

Provincial Councils Notifications

WESTERN PROVINCIAL COUNCIL

**ROAD PASSENGER TRANSPORT-THREE WHEELER SERVICE STATUTE
No. 06 OF 2002-WESTERN PROVINCIAL COUNCIL**

No. 1276/15 -THURSDAY, RILSRUARY
20. 2003

Notification

I, Lasantha Alagiyawanna, Minister of Transport Services of Western Province declare that the Road Passenger Transport Three Wheeler Service Statute, No. 06 of 2002, Western Provincial Council is effective from 02nd January, 2003, as ordered by the Honourable Governor of Western Province.

Lasantha Alagiyawanna, Minister
of Transport Service. Provincial
Council, Western Province.

At Colombo, 11th
January, 2003.

**ROAD PASSENGER TRANSPORT - THREE WHEELER SERVICE STATUTE
No. 06 OF 2002-WESTERN PROVINCIAL COUNCIL**

A STATUTE FOR REGULARIZING PASSENGER TRANSPORT SERVICE WITHIN THE WESTERN PROVINCE THROUGH THREE WHEELERS, FOR PERFORMING SUCH REGULARISATION AND PROMOTION ACTIVITIES AND FOR THE ESTABLISHMENT OF A THREE WHEELER SERVICES BUREAU.

Provincial Council of the Western Province in the Democratic Socialist Republic of Sri Lanka shall enact as follows :

Short Title and effective date. 1. This statute shall be known as the Road Passenger Three Wheeler Services Statute and it shall take effect from the date the Governor ratifies it.

Part I

**ESTABLISHMENT OF THE THREE
WHEELER SERVICES BUREAU OF
THE WESTERN PROVINCE AND ITS
COMPOSITION**

Three Wheeler Bureau. 2.

(1) A Bureau known as Three Wheeler Services Bureau of the Western Province hereinafter referred to as " the Bureau " shall be established.

(2) The said Bureau shall be run as a division of the Road Passenger Transport Authority (hereinafter referred to as the Transport

Authority) established under the Road Passenger Transport Services Statute, No. I of 1992.

(3) The said Bureau may establish and maintain branch officers with prior approval of the Provincial Minister in-Charge of the subject of Transport.

(4) The Bureau shall consist of a Head of Division and a staff.

(1) Head of Division of the Bureau shall be appointed by the Transport Authority with concurrence of the Minister.

(2) The Transport Authority shall-

(a) appoint and maintain a staff to perform duties and functions to enforce powers of the Bureau and effect their transfer and disciplinary control;

(b) decide wages and salaries of such staff ;

(c) decide payment of other remuneration to such staff ;

(d) decide terms and conditions of such staff ;

(e) contribute to any fund or scheme for the purpose of paying provident fund, pension or gratuity for the benefit of such staff.

(3) Payments made for salaries or remuneration of the staff and payments made to any fund or scheme for the purpose of paying provident funds or pension gratuities should be debited to the funds of the Transport Authority.

5.

(1) On the request of the Bureau, any officer in the Public Service can be temporarily appointed to the staff of the Bureau for the purpose of specific work decided by the Bureau, with the consent of Secretary to the Ministry in which such officer is employed and of the Secretary to the Ministry in-Charge of the subject of Public Administration. It is also possible to appoint such officer permanently to the staff of the Bureau with such consent.

(2) In case a person who has entered into an agreement with the Government or a Provincial Council agreeing to serve the Government or the Provincial Council to serve a specific period is employed by the Bureau the period of his service at the Bureau shall be reckoned as a service rendered to the Government or the Provincial Council for the purpose of fulfilling obligations of the agreement.

Part II

POWERS, DUTIES AND FUNCTIONS
01- THE THREE WHEELER SERVICES
BUREAU

Powers, Duties and 6,
Function of the
Bureau.

(1) The Three Wheeler Services Bureau shall enforce and perform the following powers, duties and functions.

(a) Conducting surveys on three wheelers used for Passenger Transport Service within the Western Province in order to ascertain whether the three wheelers are in good condition and to take action to promote regularisation of the Three wheeler Transport Service.

(b) Registration of three wheelers which are engaged in passenger transport service and issue of Passenger Transport Service Permits and renewal of such permits annually.

(c) Registration of drivers of three wheelers engaged in Passenger Transport Service, issue of permits and renewal of such permits annually.

(d) Enforcement of conditions on which permits for Passenger Transport Service are issued and to ensure that such conditions are adhered to.

(e) Issues of orders to permit holders of Passenger Transport Service requiring them to furnish periodic reports and other particulars required by the Authority in connection with the enforcement of powers and performance of duties and functions under this Statute.

