addition to the driver thereof, and no person shall be so carried on a lorry unless he is-

(a) the owner or hirer of the lorry; or

(b) the owner or hirer of the goods carried on the lorry; or

(c) th servant or agent of any one of the persons described in paragraphs (a) and (b):

Provided, however, that any six or more of the persons described in paragraphs (a), (b) and (c) may be carried on a lorry under the authority of a special permit issued for the purposes by a prescribed officer in his discretions:

And provided further that any number of persons, not being persons described in paragraphs (a), (b), and (c), may be carried on a lorry under the authority of a special permit issued for the purposes by the Commissioner in his discretion.

(2) Every special permit under subsection (1) shall be in the prescribed form and shall be subject to the conditions set out in that form.

Distinctive number of trailer. 92. Where any motor vehicle is used on any highway with a trailer attached to such vehicle, the trailer shall, in addition to the distinctive number of the trailer, also display the distinctive number of the motor vehicle to which it is attached.

Regulations as to motor vehicles. 93.

(1) Regulations may be made-

(a) prohibiting, restricting or controlling the use of motor vehicles generally or any specified class or descriptions of motor vehicles, as respects highways or the highways in any specified area or any specified highway or part of a highway;

(b) prescribing any condition or requirement not expressly provided for in this Statute, as to the construction and equipment and use of all or any specified class or description of motor vehicles;

(c) providing that motor vehicles generally or any specified class or description of motor vehicles shall comply with such anti-dazzle requirements as may be prescribed;

(d) prohibiting, restricting or regulating the carriage of petroleum or other fuel, acids and other dangerous or offensive articles on motor coaches;

(e) providing for the licensing, supervision and control of conductors of omnibus and of ticket inspectors employed by owners of omnibuses, for the revocation or suspension of such licences and for the imposition and recovery of fees for such licences;

(f) prescribing the duties and regulating the conduct of drivers, conductors and ticket inspectors of omnibuses;

(g) prescribing the minimum educational or other qualifications required for the grant of conductor's licences in respect of omnibuses;

(h) providing for endorsements to be made on such licences on conviction of the holder thereof for any offence under this Statute;

(i) providing for the regulation and control of queues at stopping places for omnibuses, the facilities to be provided at such stopping places and the charges to be made for the use of such facilities;

(j) prescribing the use of stopping places or public stands for omnibuses and restricting the halting or stopping of omnibuses on all highways generally or on the highways in any specified area or any specified highways or part of a highway;

(k) providing that badges be worn by drivers and conductors of omnibuses;

(l) providing for the regulation and control of the

conduct of passengers in omnibuses;

(m) as respect omnibuses-

(i) authorizing the removal from such omnibuses of persons committing a breach of any provision of this Statute or of any regulation by the drivers or conductors thereof or by any police officer on the request of the drivers or conductors thereof;

(ii) requiring passengers in such omnibuses who are reasonably suspected by the drivers or conductors thereof of contravening any provision of this Statute or of any regulation to give their names and addresses to a police officer or to the drivers or conductors thereof on demand;

(iii) requiring passengers in such omnibuses to declare, if so requested by the drivers or conductors thereof, the journey they intend to take or have taken, and to pay the fare for the whole of such journey and to accept tickets provided therefor;

(iv) requiring, on demand being made for the purpose by the drivers or conductors of such omnibuses or by any other person authorized by the registered owners thereof, the production during the journey and the surrender at the end of the journey by the holders thereof of tickets issued to them;

(v) requiring passengers in such omnibuses, if so requested by the drivers or conductors thereof, to leave the omnibuses on the completion of the journey for which they have paid;

(vi) requiring the surrender of tickets by the holders thereof on the expiry of the period for which they are issued;

(n) as respects every public stand in any specified area or any public stand-

(i) regulating the use of the public stand and authorizing the issue of permits in that behalf;

(ii) prescribing the fees to be charged for such permits, and the manner of disposal of the fees recovered on the issue of such permits;

(iii) prescribing the manner in which

motor vehicles may enter or leave the public stand or be placed therein;

(iv) regulating and controlling the behaviours of the drivers and conductors of motor vehicles using the public stand;

(v) prohibiting or restricting the clearings or repair of motor vehicles in the public stand;

(vi) restricting the admission or entry of persons into the public stand and regulating the behaviour of persons who enter therein;

(o) prescribing the particulars which are to be entered by the driver of an omnibus in the record sheet required by section 88, and the manner in which and the intervals at which such particulars are to be entered;

(p) prescribing the circumstances in which and the conditions subject to which, exemption from the provisions of sections 87 and 88 may be granted by the Commissioner in respect of any omnibus;

(q) providing that any specified provision of this Part shall not apply in the case of any lorry or motor tricycle van which is for the time being used for the purposes of the Government of Sri Lanka or of a Provincial Council.

(2) No regulation applicable in any area within the administrative limits of any local authority shall be made for or in respect of any matter for which that local authority may make by-laws or regulations under any other written law, except with the prior approval of the Provincial Minister charged with the subject of Local Government.

(3) No regulation under section 50 or section 51 or section 52 or section 53 shall be made except with the concurrence of the Minister in charge of the subject of Highways or the Provincial Minister in charge of the subject of Highways.

Disposal of
derelict motor
vehicles.

94.

(1) Where a derelict motor vehicle is so left on any part of a highway as to cause any obstruction or nuisance, the Commissioner or the licensing authority or the local authority or the police officer in charge of the station concerned may, by notice served either generally or by registered post, require the owner or person in charge of that vehicle to take steps to remove the obstruction or nuisance.

(2) Every owner or person in charge of the vehicle on whom a notice is served under subsection (i), shall comply with the requirements set out therein.

(3) If the owner or person in charge of any derelict motor vehicle cannot for any reason be found or he or the person in charge makes default in complying with any notice served under subsection (1), the Commissioner or licensing authority or the local authority or the police officer may cause the vehicle to be removed and make such order as may be necessary for its disposal.

(4) No proceedings, civil or criminal, shall be instituted or maintained against the Commissioner or a licensing authority or a local authority or a police officer in respect of any order bona fide made under subsection (3).

Orders enabling holding of races and tests. 94A.

(1) For the purpose of enabling the holding of any motor road race or test, the Minister may, upon the recommendation of the Inspector-General of Police, by Order declare-

(a) that any specified highway or highways upon which such race or test is to be held, and any other adjacent or adjoining highway or part of any such highway shall be closed to traffic on any specified day or days or during any specified time on any specified day or days;

(b) that the provisions of this Statute relating to speed limits and to the driving of motor vehicles on highways shall not apply in relation to the persons taking part in such race or test and the motor vehicles driven in such race or test;

(c) that every person taking part in such race or test and the persons responsible for the holding of the race or test shall comply with all such conditions as may be specified in the Order.

