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CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

M.L.A. 423

An Ordinance to amend the Motor Car Ordinance, 1927.* No. 20 of 1927.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Motor Car Amendment Ordinance, No. of 1935. Short title.

2 The Motor Car Ordinance, 1927, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion between sections 69 and 70 of that Ordinance, of the following new section which shall have effect as section 69A of the principal Ordinance :—

Insertion of a new section 69A in Ordinance No. 20 of 1927.

69A (1) The licensing authority shall specify by endorsement on the motor car licence issued for each omnibus the approved route or routes on which that omnibus may ply or stand for hire. Approved routes for omnibuses.

(2) Every endorsement made under sub-section (1) shall set out the two places which shall be the termini of the route or of each of the routes approved by the licensing authority, and where there is no direct road between such termini, shall in addition include directions as to the several highways to be followed by the omnibus in proceeding from one terminus to the other.

(3) A licensing authority shall not refuse to approve any proposed route on any ground other than the following:—

- (a) that the omnibus, owing to its weight, size, or construction, cannot safely be used on the proposed route; or
- (b) that the proposed route is, owing to the condition of the route, including width and grade, unsuitable for omnibus traffic; or
- (c) that the proposed route is generally so congested by traffic that additional omnibus traffic cannot safely be allowed thereon; or
- (d) that the approval of the proposed route is likely in the opinion of that authority to lead to a breach of the peace or to endanger the safety of other traffic or of the public along that route.

(4) A licensing authority shall not approve any route outside its area except with the consent of every other licensing authority within whose area any part of such route lies.

(5) The licensing authority may, if it thinks fit, on the application of the registered owner of any licensed omnibus, alter from time to time any route endorsed on the licence for that omnibus.

(6) On the application of a police officer not below the rank of Superintendent, or of Assistant Superintendent in charge of a province, the police magistrate having jurisdiction over the place in which a licensed omnibus is usually kept, may, if he is satisfied that the use of any approved route by that omnibus is likely to lead to a breach of the peace or to endanger the safety of other traffic or of the public along that route—

- (a) by written order suspend for a specified period the endorsement relating to that route contained in the licence for that omnibus;
- (b) hold any inquiry he may deem necessary; and
- (c) by endorsement under his hand made on the licence, alter or modify the route in any manner or cancel or renew the endorsement relating to the route made by the licensing authority, as the circumstances of the case may require.

(7) Every order or endorsement made by a police magistrate under sub-section (6) shall be subject to an appeal to the Supreme Court at the instance of the licensee or of the police officer applying for the order, and whenever necessary, shall be amended or varied by a further endorsement under the hand of the police magistrate in accordance with the decision of the Supreme Court.

(8) The owner, the driver and the conductor of an omnibus shall severally be guilty of an offence, if that omnibus—

- (a) plies or stands for hire on any route other than an approved route endorsed on the licence for that omnibus by the licensing authority under sub-section (1) or by a police magistrate under sub-section (6); or
- (b) plies or stands for hire on any route at any time while an order suspending or cancelling the endorsement relating to that route is in force; or
- (c) starting from either of the termini of its approved route fails to complete the journey along that route to the other terminus, except when it is prevented by accident, mechanical derangement, or tyre failure, or when it is proceeding without passengers to a workshop for repairs or to the garage or other place where it is usually kept:

Provided however that nothing in this sub-section shall be deemed to apply to any licensed omnibus plying on any route, other than a route approved for that omnibus, under the authority of a permit issued by the officer in charge of a police station, in such circumstances and subject to such conditions as may be prescribed by regulations under section 70.

3 Section 70 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for paragraph (b) of that sub-section, of the following new paragraph :—

Amendment of section 70 of the principal Ordinance.

“(b) Prescribing the special circumstances in which, and the conditions on which, a licensed omnibus may be authorised by permit to use a route other than a route approved for that omnibus ;”.

4 The Fourth Schedule to the principal Ordinance is hereby amended as follows :—

Amendment of the Fourth Schedule to the principal Ordinance.

- (1) by the repeal of regulation 1 thereof ;
- (2) by the renumbering of regulation 1A thereof as regulation 1 ; and
- (3) by the substitution in renumbered regulation 1, for all the words from “ Notwithstanding ” to “ licensee ”, of the words “ The licensee ”.

Objects and Reasons.

The object of this Bill is to insert in the Motor Car Ordinance, 1927, a new section which will enable a licensing authority under that Ordinance to endorse on every omnibus licence the routes approved for the omnibus to which the licence relates. The routes suggested by the licensee will ordinarily be accepted by the licensing authority and a refusal to approve any route so suggested will be permitted only on the grounds specified in sub-section (3) of the proposed new section. Provision has also been made for the alteration or cancellation of an endorsement on the application of a licensee or, in a case of actual or apprehended breach of the peace, on an application made to a Police Magistrate by a police officer not below the rank of Superintendent or Assistant Superintendent of Police in charge of a province. Recent events have shown that the amendments proposed are necessary in order to deal adequately with situations of danger or difficulty which may arise by reason of the increasing competition between rival omnibus services.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Ministry of Local Administration,
Colombo, June 12, 1936.