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CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

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PART II.—LEGAL.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to make provision for the issue of licences for motor omnibuses and lorries in respect of the half-year ending on the 30th day of June, 1938.

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 (Half-yearly Licences) Ordinance, No. of 1937, and shall be read and construed as one with the Motor Car Ordinance, 1927, (hereinafter referred to as "the principal Ordinance").

Short title.

2 Notwithstanding anything contained in section 32 of the principal Ordinance, it shall be lawful for a licensing authority to issue for any omnibus or lorry in respect of the half-year ending on the thirtieth day of June, 1938, a half-yearly licence in accordance with the provisions of this Ordinance.

Power to issue licences for first half-year of 1938.

3 (1) The half-yearly licence under this Ordinance shall be in force from the date on which it is expressed to come into force, until the thirtieth day of June, 1938.

Duration of licence and duty payable thereon.

(2) The duty payable on a half-yearly licence for any omnibus or lorry under this Ordinance shall be one half of the duty specified for an omnibus or lorry of that class or description in the First Schedule to the principal Ordinance.

(3) Where a half-yearly licence for an omnibus or lorry is issued under this Ordinance after the twenty-eighth day of February, 1938, and it is shown to the satisfaction of the licensing authority that the omnibus or lorry has not been unlawfully used or possessed between the thirty-first day of December, 1937, and the date of issue of the licence, the duty payable on the licence shall be reduced by a one-sixth part for each complete calendar month which may have elapsed between the thirty-first day of January, 1938, and the date of issue of the licence, but so that the amount of the duty shall never be less than five rupees.

(4) Where the holder of a half-yearly licence issued under this Ordinance for any omnibus or lorry surrenders the licence for cancellation to the licensing authority before the thirtieth day of June, 1938, he shall be entitled to a refund of one-sixth part of the duty payable on the licence for each complete calendar month between the date of surrender and the thirtieth day of June, 1938 : Provided that the sum of five rupees shall be deducted from the total amount so computed and shall not be refunded.

(5) For the issue of the half-yearly licence under this Ordinance, the form of the annual licence for an omnibus and the form of the annual licence for a lorry, which are set out in the Third Schedule to the principal Ordinance, may be used by a licensing authority with such modifications as may be necessary to indicate the date on which the licence ceases to be in force under the provisions of this Ordinance.

(6) Save as otherwise expressly provided in this Ordinance, half-yearly licences under this Ordinance shall be issued in all respects in accordance with the requirements and provisions of the principal Ordinance.

Amendment or replacement of annual licences issued under the principal Ordinance.

4 (1) In every case where, in respect of the year 1938, an annual licence in accordance with the provisions of section 32 of the principal Ordinance has been issued for any omnibus or lorry before the date on which this Ordinance comes into operation, the licensing authority by whom it was issued shall by written notice addressed to the holder of the licence require the licence to be produced before him on or before such date as may be specified in the notice, and—

- (a) by alteration, endorsement or otherwise specify on such licence that it shall cease to be in force on the thirtieth day of June, 1938 ; or
- (b) cancel such licence and issue in place thereof under this Ordinance a half-yearly licence expressed to be in force until the thirtieth day of June, 1938.

(2) In any case where a licensing authority fails for any reason to carry out the provisions of sub-section (1) before the fifteenth day of January, 1938, it shall be the duty of the Registrar to carry out the provisions of that sub-section.

(3) Every holder of a licence of the description referred to in sub-section (1), who fails to produce the licence in compliance with any notice issued by the licensing authority under sub-section (1) or by the Registrar under sub-section (2), shall be guilty of an offence punishable with a fine not exceeding one hundred rupees.

(4) Where any licence referred to in sub-section (1) is altered or endorsed or is cancelled and a new half-yearly licence under this Ordinance is issued in its place, under sub-section (1) or sub-section (2), the licensing authority shall refund to the person to whom the first-mentioned licence was issued a sum equal to one half of the duty paid by that person on such first-mentioned licence.

Power to extend application of Ordinance to the half-year ending on 31st December, 1938.

5 The Governor may, by Order published in the Gazette, extend the application of this Ordinance to the issue of licences for motor omnibuses or lorries in respect of the half-year ending on the thirty-first day of December, 1938, and may by that Order make such modifications in the dates and other details set out in this Ordinance as may appear to him to be necessary for the purpose of such application.

Objects and Reasons.

A Bill to amend and consolidate the law relating to motor cars, which is intended to replace the Motor Car Ordinance, 1927, is under consideration and will, it is hoped, be ready for introduction in the State Council early in 1938. The Bill

will give effect to certain of the recommendations of the Transport Commission and will, *inter alia*, make several changes in the law dealing with the issue of licences for omnibuses and lorries. It is expected that the new legislation will be brought into operation on the 1st July, 1938, and that fresh licences in accordance with its requirements will be issued on and after that date.

2. The object of the present Bill is to provide for the issue of half-yearly licences for motor omnibuses and lorries in respect of the intervening period, January to June, 1938, (Clause 3). Section 32 of the Motor Car Ordinance, 1927, which provides for the issue of yearly licences will not have effect during this period, but the other provisions of that Ordinance will remain unaffected.

3. Clause 4 makes provision for cases in which licences for the whole of the year 1938 have already been issued. Every licence so issued will be altered or cancelled and half the amount of the duty paid thereon will be refunded. (Clause 4).

4. In the event of there being any delay in bringing into operation the provisions of the proposed consolidating Ordinance, it will be necessary to have power to issue similar licences in respect of the half-year ending on the 31st December, 1938. Clause 5 will accordingly enable the Governor, by order published in the Gazette, to extend the special provisions set out in this Bill to the issue of licences in respect of that half-year.

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

Colombo, November 30, 1937.