(2) No Order under subsection (1) shall be made for the purposes of any road race or test, unless the Minister is satisfied that there is in force a policy of insurance, insuring the owner of every motor vehicle participating in the race or test and every participant against any liability which may be incurred in respect of the death of or bodily injury to any other person not being a participant, or in respect of damage to property to any such other person, arising out of the use of motor vehicles in such race or test.

(3) At least two clear days before any Order made under subsection (1) is to have effect, the Commissioner shall by advertisement in at least two daily newspapers give notice of the fact that the race or test is to be held and that any highway or part of a highway is to be closed to traffic. The cost of each such advertisement shall be paid by the person upon whose application the Order under subsection (1) is made.

(4) Any person who, upon being required so to do by any police officer, refuses to depart from any highway or part of a highway which is closed to traffic by an Order under subsection (1), or to remove any vehicle of which he is in charge from any such highway or part of a highway, shall be guilty of an offence.

(5) Any direction contained in any Order under subsection (1) shall

have effect notwithstanding anything to the contrary in any other, provision of this Statute; and every person contravening any such direction shall be guilty of an offence.

Power to inspect 95.
and test motor
vehicles.

(1) For the purpose of ascertaining the mechanical condition of any motor vehicle or the condition of the tyres fitted thereon, any examiner or authorized officer -

(a) may stop a motor vehicle on a highway if he has reasonable grounds for believing that the vehicle or any tyre fitted thereon is not in a fit condition; and may -

(i) by written order direct the driver of the vehicle to produce the vehicle for examination at any suitable place reasonably convenient to the driver and specified in the order; or

(ii) detain the vehicle for the purpose of such examination; and

(b) may in any case where the motor vehicle has been or is ; suspected to have been involved in an accident, enter, test and inspect the vehicle wherever it may be, and may for that purpose require it to be stopped or enter any premises on which the vehicle is for the time being kept or suspected to be kept.

(2) A copy of every order issued by any examiner or authorized officer under paragraph (a) of subsection (1) shall be transmitted or full particulars communicated by him forthwith to the examiner appointed for the area within which the place named by the driver of the motor vehicle and specified in the order is situated.

(3) A examiner shall not at any time stop, enter or examine any motor vehicle under the preceding provisions of this section unless on demand by the owner or driver of the vehicle he produces for inspection a written authority issued to him in that behalf by the Commissioner.

(4) An examiner before whom a motor vehicle is produced for examination for the purposes of this section shall not detain the vehicle for a longer period than half an hour.

(5) For the purposes of this section "authorized officer" means -

(a) any police officer of a rank of sergeant and above;

(b) any other police officer who is authorized in that behalf by the Inspector-General of Police; or

(c) any officer who is authorized in that behalf by the Commissioner.

Power of 96.
Commissioner to
require inspection

(1) The Commissioner may at any time, whether before or after the

and examination of motor vehicles.

registration of a motor vehicle, require the motor vehicle to be brought to any convenient place specified by him and to be inspected and examined, and if necessary to be weighed and measured if he has reason to believe -

(a) that the motor vehicle does not comply with the requirements of this Statute or of any regulation; or

(b) that any information furnished to him in respect of the motor vehicle is false or incorrect;

(c) that the motor vehicle is not in a serviceable condition; or

(d) that the weight, dimensions, character or seating accommodation of the motor vehicle has been altered after registration without the prior approval of the Commissioner.

(2) Where the Commissioner is satisfied, after the inspection and examination of a motor vehicle under subsection (1), that such vehicle does not comply with the requirements of this Statute or of any regulation, or that such vehicle is not in a serviceable condition or that the weights, dimensions, character or seating accommodation of the vehicle has been altered after registration without prior approval thereof, he may, by written notice served on the owner thereof, prohibit the use of the vehicle until the Commissioner is satisfied, after further inspection and examination under that subsection, that the defects specified in the notice have been removed. Where the Commissioner is so satisfied he shall revoke the notice.

(3) Where the use of a motor vehicle has been prohibited by a notice under subsection (2), no person shall use that vehicle or cause or permit such vehicle to be used until the notice is revoked under that subsection.

(4) Where the use of a motor vehicle has been prohibited by a notice under subsection (2), the Commissioner may in writing order the registered owner of such vehicle to surrender the revenue licence so that he may impound it until the notice is revoked, and if such order is made such registered owner shall comply with it within fourteen days after it is communicated to him.

(5) Any person who is guilty of the offence of contravening the provisions of subsection (3), shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees and on a second or subsequent conviction, to a fine not exceeding two thousand rupees.

Approved garages 97.
and approved lorry
examiners.

(1) The Commissioner may, upon application in that behalf in the prescribed form made by a garage owned by the State, a Government, a Provincial Council, Semi-Government or a local body and upon payment of the prescribed fee, by order declare -

(a) that every garage for other place of business of such person, specified in the order, shall be an approved garage for the purposes of the yearly

examination and certification of motor coaches and lorries required by section 6 prior to the issue of licences in respect thereof; and

(b) that such person, and every other person employed at any such garage and specified in the order, shall each be an approved examiner for the purposes of such examination and certification of motor coaches and lorries at that garage.

The Commissioner may revoke or alter any order made under this section if there is a contravention of any of the conditions stipulated in the letter of authority issued to any approved garage or approved examiner.

(2) The Commissioner may, in an order under subsection (1), fix in relation to each approved garage specified in that order, the maximum number of vehicles which during the course of a year may be examined and certified at that garage.

Issue of certificates 98.
for motor coaches
&c.

(1) Upon the production before a competent authority of a motor coach, motor tricycle van, lorry, motor hearse or motor ambulance for the purpose of obtaining in respect thereof the certificate referred to in section 6, that authority shall examine it upon payment of the prescribed fee for such examination and shall in writing certify whether or not it is fit for use. A certificate that any motor vehicle examined under this section is fit for use is referred to in this Statute as a "certificate of fitness".

(2) In issuing a certificate of fitness in respect of any motor vehicle a competent authority may insert therein such conditions relating to the use of that motor vehicle as he may deem necessary in the interest of public safety.

(3) In certifying that any motor coach, motor tricycle van, lorry, motor hearse or motor ambulance is unfit for use, the competent authority shall state his reasons therefor.

(4) A certificate of fitness in respect of any motor vehicle shall -

- (a) if that motor vehicle is a lorry, motor hearse or motor ambulance, remain in force for one year from the date of its issue; and
- (b) if that motor vehicle is a motor coach, remain in force for one year from the date of its issue or for such shorter period, not less than three months, as may be specified in such certificate.

(5) the registered owner of any motor coach, motor tricycle van, lorry, motor hearse or motor ambulance which is certified after examination under the preceding provisions of this section, to be unfit for use may, on payment of the prescribed fee, appeal to the Commissioner against the issue of that certificate and the decision of the Commissioner on such appeal shall be final.

