



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

No. 8,402 — FRIDAY, OCTOBER 7, 1938.

Published by Authority.

PART II.—LEGAL.
PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice
and consent of the State Council thereof.

No. 45 of 1938.

M. L. A. 437

An Ordinance to amend and consolidate the law relating
to motor cars.

G. S. WODEMAN.

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SIXTH SCHEDULE.

An Ordinance to amend and consolidate the law relating to motor cars.

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

PART I.

GENERAL.

Short title and date of operation.

1 (1) This Ordinance may be cited as the Motor Car Ordinance, No. 45 of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

(2) Notwithstanding anything in sub-section (1), the Governor may, by Proclamation published in the Gazette, fix a special date earlier than the appointed date for the coming into operation, either generally or for any specified purpose, of any specified provisions of this Ordinance; and such provisions shall come into operation accordingly.

Appointment of officers.

2 (1) The Governor may appoint—

- (a) any person, by name or by office, to be or to act as the Commissioner of Motor Transport;
- (b) any person, by name or by office, to be or to act as an Assistant Commissioner of Motor Transport;
- (c) any person to be or to act as the Chief Examiner of Motor Cars; and
- (d) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) Any person appointed under sub-section (1) to be or to act as an Assistant Commissioner, may subject to the general

directions of the Commissioner, exercise all the powers and discharge all the duties or functions conferred or imposed on the Commissioner by this Ordinance:

(3) Any person appointed under the provisions of any repealed Ordinance to be or to act as the registrar of motor cars or as an assistant registrar and holding office on the date immediately preceding the appointed date, shall continue in office as if he were appointed under sub-section (1) to be or to act, as the case may be, as the Commissioner or an Assistant Commissioner.

(4) The person appointed to be or to act as the Chief Examiner of Motor Cars and holding office on the date immediately preceding the appointed date, shall continue in office as if he were appointed under sub-section (1) to be or to act, as the case may be, as the Chief Examiner.

(5) (a) The Commissioner may from time to time appoint any person to be or to act as an examiner of motor cars for the purposes of this Ordinance.

(b) Every person appointed to be or to act as an examiner under the provisions of any repealed Ordinance and holding office on the date immediately preceding the appointed date, shall continue in office as if he were appointed under paragraph (a) to be or to act, as the case may be, as an examiner.

(6) All persons, officers and servants exercising powers or discharging duties or functions under this Ordinance shall be deemed to be public servants within the meaning of the Ceylon Penal Code.

3 (1) There shall be a Board with the name and style of the Motor Traffic Advisory Board consisting of a Chairman, who shall be the person for the time being holding the office of Commissioner, and such other members, not exceeding six in number, as may be appointed by the Governor in consultation with the Executive Committee.

Motor Traffic
Advisory
Board.

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

(3) It shall be the duty of the Board to advise the Commissioner on all matters referred by him to the Board as to—

- (a) the policy to be adopted in the disposal of applications for licences for motor cars under this Ordinance; and
- (b) the regulation of motor traffic in Ceylon.

(4) Meetings of the Board 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 that the Chairman shall summon a meeting whenever he is requested in writing so to do by not less than three members of the Board.

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

4 (1) For the purposes of this Ordinance, there shall be a Tribunal of Appeal consisting of three members appointed by the Governor in consultation with the Executive Committee.

Tribunal of
Appeal.

(2) One at least of the members of the Tribunal shall be a person who has held judicial office or is an Advocate or a Proctor of the Supreme Court of not less than ten years' standing.

(3) Every member of the Tribunal shall, unless he earlier vacates the office or is removed by the Governor therefrom, hold office for such period not exceeding three years as may be determined by the Governor at the time of the appointment. Any member vacating the office by effluxion of time shall be eligible for re-appointment.

(4) It shall be the duty of the Tribunal to hear and determine all appeals preferred to the Tribunal in accordance with the provisions of this Ordinance or of any regulation.

(5) Regulations may be made prescribing—

- (a) the manner in which appeals shall be preferred to the Tribunal;
- (b) the forms to be used and the fees to be paid in preferring such appeals;
- (c) the procedure to be observed on the hearing of such appeals;

(d) the circumstances in which and the rules according to which costs may be awarded against any party to an appeal; and

(e) the remuneration to be paid to members of the Tribunal,

and providing generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing or disposal of appeals.

(6) The decision of the Tribunal on any matter or question brought before it by way of appeal shall be final and conclusive for the purposes of this Ordinance.

(7) Any sum ordered by the Tribunal to be paid by any authority, officer or person by way of costs in any appeal, may be recovered, on application made to the Police Court having jurisdiction in the place where such authority or officer has his office or where such person is resident, in like manner as a fine imposed by the court, notwithstanding that such sum may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction, impose.

PART II.

CONSTRUCTION, EQUIPMENT AND USE.

Motor cars to comply with regulations in First Schedule.

5 Save as otherwise provided in section 6, no motor car which does not comply with any regulation in the First Schedule as to the construction, weight, dimensions or equipment of motor cars of the class or description to which that motor car belongs, shall be used on any highway to which that regulation applies.

Power to vary provisions in First Schedule by regulation.

6 (1) Regulations may be made as respects all highways in Ceylon or the highways in any specified area or any specified highway—

(a) permitting the use of all motor cars or of motor cars of any specified class or description or of any specified motor car, the dimensions, measurements or weights of which are in excess of those specified in the regulations in the First Schedule; or

(b) varying the dimensions, measurements or weights specified in the regulations in the First Schedule in such manner as to restrict the use of all motor cars or of any specified class or description of motor car or of any specified motor car; or

(c) prohibiting or restricting the carriage on any motor car, or any specified class or description of motor cars, of any load exceeding any specified weight or dimensions; or

(d) prohibiting or restricting the use of all motor cars, or of any specified class or description of motor cars, during specified hours of the day or night.

(2) No person shall be deemed to have contravened the provisions of section 5 by reason only of the use of a motor car on any highway in accordance with any regulation made under sub-section (1) (a).

(3) No motor car to which any regulation made under sub-section (1) (b) applies, shall be used on any highway in contravention of that regulation.

First Schedule.

Condition of motor cars.

7 No motor car 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 car or on the highway or using the highway, or to any property on or adjoining the highway.

Regulations as to lights on motor cars.

8 (1) Where the Executive Committee 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 undimmed 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 car unless the glare of such headlight is effectively dimmed or prevented in such manner or by such device as may be prescribed.

(2) Where the Executive Committee is satisfied that a device which effectively prevents glare but provides sufficient light for safe driving can be procured in Ceylon at a reasonable price, regulations may be made requiring all motor cars to be fitted with such device; and where such regulations have been made, no lamp throwing its rays forward shall be used on a motor car on any highway at night unless it is fitted with such device.

9 Regulations may be made providing—

- (a) for the prohibition, regulation or control of the use on motor cars of mascots and other similar fittings ;
- (b) 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 car ; and for the payment of fees for such inspection or testing.

Regulations as to mascots and inspection of steam boilers, &c.

10 (1) For the purpose of ascertaining the mechanical condition of any motor car or the condition of the tyres fitted thereon—

Power to inspect and test motor cars

- (a) an examiner or a police officer of a rank not below that of Sub-Inspector may stop a motor car on a highway if he has reasonable grounds for believing that the car or any tyre fitted thereon is not in a fit condition, and may by written order direct the driver of the car to produce the car for examination at any place named by the driver and specified in the order ;
- (b) an examiner or an authorised officer may in any case where the motor car has been or is suspected to have been involved in an accident, enter, test and inspect the motor car wherever it may be, and may for that purpose require it to be stopped or enter any premises on which the motor car is for the time being kept or suspected to be kept.

(2) A copy of every order issued by an examiner or a police officer under paragraph (a) of sub-section (1) shall be transmitted or full particulars thereof communicated by him forthwith to the examiner appointed for the area within which the place named by the driver of the motor car and specified in the order is situated.

(3) For the purposes of this section, " authorised officer " means—

- (a) any police officer of a rank not below that of Sub-Inspector ; or
- (b) any Police Sergeant in uniform who is in charge of a police station.

11 (1) An examiner shall not at any time stop, enter or examine any motor car under section 10 unless on demand made by the owner or driver of the car he produces for inspection a written authority issued to him in that behalf by the Commissioner.

Restrictions on Powers of Examiners.

(2) An examiner before whom a motor car is produced for examination for the purposes of section 10 shall not detain the car for a longer period than half an hour.

PART III.

REGISTRATION.

12 (1) No person shall possess or use a motor car unless that car is registered, and the person for the time being entitled to the possession of the car is registered as the owner thereof, in accordance with the provisions of this Part.

Registration of motor cars and owners.

(2) The provisions of sub-section (1) shall not apply in the case of—

- (a) a motor car which is imported into Ceylon by a dealer for the purpose of sale, and which remains unsold and is not used on any highway ;
- (b) a motor car which is lawfully used under the authority of a dealer's licence and identified by a distinctive number assigned for the purpose ;
- (c) a motor car while it is being driven to or from any place specified by the Commissioner for inspection, or while it is being tested by the direction of the Commissioner, for the purposes of the registration of that car ;
- (d) a motor car in respect of which a temporary licence issued under section 41 is in force ; or
- (e) a motor car which, on importation into Ceylon, is used on a highway in the course of its removal from the Customs premises.

(3) (a) Every motor car which, on the date immediately preceding the appointed date, was a motor car duly registered or deemed to have been duly registered under the provisions of any repealed Ordinance shall be deemed to be registered in accordance with the provisions of this Ordinance ; and the person who on the date immediately preceding the appointed date was the registered owner of any such motor car shall be deemed to be registered as the owner thereof under the provisions of this Ordinance.

(b) Every certificate of registration issued or deemed to have been issued under any repealed Ordinance shall be deemed to be a certificate of registration issued under this Ordinance, and the provisions of this Ordinance shall apply accordingly.

Register of motor cars.

13 (1) (a) The Commissioner shall keep a register of all motor cars registered under this Ordinance and shall enter or cause to be entered therein, in the Form 1 set out in the Second Schedule particulars relating to each such car.

(b) Regulations may be made requiring the Commissioner to keep a separate register of motor cars usually kept or used in any specified area.

(2) Every register kept by the registrar of motor cars under the provisions of any repealed Ordinance shall be deemed to be a register kept by the Commissioner under sub-section (1).

Application for registration.

14 (1) Every application for the registration of a motor car shall be made to the Commissioner substantially in the Form 2 set out in the Second Schedule, shall be signed by the person for the time being entitled to the possession of the motor car, and shall set out all particulars relating to that motor car in respect of such of the matters specified in that Form as may be applicable to that motor car.

(2) Every applicant for the registration of a motor car other than a motor cycle shall, if required to do so by the Commissioner, furnish proof of the weight of the motor car to the satisfaction of the Commissioner.

Registration fee.

15 No motor car shall be registered except upon payment of the prescribed fee.

Distinctive number and certificate of registration.

16 (1) Upon the registration of a motor car the Commissioner shall—

(a) assign to the motor car a number or a combination of one or more letters and one or more numbers (in this Ordinance referred to as a “distinctive number”); and

(b) register the person by whom the application for registration was made, as the owner of the motor car; and

(c) issue to that person a certificate of registration in the Form 3 set out in the Second Schedule.

(2) Where the ownership of a motor car is claimed by two or more persons, the Commissioner shall register as the owner of the car—

(a) such one of those persons as may be nominated by them for the purpose of such registration; or

(b) in the event of any dispute between those persons, such one of them as may be selected for the purpose by the Commissioner after such inquiry as he may deem necessary.

(3) (a) In any case referred to in paragraph (a) of sub-section (2), the Commissioner may also enter in the register the names of the other claimants to the ownership of the car, but no such entry of the name of any claimant shall be deemed to affect any liability which the person registered as the owner may incur under any of the provisions of this Ordinance or to vest in such claimant any of the rights or powers conferred by this Ordinance upon the registered owner of a car.

(b) The decision of the Commissioner under paragraph (b) of sub-section (2) shall be final and conclusive for the purposes of this Ordinance, but shall not be deemed to prejudice or to affect in any way the right of the other claimants to the ownership of the car to cause their claim to be determined by an action at law.

Inspection of motor cars and information to Commissioner.

17 (1) The Commissioner may at any time, whether before or after the registration of a motor car, require the motor car to be brought to any convenient place specified by him and to be inspected and, if necessary, to be weighed and measured, if he has reason to believe—

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

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

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

(d) that the weight, dimensions, character or seating accommodation of the motor car has been altered after the registration thereof.

(2) The registered owner of a motor car shall forthwith inform the Commissioner in writing of any circumstance or event which affects the accuracy of any entry in the register

relating to the motor car and shall at the same time forward or deliver to the Commissioner the certificate of registration of the motor car.

(3) The registered owner of a motor car shall, whenever required by the Commissioner—

- (a) forthwith furnish to the Commissioner all such information as the Commissioner may require, or proof of the weight of the motor car, for the purpose of verifying the entries relating to that motor car in the register; and
- (b) forthwith forward to the Commissioner the certificate of registration relating to that motor car.

(4) After a motor car has been inspected, weighed, or measured under sub-section (1), or upon receipt of any information or proof furnished in respect of a motor car under sub-section (2) or sub-section (3), the Commissioner may make such amendments in the register and in the certificate of registration relating to that motor car as to him may seem necessary, and shall return the certificate to the registered owner.

18 (1) On any change of possession of a motor car consequent on the death of the registered owner—

Procedure on
change of
possession of
motor cars.

- (a) the person having the custody of the motor car shall within fourteen days of its coming into his custody give notice of the fact to the Commissioner in the Form 4 set out in the Second Schedule;
- (b) the Commissioner shall, upon receipt of such notice, issue any written directions that he may think necessary as to the use of the motor car pending the registration of the person entitled to be registered as the new owner; and
- (c) any person, to whom permission to use the motor car pending such registration is given by the Commissioner by directions issued under paragraph (b), shall for the purposes of this Ordinance be deemed to be the registered owner during the period for which such permission is given.

(2) On any change of possession of a motor car upon a voluntary transfer made by the registered owner—

- (a) the registered owner shall within fourteen days after such change of possession forward to the Commissioner a statement in the Form 5 set out in the Second Schedule together with the licence for that motor car, and shall deliver to the new owner the certificate of registration relating to the motor car or a duplicate thereof; and
- (b) the motor car shall not be used for more than fourteen days after such change of possession unless the new owner is registered as the owner thereof, and the licence delivered to him by the Commissioner under section 20.

Provided that this sub-section shall not apply in any case where the change of possession of a motor car is consequent on a contract of hiring, where the period of the hiring does not exceed three months or where the registered owner continues to employ and pay the driver of the car.