(f) Preparation and implementation of orders on all or any of the following matters particularly to ensure safety and comfort of passengers viz.:

(i) Boards and signs to be displayed on three wheelers authorized to run by issuing Passenger Transport Permits under this Statute.

(ii) Documents containing necessary particulars that should be available with drivers of three wheelers authorized to run by issuing Passenger Service Permits under this Statute.

(iii) Prescription of standards to be followed by a person who engages a three wheeler to run on the authority of a passenger service permit issued in terms of this Statute and prohibition of violation or omission of such standards.

(iv) Fixing of meters in three wheelers to

display the distance travelled by and the fees charged from passengers when such three wheelers run under the authority of a Passenger Service Permit issued under this Statute.

(v) Time limit that a three wheeler should run per day according to the place it runs under the Passenger Service Permit issued under this Statute.

(vi) Safety of records kept under this Statute Examination of such records by and authority as specifically required by orders and to produce such records to the said authority whenever required by such Authority.

(g) Providing parking places for three wheelers and/or supervision of such places by the Local Government Institutions.

(h) Providing expert advice and guidance to owners and drivers of three wheelers.

(i) To enter into, carry out or complete all contracts or agreements directly for the purpose of enforcing powers and implementing duties and functions mentioned herein.

(j) Acquisition and holding of any movable or immovable property or disposal of any movable or immovable property already acquired or held.

(k) Recovery of fees for any service rendered by the Bureau.

(l) Acceptance of rewards, grants, donations or subsidies either in cash or otherwise and using them for any purpose of the Provincial Authority.

(m) To do all acts or things connected with or incidental to execution of powers and performance of duties and functions of the Bureau under this Statute.

(2) Execution of powers and performance of duties and functions by the Bureau shall be in accordance with the policy guidance and advice given from time to time by the National Transport Commission established by the National Transport Commission Act, No. 37 of 1991.

Minister
empowered to
issue directives.

7.

(1) Minister-in-Charge of the subject may make rules for making arrangements required to execute the above powers, for registration of three wheelers, prescribing fees and recovering charges for issuing instructions regarding running of three wheelers and for framing a code of conduct for drivers.

(2) Provincial Minister-in-Charge of the subject may issue directives in writing to furnish periodic returns accounts and other information in a form prescribed by him and the Bureau shall comply with all such directives.

Assignment of powers of the Provincial Authority.

8. Head of the Bureau may assign any of its powers, duties and functions to any officer of the Bureau in writing.

Part III

APPOINTMENT OF AN ADVISORY COUNCIL FOR THE THREE WHEELER SERVICES BUREAU AND ITS DUTIES AND FUNCTION

Composition of the 9, Advisory Council.

(1) There shall be an Advisory Council consisting of following members for advising and declamation of duties, functions and powers of the Bureau and on their implementation.

(i) Two members to be appointed (hereinafter referred to as Appointed Members) by the Provincial Minister from among persons who appear to the Provincial Minister as persons with wide experience or persons who have displayed maturity in Transport, Commerce, Finance or Administrative matters, and

(ii) Six members comprising three members from among three wheeler owners and three members from among three wheeler drivers to be appointed by the Provincial Minister-in-Charge of the Subject so as to represent all the three districts in the Western Province from among owners and drivers of three wheelers who use such three wheelers for Passenger Transport Service and who appear to the Provincial Council Minister as persons with wide experience in Passenger Transport Services or who have displayed maturity in such services.

(b) Five members (hereinafter referred to as ex-officio members) are to be appointed as indicated below:

(i) A Senior officer to be nominated by the Provincial Minister-in-Charge of the subject from hi: Provincial Ministry.

(ii) A Senior officer to be nominated by the Chief Minister from his Ministry.

(iii) A member nominated by Provincial Minister-in-Charge of the Subject in consultation with Chairman of the National Transport Commission established under the National Transport Commission Act, No. 37 of 1991.

(iv) Provincial Commissioner of Motor Traffic of the Western Province.

(v) A representative of the Directorate of the Road Transport Authority to be nominated by the Minister-in-Charge of the subject.

(2) Provincial Minister-in-Charge of the subject of Transport shall appoint one of such members to be Chairman of the Advisory Board.

(3) Head of the Bureau shall be the Secretary to the Advisory Board.

Eligibility for Appointment to the Advisory Board and tenure of office. 10.

(1) Any person who is a Member of Parliament, a member of the Provincial Council or a member of a Local Government Institution, if appointed to such capacity, such a person shall be disqualified for appointment or to function as a member of the Advisory Board.

(2) Prior to any person being appointed as a member of the Advisory Board, the Provincial Minister shall be satisfied that he is free from financial or other encumbrances which will adversely affect his performance of duties as member of the Advisory Board. The Provincial Minister shall be satisfied from time to time that no member of the Advisory Board shall have such encumbrances. In case the Provincial Minister requests a person at any time to furnish all particulars he considers necessary to perform his functions under this Sub Section, any such person who has been or is to be appointed as a member of the Advisory Board shall furnish such particulars to the Provincial Minister.