(6) The certificate of fitness issued in respect of any motor vehicle

under this section -

(a) shall be carried in that motor vehicle; and

(b) shall be made available for inspection on demand made by a police officer, Grama Niladhari or examiner or certifying officer appointed under this Statute or by any person authorized in writing by the Commissioner:

Provided, however, that such certificate shall be removed from such motor vehicle and produced when required by a court or the Commissioner or a licensing authority.

(7) In this section, the expression "competent authority" means a certifying officer or an examiner of motor vehicles appointed under this Statute or an examiner approved for the purposes of section 97 and this section by the Commissioner.

Yearly examination and certification in respect of vehicles of the Sri Lanka Central Transport Board or any Regional Transport Board.

98A. Notwithstanding anything to the contrary in section 98, the yearly examination and certification, prior to the issue of a licence, of such motor vehicle as is referred to in section 6, shall, in the case of a motor vehicle belonging to the Sri Lanka Central Transport Board or Regional Transport Board established under the Transport Board Law, No. 19 of 1978, as the case may be, be carried out by an officer authorized in that behalf by the respective Board and any certificate of fitness issued by any such officer in respect of any such vehicle, shall, for the purposes of this Statute, be deemed to be a certificate issued under section 98.

Examination of motor tricycle vans, motor coaches and lorries and prohibition of use thereof.

99.

(1) This section shall apply to all motor vehicles of the following classes or descriptions, namely, motor tricycle vans, motor coaches and lorries, and the expression "motor vehicle to which this section applies" wherever it occurs therein shall be construed accordingly.

(2) The licensing authority of any area, within which any motor vehicle to which this section applies is used, may, if he has reason to suspect that the vehicle is unfit for use, by a written order direct the registered owner thereof to produce it for examination at a time and place specified in the order.

(3) Where any order made in respect of a motor vehicle under subsection (2) is not complied with by the registered owner, the licensing authority may in his discretion by written notice prohibit the use of that vehicle until it is produced for examination at such time and place as may be specified in the notice or at any such other time and place as may be appointed by the licensing authority on application made in that behalf by the registered owner.

(4) Where a motor vehicle to which this section applies is found upon examination to be unfit for use, the examiner shall annex to his report a full list of all defects found by him in the vehicle and shall deliver or transmit a copy of the report and the list to the registered owner, to the licensing authority and to the Commissioner.

(5) Where the finding of the examiner after the examination of any motor vehicle under subsection (4) is that it is unfit for use the licensing authority shall by a written notice prohibit the use of that vehicle, until all necessary repairs, adjustments or alterations are effected and an examiner certified to the licensing authority after further examination that the vehicle is fit for use.

(6) The registered owner of any motor vehicle to which this section applies and the use of which is prohibited by notice under subsection (5), may appeal to the Commissioner against the finding of the examiner, whether after the first examination referred to in subsection (4) or after the further examination referred to in subsection (5), that the vehicle is unfit for use.

(7) Upon any appeal under subsection (6), the Commissioner may in his discretion cause the motor vehicle to which the appeal relates to be examined by any examiner other than the examiner against whose finding the appeal is preferred and may either confirm that finding, or reverse that finding and certify that the vehicle is fit for use. The decision of the Commissioner on any such appeal shall be final and conclusive.

(8) Where any motor vehicle to which this section applies and the use of which has been prohibited by a notice under subsection (5), is certified by an examiner after the further examination referred to in that subsection or by the Commissioner under subsection (7), to be fit for use the licensing authority by whom the notice was issued shall revoke the notice.

(9) Where the use of a motor vehicle to which this section applies is prohibited by a notice under subsection (5) -

(a) no person shall use such vehicle or cause it to be used until the notice is revoked under subsection (8); and

(b) the licensing authority who issued the revenue licence for such vehicle may in writing order the registered owner of such vehicle to surrender the revenue licence to him so that he may impound it until the notice is so revoked, and, if such order is made, such registered owner, shall comply with it within fourteen days after it is communicated to him.

(10) Every examination of a motor vehicle under this section shall be carried out by an examiner, and no examiner shall carry out any such examination except at the request of the licensing authority or the Commissioner.

(11) The registered owner of every motor vehicle examined under this section shall pay a prescribed fee for each examination carried out for the purposes of subsection (4) or subsection (5) or subsection (7).

(1) An examiner shall at any time, on production if so required of his authority, be entitled to enter and inspect any lorry or motor tricycle van, and for that purpose to stop the lorry or motor tricycle van, and to detain the lorry or motor tricycle van during such time as is

reasonably required for the inspection, and may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that a lorry or a motor tricycle van is kept. If any person obstructs an examiner in the performance of his duty or where required so to do fails to stop the lorry or motor tricycle van, he shall be guilty of an offence under this Statute.

(2) If, on the inspection of a lorry or motor tricycle van under subsection (1), it appears to the examiner that the lorry or motor tricycle van owing to any defects therein, is, or is likely to become, unfit for service until the defects have been remedied, he may prohibit the use of the lorry or motor tricycle van:

Provided that, where in the opinion of the examiner, the defects are such as can be remedied within any period not exceeding ten days and are not defects which involve immediate risk to public safety, the prohibition shall not come into operation upon the expiration of that period if any examiner, being satisfied that the defects have been or are in the course of being remedied, withdraw the prohibition before the expiration of that period.

(3) Where, under this section an examiner prohibits the use of a lorry or motor tricycle van as aforesaid, he shall forthwith give notice in the prescribed form of the prohibition to the registered owner of the lorry or motor tricycle van, the person in charge thereof at the time of the inspection, and to the Commissioner.

In the case of a prohibition on the ground of such defects as are specified in the provision to the last foregoing subsection a notice given under this subsection shall specify the period within which the defects can, in the opinion of the examiner, be remedied.

(4) Subject as provided in subsection (2) a prohibition under this section shall become operative as soon as notice thereof has been given either to the registered owner, or to the person in charge of the lorry or motor tricycle van, and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.

(5) A prohibition under this section which has become operative may be removed by any examiner if he is satisfied that the lorry or motor tricycle van is fit for service.

(6) A person aggrieved by the refusal of an examiner to remove a prohibition may make application to the Commissioner to have the lorry or motor tricycle van inspected by an officer authorized in that behalf in writing by the Commissioner, and, where any such application is made, such, officer, on the matter being referred to him, shall, if he considers that the lorry or motor tricycle van is fit for service, remove the prohibition.

(7) A person aggrieved by the refusal of an officer authorized by the Commissioner to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Commissioner, who shall have power to make such order on the appeal as he thinks fit, and any such order shall be binding on such officer.

(8) Where any examiner or an officer authorized by the Commissioner withdraws or removes a prohibition he shall forthwith give notice of the withdrawal or removal to the registered owner of

the lorry or motor tricycle van and to the Commissioner.