(3) On any change of possession of a motor car otherwise than on the death of the registered owner or a voluntary transfer made by him—

- (a) the registered owner of the car shall within fourteen days after the change of possession deliver the licence and the certificate of registration relating to the car to the person into whose possession the car has passed, and shall inform the Commissioner in writing of the change of possession;
- (b) where the licence and the certificate of registration are so delivered, the person into whose possession the car has passed shall, within fourteen days after the change of possession forward to the Commissioner the licence and the certificate of registration relating to the car, and shall apply to the Commissioner to be registered as the new owner in place of the registered owner;

- (c) where the Commissioner is satisfied that the licence or the certificate of registration relating to the car has not been delivered under paragraph (a) to the person into whose possession the car has passed, and that such person is entitled to the possession of the car, the Commissioner may, upon application made by such person and on payment of the prescribed fee, issue to such person a duplicate of the certificate or direct the licensing authority to issue to him a duplicate of the licence; and
- (d) the person into whose possession the car has passed shall, upon application made as hereinafter provided and upon production to the Commissioner of the certificate of registration or a duplicate thereof and of the licence or a duplicate thereof, be entitled to be registered as the new owner of the motor car.

Application for registration of new owner.

19 Every application for the registration of a new owner, upon any change of possession of any motor car, shall be made in such one of the Forms 6 and 7 set out in the Second Schedule as may be appropriate to the case, shall set out all particulars relating to that motor car in respect of such of the matters specified in that form as may be applicable to that motor car, and shall be signed by the person claiming to be entitled to be registered as the new owner of that motor car.

Registration of new owner.

20 (1) No person shall be registered as the new owner of a motor car unless his application is accompanied by the prescribed fee and by the licence or a duplicate thereof and the certificate of registration or a duplicate thereof, relating to that car.

(2) Upon the registration of the new owner of a motor car under this section, the Commissioner shall make the necessary alterations in the licence, if it is still in force, and in the certificate of registration, relating to that car, and shall deliver the altered licence and certificate to the new registered owner:

Provided that the Commissioner may, if he considers it expedient, issue, in lieu of the amended certificate, a new certificate of registration to the person registered as the new owner of the motor car.

Use of motor car during absence of registered owner.

21 (1) Where the registered owner of a motor car leaves Ceylon with the intention of being absent from Ceylon for a period exceeding two months, the motor car shall not be used after his departure until his return to Ceylon, unless—

- (a) he has made application to the Commissioner in the Form 8 set out in the Second Schedule to register a person nominated by him as the temporary owner during such period; and
- (b) the Commissioner has registered that person as the temporary owner of the motor car.

(2) Notwithstanding that no person has been duly nominated under sub-section (1), the Commissioner may, upon proof to his satisfaction that any person has been authorised by the registered owner of a motor car to use the motor car during the absence of the owner from Ceylon, register that person as the temporary owner.

(3) No person shall be registered for any period as the temporary owner of a motor car under this section except upon payment of the prescribed fee. Any person so registered shall be deemed for the purposes of this Ordinance to be the registered owner of the motor car during that period.

(4) No person shall be registered under this section as the temporary owner of a motor car unless the certificate of registration and the licence relating to that car are delivered to the Commissioner.

(5) Upon the registration under this section of any person as the temporary owner of a motor car, the Commissioner shall issue to that person a certificate of registration, in the Form 3 set out in the Second Schedule modified in such manner as may be necessary, and shall amend and deliver to him the licence for that motor car.

(6) The registered owner of any motor car in respect of which a temporary owner has been registered under this section, shall, on his return to Ceylon, deliver to the Commissioner the licence and the certificate of registration issued under sub-section (5) to the temporary owner, and shall apply, in the Form 9 set out in the Second Schedule, to be re-registered as the owner of that motor car, and the Commissioner shall upon payment of the prescribed fee re-register him accordingly, and shall issue to him a certificate of registration and shall amend and deliver to him the licence for that car.

22 Any person who for the time being is the registered owner, or is deemed under any provision of this Part to be the registered owner of a motor car, shall, for the purposes of any proceedings under this Ordinance, be deemed to be the owner of that motor car.

Registered owner to be deemed to be owner.

23 A certificate of registration shall be *prima facie* evidence of the due registration of the motor car to which the certificate relates and of the particulars appearing in the certificate.

Evidence.

24 The Commissioner shall cancel the registration of a motor car if he is satisfied that the motor car has been permanently removed from Ceylon, or destroyed, or dismantled and broken up or otherwise rendered permanently unserviceable.

Cancellation of registration.

PART IV.

IDENTIFICATION PLATES.

25 On every motor car there shall be fixed and maintained two identification plates each bearing the distinctive number of that motor car :

Identification plates.

Provided that in lieu of either or both of such plates a design or designs, conforming in every respect to the requirements of this Part as to identification plates, may be painted or otherwise delineated on any motor car ; and any reference in this Ordinance to, or to the fixing of, an identification plate shall be deemed to include a reference, as the case may be, to, or to the painting or other delineation of, such a design.

26 For the purposes of section 25, no identification plate shall be used unless the shape of the plate conforms to one of the diagrams set out in Part A of the Third Schedule, and the colour of the ground of every plate, the colour and size of every letter and number on such plate, the spacing between such letters or numbers, and the dimensions of the margins of such plate, are in accordance with the general provisions set out therein :

Shape of identification plates.
Third Schedule.

Provided, however, that any identification plate of a shape not conforming to one of the aforesaid diagrams may be used on any motor car if a written permit authorising the use of such plate has been obtained from the Commissioner.

27 The two identification plates required by section 25 shall be fixed and maintained on each motor car of each class or description referred to in Part B of the Third Schedule, in accordance with such of the provisions set out therein as are applicable to that class or description of motor cars.

Identification plates to be in accordance with Part B of Third Schedule.

28 (1) Every identification plate required by section 25 shall be fixed and maintained in an upright position on the motor car, with the upper edge of the letters and figures upwards.

Position of identification plates.

(2) No part of any identification plate shall be obscured in any manner.

PART V.

LICENCES.

(a) Provisions Applicable to all Licences for Motor Cars.

29 (1) No person shall possess or use a motor car for which a licence is not in force.

Motor cars not to be possessed or used without licence.

(2) The person who for the time being is, or is deemed under Part III to be, the registered owner of a motor car shall, for the purposes of sub-section (1), be deemed, unless the contrary is proved, to possess that car.

(3) No dealer shall be deemed to have contravened the provisions of sub-section (1) by reason only of the possession of a motor car which is imported into Ceylon for the purposes of sale, if the motor car remains unsold and is not used on any highway except under the authority of a dealer's licence.

(4) (a) Where notice of a period of non-user has been given under section 30 in respect of any motor car, no person shall be deemed to have contravened the provisions of sub-section (1) by reason only of the possession of the motor car during that period, if the motor car is not used in any place during that period.

(b) Where notice of a period of non-user has been given under section 30 in respect of any motor car, the Commissioner may in his discretion issue a permit authorising the removal of the motor car on a specified date from a specified place to any other specified place for the purpose of repairs or for the purpose of compliance with any provision of this Ordinance ; and no person shall be deemed to have contravened the provisions of sub-section (1) by reason only of the use of that motor car for the purpose of such removal in accordance with permit so issued.

(5) No person shall be deemed to have contravened the provisions of sub-section (1) by reason only of the use of a motor car on a highway in the course of the removal of the car from the Customs premises on importation into Ceylon.

Notice of
period of
non-user.

30 (1) The registered owner of any motor car may—

- (a) at any time before the 23rd day of December in any year, give written notice to the licensing authority that he does not intend to use the motor car for such period, commencing on the first day of January in the succeeding year, as may be specified in the notice ; or
- (b) in any case where he is registered as the owner during the course of any year, give written notice on or before the date of such registration that he does not intend to use the motor car for such period, commencing on the date when he is so registered, as may be specified in the notice ; or
- (c) in any case where the licence for that motor car is, under section 36, surrendered for cancellation, give written notice on or before the date of such surrender that he does not intend to use the motor car for such period, commencing on the date of such surrender, as may be specified in the notice.

(2) The registered owner of a motor car, in respect of which notice of a period of non-user has been given under sub-section (1), may by written notice given before the expiry of that period extend the period, and may from time to time by like notice further extend the period as often as may be necessary :

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 acknowledgment of the receipt thereof.

(4) The period of non-user specified in any notice under this section shall not extend beyond the thirty-first day of December of the year in respect of which the notice is given.

(5) Where any person is registered under Part III as the new owner or the temporary owner of a motor car, 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.

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

Application for
licence.

31 (1) Every application for a licence for a motor car shall—

- (a) be made to the licensing authority of the place in which the motor car will usually be kept during the period for which the licence is required ;
- (b) be substantially in such one of the Forms 10 to 15 set out in the Second Schedule, as may be appropriate to the case, and shall set out all particulars relating to that motor car in respect of such of the matters specified in that Form as may be applicable to that motor car ;
- (c) be signed by the registered owner of the motor car ;
- (d) be accompanied by the amount of the duty on the licence, calculated according to the provisions of section 32 ; and
- (e) be made before the twentieth day of December in the year preceding the year for which the licence is required :

Provided, however, that—

- (i) in the case of any motor car in respect of which notice of a period of non-user has been given under section 30, the application shall be made before the end of that period ;

- (ii) in the case of a motor car in respect of which notice of a period of non-user has been given under section 30, and that notice ceases to be operative on any date by reason of the provisions of section 30 (5), the application shall be made within three days of that date ;
- (iii) in the case of a motor car which is registered for the first time in Ceylon, the application shall be made within three days of the date of the registration of that car ;
- (iv) in the case of an omnibus or a lorry, the application shall be made not less than three months before the date on which the licence is required.

(2) Where application for a licence for a motor car, other than an omnibus or a lorry, is required under sub-section (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 duty which would under section 32 have been payable on the licence if it had been issued on an application duly made under sub-section (1), issue a licence expressed to be in force from the date of such issue ; and in any case where a licence for any motor car is issued under this sub-section, no prosecution shall be instituted or maintained against any person for any contravention of section 29 (1) in respect of that car during the period of such delay.

32 (1) The duty on a yearly licence, which is to come into force on the first day of January in any year, for a motor car of any class or description shall be determined according to the rates set out in the Fourth Schedule for motor cars of that class or description.

Licence duty.

(2) Where any licence for a motor car, other than a dealer's licence, is to come into force after the first day of January and before the first day of March in any year, the amount of the duty payable on that licence shall be the same as the amount payable on a yearly licence for that motor car under sub-section (1).

(3) Where—

- (a) application for a licence for a motor car, in respect of which notice of a period of non-user in any year has been given under section 30, is made under paragraph (i) or paragraph (ii) of the Proviso to section 31 and the licensing authority is satisfied that the motor car has not been unlawfully used between the first day of January in that year and the date from which the licence is to be in force ; or
- (b) application for a licence for any motor car registered for the first time in Ceylon on any date during the course of any year, is made under paragraph (iii) of the Proviso to section 31, and no notice of a period of non-user in respect of that motor car has been given under section 30,

the duty payable on that licence shall, save as is otherwise provided in sub-section (2), be the duty payable under sub-section (1) on a yearly licence, reduced by one-twelfth part for each complete calendar month of the period commencing on the first day of February in that year and ending on the last day of the month preceding the month in which the licence is to come into force.

(4) No duty shall be payable on a licence for a motor car belonging to or exclusively used in the service of His Majesty.

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

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

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 car, other than a hiring car or lorry, for which a licence in respect of any year is to be issued to any person to whom a licence for that motor car in respect of the preceding year has been issued by that authority.

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

Form and duration of licences.

34 Every licence for a motor car shall be issued by the licensing authority in such one of the Forms 16 to 19 set out in the Second Schedule, 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 continue in force until the thirty-first day of December next following that date.

Licence to be carried on motor car and produced when required.

35 The licence issued for any motor car shall—

- (a) be carried on the front of the motor car in a weather-proof holder having a transparent face, and placed in a conspicuous position on the left or near side of the motor car, so that the front of the licence and the writing thereon shall be clearly visible at all times by daylight to a person standing in front of the motor car on the left or near side thereof; and
- (b) be made available for inspection on demand made by a police officer, headman, or examiner, or by any person authorised in writing by the Commissioner or the licensing authority:

Provided, however, that the licence shall be removed from the car and produced when required by a court or the Commissioner for endorsement or retention.

Surrender and cancellation of licence.

36 Where the holder of a licence surrenders the licence for cancellation to the licensing authority which issued the licence, he shall be entitled to obtain from the licensing authority a refund, subject to the deduction of a sum of five rupees, of one-twelfth part of the duty, payable on a yearly licence for that car under section 32 (1), in respect of each complete calendar month of the period commencing on the first day of the month succeeding the month in which the licence is surrendered and ending on the thirty-first day of December next following.

Alteration of motor car and change of licence, &c.

37 (1) Where a motor car, for which a licence of any class or description is in force, is altered so as to become a motor car for which a licence at a higher or lower rate of duty, or a licence of a different class or description, is required, the licence shall, upon such alteration being completed, be void; and the holder thereof shall apply for a new licence.

(2) The holder of a licence for a motor car may at any time if he desires to use the motor car for a purpose not authorised by the licence, apply for a new licence.

(3) No new licence shall be issued for any motor car on application made under this section, until the old licence is surrendered to the licensing authority to whom the application is made.

(4) (a) Where the rate of duty payable on a new licence is higher than the rate payable on the old licence, there shall be deducted from the duty on the new licence a sum equal to the duty which would have been payable on the old licence if it had been issued on the same day as the new licence:

Provided that the duty payable on the new licence shall not in any case be less than five rupees.

(b) Where the rate of duty payable on a new licence is lower than the rate payable on the old licence, the holder of the old licence shall be entitled—

- (i) to obtain a refund of duty on surrender of that licence in accordance with the provisions of section 36, and to apply for a new licence; or
- (ii) to obtain the new licence without any further payment.

(c) For the purposes of this sub-section the duty payable on a new licence, and the duty which would have been payable on an old licence, shall be calculated in accordance with the provisions of section 32.

Dealers certificate and licence.

38 (1) (a) The Commissioner may each year upon application, in the Form 20 set out in the Second Schedule, made by a person who is a dealer in, or manufacturer or repairer of, motor cars, and upon payment of the prescribed fee, register every garage or place of business of such person and issue to him a dealer's certificate for that year in the Form 21 set out in the Second Schedule; and no person who is the holder of a dealer's certificate shall carry on business at any garage or place of business which is not so registered.

(b) Upon the registration of any garage or place of business under paragraph (a), the Commissioner shall allot to such garage or place of business a number or a combination of one or more letters and one or more numbers (hereinafter referred to as a "garage number").

(2) (a) The licensing authority of the area in which any registered garage or place of business is situated shall, upon application in the Form 22 set out in the Second Schedule, and upon production of the dealer's certificate relating to that

garage or place of business, and on payment of duty at the rate prescribed for such licence in the Fourth Schedule, issue to the holder of that certificate such number of dealer's licences as he may require.