(3) Any member of the Provincial Authority who is directly or indirectly interested in any contract into which the Transport Authority or the Three Wheeler Services Bureau enters or intends to enter, shall disclose at a meeting of the Advisory Board, the nature of his such interest and such disclosure shall be recorded in the minutes of the Advisory Board meeting. Further such member shall not take part in any discussion or in taking any decision on the contract of the Authority or the Bureau.

(4) Every appointed member of the Advisory Board shall hold that office subject to the Provisions of Sub Sections (6), (7) and (8) for a period not exceeding three years to be reckoned from the date of appointment to be determined by the Provincial Minister at the time of making his appointment. Further he shall be eligible for re-appointment unless he has been removed from the office under Sub-Section (8).

(5) The tenure of office of Chairman shall be for the period of his membership in the Advisory Board subject to Provisions of Sub-Section (8).

(6) The Provincial Minister-in-Charge of the Subject may, by an order published in the Gazette, remove any appointed member from his office.

(7) A member of the Advisory Board in respect of whom an order under Sub-Section (8) is made by the Provincial Minister shall give up the office on the day such order is published in the Gazette.

(8) Any appointed member of the Advisory Board may at any time resign from the office he holds as member or chairman by addressing a letter to the Provincial Minister-in-Charge of the Subject.

(9) Whenever any member of the Advisory Board fails to perform the duties of his office as a result of sickness or any other disability or being out of Sri Lanka or any other reason -

(a) if he is an appointed member, the Provincial Minister may appoint another person in place of such member taking into consideration the provisions of Sub Section 9(1) (a), (i) and(ii);

(b) if he is a nominated member under Sub Paras (ii), (iii)and(v)of Para (b) of Sub-section 9 (i), the Provincial Minister who nominated such member may appoint another person in place of such member ;

(c) if he is an officer as indicated under sub paras 9 (i) a (i), (iv) and (v), the person appointed to act in the post of such officer shall be appointed to act for such officer.

(10) Whenever Chairman of the Advisory Board fails to perform the duties of his office as a result of sickness, or any disability or being out of Sri Lanka or any other reasons the Provincial Minister may appoint another member to act as Chairman.

(11) Remunerations, allowances and other expenses to be determined by the Provincial Minister with the concurrence of the Provincial Minister-in-Charge of the subject of Finance may be paid to all members or any member of the Advisory Board from the funds of the Provincial Authority.

Meeting of the 11.
Advisory Board.

(1) Chairman of the Advisory Board shall preside every meeting of the Advisory Board at which he is present. If the Chairman is not present at any meeting of the Provincial Authority, any member elected by the members present shall preside that meeting.

(2) Advisory Board shall meet at any time the Advisory Board considers necessary to meet.

(3) Person who presides over any meeting of the Advisory Board shall have a casting vote in addition to his vote.

(4) Quorum for any meeting of the Advisory Board shall be three members.

(5) The Advisory Board may function in spite of existence of any vacancy in the membership of the Advisory Board and any act or function of the Advisory Board shall not be ineffective and shall not be deemed to be ineffective solely by reason of existence of a vacancy in the membership of the Board or of any defect in appointment or nomination of its member.

(6) The Minister subject to the provisions of this Statute, may make rules in regard to meetings of the Advisory Board as well as the manner in which business of such meetings is to be carried out.

Part IV

FINANCE

Funds for Bureau. 12.

(1) The Bureau shall have a separate account under the Western Province Road Transport Authority established by the Road Passenger Transport Services Statute No. 01 of 1992.

(2) Following monies shall be credited to the account of the Bureau.

(a) All monies received by the Bureau in the course of execution of its powers and performance of its duties and functions except the monies charged for issuing and renewal of permits for Three Wheeler Transport Service ;

(b) Assistance received specifically to the Bureau from the Provincial Council of the Board.

Borrowing powers of the Bureau.

13. In performing functions of the Bureau under this Statute, funds required for discharging its responsibilities may be obtained through overdraft or in any other manner or by way of temporary borrowing with the consent of or in terms of an order of the Provincial Minister in Charge of the subject of finance. However the outstanding balance to be settled in respect of the temporary loan obtained shall not, at any time, exceed the amount decided by the Provincial Minister in Charge of the Subject in consultation with the Chief Minister.

Financial year of the Bureau and audit of Accounts

14.

(1) Financial year of the Bureau shall be the Calendar year.

(2) The Bureau shall cause to maintain proper account books in respect of revenue and expenditure assets and liabilities and all other financial transactions.

Auditing.