(9) No person shall use a lorry or motor tricycle van or cause or permit a lorry or motor tricycle van to be used, at any time whilst a prohibition under this section is operative in relation to the lorry or the motor tricycle van.

(10) Any person who is guilty of the offence of contravening the provisions of subsection (9) shall, on conviction after summary trial, before a Magistrate, be liable to a fine not exceeding two hundred and fifty rupees in the case of a first offence, and in the case of a second or subsequent offence, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months or both such fine and imprisonment.

Power to ascertain 101.
the laden weight of
lorries and motor
tricycle vans and
number of persons
or passengers
carried in motor
vehicles.

(1) For the purpose of ascertaining the total laden weight or axle load of any lorry or motor tricycle van, any examiner or police officer not below the rank of sergeant may at any time on the production, if so required of his authority, stop any lorry or motor tricycle van on a highway and may thereupon take reasonable steps to ascertain the laden weight or axle load of the lorry or motor tricycle van, whether by the use of wheel weighers, weighbridge, or other machine for weighing motor vehicles, and may for that purpose require the person for the time being in charge of the lorry or motor tricycle van to drive it or permit it to be driven to the nearest wheel weigher, weighbridge or other machine for weighing motor vehicles.

(2) For the purpose of ascertaining the number of persons or passengers, as the case may be, carried in any motor vehicle, an authorized officer may, on the production if so required of his authority, stop that vehicle on any highway and may thereupon take all reasonable steps as may be necessary for that purpose.

(3) Where any lorry or motor tricycle van is weighed for the purposes of subsection (1), it shall be the duty of every person on that lorry or motor tricycle van, if required so to do, to alight from lorry or motor tricycle van before it is weighed.

(4) Where any lorry or motor tricycle van is weighed laden under subsection (1) the amount of the difference between the weight of lorry or motor tricycle van when laden and the tare of the lorry or motor tricycle van as specified in the licence for the time being in force therefor shall be deemed, until the contrary is proved, to be the weight of the goods carried thereon.

(5) The preceding provisions of this section shall apply in relation to a certifying officer and a police officer as they apply to an examiner except that it shall not be necessary for a police officer in uniform to produce any authority.

Production of 102.
documents carried
in lorries or motor
tricycle vans.

(1) An examiner or police officer not below the rank of sergeant may at any time, on production if so required of his authority, require the person in charge of any lorry or motor tricycle van to produce, and to permit him to inspect and copy, any document which by or by regulations made under this Statute is required to be carried on, or by the driver of, the lorry or motor tricycle van and for that purpose

may stop and detain the lorry or motor tricycle van for such time as is required for the inspection and copying and if any person, when required by an examiner or a police officer so to do, fails to produce to the examiner or police officer any such document as aforesaid or to permit him to inspect or copy any such document that person shall be guilty of an offence under this Statute.

(2) The provisions of subsection (1) shall apply in relation to an officer authorized by the Commissioner or a certifying officer or a police officer as they apply in relation to an examiner, except that it shall not be necessary for a police officer in uniform to produce any authority.

Inspection of 103.
motor coaches and
prohibition of use.

(1) Any certifying officer or any examiner shall at any time, on the production if so required of his authority, be entitled to enter and inspect any motor coach and for that purpose to stop the motor coach and to detain it during such time as is required for the inspection, and may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such motor coach is kept. If any person obstructs any such officer or examiner in the performance of his duty or when required so to do fails to stop a motor coach, he shall be guilty of an offence under this Statute.

(2) If on the inspection of a motor coach under subsection (1), it appears to the certifying officer or examiner that the motor coach owing to any defects therein, is or is likely to become unfit for service, until the defects have been remedied, he may prohibit its use on any highway:

Provided that, where in the opinion of the certifying officer or examiner, as the case may be, the defects are such as can be remedied within any period not exceeding forty-eight hours and are not defects, which involve immediate risk to public safety, the prohibition shall not come into operation before the expiration of that period; and shall not come into operation upon the expiration of that period, if any certifying officer or any examiner referred to in subsection (1), being satisfied that the defects have been or are in the course of being remedied, withdraws that prohibition before the expiration of that period.

(3) Where under this section any certifying officer or examiner prohibits the use of a motor coach, he shall forthwith give notice in the prescribed form of the prohibition to the registered owner thereof, to the person in charge thereof at the time of the inspection and to the Commissioner. In the case of a prohibition on the ground of such defects as are specified in the provision to the last foregoing subsection a notice given under this subsection shall specify the period within which the defects can, in the opinion of the certifying officer or examiner, as the case may be, be remedied.

(4) Subject as provided in subsection (2) a prohibition under this section shall become operative as soon as notice thereof has been given to the registered owner, or to the person in charge of the motor coach in respect of which the prohibition has been imposed and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.

(5) A prohibition under this section which has become operative may be removed by any certifying officer or any examiner referred to in subsection (1), if he is satisfied that the motor coach in respect of which the prohibition has been imposed is fit for service.

(6) A person aggrieved by the refusal of any certifying officer or examiner to remove a prohibition under this section may make an application to the Commissioner to have the motor coach in respect of which the prohibition is operative inspected by an officer authorized in that behalf in writing by the Commissioner, and, where any such application is made, such officer, on the matter being referred to him, shall, if he considers that it is fit for service, remove the prohibition.

(7) A person aggrieved by the refusal of an officer authorized by the Commissioner to remove a prohibition imposed under this section may, within the prescribed time and in the prescribed manner, appeal to the Commissioner who shall have power to make such order on the appeal as he thinks fit, and any such order shall be binding on such officer.

(8) Where any certifying officer, examiner or an officer authorized by the Commissioner withdraws or removes a prohibition under this section, he shall forthwith give notice of the withdrawal or removal to the registered owner of the motor coach to which the prohibition relates and the Commissioner.

(9) No person shall use a motor coach or cause or permit such motor coach to be used, on a highway at any time whilst a prohibition under this section is operative in respect thereof.

(10) Any person who is guilty of the offence of contravening the provisions of subsection (9) shall, on conviction after summary trial before a magistrate, be liable to a fine not exceeding two hundred and fifty rupees in the case of a first offence, and in the case of a second or subsequent offence, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Regulations. 104. Regulations may be made -

(a) providing for the periodical inspection or testing of such steam boilers, gas cylinders or other vessels working under pressure as may be used for supplying motive power or light to a motor vehicle, and for the payment of fees for such testing of vehicles, and

(b) prescribing the methods to be followed and the tests to be applied in the examination of motor vehicles, and the formation and nature of the reports to be furnished after such examination under this Statute.