(b) Every dealer's licence shall be in the Form 23 set out in the Second Schedule, 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.

(3) A dealer's licence issued by any licensing authority shall be valid, for the purposes of this Ordinance, 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 cars at a registered garage or place of business situated within the administrative area of that authority.

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

(5) 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.

39 (1) A dealer's licence shall authorise the use of a motor car 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 :

Use of motor
car under
dealer's licence.

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

(2) A motor car 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 car 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 car by the purchaser under the authority of a dealer's licence shall be, and shall be deemed to have been, a contravention of the provisions of section 29, unless the purchaser, within the three days next following the sale—

(a) in the case of a motor car for which a licence is not in force, makes application under section 31 for a licence for that car ;

(b) in the case of a motor car for which a licence is in force, makes application under section 18 for registration as the new owner of that car.

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

(a) that licence shall be carried on the motor car in the manner provided in section 35 ;

(b) two identification plates, each bearing the dealer's licence number assigned to that licence under section 38 (2), shall be affixed to the motor car in accordance with such of the provisions of Part B of the Third Schedule as may be applicable to a motor car of that class or description.

(4) Where a motor car, 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 licence subsequently issued for the motor car 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 Form 24 set out in the Second Schedule, of every occasion on which a motor car is used under the authority of a dealer's licence issued to him ; and

(b) shall, where a motor car 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 car, the name and address of the purchaser, the date and time of the removal of the motor car after the sale and the number assigned to that licence under section 38 (2), 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 of a rank not below that of sergeant, or by any person authorised in writing by the Commissioner or the licensing authority.

Disposal of licence duties.

40 (1) The duties paid on licences for motor cars shall be appropriated—

- (a) where the licensing authority is the Mayor or Chairman of a Municipal Council, to the Municipal Fund ;
- (b) where the licensing authority is the Chairman of a District Council, Local Board or Sanitary Board, to the fund of such Council or Board, as the case may be ;
- (c) where the licensing authority is a Government Agent or Assistant Government Agent, to general revenue.

(2) Regulations may be made providing that the duties paid on licences shall be appropriated according to any scheme other than that set out in sub-section (1) ; and, where regulations are so made, such duties shall, notwithstanding the provisions of sub-section (1), be appropriated in accordance with such regulations.

(3) Where any dispute arises between any two or more licensing authorities as to the manner in which or to the fund to which any duty paid on a licence for a motor car shall be appropriated, the decision of the Commissioner upon the dispute shall be final and conclusive and the duty shall be appropriated in accordance with such decision.

Temporary licence for visitor's motor car.

41 (1) The Commissioner, if he is satisfied, upon application made in the Form 25 set out in the Second Schedule, that any motor car has been imported into Ceylon for the purpose of being used by the owner of that car during a visit to Ceylon, may, notwithstanding that no person has been registered as the owner of that car, issue to the owner a temporary licence, in the Form 26 set out in that Schedule, authorising the possession and use of the motor car for a period not exceeding three months from the date of importation.

(2) (a) The powers conferred on the Commissioner by sub-section (1) may—

- (i) in the case of a motor car imported at the port of Talaimannar, be exercised by the Assistant Government Agent at Mannar or by the Sub-Collector of Customs at Talaimannar ; or
- (ii) in the case of a motor car imported at the port of Trincomalee, be exercised by the Assistant Government Agent at Trincomalee ; or
- (iii) in the case of a motor car imported at the port of Galle, be exercised by the Government Agent of the Southern Province.

(b) Every application made to, and a copy of every temporary licence issued by, any officer under paragraph (a) shall be forwarded to the Commissioner.

(3) No 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 general revenue.

Restrictions on use of motor car in contravention of licence.

42 (1) No person shall use any motor car for any purpose not authorised by the licence for the time being in force for that car, or in contravention of any of the conditions contained in that licence.

(2) The Commissioner may in his discretion issue a permit for the purpose of—

- (a) authorising a motor car, licensed wholly or mainly for the purpose of carrying persons, to be used for a specified period for the carriage of samples of goods not exceeding two hundred and twenty-four pounds in weight ; or
- (b) authorising a motor cab to be used for a specified period for the carriage of mails ; or
- (c) authorising a motor cab to be used for a specified period by the registered owner otherwise than as a hiring car.

(3) Regulations may be made empowering the Commissioner, in any case not provided for in sub-section (2), to issue a permit authorising the use of any motor car for any specified purpose not authorised by the licence for the time being in force for that car, 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 sub-section (1) by reason only of the use of a motor car in accordance with any permit issued under sub-section (2) or under any regulation made under sub-section (3).

(b) *Special provisions applicable to the licensing of omnibuses and lorries.*

43 (1) Every application for a licence for an omnibus or lorry shall be made not less than three months before the date on which the licence is required.

Application for licence for omnibus or lorry.

(2) Every applicant for a licence for an omnibus shall specify in his application—

- (a) particulars of the route or routes, (hereinafter referred to as the "proposed route" or "proposed routes"), on which it is proposed to provide a service under the licence;
- (b) in the case of a licence in respect of a regular service, the time table and table of fares of the proposed service;
- (c) in the case of a licence in respect of any service other than a regular service, particulars as to the frequency of the service and the length of time proposed to be taken for the journeys included in the service.

(3) Every applicant for a licence for a lorry shall specify in his application particulars of the area (hereinafter referred to as the "proposed area of operation") in which it is proposed to use the lorry for the carriage of goods, and shall, if required so to do by the licensing authority, furnish—

- (a) the prescribed particulars with respect to any business as a carrier of goods for fee or reward carried on by him at any time before the date of the application, and particulars of the rates charged by him;
- (b) particulars of any agreement or arrangement, affecting in any material respect the provision within the area of the licensing authority of facilities for the transport of goods for fee or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the area;
- (c) particulars as to the nature and quantity of the goods to be carried therein otherwise than for fee or reward.

(4) Every application 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 an application is delivered in person issue a written acknowledgment of the receipt thereof.

44 (1) Every applicant for a licence for an omnibus or a lorry shall produce the omnibus or lorry for examination by an examiner on such date and at such time and place as may be specified in a notice addressed to the applicant by the licensing authority, and shall pay the prescribed fee for such examination.

Examination of omnibuses and lorries.

(2) In any case where an applicant for a licence states in his application that the construction of the omnibus or lorry, for which the licence is required, has not been commenced or completed, the date specified in the notice issued under sub-section (1), in respect of that omnibus or lorry, shall be not earlier than two months and not later than three months after the date on which the decision or order, that the licence should be issued, is communicated to the licensing authority under section 52:

Provided, however, that if the applicant informs the licensing authority that the omnibus or lorry will be ready for examination on an earlier date, the licensing authority shall require it to be produced for examination as soon as may be after such earlier date.

45 (1) (a) Every licensing authority shall forward to the Commissioner every application received by that authority for a licence for an omnibus or a lorry, together with a recommendation upon the application.

Licensing authorities to forward applications to Commissioner with recommendations.

(b) In the case of applications for licences to be in force on and after the first day of January in any year, the licensing authority shall so forward the applications not earlier than the first day of October and not later than the seventh day of October, in the preceding year.

(c) In the case of every application other than an application referred to in paragraph (b), the licensing authority shall forward the application within seven days of the receipt thereof.

(2) A licensing authority shall not recommend to the Commissioner that any application for a licence for an omnibus should be refused, except upon any one or more of the following grounds :—

- (a) that the omnibus, owing to its weight, size or construction, or, in the case of an omnibus that has not been constructed, its estimated weight or size or its proposed design, cannot safely be used on any proposed route ; or
- (b) that any proposed route is, owing to the condition of the route, including width and grade, unsuitable for omnibus traffic ; or
- (c) that any proposed route is generally so congested by traffic that additional omnibus traffic cannot, with due regard to the safety and convenience of the public, be allowed thereon.

(3) A licensing authority shall not recommend to the Commissioner that any application for a licence for a lorry should be refused, except upon either or both of the following grounds :—

- (a) that the lorry, owing to its weight, size or construction, or, in the case of a lorry that has not been constructed, its estimated weight or size or its proposed design, cannot safely be used on the highways in the proposed area of operation ; or
- (b) that the highways in the proposed area of operation are generally so congested by motor traffic that additional lorry traffic cannot, with due regard to the safety and convenience of the public, be allowed thereon.

Publication of list of applications, and objections to issue of licences.

46 (1) The Commissioner shall cause a list of all applications for licences for omnibuses and a list of all applications for licences for lorries to be published in the Gazette, and shall cause a copy of each such list to be affixed in a conspicuous position at the office of every licensing authority and at such other places as the Commissioner may consider necessary ; and the Commissioner shall specify upon each list a date on or before which objection may be made to him in writing against the issue of any such licence.

Each list referred to in this sub-section shall, in the case of applications for licences to be in force on and after the first day of January in any year, be published or affixed, as the case may be, not later than the twentieth day of October in the preceding year.

(2) (a) Any licensing authority within whose area any part of any route, proposed by any applicant for a licence for an omnibus, or any part of the area of operation proposed by any applicant for a licence for a lorry, is situated, may make objection against the issue of that licence.

(b) Any person who is the holder of a valid licence, or who is himself an applicant for a licence, for an omnibus in respect of any route or part of any route, or for a lorry in respect of the whole or any part of the area of operation, which is proposed by any other person in an application for a licence for an omnibus or a lorry, as the case may be, may make objection against the issue of the licence to such other person.

(3) Regulations may prescribe the manner in which objections may be made under this section, and the procedure to be followed by the Commissioner in the hearing of such objections.

Matters to be considered by Commissioner.

47 (1) In deciding whether an application for a licence for an omnibus or a lorry should be granted or refused, the Commissioner shall have regard to the following matters :—

- (a) the recommendation of the licensing authority on the application ;
- (b) any objection duly made under section 46 against the issue of that licence ;
- (c) the adequacy and suitability of all existing transport facilities ;
- (d) in the case of an application for a licence for an omnibus, the question whether, by reason of the length of the proposed route or routes or the extent of the area covered thereby, the service under the licence will be efficient and likely to provide adequately for the needs of the public ;
- (e) in the case of an application for a licence for a lorry, the question whether, by reason of the extent of the proposed area of operation, the service under the licence will be efficient and likely to provide adequately for the needs of the public.

(2) For the purposes of sub-section (1), the Commissioner may make such enquiries and investigations as he may consider necessary, and may require any applicant for a licence to furnish such information, or produce such documents as may in the opinion of the Commissioner be necessary for the purpose of any such enquiry or investigation.

48 (1) Where upon any application for a licence for an omnibus the Commissioner decides that the licence should be issued, he shall determine the route or routes in respect of which the licence may be issued, and for the purpose of such determination he may approve the proposed route or any part thereof, or all or any of the proposed routes or any part thereof.

Approval by Commissioner of routes or areas of operation.

(2) Where upon any application for a licence for a lorry the Commissioner decides that the licence should be issued, he shall determine the area of operation in respect of which the licence may be issued, and for the purpose of such determination he may approve the whole or any part of the proposed area of operation.

49 (1) Where upon any application for a licence for an omnibus or a lorry, the Commissioner decides that the licence should be refused, he shall forthwith give written notice of the decision by registered post to the applicant for the licence, and shall set out in the notice the reasons for the decision.

Notice of Commissioner's decisions upon applications.

(2) Where upon any application for a licence for an omnibus or a lorry the Commissioner decides that the licence should be issued, he shall forthwith give written notice of the decision by registered post—

- (a) to every person, authority or officer who has under section 46 duly made objection against the issue of the licence ;
- (b) if a licensing authority has recommended that the licence should not be issued, to that authority ; and
- (c) if the Commissioner has not approved any part of the proposed route or any of the proposed routes or any part thereof, or, as the case may be, any part of the proposed area of operation, to the applicant for the licence .

50 (1) Any person whose application for a licence for an omnibus or a lorry is refused may, before the expiry of a period of ten days from the date of the receipt of the notice referred to in section 49 (1), appeal to the Tribunal of Appeal against such refusal.

Appeals from Commissioner's decisions.

(2) Any person, authority, officer or applicant to whom notice of any decision is given under section 49 (2) may, before the expiry of a period of ten days from the date of the receipt of the notice, appeal to the Tribunal of Appeal against the decision of the Commissioner.

51 (1) The Tribunal of Appeal in the case of an appeal against any decision of the Commissioner that a licence for an omnibus or a lorry should be refused—

Powers of Tribunal of Appeal.

- (a) may make order confirming the decision of the Commissioner ; or
- (b) may make order that a licence should, subject to the provisions of section 53 (2), be issued to the applicant, and shall, in every case relating to a licence for an omnibus approve the proposed route or any part thereof or all or any of the proposed routes or any part thereof, and in every case relating to a licence for a lorry approve the proposed area of operation or any part thereof.

(2) The Tribunal of Appeal may in the case of an appeal against any decision of the Commissioner that a licence for an omnibus or a lorry should be issued—

- (a) where the appeal is preferred by any person, authority or officer to whom notice of any decision is given under paragraph (a) or paragraph (b) of section 49 (2)—
 - (i) make order confirming the decision of the Commissioner ; or
 - (ii) make order that the licence should be refused ; or
 - (iii) vary the decision of the Commissioner and make order that, subject to the provisions of section 53 (2), the licence should, in the case of an omnibus, be issued in respect only of such part or number of the proposed route or routes as may be specified in the order, or in the case of a lorry, be issued in respect only of such part of the proposed area of operation as may be specified in the order ;

(b) where the appeal is preferred by the applicant for the licence—

- (i) confirm the decision of the Commissioner ; or
- (ii) vary the decision of the Commissioner and make order that, subject to the provisions of section 53 (2), the licence should, in the case of an omnibus, be issued in respect of the route or routes approved by the Commissioner and such other route or routes as may be specified in the order, or, in the case of a lorry, be issued in respect of the part of the area of operation approved by the Commissioner and of such other part of the proposed area of operation, as may be specified in the order.

(3) The Tribunal of Appeal may, subject to such regulations as may be made in that behalf, make such order as to costs as it may deem just or reasonable in the case of any appeal.

Communication of decisions and orders as to issue of licences.

52 The Commissioner shall communicate to each licensing authority, in respect of each application for a licence for an omnibus or a lorry forwarded to him by that authority, his own decision if no appeal has been duly preferred against that decision, or the order of the Tribunal of Appeal upon any appeal that may have been preferred against that decision ; and where the decision or order is that a licence should be issued, the Commissioner shall specify in the communication, in the case of a licence for an omnibus, the approved route or routes in respect of which the licence may be issued and the number, if any, assigned to that route or each of those routes under section 57, or in the case of a licence for a lorry, the area of operation in respect of which the licence may be issued.

Refusal or issue of licences.