15. Accounts of the Bureau shall be audited subject to the provisions of the Provincial Council: Act, No. 42 of 1987.

Part V

GENERAL PROVISIONS

Minister empowered to make rules.

16.

(1) Minister may make rules in respect of any or all matters authorized by this Statute including management of affairs of the Bureau, and minimum salary, leave and other privileges of three wheeler drivers of the Passenger Transport Three Wheeler Service.

(2) Any rule made by the Minister under this Statute shall not be enforceable until it is published in the Gazette.

(3) Rules made under the Sub-Section (1) above may be published in the Gazette and shall be effective from the date of the notification, if no effective date is specified, such rules shall be valid from the date of publication in the Gazette.

(4) Every rule mentioned in Sub Section (1) above shall be presented to the Provincial Council within 06 months from the date of publication in the Gazette. If any rule so presented is rejected or cancelled or amended by the Provincial Council the original rule shall be considered as rescinded without prejudice to any action taken under that rule until the date of its rejection, cancellation or amendment.

(5) When any rule is rescinded a Gazette notice to that effect should be published.

Minister in-Charge 17.
of the Subject is
empowered to
issue directives.

(1) Provincial Minister in-Charge of the Subject may issue general or special directives from time to time to the Bureau in respect of exercise implementation and discharge of powers functions and duties of the Bureau and the bureau shall implement such directives.

(2) Provincial Minister in-Charge of the Subject may direct that reports, accounts and other information on activities of the Bureau be furnished to him in prescribed Specimen forms and the Bureau shall carry out all such directives.

Offences and
Penalties.

18. Every person who breaches or violates any provision of this Statute or any order, mandate, directive or requirement shall be guilty of an offence and if convicted at a summary trial in the presence of a Magistrate he shall be liable to a fine not exceeding Rupees One Thousand Five Hundred or to imprisonment of either type for a period not exceeding two years or to both such fine and imprisonment.

Requirement to
pay fines on the
spot.

19. When a breach of any provision of this Statute is detected by any officer authorized by the Bureau or by any Police Officer, any person who admits to be guilty of such breach may pay the fine imposed by the Bureau in lie of filing a case. Such payment can be made to the office of the Bureau or at any Divisional Secretariat within the Western Province and the receipt in proof of such payment may be handed over or sent by registered post within two weeks from the date of such detection to the Bureau or to the Officer-in-Charge of the Police Station named by the Police Officer who made the detection.

Certain persons are
liable for offences
committed by
group of person.

20. When any offence under this Statute is committed by a Body of persons-

(a) If that Body of Person is a Corporation, any Director, General Manager, Secretary or any other equivalent officer who was present at the Corporation at the time of committing offence ; or

(b) If that Body of Persons is a business establishment every person who was a partner of that business establishment at the time of committing the offence shall be treated as guilty of that offence unless he proves that the offence was committed without his knowledge or collusion and that he did all possible steps depending on the nature of duties and taking into consideration all circumstances to prevent him from committing that offence.

- Bureau to decide the number of three wheelers to be engaged in the Provincial Passenger Transport Service. 21. (1) The Bureau, in consultation with the Transport Commission of Sri Lanka will decide on the number of three wheelers to be engaged in the Passenger Transport Service within the Province.
(2) The Bureau shall not registered or issue permits exceeding the number of three wheelers decided to be engaged in the Passenger Transport Service.
- Purchase of three wheelers for Passenger Transport Service to have concurrence. 22. Any person who wish to purchase a three wheeler for the passenger Transport Service in the Western Province shall obtain concurrence of the Bureau.
- Subjected to Provisions of The National Transport Commission Act. 23. Provisions of this Statutes shall be subjected to National Transport Commission Act and provisions of this Statute shall be in force to the extent they are consistent with the said Act.
- Interim Provisions. 24. Owners or drivers of all three wheelers engaged in the Passenger Transport Service in the Western Province by the effective date of this Statute shall pay the prescribed fees and register within 06 months from the effective date of the Statute or within a special period prescribed by the Bureau.
- Interpretation. 25. Unless otherwise required by the context, in this Statute.
"Bureau" means the Three Wheeler Services Bureau.
"Three Wheeler" shall have the meaning given to it by the Commissioner of Motor Traffic.
"Passenger" shall have the same meaning given to it in the Western Province Motor Vehicles Act. No. 07 of 1991.
"Transport Authority" means the Road Passenger Transport Authority established by the Road Passenger Services Statute No. 1 of 1992.
"Provincial Minister in-Charge of the Subject" shall mean the Minister in Charge of the subject of Passenger Transport.
"Chief Minister" means the Chief Minister of the Provincial Council of the Western Province.
- Sinhala text prevails in case of any inconsistency. 26. In case of any inconsistency in the Sinhala, Tamil and English versions of this Statute, the Sinhala version shall prevail.