Service of notice, &c. 105. Every notice or order for the purposes of this Part may be served on or communicated to the registered owner of the motor vehicle to which it relates personally or by being sent by registered letter through the post to his usual or last known place of abode and shall in the latter case be deemed to have been served on or communicated to such registered owner on the third day succeeding the day on which the letter was posted and for proof of the service of such notice or of the communication of such order it shall be sufficient to prove that the letter containing the notice or order was properly addressed and posted.

PART IV

Administration and Procedure

Appointment of officers and servants. 106.

- (1) There may be appointed persons to be or to act as -
 - (a) Provincial Commissioner of Motor Traffic;
 - (b) such Deputy and Assistant Commissioners as may from time to time be required for the purposes of this Statute;
 - (c) such certifying officers and examiners of motor vehicles as may from time to time be required for the purposes of this Statute.
- (2) There may be appointed such other officers and servants as may from time to time be required for the purposes of this Statute.
- (3) Any power, duty or function of the Commissioner under this Statute may be exercised, performed or discharged by any Deputy Commissioner under the directions of the Commissioner or other officer who is authorized so to do by writing under the hand of the Commissioner.
- (4) All persons, officers and servants exercising powers or performing duties or discharging functions under this Statute shall be deemed to be public servants within the meaning of the Penal Code.

General functions and duties of the Commissioner.

107. Subject to the provisions of this Statute, the Commissioner shall be charged with the following functions and duties:-

- (a) the control, organization and co-ordination of passenger and goods transport by road;
- (b) the other powers, duties and functions conferred or imposed on the Commissioner by or under this Statute or any other written law.

Motor Traffic Advisory Council, 108.

(1) There shall be a Motor Traffic Advisory Council consisting of the Commissioner as Chairman and such other persons not exceeding fifteen in number as may be appointed by the Minister which shall include a representative from each of the following:-

- (a) the Police Department,
- (b) the Road Development Authority,
- (c) Provincial Director of Omnibus Transports,
- (d) Western Province Road Development Authority,
- (e) the Sri Lanka Central Transport Board,

- (f) the Ceylon Society for the Prevention of Accidents,
- (g) the Automobile Association of Ceylon,
- (h) the Ceylon Tourist Board,
- (i) the Local Government Department of Western Province,
- (j) the Colombo Municipal Council,
- (k) the National Council for Road Safety.

(2) Every member of the council who is appointed under subsection (1) shall, unless he earlier vacates the office or is removed by the Minister therefrom, hold office for such period not exceeding three years as may be determined by the Minister at the time of the appointment. Any such member vacating office by effluxion of time shall be eligible for re-appointment.

(3) It shall be the duty of the council to advise the Commissioner on all such matters connected with the regulation of motor traffic or the administration of this Statute as may be referred by the Commissioner to the council for such advice.

(4) Meetings of the council may be summoned by the Commissioner whenever he may deem it necessary, and shall be summoned by him once at least in each half-year: Provided, however, that the chairman shall summon a meeting whenever he is requested in writing so to do by not less than three members of the council.

(5) Regulations may be made providing for the conduct of business by the council and prescribing the procedure to be followed at meetings of the council. Subject to any such regulations, the council may regulate its own procedure.

PART V

Offences, Penalties and Proceedings in Court

Contravention of 109.
Statute, regulation,
order &c.

- (1) Any person -
- (a) who contravenes any provision of this Statute or any regulation, or fails to comply with any order, direction, demand, requirement or notice lawfully issued, made or given under any provision of this Statute or any regulation; or
 - (b) who, being holder of any permit or licence granted or issued under this Statute, fails to comply with any condition attached to that permit or licence, as the case may be, shall be guilty of an offence under this Statute.

(2) Where a motor vehicle is used, or where anything is done or omitted to be done in connexion with a motor vehicle, in contravention of any provision of this Statute or any regulation -

(a) the person, if any, on whom a duty or prohibition, or the liability in respect of such contravention, is imposed by such provision or regulation, shall be guilty of an offence under this Statute; and

(b) the driver and the owner of the motor vehicle shall also be guilty of an offence under this Statute, notwithstanding that a duty or prohibition, or the liability in respect of such contravention is not expressly imposed by such provision or regulation on the driver or the owner:

Provided, however, that -

(i) the driver shall not under paragraph (6) be deemed to be guilty of an offence under this Statute, if he proves to the satisfaction of the court that the contravention was not due to any act, omission, default or neglect on his part;

(ii) the owner, if he was not present in the motor vehicle at the time of such contravention, shall not be deemed under paragraph (b) to be guilty of an offence under this Statute if he proves to the satisfaction of the court that the contravention was committed without his consent or was not due to any act or omission on his part or that he had taken reasonable precautions to prevent such contravention;

(iii) the owner shall not, in the case of a contravention of any provision of sections 49 to 94 or of any regulation made under section 93 (other than a provision or regulation by which a duty, prohibition or liability is expressly imposed on the owner) be deemed under paragraph (b) to be guilty of an offence under this Statute unless he aided and abetted such contravention.

Attempt and abetment.

110. Any person who attempts to commit, or abets the commission of an offence under this Statute shall be guilty of that offence.

On the spot Fines. 110A.

(1) Any person who contravenes the provisions of any section set out in Column I of the Schedule of this Statute or fails to comply with any order, direction, demand, requirement or notice lawfully issued or given under the provisions of any such section, shall be guilty of an offence under this Statute.

(2) Any person who, on detection by a police officer, admits liability for any contravention of the provisions of any section set out in Column I of the Schedule to this Statute or the failure to comply with any order, demand, direction, requirement or notice lawfully issued, made or given under the provisions of any such section, if he so desires, may, in lieu of prosecution for the offence, make payment of a fine of the amount set out in Column III of that Schedule

corresponding to the section specified in Column I in respect of which he has admitted liability. Such payment shall be made at the office of the Western Province Motor Transport Department or a Divisional Secretary's office in the Western Province and proof of such payment shall, within two weeks of the detection, be forwarded either by personal delivery or registered post to the officer in charge of the police station named by the police officer making the detection.

Penalty for contravention of section 48 of the principal Statute.

110B. Any person who contravenes the provisions of section 48 of this Statute, by driving a motor vehicle on a highway at any time while an order suspending or cancelling his driving licence or declaring him to be disqualified for obtaining a licence, is in force, shall be guilty of an offence under this Statute, and shall on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months.

Penalty for driving after the consumption of alcohol or drugs.

111. Any person who is guilty of the offence of contravening the provisions of subsection (1) of section 60 shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than two thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment and to the suspension of his driving licence for a period not exceeding twelve months.

Penalty for driving certain motor vehicles after the consumption of alcohol or drugs.,

111A. Any person who is guilty of the offence of contravening the provisions of subsection (1 A) of section 60 shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than three thousand rupees and to imprisonment of either description for a term not exceeding six months and to the cancellation of his driving licence.