53 (1) Where the decision or order communicated by the Commissioner under section 52 in respect of any application for a licence for an omnibus or a lorry is that the licence should be refused, the licensing authority shall not issue the licence ; and in any case where the omnibus or lorry has, before the receipt of such communication, been certified after examination under section 44 to be fit to be used as such, the licensing authority shall refund to the applicant for the licence the amount of the fee paid for that examination.

(2) Where the decision or order communicated by the Commissioner under section 52 in respect of any application for a licence for an omnibus or a lorry is that a licence should be issued, the following provisions shall have effect :—

- (a) If the omnibus or lorry is certified by an examiner, after examination under section 44, to be fit to be used as such, the licensing authority shall issue a licence for that omnibus or lorry.
- (b) If the omnibus or lorry is certified by an examiner, after examination under section 44, to be unfit to be used as such, the applicant for the licence may appeal within the prescribed period against the finding of the examiner to the Commissioner, who may confirm the finding of the examiner or reverse that finding and certify that the omnibus or lorry is fit to be used as such ; and the decision of the Commissioner on any such appeal shall be final and conclusive.
- (c) Notwithstanding the decision or order communicated by the Commissioner under section 52, the licensing authority shall not issue a licence where the omnibus or lorry, as the case may be, is certified by an examiner after examination under section 44 to be unfit to be used as such, and where—
 - (i) no appeal against the finding of the examiner is duly preferred under paragraph (b) ; or
 - (ii) the Commissioner has upon an appeal under paragraph (b) confirmed the finding of the examiner.
- (d) If upon any appeal under paragraph (b) the Commissioner has certified that the omnibus or lorry is fit to be used as such, the licensing authority shall issue a licence for that omnibus or lorry.

Approved routes or areas of operation.

54 (1) Every licensing authority shall specify on every licence for an omnibus issued by that authority—

- (a) the approved route or routes on which that omnibus may ply or stand for hire, and the number, if any, assigned to each such route under section 57 ;
- (b) the two places which shall be the termini of each such route ; and

(c) the highway or the several highways to be followed by the omnibus in proceeding from one terminus to the other.

(2) Every licensing authority shall specify on every licence for a lorry issued by that authority the approved area of operation for that lorry.

55 (1) The registered owner of any omnibus for which a licence is in force may make application to the licensing authority for the alteration of any approved route or any part of any such route specified on that licence.

Alteration of routes approved for omnibuses.

(2) The licensing authority shall, within ten days of the receipt of any application under sub-section (1), forward the application to the Commissioner.

(3) The provisions of sections 46 to 52, relating to the procedure to be followed in the case of applications for licences for omnibuses, shall apply *mutatis mutandis* in the case of applications under sub-section (1).

(4) Upon the communication to the licensing authority, under the provisions of section 52 as applied by sub-section (3), of any decision or order that an alteration of any approved route or part thereof, specified in any licence for an omnibus, should be made, the licensing authority shall, upon production to him of the licence, alter the licence in accordance with such decision or order; and every route or part thereof altered under this sub-section shall for the purposes of this Ordinance be deemed to be an approved route for that omnibus.

56 (1) 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 an omnibus, for which a licence is in force, is usually kept, may, if he is satisfied after notice to the Commissioner and hearing such representations as may be made by or on behalf of the Commissioner, 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—

Cancellation or suspension of routes approved for omnibuses.

(a) hold a summary inquiry;

(b) by written order suspend for a specified period the approval of that route; and

(c) by endorsement under his hand made on the licence, alter or modify that route in any manner, or cancel the approval of that route, as the circumstances of the case may require.

(2) Every order or endorsement made by a Police Magistrate under sub-section (1) shall be subject to an appeal to the Supreme Court at the instance of the holder of the licence 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. The provisions of sections 338 to 352 of the Criminal Procedure Code, 1898, shall, where not inapplicable, apply to every appeal under this sub-section.

57 (1) The Commissioner may classify and number, in such manner as may be convenient, the approved routes in respect of which licences for omnibuses are issued, and shall publish in the Gazette a list of the routes so classified and numbered.

Classification and numbering of routes for omnibuses.

(2) The Commissioner may cause sketch maps to be prepared indicating the approved routes as classified and numbered under sub-section (1), and a copy of each such map shall be open to inspection by any person at the office of the Commissioner.

58 (1) The registered owner of any omnibus for which a licence is in force shall, if he intends to withdraw the omnibus from service, give notice of his intention to the licensing authority, and the licensing authority shall thereupon cause the omnibus to be examined by an examiner.

Withdrawal of omnibuses from services.

(2) Where an examiner certifies, after examination of any omnibus under sub-section (1), that the omnibus is unfit to be used as such, the omnibus shall be forthwith withdrawn from service, and the licensing authority shall forthwith inform the Commissioner of such withdrawal.

(3) Where an examiner certifies, after examination of any omnibus under sub-section (1), that the omnibus is fit to be used as such, the licensing authority shall forward the notice given by the registered owner and the certificate of the examiner to the Commissioner, and the registered owner shall not withdraw the omnibus from service except with the approval of the Commissioner or before such date as he may appoint.

(c) *Special provisions applicable to the licensing of motor cabs.*

Examination before issue of licence.

59 (1) No licence authorising the use of a motor car as a motor cab shall be issued by the licensing authority, unless the motor car has, within the period of two months immediately preceding the date on which the licence is to come into force, been examined and certified by an examiner to be fit to be used as a motor cab.

(2) The registered owner of a motor cab shall pay the prescribed fee for the examination of that cab under sub-section (1).

(3) The registered owner of any motor cab which is certified by an examiner, after examination under sub-section (1), to be unfit to be used as such, may, on payment of the prescribed fee, appeal to the Commissioner against the finding of the examiner; and the decision of the Commissioner on any such appeal shall be final and conclusive.

(d) *Provisions applicable to licences for hiring cars or lorries.*

Power to insert conditions in licence.

60 Any licensing authority may insert in any licence for a hiring car or lorry issued by that authority such conditions as an examiner may, after examination of the hiring car or lorry, certify to be necessary in the interests of safety.

Maximum number of passengers to be specified in licence for hiring car.

61 (1) The licensing authority shall specify in every licence for a motor cab the maximum number of passengers authorised to be carried in the cab:

Provided, however, that in the case of a motor cab in which the least distance between the front edge of the rear seat and the back of the front seat exceeds two feet, the Commissioner may in his discretion authorise not more than two persons to be carried in the motor cab in excess of the number determined for that cab under sub-section (3), and in any such case the number to be specified in the licence shall be varied accordingly, and no motor cab shall by reason only of such variation be deemed for any purpose to be an omnibus.

(2) In every licence issued for an omnibus, the licensing authority shall specify the maximum number of passengers authorised to be carried in the omnibus.

(3) For the purpose of determining the maximum number of passengers that may be carried on a hiring car—

(a) fifteen inches of seating space shall be allowed for each person; and

(b) due regard shall be had to the safe load of the car, which shall be calculated in such manner as the Commissioner may direct, the weight of each person being reckoned, in that calculation, as one hundred and forty pounds.

Maximum load to be specified on licence for lorry.

62 The licensing authority shall specify in every licence issued for a lorry the maximum load which may be carried on the lorry. For the purpose of determining the maximum load, each person permitted to be carried on the lorry shall be deemed to weigh one hundred and forty pounds.

PART VI.

CERTIFICATES OF COMPETENCE.

Classification of motor cars for the purposes of this Part.

63 For the purposes of this Part, motor cars shall be deemed to be divided into the following classes:—

(a) motor cycles,

(b) omnibuses,

(c) lorries,

(d) steam-driven motor cars,

(e) motor cars other than those specified in paragraphs (a), (b), (c), and (d).

Prohibition of driving without certificate of competence.

64 No person shall drive a motor car of any class on a highway unless he is the holder of an effective certificate of competence which is valid for that class of motor cars; and no person shall employ any person to drive a motor car on a highway unless the person so employed is the holder of such a certificate:

Provided, however, that for the purpose of learning to drive a motor car a person who is not the holder of a certificate of competence may drive on a highway any motor car, other than a hiring car carrying passengers—

(a) if the holder of an effective certificate which is valid for that class of motor cars accompanies such person for the purpose of instructing him and is seated at his side; and

(b) if there is carried over each identification plate fixed on the car, a plate or board of such colour as may be prescribed, bearing the letter "L" painted thereon, the dimensions of such letter being twice the corresponding dimensions of any letter forming part of the distinctive number on the identification plate.

65 (1) Every application for a certificate of competence shall be made to the Commissioner in the Form 27 set out in the Second Schedule, and shall be accompanied by the prescribed application fee and by two copies of a photograph of the applicant, of such size as may be prescribed and taken not earlier than six months before the date of the application.

Application for certificates.

(2) Every applicant for a certificate of competence to drive a motor cab, omnibus or lorry shall prove to the satisfaction of the Commissioner—

- (a) that he is not a registered criminal within the meaning of the Prevention of Crimes Ordinance, No. 2 of 1926;
- (b) that he possesses an adequate practical knowledge of the mechanism of a motor car; and
- (c) that he has completed 21 years of age.

66 (1) Every certificate of competence issued by the Commissioner shall be in the Form 28 set out in the Second Schedule.

Issue of certificates.

(2) No certificate of competence shall be issued to any person unless he has, within the thirty days immediately preceding the date on which the certificate is required, passed a driving test conducted by the Commissioner or by some person authorised for the purpose by the Commissioner.

(3) No certificate of competence shall be issued to any person if the Commissioner is satisfied that the person suffers from any physical or mental disability which is likely to prevent him from driving a motor car in a safe and proper manner.

(4) No certificate of competence shall be issued to any person who has not completed eighteen years of age, and any certificate issued to any such person shall be of no effect.

(5) One of the copies of the photograph, furnished under section 65 (1) by an applicant for a certificate of competence, shall be affixed to the certificate issued to him and shall be authenticated by the Commissioner with a facsimile of his signature or with his official seal or stamp; and the other copy shall be filed of record in the office of the Commissioner.

(6) Every holder of a certificate of competence shall furnish two copies of his photograph to the Commissioner whenever the copy affixed to his certificate under sub-section (5) is faded, defaced, damaged, or torn, or whenever he is ordered to do so by the Commissioner, or by a court before which he is convicted under any written law of an offence in connection with the driving of a motor car. The copies furnished under this sub-section shall be dealt with in the manner provided by sub-section (5).

67 (1) A certificate of competence, unless expressed to be valid for all classes of motor cars, shall be valid only for the class or classes of motor cars specified therein, but may by entry made thereon under the hand of the Commissioner, upon application made in Form 29 set out in the Second Schedule and on payment of the prescribed fee, be expressed to be valid for any other class of motor cars.

Validity of certificate of competence.

(2) Where the applicant for a certificate of competence passes a driving test—

- (a) on an omnibus, any certificate granted to him shall be expressed to be valid for all classes of motor cars except motor cycles and steam-driven motor cars; or
- (b) on a lorry, any certificate granted to him shall be expressed to be valid for all classes of motor cars except motor cycles, omnibuses, and steam-driven motor cars:

Provided that the Commissioner may in his discretion restrict the validity of any such certificate to such class or classes of motor cars as may be specified by him in the certificate, if he is of opinion that such restriction is necessary.

(3) Where the applicant for a certificate of competence is tested only on a motor car not driven by sliding gears, the certificate issued to him shall not be valid for motor cars driven by sliding gears, and an entry to that effect under the hand of the Commissioner shall be made on the certificate. In any such case the validity of the certificate may, when the holder passes a satisfactory examination on a motor car driven by sliding gears, be extended by entry made thereon under the hand of the Commissioner, to motor cars driven by sliding gears.

(4) No certificate of competence shall be expressed to be valid for steam-driven motor cars unless the holder has passed a test of ability to manage and attend to the boiler and furnace of a steam-driven motor car.

Special provisions affecting certificates to drive hiring cars.

68 (1) No certificate of competence shall be valid for a motor cab or an omnibus unless the certificate is, by entry made thereon under the hand of the Commissioner, expressed to be valid for motor cabs or omnibuses, as the case may be.

(2) No certificate shall, under sub-section (1) be expressed to be valid for motor cabs or omnibuses unless the Commissioner is satisfied that the applicant for the certificate or the holder thereof, as the case may be, has completed 21 years of age.

(3) Where the Commissioner is satisfied that an applicant for, or the holder of, a certificate of competence, is unfit to drive a hiring car by reason of the fact that he is a registered criminal within the meaning of the Prevention of Crimes Ordinance, No. 2 of 1926, or habitually behaves in a riotous or disorderly manner or is habitually drunk or suffers from any disease of an infectious or contagious nature—

(a) the application that the certificate be expressed to be valid for motor cabs or omnibuses may be refused by the Commissioner ; or

(b) where the certificate has, by entry made under sub-section (1), been expressed to be valid for motor cabs or omnibuses, that entry may be cancelled or suspended by endorsement made on the certificate under the hand of the Commissioner :

Provided that any person who is dissatisfied with any such refusal, suspension or cancellation may appeal therefrom to the Governor, and the decision of the Governor on any such appeal shall be final and conclusive.

(4) Where any court under any written law convicts the holder of a certificate which is, by entry made under sub-section (1), expressed to be valid for motor cabs or omnibuses, of any offence which shows him to be unfit to drive a hiring car, the court may, in addition to any other punishment which it may lawfully impose for that offence, order the certificate to be produced to the court before the expiry of a period of five days from the date of the order and cancel that entry :

Provided that where the certificate is not produced in compliance with such order, the court may make order disqualifying the holder of the certificate for driving any motor car until the production of the certificate to the court.

Certificate to drive specified car or cars of a specified weight or description.

69 (1) Notwithstanding anything contained in this Part, the Commissioner may in his discretion issue to any person a certificate of competence expressed to be valid for a specified motor car or for motor cars of any specified weight or description.

(2) No person who is the holder of a certificate of competence issued under sub-section (1), shall drive on a highway any motor car other than the motor car specified in that certificate or a motor car of the weight or description specified in that certificate, as the case may be.

Power to issue certificate without driving test to holder of driving licence issued outside Ceylon.

70 Where any person who is the holder of a driving licence or certificate of competence or any equivalent thereof, which has been at any time issued outside Ceylon, applies to the Commissioner for a certificate of competence, the Commissioner may in his discretion issue a certificate of competence to that person without requiring him to pass the driving test referred to in section 66 (2).

Temporary certificates.

71 (1) (a) Notwithstanding anything in this Part to the contrary, on application made in Form 30 set out in the Second Schedule, the Commissioner may with or without the driving test referred to in section 66 (2), issue to any person who satisfies the Commissioner that he is a *bona fide* visitor to Ceylon, a temporary certificate of competence which shall be in Form 31 set out in that Schedule and shall be effective for such period, not exceeding three months from the date of his arrival in Ceylon, as may be specified therein.