Penalty for causing death or injury to persons by driving motor vehicles after consumption of alcohol or drugs.

111B. Any person who is guilty of the offence of contravening the provisions of subsection (1B) of section 60 shall, on conviction after summary trial before a Magistrate, be liable -

(a) where he causes death to any person, to imprisonment of either description for a term not less than two years and not exceeding ten years and to the cancellation of his driving licence;

(b) where he causes injury to any person, to a fine not less than five thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment and to the cancellation of his driving licence.

Penalty for driving recklessly or dangerously.

(1) Any person who is guilty of the offence of contravening the provisions of section 60(2) shall, on conviction after summary trial before a Magistrate be liable to a fine not less than seven hundred and fifty rupees, and on second conviction to fine not less than one thousand rupees and the suspension of his driving licence, and on third or subsequent conviction, to a fine not more than one thousand five hundred rupees and the cancellation of his driving licence or to rigorous imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for driving negligently.

(2) Any person who is guilty of the offence of contravening the provisions of section 60 (3) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees, and on a second conviction to a fine not less than one thousand rupees and on a third or subsequent conviction to a fine not

more than one thousand five hundred rupees and the suspension of his driving licence for a period of six months.

Penalty for driving without insurance or security against third-party risks or certificate of fitness. 113. Any person who is guilty of the offence of contravening the provisions of section 22 or section 98 (6) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Penalty for giving False information. 114. Any person who -

- (a) in or in connection with any application-
 - (i) for a conductor's licence or any other licence required by any regulation or any renewal thereof; or
 - (ii) for any alteration or correction of any such licence; or
- (b) in or in connection with any application made under Part I;
- (c) in giving any information lawfully demanded or required under this Statute or any regulation,

makes any statement which to his knowledge is false or in any material respect misleading, shall be guilty of an offence under this Statute, and on conviction after summary trial before a Magistrate shall be liable to a fine not less than one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for imitation of revenue licences, &c. 115.

- (1) Any person who-
 - (a) fraudulently uses or allows any other person to use; or
 - (b) imitates, alters, mutilates, defaces or destroys, any identification plate, any certificate of registration, certificate of fitness, revenue licence for a motor vehicle, driving licence, permit issued under section 46 (4), conductor's licence or any other certificate or licence, or any duplicate of any such permit, certificate or licence, issued or deemed to have been issued under this Statute or any regulation, shall be guilty of an offence under this Statute and shall on conviction after summary trial before a Magistrate be liable to a fine not less than one thousand rupees and for a second or subsequent conviction to a fine not more than one thousand five hundred rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.
- (2) Any person who-
 - (a) forges or imitates or alters any certificate of insurance or certificate of security, or uses or causes or permits any other person to use any such certificate

knowing it to be forged or imitated or altered; or

(b) fraudulently uses or causes or permits any other person to use fraudulently any certificate of insurance or security; or

(c) knowingly makes any false statement or withholds any material information for the purpose of obtaining a certificate of insurance or a certificate of security,

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

(3) Any person who issues a certificate of insurance or a certificate of security which he knows to be false in any material particular shall be guilty of an offence under this Statute, and shall, on conviction after summary trial before a Magistrate be liable to a fine not less than one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Offence by body corporate or partnership.

116. Where the person convicted of an offence under this Statute is a body corporate or a partnership, every director or officer of the body corporate, or every member of the partnership, as the case may be, shall each be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he has caused due diligence to prevent the commission of the offence.

Penalty for causing disappearance of evidence or giving false information relating to an offence.

117. Any person who, knowing or having reason to believe that an offence under this Statute has been committed in connexion with the use or the driving of a motor vehicle, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall where that offence is not an offence within the meaning of sections 38 (3) and 198 of the Panel Code, be guilty of an offence under this Statute, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

General penalty.

118. Any person guilty of any offence, for which no other punishment is expressly provided in this Statute, shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred rupees, and on a second or subsequent conviction, to a fine not less than five hundred rupees and on a third or subsequent conviction to a fine not less than seven hundred and fifty rupees and the cancellation of his driving licence.

Procedure to be followed by court in respect of certain offences.

118A.

(1) Where proceedings have been instituted against any person in any Magistrate's Court in respect of any such offence under this Statute as may be prescribed and where no accident involving damage to any property or injury to any other person has resulted from, or was occasioned by, the commission of that offence, the court may, notwithstanding anything in the Code of Criminal Procedure Act, No. 15 of 1979, to the contrary, issue to the first-mentioned person together with the summons a notice stating that it

will not be necessary or such person to appear at the time and place specified in the summons if he on or before the date specified in the notice -

(a) by letter addressed to the Registrar of that court admits the commission of the offence; and

(b) pays to the Registrar the amount specified in the notice.

(2) The amount to be specified under paragraph (b) of subsection (1) in the notice issued to any person under that subsection shall not exceed the amount which the court may lawfully impose as a fine for the offence referred to in the summons issued to that person.

(3) Where a person to whom a notice has been issued by a court under subsection (1) complies with the provisions of the notice, the court shall record a verdict of guilty in relation to the offence specified in the summons issued to that person and sentence him to a fine equivalent to the amount paid by him in accordance with that notice and record that such fine was paid by him.

(4) In this section "Magistrate Court" includes a Municipal Magistrate's Court.

Suspension of driving licence by operation of law.

118B. Where the driver of a motor vehicle -

(a) is prosecuted for -

(i) rash and negligent driving; or

(ii) driving at an excessive speed; or

(iii) causing an accident resulting in loss of life or grievous injury; or

(b) is involved in an accident resulting in the loss of life and the matter had been referred to a Magistrate for inquiry,

the Magistrate may, upon an application made by the police to have the licence of the driver of such vehicle suspended, in his discretion order the licence to be so suspended until the determination of the proceedings or inquiry.

Power of court to order recovery of licence fee.

119.

(1) Where any court convicts any person of the offence of possessing or using a motor vehicle in contravention of section 2(1), and a certificate is produced signed by the licensing authority and stating the amount of fee due and surcharge, if any, the court shall in addition to any other punishment which it may impose for that offence, order a sum equal to that amount to be recovered from that person as though it were a fine imposed by the court and any such sum may be so recovered notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose. Every such sum when recovered by the court shall be remitted to the licensing authority and shall be disposed of under this Statute by such licensing authority in like manner as the fee payable on a revenue licence for that motor vehicle.

(2) Any person who is dissatisfied with any order made under subsection (1) may, if he appeals against the conviction in consequence of which the order was made, appeal against the order to the Court of Appeal and the provisions of Chapter XXVIII of the Code of Criminal Procedure Act, No. 15 of 1979, shall apply to such appeal.