(b) The powers conferred on the Commissioner by paragraph (a) may in the case of a person arriving in Ceylon—

- (i) at the port of Talaimannar, be exercised by the Government Agent of the Northern Province, the Assistant Government Agent at Mannar or the Sub-Collector of Customs at Talaimannar ; or
- (ii) at the port of Trincomalee, be exercised by the Assistant Government Agent at Trincomalee ; or
- (iii) at the port of Galle, be exercised by the Government Agent of the Southern Province.

(c) A copy of every certificate issued by any officer under paragraph (b) shall be forwarded to the Commissioner.

(2) No temporary certificate shall be issued under sub-section (1) except upon payment of the prescribed fee.

(3) The provisions of this Part, requiring copies of photographs to be furnished by applicants for certificates of competence and to be affixed to such certificates, shall not apply to the issue of temporary certificates under this section.

72 Every certificate of competence to drive a motor car of any class, issued under any repealed Ordinance, shall be deemed to be a certificate of competence issued under this Ordinance and to be valid for that class of motor cars; and the provisions of this Ordinance shall apply to such certificate accordingly.

Savings for certificates issued under repealed Ordinance.

73 (1) A Police Magistrate who is satisfied that the holder of a certificate of competence suffers from any physical or mental disability which is likely to prevent him from driving a motor car in a safe or proper manner, may cancel the certificate.

Cancellation of certificate in case of physical or mental disability.

(2) For the purposes of sub-section (1), the court may require the holder of a certificate of competence to be examined at his expense by a registered medical practitioner approved by the court, and to produce the report issued by such practitioner after the examination.

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

Certificate of competence to be carried by driver and produced when required.

Provided, however, that no person shall be deemed to have contravened the provisions of this sub-section, if he proves to the satisfaction of the court that his certificate had at the time of the alleged contravention been forwarded to the Commissioner for an extension of its validity.

(2) Every holder of a certificate of competence who is charged before any court with any offence under this Ordinance, or with any offence under any other written law committed in connection with the driving of a motor car, shall take the certificate with him to the court and shall, if he is convicted of the offence, forthwith produce the certificate to the court for the purpose of endorsement under section 75.

(3) Where a certificate of competence is not produced in accordance with the provisions of sub-section (2), the court may make order disqualifying the holder of that certificate for driving a motor car until the certificate is produced to the court.

(4) (a) Where a certificate of competence is produced to a police officer at any investigation made by him into an offence alleged to have been committed in connection with the driving of a motor car by the person who is the holder of the certificate, the police officer may take charge of such certificate for the time being and issue to such person a permit under his hand, in the prescribed form and setting out the prescribed particulars.

(b) A permit issued under paragraph (a) shall be deemed to be sufficient authority for the person to whom it is issued to drive a motor car, notwithstanding that he is not in possession of a certificate of competence, for such period not exceeding fourteen 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.

(c) Every certificate taken by a police officer under paragraph (a) shall—

- (i) where it is subsequently decided that no charge should be preferred against the holder thereof, be returned to him as soon as may be after such decision is taken; or
- (ii) where a charge is preferred, be returned to him, unless it is cancelled or suspended by the court, as soon as may be after the final disposal of the charge.

75 (1) Subject to the provisions of sub-section (2), any court before which a person is convicted of any offence under this Ordinance, or of any offence under any other written law committed in connection with the driving of a motor car, may in addition to any other punishment which it may lawfully impose for that offence—

Suspension or cancellation of certificates and orders disqualifying persons for obtaining certificates.

- (a) if the person convicted is the holder of a certificate of competence issued or deemed to be issued under this Ordinance, suspend the certificate for a specified period not exceeding two years, or cancel the certificate; or

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

(2) (a) Where the certificate of competence of any person convicted of the offence of contravening any of the provisions of sub-sections (1) and (2) of section 88, or of any offence in connection with the driving of a motor car punishable under section 272 or section 328 of the Ceylon Penal Code, contains at the time of such conviction endorsements, made after the first day of January, 1937, under any repealed Ordinance or made under this Ordinance 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 repealed Ordinance corresponding to the provisions of sub-sections (1) and (2) of section 88, the court shall either cancel the certificate or suspend the certificate for a stated period, which shall be not less than six months nor more than two years; and where the certificate 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 certificate.

(b) Where the certificate of competence of any person convicted of any offence in connection with the driving of a motor car punishable under section 298 or section 329 of the Ceylon Penal Code contains at the time of such conviction endorsements, made after the first day of January, 1937, under any repealed Ordinance or made under this Ordinance, in respect of two previous convictions of any of those offences, the court shall cancel the certificate:

(c) Where any person is convicted of the offence of contravening the provisions of section 127, the court shall make an order suspending the certificate of competence of such person, or declaring such person to be disqualified for obtaining a certificate of competence, for a period of not less than twelve months, unless in the circumstances of any case, for special reasons to be recorded in the proceedings, the court is of opinion that such order should not be made or that the period of suspension or disqualification should be less than twelve months.

(3) Where the holder of a certificate of competence is convicted before any court of any offence under this Ordinance, or of any offence under any other written law committed in connection with the driving of a motor car, the court shall endorse upon the certificate the particulars of the conviction and of any order made under this section and the date of such endorsement; and every such endorsement shall be initialled by the Judge or Magistrate of the court.

(4) Where any court under sub-section (3) endorses on any certificate the particulars of any conviction and no order suspending or cancelling the certificate is made by the court, the court shall forward to the Commissioner a copy of the endorsement made on the certificate.

(5) (a) Where an order suspending or cancelling a certificate of competence is made and endorsed on the certificate under this section, the court shall forward the certificate to the Commissioner.

(b) Where a certificate of competence is suspended for any period, the Commissioner shall return the certificate on demand, at the end of that period, to the person in whose name the certificate was issued.

Consequences
of orders of
suspension or
cancellation.

76 (1) Where a certificate of competence is suspended by a court under section 75—

(a) the person whose certificate is so suspended shall during the period of such suspension be disqualified for obtaining a new certificate of competence; and

(b) the Commissioner shall not issue a new certificate of competence to that person during that period.

(2) Save as otherwise provided in sub-section (5)—

(a) any person whose certificate of competence is cancelled under section 75 shall be deemed to be disqualified for obtaining a new certificate of competence; and

(b) the Commissioner shall not issue to that person a new certificate of competence.

(3) Where any court has under section 75 (1) declared any person to be disqualified for obtaining a certificate of competence for any period, the Commissioner shall not during that period issue to that person a certificate of competence.

(4) No person shall drive a motor car on a highway at any time while any order suspending or cancelling his certificate of competence, or declaring him to be disqualified for obtaining a certificate, is in force.

(5) (a) The court which has made order cancelling the certificate of competence of any person may, on the application of that person made at any time after the expiry of a period of two years reckoned from the date of cancellation, and after such inquiry as the court may consider necessary, make order authorising him to apply to the Commissioner for a new certificate of competence in accordance with the provisions of this Ordinance.

(b) The court shall notify the Commissioner and the Police of the receipt of any such application and shall afford the Commissioner and the Police an opportunity of being heard and of making representations against the grant of the application and of adducing evidence in support of any representation so made. Notice on the Police may for the purposes of this sub-section be served on the senior police officer attached to the court which issues such notice.

(c) The court shall, in the consideration of any such application, have regard to all the circumstances of the case with particular reference to the fitness of the applicant to hold a certificate of competence.

(d) Any such application may, if refused, be renewed at any time after the expiry of a period of two years reckoned from the date of refusal, and further applications may in like manner be made to the court at successive intervals of not less than two years reckoned from the date of the last refusal. All the other provisions of this sub-section, relating to the first application made by any person thereunder after the cancellation of his certificate of competence, shall apply equally to any other application made by him after the refusal of the first application.

(e) Where any court makes order under this sub-section authorising any person to apply for a new certificate of competence, such person may make application for the certificate under section 65 and the provisions of this Part relating to the issue of certificates of competence shall apply accordingly.

77 (1) If any person who is declared to be disqualified for obtaining, or who has been refused, a certificate of competence, applies for or obtains a certificate of competence while he is so disqualified or without disclosing such refusal, or if any person whose certificate has been endorsed or cancelled by any court, applies for or obtains another certificate without giving particulars of the endorsement or cancellation, that person shall be guilty of an offence, and any certificate so obtained shall be of no effect.

Fraudulent application for certificate.

(2) If any person who at any time before the appointed date has, under the provisions of any written law for the time being in force, been disqualified by or by virtue of any order of a court for obtaining a driving licence or a certificate of competence, or been refused such licence or certificate by any competent authority, applies for or obtains a certificate of competence under this Ordinance while he is so disqualified or without disclosing such refusal, as the case may be, that person shall be guilty of an offence and any certificate so obtained shall be of no effect.

(3) If any person whose driving licence or certificate of competence has at any time before the appointed date been endorsed or cancelled, or suspended for any stated period under the provisions of any written law for the time being in force, applies for or obtains a certificate of competence under this Ordinance without giving particulars of such endorsement, cancellation, or suspension, as the case may be, that person shall be guilty of an offence and any certificate so obtained shall be of no effect.

78 Any person who is dissatisfied with any order, made under this Part by any court other than the Supreme Court, suspending or cancelling a certificate of competence held by him or declaring him to be disqualified for obtaining a certificate of competence, may, whether or not any other punishment is imposed by the court, appeal against the order to the Supreme Court; and the provisions of sections 338 to 352 of the Criminal Procedure Code, 1898, shall, where not inapplicable, apply to every appeal under this section.

Appeals from orders of suspension, cancellation or disqualification

PART VII.

USE OF MOTOR CARS ON HIGHWAYS.

(a) *Speed limits and restriction of motor traffic on highways.*

79 (1) An omnibus shall not be driven—

Speed limits.

(a) on any highway within an urban area, at a greater speed than twenty miles per hour, or

(b) on any highway outside an urban area, at a greater speed than twenty miles per hour.

(2) A lorry having a tare exceeding one ton shall not be driven on any highway at a greater speed than fifteen miles per hour.

(3) A motor car of any class or description, to which sub-section (1) or sub-section (2) does not apply, shall not be driven—

- (a) on any highway within an urban area, at a greater speed than thirty miles per hour ; or
- (b) on any highway outside an urban area, at a greater speed than forty miles per hour.

Regulations as to more stringent speed limits.

80 (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 cars or any specified class or description of motor cars or any specified motor car, speed limits more stringent than the limits set out in section 79.

(2) No motor car, to which any regulation made under sub-section (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.

Exemption from, and relaxation of, speed limits.

81 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 cars, or any specified class or description of motor cars, or any specified motor car, speed limits less stringent than those set out in section 79 ; or
- (b) exempting, subject to such conditions as may be prescribed, all motor cars or any specified class or description of motor cars or any specified motor car, belonging to or exclusively employed in the service of His Majesty or of any local authority, from the provisions of section 79.

Regulations for restriction of motor traffic.

82 (1) Regulations may be made prohibiting, restricting or controlling the use of all motor cars or any specified class or description of motor cars 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 car of any class or description, to which any regulation made under sub-section (1) applies, shall be used in contravention of that regulation on any highway in respect of which that regulation is made.

Restriction of motor traffic on highways outside Colombo.

83 (1) Regulations may be made—

- (a) declaring any specified highway outside Colombo to be suitable for use by—
 - (i) omnibuses or lorries having a tare exceeding one and one-half tons ; or
 - (ii) articulated vehicles, trailers or six-wheeled motor cars ; or
 - (iii) any other class or description of motor cars having a tare exceeding two and one-quarter tons ; and
- (b) prescribing the conditions or restrictions subject to which such motor cars may be used on such highway.

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

Provided, however, that any motor car of any class or description specified in sub-section (1) may be used on any highway outside Colombo, which is in charge of the Public Works Department or the Irrigation Department or any local authority, and which has not been declared by regulation under that sub-section to be suitable for such traffic, if the use of such car on such highway has been authorised by a permit issued by the Director of Public Works or the Director of Irrigation or the Chairman of the local authority, 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 His Majesty's service ;

- (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 has 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.

(b) *Provisions as to the driving and halting of motor cars and matters incidental thereto.*

84 (1) No person shall drive a motor car on a highway in contravention of any of the provisions of section 85.

Motor cars to be driven in accordance with section 85.

(2) It shall not be a sufficient defence for the driver of a motor car in any prosecution entered against him for a contravention of any of the provisions of section 85 to prove that he has complied with the provisions of section 90.

85 (1) A motor car meeting or being overtaken by other traffic shall be kept to the left or near side of the road.

Rules of the road.

(2) A motor car being overtaken by other traffic shall be driven so as to allow such other traffic to pass it.

(3) A motor car shall not be driven so as to overtake other traffic unless the driver of the car has a clear and unobstructed view of the road ahead of him.

(4) A motor car overtaking other traffic shall be kept on the right or off side of such other traffic :

Provided, however, that a motor car may pass or overtake a tram car, or an animal which is being led or driven, on the side which appears to the driver of the motor car to be the safer side at that time.

(5) A motor car 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 car 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 car 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.

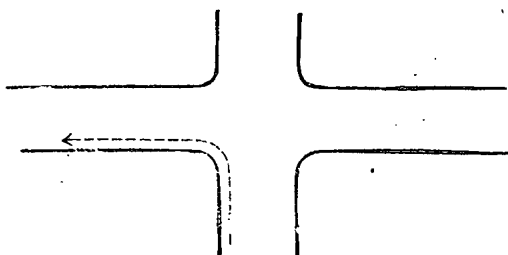
(8) A motor car proceeding from any highway to any other highway shall not be driven in such manner as to obstruct any traffic on such other highway.

(9) A motor car which, at the intersection of two or more highways, turns into or crosses the highway declared and indicated by a notice under section 87 to be the main road shall not be driven in such manner as to obstruct any traffic on that main road.

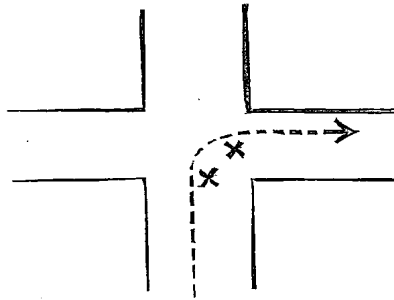
(10) Where two or more motor cars approach, or arrive at, the intersection of two or more highways at the same time from different directions, and any two or more of the drivers thereof indicate their intention to drive along the same part of the area of intersection, then, if traffic is not regulated at that intersection by a police officer or by means of light signals or of notices under section 87, no such motor car shall be driven along that part of the area of intersection until any other such motor car coming from the right or off side, has passed it.

(11) Where two or more motor cars approach each other on a narrow highway, each of such cars shall be made to slow down for the purpose of allowing safe passage to the other cars or to any other traffic on the highway.

(12) Unless otherwise directed by a police officer on duty, a motor car 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) Unless otherwise directed by a police officer on duty, a motor car turning to the right from any highway into any other highway, shall, wherever practicable, be driven in the manner indicated in the following diagram :—



General duty of driver to avoid accidents.

86 (1) Notwithstanding anything contained in section 85, it shall be the duty of the driver of every motor car on a highway to take such action as may be necessary to avoid any accident.

(2) The breach by the driver of any motor car on a highway of any of the provisions of section 85 shall not be deemed to exonerate the driver of any other motor car on the highway at that time from any breach of the duty imposed on him by sub-section (1).

Declaration of main roads.

87 (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 licensing authority at suitable places on intersecting highways for the purpose of indicating each main road declared under this section.

Driving when under the influence of alcohol or drugs and reckless or negligent driving.

88 (1) No person shall drive a motor car on a highway when he is under the influence of alcohol or any drug.

(2) No person shall drive a motor car on a highway recklessly or in a dangerous manner or at a dangerous speed.

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

Position of driver when driving motor car.

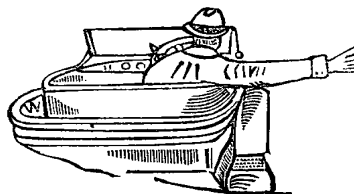
89 (1) No person shall drive a motor car on a highway when he is in such a position that he has not or cannot have full control of the car or a full and unobstructed view of the highway and the traffic ahead of the motor car.

(2) The driver of a motor car 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 the highway and the traffic ahead of the motor car or which hinders or is likely to hinder the steering or the control of the car.

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

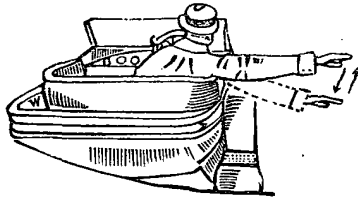
Signals by drivers.

90 (1) The driver of a motor car shall, before commencing to turn to, or change direction towards, the right, extend his right arm and hand horizontally straight out from the right or off side with the palm turned to the front, so as to be visible to the drivers of all vehicles concerned, in the manner indicated in the following sketch :

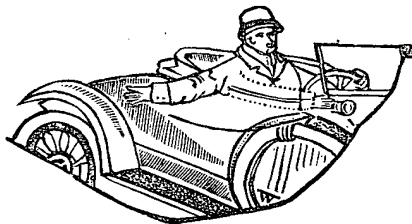


(2) The driver of a motor car may if he thinks fit—

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



(b) in order to signal to an overtaking car to pass, extend his right arm and hand below the level of the shoulder from the right or off side of the motor car with the palm turned to the front, and move the arm backwards and forwards in the manner indicated in the following sketch :



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

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

(5) All or any of the signals, the use of which is required or authorised by this section or by regulation under subsection (4), may be given by any mechanical or illuminated device of a type approved by the Commissioner.

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

Reversing of motor cars.

92 (1) The driver of a motor car on a highway shall give audible and sufficient warning of the approach or position of the motor car by sounding an efficient instrument whenever such warning is necessary for safety :

Sound warnings.

Provided, however, that when a motor car is stationary on a highway, no warning instrument affixed to that car shall be sounded except for the purpose of preventing an accident or ensuring the safety of the car or its occupants.

(2) No whistle or horn, other than a horn sounding a single note, shall, for the purposes of sub-section (1), be sounded on any motor car on any highway within the limits of an urban area.

(3) Regulations may be made prohibiting or restricting the use, for the purposes of sub-section (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 has been made under sub-section (3), no person shall, notwithstanding the provisions of sub-section (1), sound any warning instrument in contravention of that regulation.

93 (1) The driver of any motor car on a 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 car except on a properly constructed seat or except for the purpose of testing the car during or after repairs.

Riding on running boards, &c., of motor cars.

(2) The driver of a motor cab on a highway or the owner or driver of a private 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.

Number of persons in front seats of motor cabs or private cars.

In this sub-section, "private car" means a motor car intended and used for the conveyance of persons otherwise than for fee or reward.

- Pillion riding.** **94** 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.
- Distribution of advertisements, &c.** **95** The driver of a motor car shall not permit any person to distribute, and no person who is in the motor car shall distribute, any advertisement, leaflet or handbill from the car while it is in motion on a highway.
- Use of wireless sets.** **96** (1) The driver of a motor car which is in motion on a highway shall not use or permit any person to use, and no person in the motor car shall use any wireless set fitted to or carried in the car.
 (2) The driver of an omnibus or lorry which is within the limits of an urban area shall not use or permit any person to use, and no person shall use, any wireless set fitted to or carried in such omnibus or lorry.
 (3) This section shall not apply in the case of any omnibus or lorry used for naval, military, air force or police purposes or for the purposes of the Post and Telegraph Department or of any other prescribed Department of Government, if a permit authorising the use of a wireless set on such omnibus or lorry has been issued by the Commissioner.
- Duty in case of accident.** **97** (1) Where in any accident due to the use of any motor car 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 car shall—
- (i) immediately stop the car ;
 - (ii) furnish his name and address, the name and address of the owner of the car, the distinctive number of the car and other particulars relating thereto, if requested so to do by any person to whom, or by the owner or person in charge of the property or the animal to which, the injury has been caused, or by any police officer or headman ;
 - (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 not 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 car, whether or not he was present at the time of the accident, shall, on demand by any police officer or headman, furnish all information in his possession as to the name, address, description, antecedents and whereabouts of the driver of the car and of every person in the car at the time of the accident.
- (c) Every person, other than the driver, who was in the car 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 car and the distinctive number of the car 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 to which, the injury has been caused, or by any police officer or headman ; or
 - (ii) within twenty-four hours of the accident communicate his name and address and the fact that he was in the car 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 car on a highway any injury is caused to any person, and the driver of the motor car on being requested so to do by a police officer or a headman, 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 car—
- (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 sub-section by reason only of his 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 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 car shall give such information as may be required by a police officer for the purpose of determining whether or not the car was being driven in contravention of the provisions of section 127 at the time when the driver was required to produce the certificate.

98 The driver of a motor car shall obey all verbal directions or signals, given by a police officer in the execution of his duty, to stop or reverse the car 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.

Traffic directions and signals of police officer to be obeyed.

99 Whenever a request to stop any motor car 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 car shall immediately stop the car and keep it stationary so long as may be reasonably necessary.

Motor cars to be stopped on request of police officers, &c.

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

Traffic signs and notices of police officer licensing authority and the Public Works Department.

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

- (b) by order of the licensing authority of the area in which the highway is situated, or in the case of a highway in charge of the Public Works Department, by order of that Department—

(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 cars 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 re-construction.

(2) Regulations may be made prescribing the size, colour, type 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 car shall obey all traffic signs or notices erected or exhibited under sub-section (1) and intended to apply to all motor cars of the class or description to which that motor car belongs.

(4) In any prosecution for a contravention of sub-section (3), every traffic sign or notice purporting to be by order of a police officer or a licensing authority or the Public Works Department shall, unless the contrary is proved, be deemed to have been erected or exhibited under sub-section (1) by order of that police officer or licensing authority or the Public Works Department, as the case may be.

(5) Save as provided in sub-section (1), and except with the sanction of the licensing authority or the Public Works Department as the case may be, and except in accordance with any regulation made under sub-section (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 cars.

(6) For the purposes of this section, " traffic sign " includes a sign for regulating by means of light signals the movement of traffic.

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

Precautions to be taken when petrol is taken into tank.

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

Halting or parking of motor cars on highway.

102 (1) (a) A notice prohibiting, restricting or regulating the halting or parking of motor cars, or indicating any parking place set apart for motor cars, on any highway or part of a highway in any urban area, may be exhibited by or by order of the licensing 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 Ordinance, every notice in an urban area purporting to be exhibited under this sub-section by or by order of the licensing authority of that area, shall unless the contrary is proved, be deemed to have been lawfully exhibited by the licensing authority.

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

(3) Where the halting or parking of motor cars on any highway or part of a highway is prohibited by a notice exhibited under sub-section (1) or by any regulation under sub-section (2), the driver of a motor car shall not allow the car 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 car; or
- (d) loading goods into or unloading goods from the motor car, subject to such restrictions as may be imposed by any regulation under sub-section (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 cars on any highway or part of a highway is restricted by any notice exhibited under sub-section (1) or any regulation made under sub-section (2), the driver of a motor car shall not allow that car to stand on that highway or part of a highway except for one of the purposes specified in sub-section (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 cars on any highway or part of a highway is not prohibited or restricted by any notice exhibited under sub-section (1) or any regulation made under sub-section (2), verbal directions or signals may be given by a police officer or headman for the purposes of the regulation of traffic on that highway or part of a highway, and the driver of a motor car shall not allow that car 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 headman.

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

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

103 (1) The driver of a motor car shall, whenever the car is halted or parked on a highway, place the car 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 car shall, whenever it becomes necessary to leave the car unattended while it is halted or parked on a highway, stop the engine before he so leaves the car 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 car which is disabled by an accident, mechanical derangement or tyre failure, the driver of the car shall place it in the manner required by sub-section (1); and, if the car is so left on a highway at night, the driver shall affix lamps on the front and on the rear of the car, on the right or off side thereof, so as to indicate clearly the position of the car on the highway.

(c) *Special provisions as to use of hiring cars and lorries.*

104 (1) The licensing authority of any area, within which any motor car duly licensed for the purpose is used as a hiring car or as a lorry, may, if he has reason to suspect that the car is unfit to be used as a hiring car or as a lorry, by written order direct the registered owner of the car to produce it for examination at a time and place specified in the order.

Examination of hiring cars and lorries and prohibition of use thereof.

(2) Where any order is made in respect of any motor car under sub-section (1) is not complied with by the registered owner, the licensing authority may in his discretion by written notice prohibit the use of that car as a hiring car or as a lorry, until it is produced for examination at such time and place as may be specified in the notice or at such other time and place as may be appointed by the licensing authority on application made in that behalf by the registered owner.

(3) Where a motor car is found upon examination to be unfit to be used as a hiring car or as a lorry, the examiner shall annex to his report a full list of all defects found by him in the car 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.

(4) Where the finding of the examiner after the examination of any motor car under sub-section (3) is that it is unfit to be used as a hiring car or as a lorry, the licensing authority shall by written notice prohibit the use of the car as a hiring car or as a lorry until all necessary repairs, adjustments, or alterations are effected and an examiner certifies to the licensing authority after further examination that the car is fit to be used as a hiring car or as a lorry.

(5) The registered owner of any motor car the use of which as a hiring car or as a lorry is prohibited by notice under sub-section (4) may appeal to the Commissioner against the finding of the examiner, whether after the first examination referred to in sub-section (3) or after the further examination referred to in sub-section (4), that the car is unfit to be used as a hiring car or as a lorry.

(6) Upon any appeal under sub-section (5), the Commissioner may in his discretion cause the motor car 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 motor car is fit to be used as a hiring car or as a lorry. The decision of the Commissioner on any such appeal shall be final and conclusive.

(7) Where any motor car, the use of which as a hiring car or as a lorry has been prohibited by a notice under sub-section (4), is certified by an examiner after the further examination referred to in that sub-section or by the Commissioner under sub-section (6), to be fit to be used as a hiring car or as a lorry, the licensing authority by whom the notice was issued shall revoke the notice.

(8) Where the use of a motor car as a hiring car or as a lorry has been prohibited by a notice under sub-section (4), the registered owner of that motor car shall not use, or cause or permit any person to use, that car as a hiring car or as a lorry until the notice is revoked under sub-section (7).

(9) Every order or notice for the purposes of this section shall be deemed to have been duly issued to or served on the registered owner of the motor car to which it relates, if it is despatched to such owner by the licensing authority by registered post.

(10) Every examination of a motor car 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 car examined under this section shall pay the prescribed fee for each examination carried out for the purposes of sub-section (3) or sub-section (4) or sub-section (6).

105 (1) No person shall drive, or cause or permit any person employed by him or subject to his orders to drive, a hiring car or lorry—

Hours of work and minimum wages.

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

- (b) for continuous periods amounting in the aggregate to more than nine hours in any period of twenty-four hours commencing two hours after midnight; or
- (c) 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 sub-section (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.

(3) The wages paid or payable by the owner of any hiring car or lorry to any person employed by him as the driver or the conductor thereof shall not be less than the minimum rate of wages prescribed in that behalf by regulation.

Public stands
for hiring cars
and lorries.

106 The licensing authority of any urban area may provide one or more public stands within that area for the use of hiring cars or lorries, or any specified class or description of hiring cars or lorries.

Fares for
hiring cars.

107 (1) Regulations may be made prescribing the maximum or the minimum fares or rates of fares which may be demanded from passengers on a hiring car plying on any specified route or highway, or on the routes or highways in any specified area.

(2) A legible table in the English, Sinhalese and Tamil languages, of the maximum and the minimum fares or rates of fares, if any, prescribed under sub-section (1) in respect of any route or highway, shall be posted in a conspicuous position inside every omnibus or motor cab, as the case may be, plying on that route or highway.

(3) (a) The owner, driver or conductor of any hiring car shall not demand or receive from any passenger, in respect of any journey on any route or highway, any fare in excess of the highest authorised fare calculated on the basis of such maximum fares as may be prescribed under sub-section (1), in respect of that route or highway or, where a lower fare has been agreed upon, in excess of such lower fare.

(b) The owner, driver or conductor of a hiring car shall not receive or agree to receive from any passenger in respect of any journey or any route or highway, any fare less than the lowest authorised fare calculated on the basis of such minimum fares as may be prescribed under sub-section (1) in respect of that route or highway.

(4) No person shall be bound by any agreement entered into by him to pay, in respect of any journey on a hiring car, any fare in excess of the highest authorised fare referred to in sub-section (3) (a); and any person who has paid any fare in excess of such authorised fare shall be entitled to recover the sum paid in excess from the person to whom such sum was paid.

(5) Where any person is convicted by any court of a contravention of the provisions of sub-section (3) (a), 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 authorised 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.

(6) 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.

(7) (a) Where a fare is recoverable under sub-section (6), the person who received the fare shall repay it on demand to the passenger who is entitled to recover it.

(b) Where any person is convicted of a contravention of paragraph (a) 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.

(8) 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.

108 (1) Where any person who is liable to pay any sum not exceeding twenty rupees justly due from him as the fare for a journey on a hiring car, or claimed from him as damages for any injury wilfully caused by him to any hiring car during any such journey, fails or refuses to pay such sum on demand made by the owner of the car or any servant or agent authorised by the owner to receive such sum, the police court having jurisdiction over the place at which the journey began or ended or at which the injury occurred may, upon complaint made by the owner of the car, 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 such 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 car 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.

Recovery of fares.

(2) Any person dissatisfied with an order made by a police court under this section may prefer an appeal to the Supreme Court in like manner as if the order was a final order pronounced by a police court in a criminal case or matter, and sections 338 to 352 of the Criminal Procedure Code, 1898, shall apply to such appeal.