(3) Where a sum equal to the fee payable on the revenue licence required for any motor vehicle in respect of any year or part of a year and the surcharge, if any, is recovered from any person in pursuance of any order made under subsection (1) or by the Court of Appeal under subsection (2) and that motor vehicle is fit to be used on a highway and all other requirements of this Statute relating to the licensing of motor vehicles have been complied with in respect of that motor vehicle, the licensing authority shall issue a revenue licence for that motor vehicle in respect of that year or part of a year in like manner as if the application for such licence had been duly made under Part I and accompanied by the amount of the fee payable on such licence.

Motor vehicle to be deemed to be property of registered owner for purposes of section 60 of the Code of Criminal Procedure Act, No. 15 of 1979.

120. For the purposes of section 60 of the Code of Criminal Procedure Act, No. 15 of 1979, a motor vehicle shall be deemed to be the property of the person who for the time being is the registered owner of that vehicle.

PART VI

Other Provisions

Fees.

121.

(1) Where in any case reference is made in this Statute to a prescribed fee, reference shall be deemed to be made to such of the fees prescribed by regulation as may be appropriate to the case; and unless otherwise expressly provided by regulation made under this Statute every such fee-

(a) may be paid by means of cash, cheque, money order or postal order,

(b) shall be credited to the Provincial Fund of the Western Province Provincial Council.

(2) The Commissioner may authorize an examiner approved under sections 97 and 98 to appropriate the fee paid for the examination of motor coach, motor tricycle van or lorry.

(3) When an applicant for a permit under this Statute pays the fee such permit and, for any reason other than failure on the part of the applicant to conform to the requirements of this Statute, that permit is not issued, he shall be entitled to obtain from the Commissioner a refund of the fee paid by him.

(4) Where an applicant for a permit under this Statute pays as the fee

for such registration or permit a sum in excess of that fee, he shall be entitled to obtain from the Commissioner a refund of such excess.

Power to declare urban areas 122. Regulations may be made declaring any specified area, other than an area within the administrative limits of a local authority to be an urban area for the purposes of this Statute.

Verifications of facts in application. 123. Any officer or authority to whom application is made for anything to be done under this Statute may require any facts stated in the application and any other necessary information, to be verified to his satisfaction.

Issue of duplicate. 124.

(1) Any officer or authority by whom any certificate, permit or licence under this Statute or any regulation has been granted or issued shall, upon proof to his satisfaction that such certificate, permit or licence has been lost, destroyed, defaced or damaged, issue a duplicate of the certificate, permit, licence or in the case of a revenue licence, a licence for the balance period of its validity to the person entitled thereto; and any duplicate or licence so issued shall be deemed for all purposes to be a certificate, permit or licence, as the case may be, granted or issued in accordance with the provisions of this Statute or of any regulation.

(2) No duplicate shall be issued by any officer or authority under subsection (1) on the ground that a certificate, permit or licence is surrendered to that officer or authority.

(3)

(a) No duplicate of any certificate, permit or licence shall be issued by the Commissioner under this section except upon payment of the prescribed fee.

(b) No revenue licence for a motor vehicle in lieu of a lost, destroyed, defaced or damaged revenue licence shall be issued by a licensing authority under this section except upon the payment of a fee for the balance period of validity of such revenue licence calculated on a proportionate monthly basis. In computing the number of months every 30 days or part thereof shall be taken as one month.

(4) Where any duplicate is issued to any person under subsection (1) on the ground that a certificate, permit or licence was lost or destroyed, that person shall, if the certificate, permit or licence or any part thereof is subsequently recovered, forward such certificate, permit or licence or part thereof to the officer or authority by whom the duplicate is issued.

Duty of owner to give information as to driver and occupant of motor vehicle. 125. Where any police officer or Grama Niladhari has reason to suspect that an offence in connection with a motor vehicle has been committed, it shall be lawful for him or any other police officer or Grama Niladhari to require the owner of the motor vehicle to furnish all information in his possession as to the name, address, description, antecedents, and whereabouts of the driver, the conductor, if any, and the occupants of the motor vehicle at the time of the alleged offence.

Duty of driver to give information as 125A. Where any police officer or Grama Niladhari has reason to suspect that an

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| to his name and address. | offence in connection with the driving of a motor vehicle has been committed, such police officer or Grama Niladhari may require the driver of that motor vehicle to furnish his name and address, and if such driver fails or refuses to do so or gives a false name or address, he shall be guilty of an offence under this Statute. |
| Duty of owners to obtain information as to drivers and conductors. | 126. The owner of a motor vehicle shall when he engages a driver or a conductor obtain from him the serial number of his driving licence or conductor's licence, as the case may be, and his full name and address. |
| Recovery of damages injury to highway, bridge, &c. | 127. If by reason of an offence under this Statute any damage or injury is caused to a lamp-post, stand-pipe, telegraph or telephone post or wire, or a gate at a railway crossing, or to any other fixture or equipment of any description whatsoever, affixed or erected on or about a highway and in charge of any department of Government or Western Province Provincial Council or of any local authority, the department or authority may cause such injury to be repaired, and may, either before or after the repairs are affected, recover the estimated or actual cost thereof from the owner of the motor vehicle which caused the damage or injury. |
| Certificate of examination to be admissible evidence. | 128. Where, in any proceedings under this Statute, any question arises as to whether or not in respect of a motor vehicle there is a compliance with any provision of this Statute or any regulation or as to whether or not any wheel weigher or weighbridge or other weighing machine for weighing motor vehicles is accurate, the certificate of any examiner, certifying officer, or other prescribed person to the effect that he has examined the vehicle or wheel weigher or weighbridge or other weighing machine for weighing motor vehicles, as the case may be, and stating the result of his examination, shall be admissible in evidence and shall be sufficient prima facie evidence of any fact or opinion stated therein relating to the matter in question, and the court shall not permit the examiner, officer or other person to be called for cross examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers such cross-examination to be necessary in the interests of justice. |
| Procedure for making regulations. | 129. <p style="margin-left: 40px;">(1) The Minister may make regulations for all matters for which regulations are required or authorized to be made under this Statute, all matters stated or required by this Statute to be prescribed, and all other matters incidental to or connected with such matters.</p> <p style="margin-left: 40px;">(2) Every regulation made by the Minister under subsection (1) shall be published in the Gazette and shall come into force on the date of such publication or on such later date as may be specified in the regulation.</p> <p style="margin-left: 40px;">(3) Every regulation shall as soon as convenient after the publication in the Gazette be brought before Western Province Provincial Council for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.</p> <p style="margin-left: 40px;">(4) The date on which any regulation is deemed to be so rescinded shall be published in the Gazette</p> |
| Application of Statute to persons and motor vehicles of the Government of Sri Lanka. | 130. Save as otherwise provided in this Statute, the provisions of this Statute shall apply in the case of persons and motor vehicles within the Western Province in the service of the Government of Sri Lanka and of the Provincial Councils: |

Provided, however, that the provisions of section 2 shall not apply in the case of any

motor vehicle ordinarily used by the President or the Prime Minister.