109 Regulations may be made providing for the safe custody and redelivery or disposal of property accidentally left by passengers in hiring cars, 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.

Property left in hiring cars.

110 The owner and the driver of every hiring car shall take all such steps as may be necessary to ensure that the car is kept in a clean and sanitary condition.

Hiring cars to be kept clean.

111 (1) Where the number of passengers found at any time in a motor cab on a highway exceeds the maximum number specified in the licence for that cab, or where goods other than the personal luggage of a passenger are found in a motor cab on a highway, the driver of the cab shall be guilty of an offence.

Carriage of passengers in excess of authorised number, and of goods other than personal luggage, in hiring cars.

(2) Where the number of passengers found at any time in an omnibus on a highway exceeds the maximum number specified in the licence for that omnibus, or where goods other than 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.

(3) 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 a hiring car;
- (ii) the driver of a motor cab or 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.

(4) Regulations may be made defining the nature, description or weight of articles or packages which may be carried in motor cabs or omnibuses as personal luggage.

112 Where the driver or conductor of a hiring car at any time requests any person not to enter the car on the ground that the car is at that time carrying the full number of passengers which may be carried thereon in accordance with the licence for that car, that person shall not enter or attempt to enter the car.

Persons not to enter hiring car when full.

113 No owner, driver, or conductor, or person acting on behalf of the owner, driver, or conductor of a hiring car 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.

Touting for passengers.

Register to be kept by owners of hiring cars or lorries.

114 (1) The owner of every hiring car or lorry shall keep and maintain a register in Form 32 set out in the Second Schedule and shall enter in the register the following particulars in respect of each occasion on which the car or lorry is used on a highway--

- (a) the date on which and the time at which the car or lorry leaves the owner's garage or premises and returns thereto ;
- (b) the name of the driver and the number of his certificate of competence ; and
- (c) in the case of an omnibus, the name of the conductor and the number of his conductor's licence.
- (d) in the case of a lorry, the nature and description, the weight, and the destination of the goods carried or to be carried on that occasion.

(2) Every entry made in the register under sub-section (1) shall be signed by the driver of the hiring car or lorry in respect of which the entry is made, and in the case of an omnibus 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 of a rank not below that of Inspector.

Record-sheet to be carried on each omnibus or lorry.

115 The driver of every omnibus or lorry shall carry therein on each occasion on which the omnibus or lorry 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 114 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.

Omnibus not to ply on route other than approved route.

116 (1) Where any omnibus—

- (a) plies or stands for hire on any route other than an approved route specified on the licence for that omnibus by the licensing authority or endorsed thereon under section 56 by a Police Magistrate ; or
- (b) plies or stands for hire on any route at any time while an order suspending or cancelling the approval of that route is in force ; or
- (c) starting from one terminus of an approved route fails to complete the journey along that route to the other terminus, except when the omnibus 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,

the owner and the driver of the omnibus shall severally be guilty of an offence :

Provided, however, that nothing in this section shall be deemed to apply to any omnibus plying on a route, other than a route approved for that omnibus, under the authority of a special permit issued under section 117 or section 118.

(2) Where any lorry is used on any highway outside the area of operation specified in the licence for that lorry, the owner and the driver of the lorry shall severally be guilty of an offence.

Lorry not to be used outside area of operation specified in licence.

Permits for omnibuses for festivals and other special events.

117 (1) The Commissioner or a police officer not below the rank of Superintendent or Assistant Superintendent in charge of a province may, upon application made by the registered owner of an omnibus for which a licence is in force and on payment of the prescribed fee, issue a special permit authorising the use of that omnibus, in connection with any religious festival, exhibition, fair, carnival, race-meeting or such other event of public interest as may be prescribed, for the carriage of passengers to and from any place, along any stated route or routes not specified on the licence for that omnibus.

(2) No special permit shall be issued by the Commissioner under sub-section (1) except after consultation with the licensing authority of the area, in which is situated the place to which passengers will be carried under the permit, and with the Superintendent or Assistant Superintendent of Police of the district in which that place is situated.

(3) Where any omnibus is used under the authority of a special permit issued under sub-section (1)—

- (a) the permit shall be carried in the omnibus ; and
- (b) a board marked " Special " shall be carried in lieu of each of the destination boards required to be carried under regulation 24 in the First Schedule, and the provisions of that regulation shall apply to the letters and background of such boards.

118 (1) Regulations may be made prescribing the circumstances in which, the conditions on which and the authority or officer by whom, an omnibus may be authorised by special permit to use a route other than an approved route for the carriage of a private party of passengers.

Permits for occasions not referred to in section 117.

(2) No regulation shall be made under sub-section (1) enabling any permit to be issued in connection with any event to which section 117 applies.

119 (1) A licensed conductor shall be carried in every omnibus used on any highway.

Licensed conductor to be carried on omnibus.

(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.

120 (1) The conductor of an omnibus shall issue to every passenger on payment of his fare a serially numbered ticket indicating the destination to which the passenger is entitled to travel and the legal fare for the journey.

Tickets for passengers on omnibuses.

(2) Every passenger on an omnibus shall produce his ticket for inspection on demand made at any time by the conductor or by any person authorised thereto by the owner of the omnibus, and shall in default of such production pay the fare for the distance which he has travelled.

121 The driver of an omnibus—

- (a) shall not drive the omnibus alongside of, or overtake, any other omnibus which is proceeding in the same direction, unless the other omnibus is stopped or unless its driver has given a signal indicating that the omnibus in the rear may pass it ;
- (b) shall not without reasonable cause omit to give the signal that his omnibus may be overtaken by another omnibus in the rear, if the driver of such other omnibus has indicated his desire to pass.

Overtaking of other omnibuses.

122 Where the weight of goods found at any time on a lorry on a highway exceeds the maximum load specified on the licence for that lorry, or where the distribution of the load is such as to cause danger the driver of the lorry shall save as provided in section 150, be guilty of an offence.

Carriage on lorry of goods in excess of maximum load.

123 (1) Not more than two 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—

Persons who may be carried on lorry.

- (a) the owner or hirer of the lorry ; or
- (b) the owner or hirer of the goods carried on the lorry ; or
- (c) the servant or agent of any one of the persons described in paragraphs (a) and (b) :

Provided, however, that any two or more of the persons described in paragraphs (a), (b), and (c) may be carried on a lorry upon a special permit issued for the purpose.

(2) Every special permit under sub-section (1) shall be issued by the prescribed officer in the prescribed form and shall be subject to the conditions set out in that form.

124 Any police officer of a rank not below that of sergeant in charge of a station, who has reasonable cause to believe that the load of goods carried on any omnibus or lorry on a highway is in excess of the maximum weight or the maximum load as the case may be, authorised to be carried thereon, may require the person for the time being in charge of the omnibus or lorry to permit it to be weighed, either laden or unladen and for that purpose to drive it or permit it to be driven to the nearest weighbridge or other machine for weighing motor cars :

Power of police officer to require omnibus or lorry to be weighed.

Provided, however, that no omnibus or lorry shall be so required to be driven for a greater distance than one mile unless the whole of the distance is within the administrative limits of a Municipal or Urban District Council, or detained for the purpose of being weighed for any period exceeding one hour.

Regulations as to hiring cars and lorries.

125 (1) Regulations may be made—

- (a) prohibiting, restricting or controlling the use of all or any hiring cars or lorries, as respects all 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 Ordinance, as to the construction and equipment and use of all or any specified class or description of hiring cars or lorries ;
- (c) prescribing the compulsory use of taximeters ;
- (d) requiring omnibuses to be run between specified places according to a specified time-table ;
- (e) prohibiting, restricting or regulating the carriage of petroleum or other fuel, acids, and other dangerous or offensive articles on omnibuses ;
- (f) providing for the licensing and supervision of conductors of hiring cars and of ticket-inspectors employed by the owners of hiring cars and for the imposition and recovery of fees for such licences ;
- (g) prescribing the duties and regulating the conduct of drivers and conductors of hiring cars and ticket-inspectors ;
- (h) 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 of any specified area or any specified highway or part of a highway ;
- (i) as respects every public stand in any specified area or any specified public stand—
 - (i) regulating the use of the public stand and authorising 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 cars may enter or leave the public stand or be placed therein ;
 - (iv) regulating the behaviour of the drivers and conductors of hiring cars or the drivers of lorries using the public stand ;
 - (v) prohibiting or restricting the cleaning or repair of hiring cars or lorries in the public stand ; and
 - (vi) restricting the admission or entry of persons into the public stand and regulating the behaviour of persons who enter therein ;
- (j) prescribing the minimum rates of the wages to be paid by the owners of hiring cars or lorries to the drivers and conductors employed by them ;
- (k) prescribing the particulars which are to be entered by the driver of an omnibus or lorry in the record-sheet required by section 115, and the manner in which and the intervals at which such particulars are to be entered.

(2) Until regulations are made under sub-section (1) the provisions contained in the Fifth Schedule shall have effect as if they were regulations so made, and any of those provisions may be amended, added to or replaced by regulations made under that sub-section.

(d) *Derelict Cars.*

Disposal of derelict motor car.

126 (1) Where a derelict motor car is so left on any part of a highway as to cause any obstruction or nuisance the Commissioner or the licensing authority may, by notice served either personally or by registered post, require the owner of that car to take steps to remove the obstruction or nuisance.

(2) Every owner on whom a notice is served under sub-section (1), shall comply with the requirements set out therein.

(3) If the owner of any derelict car cannot for any reason be found or makes default in complying with any notice served under sub-section (1), the Commissioner or the licensing authority may cause the car 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 in respect of any order made under sub-section (3).

PART VIII.

INSURANCE AGAINST THIRD-PARTY RISKS.

127 (1) Save as is otherwise provided in sub-section (2), no person shall use or drive, or cause or permit any other person to use or drive, a motor car on a highway unless there is in force in relation to the use of the car 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.

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

(2) The provisions of sub-section (1) shall not apply in the case of a motor car belonging to the Crown or a local authority at any time when the motor car is being used or driven for the purposes of His Majesty's service or, as the case may be, by a servant of the local authority in the course of his employment.

128 (1) In order to conform to the requirements of this Part a policy of insurance in relation to the use of a motor car must be a policy which—

Requirements as to policies of insurance.

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

(b) insures 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 car on a highway:

Provided that nothing in this sub-section 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 car 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 car 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 sub-section (1) may include a condition requiring a deposit to be made by an insurer, in any case where it is not proved to the satisfaction of the Executive Committee that the insurer will, if he is authorized to issue policies of insurance in Ceylon for the purposes of this Part, be able to discharge all such liabilities as may be incurred by him under policies so issued.

(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 classes 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.

129 (1) In order to conform to the requirements of this Part a security must—

Requirements as to securities.

(a) be given either by an authorised insurer or by some person or body of persons carrying on in Ceylon or in any other part of the British Empire the business of giving such undertakings as are referred to in paragraph (b), and authorised by the Executive Committee, subject to such conditions as may be prescribed, to give such security for the purposes of this Part; and

(b) consist of an undertaking by the giver of the security, subject to any conditions specified therein, to make good—

- (i) in the case of an undertaking relating to the use of an omnibus, up to an amount not less than two hundred thousand rupees ; and
- (ii) in the case of an undertaking relating to the use of any other motor car, up to an amount not less than fifty thousand rupees,

any failure by the owner of the omnibus or motor car, or such other persons or classes of persons as may be specified in the security, duly to discharge any such liability as is required to be covered by a policy of insurance under section 128 (1) (b) which may be incurred by him or them.

(2) The conditions prescribed for the purposes of paragraph (a) of sub-section (1) may include a condition requiring a deposit to be made by any person or body of persons desiring to be authorised to give security for the purposes of this Part, in any case where it is not proved to the satisfaction of the Executive Committee that such person or body of persons will, if authorised to give such security, be able to discharge all such liabilities as may be incurred by such person or body of persons under the securities so given.

(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 in policies or securities to be of no effect.

130 (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 sub-section (4), be of no effect as respects any such liability as is required to be covered by section 128 (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 128 (1) (b).

(3) Nothing in sub-section (1) or sub-section (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 sub-section (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 car 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 organised racing or speed testing ;

(b) provides that the motor car 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 car shall not be driven by—

- (i) any person or persons named in the policy ;
- (ii) any person who is not the holder of a certificate of competence ;
- (iii) any person whose certificate of competence has been cancelled or suspended or who is for the time being disqualified for obtaining a certificate of competence ; or

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

131 Every applicant for a licence for a motor car other than a motor car belonging to the Crown 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 car by the applicant or by other persons on his order or with his permission.

Production of certificate of insurance or certificate of security on application for motor car licence.

132 (1) The driver of any motor car 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 car, and produce for inspection the certificate of insurance or of security issued in respect of that car :

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

Provided, however, that no person shall be deemed to have contravened the provisions of this sub-section 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 car shall give such information as may be required by a police officer for the purpose of determining whether or not the car was being driven in contravention of section 127 on any occasion when the driver was required under sub-section (1) to produce the certificate.

133 (1) If after a certificate of insurance has been issued under section 128 (4) to the persons by whom a policy has been effected, a decree in respect of any such liability as is required by section 128 (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 134 to 137, 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.

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

(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.

134 No sum shall be payable by an insurer under the provisions of section 133—

Insurers to have notice of actions.

- (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.

135 No sum shall be payable by an insurer under the provisions of section 133 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—

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

- (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 person to whom the certificate was issued ; or
- (b) after the happening of the said event, but before the expiration of a period of fourteen days 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 fourteen days, the insurer has commenced proceedings under this Part in respect of the failure to surrender the certificate.

136 (1) No sum shall be payable by an insurer under section 133 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—

Declaration of non-liability for misrepresentation, &c.

- (a) a declaration that, apart from any provision contained in the policy, he is entitled to avoid it 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 sub-section (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.

137 No sum shall be payable by an insurer under section 133 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 130 (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.

138 If the amount which an insurer becomes liable under section 133 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.

139 (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 128 (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 delivered, 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.

140 (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 clause (a) or clause (b) of sub-section (1), such condition shall be of no effect.

(3) Upon a transfer of rights under sub-section (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 insured person against the insurer in respect of the excess ; and
- (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.

141 (1) Every person, against whom a claim is made in respect of any liability referred to in section 128 (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 had not avoided or cancelled the policy, and shall, if he is or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof.

Duty to give information as to insurance.

(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 140, 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 140 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.

142 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 a 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 140, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Settlement between insurers and insured persons.

Insolvency of insured persons not to affect claims by third parties.

143 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 140 (1) shall, notwithstanding anything contained in that section or in section 141 or section 142, not affect any liability of that person of the nature referred to in section 128 (1) (b); but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 140, 141 and 142 on the person to whom the liability was incurred.

Application of sections 140, 141 and 142.

144 (1) For the purposes of sections 140, 141 and 142, 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 140, 141 and 142 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 sub-sections (1) and (2) of section 24 of the Workmen's Compensation Ordinance, No. 19 of 1934, apply.