Protection of
public interests.

131. It is hereby declared that nothing in this Statute is to be treated as conferring on the holder of a permit or licence granted or issued thereunder any right to the continuance of any benefits arising from the provisions of this Statute, or from a permit or licence, as the case may be, or from any conditions attached thereto.

PART VII

Interpretation

Interpretation.

132. In this Statute, unless the context otherwise requires-

"animal" means elephant, horse, cattle, ass, mule, sheep, goat, or pig;

"articulated vehicle" means a motor vehicle, having attached thereto a trailer which is so constructed and by partial super imposition so attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle;

"at night" means at any time during the period between a quarter of an hour after sunset and a quarter of an hour before sunrise;

"certificate of insurance" means a certificate issued under section 23(4);

"certificate of security" means a certificate issued under section 24(2);

"Colombo" means the Municipality of Colombo;

"Commissioner" means the Commissioner of Motor Traffic of the Western Province;

"conductor" means the person in charge of the transportation of passengers in an omnibus;

"driver" means the person for the time being in charge of a motor vehicle for the purpose of operating such vehicle;

"examiner" means an examiner of motor vehicles appointed or deemed to be appointed under this Statute;

"Grama Niladhari" means a Grama Niladhari authorized by a Government Agent or Assistant Government Agent to perform police duties and wearing his authorized uniform or badge;

"hand tractor" means a two-wheeled tractor fitted with a trailer adapted for the carriage of not more than six persons (including the driver) and goods;

"highway" includes every place over which the public have a right of way, or to which the public or any part of the public are granted access, and every place where the motor traffic thereon is regulated by a police officer;

"invalid carriage" means a motor vehicle which is specially designed and constructed, or adapted, for the use of persons suffering from some physical defect or disability and intended for use solely by such persons;

"land vehicle" means any mechanically propelled vehicle (including a trailer) intended for use on land in connexion with an agricultural or constructional purpose such as levelling, dredging, earth-moving, forestry or any similar operation, but does not include a road-roller;

"licensing authority" means the Commissioner or Divisional Secretaries empowered by him;

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

"lorry" means a motor vehicle constructed or adapted wholly or mainly for the carriage of goods and includes a trailer so constructed or adapted and a tractor but does not include a land vehicle or motor tricycle van;

"moped" means a vehicle with an internal combustion engine, the cubic capacity of which does not exceed fifty cubic centimetres and which is equipped with pedals by means of which it can be propelled;

"motor ambulance" means a motor vehicle constructed or adapted wholly or mainly for the carriage of sick or injured persons;

"motor car" means a motor vehicle, not being a motor cycle, motor tricycle, motor ambulance, motor hearse or invalid carriage, which is constructed or adapted for the carriage of not more than nine persons (including the driver) and their effects and which, the Commissioner is satisfied, cannot be adapted for the carriage of not more than nine persons (including the driver) and their effects and includes a trailer so constructed or adapted;

"motor coach" means a motor vehicle, not being a motor ambulance or motor hearse, constructed or adapted for the carriage of more than nine persons (including the driver) and their effects, and includes a trailer so constructed or adapted;

"motor cycle" means a motor vehicle other than a moped, motor tricycle or motor tricycle van, designed to travel on not more than three wheels, and having a tare which together with the tare of any side car attached thereto does not exceed two hundred and fifty kilogrammes;

"motor hearse" means a motor vehicle specially designed and constructed for the carriage of dead bodies for burial or cremation;

"Motor Traffic Advisory Council" means the Motor Traffic Advisory Council established under section 108 of this Statute;

"motor tricycle" means a motor vehicle designed to travel on three wheels and having a tare which does not exceed four hundred kilogrammes, and which is constructed or adapted wholly or mainly for the carriage of persons;

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

"motor vehicle" means-

(a) any mechanically propelled vehicle including a tractor or trailer which is intended or adapted for use on roads but does not include a road-roller or a moped;

(b) any mechanically propelled vehicle intended for use on land in connection with an agricultural or constructional purpose such as levelling, dredging, earth-moving, forestry or any similar operation but does not include a road-roller or a moped;

"dual purpose vehicle" means a motor vehicle designed and constructed for the purpose of carrying both persons and goods contemporaneously provided that the number of persons shall not exceed the number authorised for a private passenger vehicle (nine);

"obstructing traffic" includes any wilful act or unreasonable use of a highway which is likely to cause any risk of accident or damage to traffic on the highway or to impede the free movement of traffic in any manner required or permitted by law on the highway;

"omnibus" means a motor coach registered as an omnibus;

"overtaking" includes passing or attempting to pass any other traffic proceeding in the same direction;

"parking" means the bringing of a motor vehicle to a stationary position or causing it to wait for any purpose other than that of immediately taking up or setting down persons, passengers or goods;

"parking place" means a place set apart under this Statute as a place at which motor vehicles or any specified class or description of motor vehicles may be parked;

"passenger" means a person carried in an omnibus but does not include the driver or the conductor;

"plying for hire" means standing or waiting to be hired by passengers, whether on a highway or not;

"police officer" means a member of the police force in uniform;

"prescribed" means prescribed by this Statute or any regulation thereunder;

"private coach" means a motor coach registered as a private coach;

"public stand" means a place set apart under this Statute as a place at which omnibuses or lorries or any specified class or description of omnibuses or lorries may be halted or may stand for hire;

"regulation" means a regulation made under this Statute;

"stopping place" means a place set apart under this Statute as a place at which omnibuses may be halted for the purpose of taking up or setting down passengers;

"tare" means the actual weight of a fully equipped motor vehicle when unladen, including the weight of accumulators, but excluding the weight of any water or fuel;

"tractor" means a motor vehicle constructed solely for hauling another vehicle, and not for carrying persons or goods;

"traffic" includes bicycles, tricycles, motor vehicles, vehicles of every description, pedestrians, processions, and bodies of troops, and all animals being ridden, driven or led;

"traffic signs" includes all signals, operated electrically, mechanically or otherwise, warning sign-posts, direction posts, signs, marks or devices, erected or provided on or set about a highway for the guidance or direction of persons using the highway;

"traffic warden" means a person appointed for the purpose of controlling traffic in writing by the Superintendent of Police or Assistant Superintendent of Police of a district and wearing a dress approved by the Inspector-General of Police;

"trailer" includes a caravan and every description of vehicle attached to and drawn by a motor vehicle but does not include a side car attached to a motor cycle;

"urban area" means-

(a) any area comprised within the limits of any Municipal Council or Urban Council; or

(b) any other area declared by regulation to be an urban area for the purposes of this Statute;

"Province" means the Western Province which includes the administrative Districts of Gampaha, Colombo and Kalutara.