Duty to surrender certificate on cancellation of policy.

145 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.

146 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.

147 The provisions of section 130 and of sections 133 to 146 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, to the giver of the security, and to the persons whose liability is covered by the security.

Application of deposits.

148 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 128 or section 129 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 Part.

149 Regulations may be made for or in respect of all or any of the following matters:—

- (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 authorised for the purposes of section 128 or section 129, 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 cars imported for use in Ceylon by visitors making a temporary stay in Ceylon;

- (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 IX.

OFFENCES, PENALTIES AND PROCEEDINGS IN COURT.

150 (1) Any person who contravenes any provision of this Ordinance 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 Ordinance or any regulation, shall be guilty of an offence.

Contravention of Ordinance, regulation, order, &c.

(2) Where a motor car is used, or where anything is done or omitted to be done in connection with a motor car, in contravention of any provision of this Ordinance 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 ; and
- (b) the driver and the owner of the motor car shall also be guilty of an offence, 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 (b) be deemed to be guilty of an offence, unless it is proved to the satisfaction of the court that the contravention was due to any act, omission, default or neglect on his part ;
- (ii) the owner, if he was not present in the motor car at the time of such contravention, shall not be deemed under paragraph (b) to be guilty of an offence, unless it is proved to the satisfaction of the court that the contravention was committed with his consent or was due to any act or omission on his part or that he had not taken reasonable precautions to prevent such contravention ;
- (iii) the owner shall not, in the case of a contravention of any provision of Part VII. or of any regulation in the Fifth Schedule (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 unless he aided and abetted such contravention.

151 Any person who attempts to commit, or abets the commission of, an offence shall be guilty of that offence.

Attempt and abetment.

152 Any person who is guilty of the offence of contravening the provisions of section 88 (1) shall—

Penalty for driving when drunk or under influence of drink or drugs.

- (a) on conviction by a District Court, be liable to a fine not exceeding two thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment ; or
- (b) on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

153 (1) Any person who is guilty of the offence of contravening the provisions of section 88 (2) shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding five hundred rupees, and on a second or subsequent conviction, to a like fine or to rigorous imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for driving recklessly or dangerously.

(2) Any person who is guilty of the offence of contravening the provisions of section 88 (3) shall, on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding two hundred rupees.

Penalty for driving negligently.

Penalty for driving without insurance or security against third-party risks.

154 Any person who is guilty of the offence of contravening the provisions of section 127 shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding 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.

155 Any person who—

(a) in or in connection with any application—

- (i) for the registration of a motor car or a licence for a motor car ;
- (ii) for a certificate of competence or for the extension of the validity of any such certificate ; or
- (iii) for a conductor's licence or any other licence required by any regulation or any renewal thereof ; or
- (iv) for any alteration or correction of any such certificate or licence ; or

(b) in giving any information lawfully demanded or required under this Ordinance or any regulation,

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

Penalty for fraudulent imitation of licences, &c.

156 (1) Any person who—

- (a) fraudulently uses or allows any other person to use ; or
- (b) fraudulently imitates, alters, mutilates, defaces or destroys,

any identification plate, or any certificate of registration, licence for a motor car, certificate of competence, permit issued under section 74 (4), conductor's licence or any other licence, or any duplicate of any such certificate or licence, issued or deemed to have been issued under this Ordinance or any regulation, shall be guilty of an offence, and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding 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 fraudulently 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 fraudulently 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 and shall on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months 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, and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

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

157 Any person who, knowing or having reason to believe that an offence under this Ordinance has been committed in connection with the use or the driving of a motor car, 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 (c) and 198 of the Ceylon Penal Code, be guilty of an offence under this Ordinance, and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

158 Any person guilty of any offence, for which no other punishment is expressly provided in this Ordinance, shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one hundred rupees, and on a second or subsequent conviction, to a fine not exceeding two hundred rupees.

General
penalty.

159 (1) Where any court which in any year convicts the driver or the owner of an omnibus or a lorry of the offence of contravening the provisions of section 5, or the conductor or the owner of an omnibus of an offence under section 111, or the driver or the owner of a lorry of an offence under section 122, is satisfied that that driver, conductor or owner, as the case may be, has previously been convicted twice or oftener in the course of that year of the same offence in respect of the same omnibus or lorry, the court may call upon the owner of the omnibus or lorry to show cause against an order, suspending the licence of the omnibus or lorry, being made in addition to any other punishment which may be imposed for that offence, and if sufficient cause is not shown by the owner, the court may make order suspending the licence for a period not exceeding six months.

Power of court
to suspend
licence of
omnibus or
lorry.

(2) Any person who is dissatisfied with any order made under sub-section (1) may, if he appeals against the conviction in consequence of which the order was made, appeal against the order to the Supreme Court; and the provisions of sections 338 to 352 of the Criminal Procedure Code, 1898, shall apply to such appeal.

(3) Where an order suspending the licence issued for an omnibus or lorry is made under sub-section (1), and no appeal is preferred against that order or that order is affirmed on appeal, the owner of that omnibus or lorry shall forthwith surrender the licence to the court, and the court shall forward the licence to the Commissioner. The licence shall be returned by the Commissioner to the owner upon the expiry of the period of suspension specified in the order or in the order made by the Supreme Court on appeal, as the case may be.

160 (1) Where any court convicts any person of the offence of possessing or using a motor car in contravention of section 29 (1), and a certificate is produced, signed by the licensing authority and stating the amount of duty which would have been payable on a licence for that motor car if application for the licence had been duly made and the licence duly issued in accordance with the provisions of Part V, 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 disposed of under section 40 in like manner as the duty payable on a licence for that motor car.

Power of court
to order
recovery of
licence duty.

(2) Any person who is dissatisfied with any order made under sub-section (1) may, if he appeals against the conviction in consequence of which the order was made, appeal against the order to the Supreme Court and the provisions of sections 338 to 352 of the Criminal Procedure Code, 1898, shall apply to such appeal.

(3) Where a sum equal to the duty payable on the licence required for any motor car in respect of any year or part of a year is recovered from any person in pursuance of any order made under sub-section (1) or by the Supreme Court under sub-section (2), and that motor car is fit to be used on a highway and all other requirements of this Ordinance relating to the licensing of motor cars have been complied with in respect of that motor car, the licensing authority shall issue a licence for that motor car 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 V and accompanied by the amount of the duty payable on such licence.

Motor car to be deemed to be property of registered owner for purposes of section 60 of the Criminal Procedure Code, 1898.

161 For the purposes of section 60 of the Criminal Procedure Code 1898, a motor car shall be deemed, to be the property of the person who for the time being is the registered owner of that car.

PART X.

(a) *Supplementary.*

Prescribed fees.

162 (1) Where in any case reference is made in this Ordinance to a prescribed fee, reference shall be deemed to be made to such of the fees specified in the Sixth Schedule as may be appropriate to the case ; and unless otherwise expressly provided by this Ordinance or by regulation made under the Revenue Collection Ordinance, 1925, every such fee—

- (a) shall be collected by means of revenue stamps to be provided by the person by whom the fee is payable, and to be cancelled by or by order of the Commissioner ; and
- (b) shall be credited to general revenue :

Provided, however, that no fee shall be payable in respect of—

- (a) the registration of any motor car belonging to, or exclusively employed in the service of His Majesty ; or
- (b) the extension of the validity of the certificate of competence of any member of the Ceylon Army Service Corps (other than a member of the Supply Company of that Corps) for the purpose of authorising such member to drive within Ceylon, on military duty, any type or description of motor cars used for military purposes.

(2) Regulations may be made—

- (a) amending the Sixth Schedule by reducing, increasing or abolishing all or any of the fees specified in that Schedule ; or
- (b) imposing new fees to be charged under this Ordinance.

Forms.

163 (1) Regulations may be made amending any of the Forms contained in the Second Schedule or prescribing such new Forms as may be necessary for the purposes of this Ordinance.

(2) Any Form contained in the Second Schedule or prescribed by regulation may be modified in any manner approved by the Commissioner in order to meet the special requirements of any case.

Power to declare urban areas.

164 Regulations may be made—

- (a) 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 Ordinance ; and
- (b) appointing a licensing authority for any urban area so declared.

Regulation of petrol pumps.

165 Regulations may be made, at the request of any licensing authority—

- (a) permitting and regulating the construction and operation of pumps or other devices for the supply of petrol or other fuel for motor cars, and imposing fees for the privilege ;
- (b) for inspecting and testing the accuracy of such pumps or devices or testing the quality and specific gravity of such petrol or other fuel, and imposing fees for such inspection or testing ; and
- (c) providing for the recovery and disposal of such fees.

Regulation as to examination of motor cars.

166 Regulations may be made prescribing the methods to be followed and the tests to be applied in the examination of motor cars, and the form and nature of the reports to be furnished after such examination, by examiners under this Ordinance.

Verification of facts in application.

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

Issue of duplicates.

168 (1) Any officer or authority by whom any certificate or licence under this Ordinance or any regulation has been issued shall, upon proof to his satisfaction that such certificate or licence has been lost, destroyed, defaced or damaged, issue a duplicate of the certificate or licence to the person entitled thereto ; and any duplicate so issued shall be deemed for all

purposes to be a certificate or licence, as the case may be, issued in accordance with the provisions of this Ordinance or of any regulation.

(2) No duplicate shall be issued by any officer or authority under sub-section (1) on the ground that a certificate or licence is defaced or damaged, unless the certificate or licence is surrendered to that officer or authority.

(3) (a) No duplicate of a certificate of competence shall be issued under sub-section (1) unless the application is accompanied by two copies of a photograph of the applicant, of such size as may be prescribed and taken not earlier than six months before the date of the application.

(b) Where any duplicate of a certificate of competence is issued under sub-section (1), the Commissioner shall set out, on that duplicate, copies of all such endorsements or entries made on the certificate as may be brought to his notice.

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

(b) No duplicate of a licence for a motor car shall be issued by a licensing authority under this section except upon payment of the fee specified in the Fourth Schedule; and such fee shall be appropriated in accordance with the provisions of section 40.

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

169 The owner of a motor car shall when he engages a driver or a conductor obtain from him the serial number of his certificate of competence or conductor's licence, as the case may be, and his full name and address.

Duty of owners to obtain information as to drivers and conductors.

170 Where any police officer or headman has reason to suspect that an offence in connection with a motor car has been committed, it shall be lawful for him or any other police officer or headman to require the owner of the motor car 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 car at the time of the alleged offence.

Duty of owner to give information as to driver and occupants of car.

171 If by reason of an offence under this Ordinance any injury is caused to any highway, or bridge, or to any 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 of any local authority, the Department or authority may cause such injury to be repaired, and may, either before or after the repairs are effected, recover the estimated or actual cost thereof from the owner of the motor car which caused the injury.

Recovery of damages for injury to highway, bridge, &c.

172 Where any question, as to the class to which a motor car of any type or description should be deemed to belong, arises in connection with the registration or licensing of that car, the decision of the Commissioner on that question shall be final and conclusive for the purposes of this Ordinance; and in deciding any such question the Commissioner shall have due regard to the construction and the equipment of the motor car and the purpose for which it is intended to be used.

Power of Commissioner to decide questions as to classification of motor cars.

173 Where, in any proceedings under this Ordinance, any question arises as to whether a motor car does or does not comply with any provision of this Ordinance or any regulation, the certificate of any person, appointed in that behalf by the Governor by notice in the Gazette to the effect that he has examined the car 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 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.

Certificate of examination to be admissible in evidence.

174 (1) The Executive Committee may make regulations for all matters for which regulations are required or authorised to be made under this Ordinance, all matters stated or required by this Ordinance to be prescribed, and all other matters incidental to or connected with such matters.

Procedure for making regulations.

(2) No regulation made by the Executive Committee under this Ordinance shall have effect until it has been approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the Gazette. Every regulation shall, upon notification of such approval and ratification in the Gazette, be as valid and effectual as if it were herein enacted.

Application of Ordinance to persons and motor cars in His Majesty's service.

175 Save as otherwise provided in this Ordinance or any regulation, the provisions of this Ordinance shall apply in the case of persons and motor cars in the service of His Majesty :

Provided, however, that the provisions of sections 12, 25 and 29 shall not apply in the case of any motor car ordinarily used by the Governor.

Interpretation.

176 In this Ordinance, unless the context otherwise requires—

“ Animal ” means elephant, horse, cattle, ass, mule, sheep, goat, or pig ;

“ appointed date ” means the date appointed by the Governor by Proclamation under section 1 (1) ;

“ articulated vehicle ” means a motor car, having attached thereto a trailer which is so constructed and by partial superimposition so attached to the motor car that a substantial part of the weight of the trailer is borne by the motor car ;

“ 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 ;

“ Board ” means the Motor Traffic Advisory Board appointed under this Ordinance ;

“ Certificate of insurance ” means a certificate issued under section 128 (4) ;

“ Certificate of security ” means a certificate issued under section 129 (2) ;

“ Colombo ” means the Municipality of Colombo ;

“ Commissioner ” means the Commissioner of Motor Transport ;

“ driver ” means the person for the time being driving a motor car ;

“ examiner ” means an examiner of motor cars appointed or deemed to be appointed under this Ordinance ;

“ Executive Committee ” means the Executive Committee of Local Administration ;

“ headman ” means a headman authorised by a Government Agent or Assistant Government Agent to perform police duties and wearing his authorised uniform or badge ;

“ 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 ;

“ hiring car ” means a motor car used for the conveyance of passengers for fee or reward ;

“ licensing authority ” means—

(a) in the case of an area within the administrative limits of a local authority, the Mayor or Chairman, as the case may be, of that authority, or any officer of that authority specially authorised by such Mayor or Chairman ;

(b) in the case of an area declared to be an urban area by regulation, such person as may be appointed by regulation to be the licensing authority ;

(c) in the case of any place which is not within an urban area, the Government Agent of the Province or Assistant Government Agent of the District in which that place is situated

“ local authority ” means any Municipal Council, Urban District Council, Local Board or Sanitary Board ;

“ lorry ” means a motor car or trailer constructed wholly or mainly for carrying goods, or hauling another vehicle, and includes a tractor, motor hearse and motor ambulance ;

“ motor ambulance ” means a lorry constructed wholly or mainly for the conveyance of sick or injured persons ;

“ motor cab ” means a hiring car having seating accommodation for not more than seven passengers ;

“ motor car ” includes a trailer, a motor cycle and every description of vehicle propelled by means of mechanism contained within itself, but does not include—

- (a) any vehicle used on specially prepared ways such as railways and tramways; and
- (b) a road roller *bona fide* used as such and not used as a tractor or for the purpose of carrying goods;
- “motor cycle” means a motor car 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 five hundred weight;
- “motor hearse” means a lorry specially designed and constructed for the conveyance of dead bodies for burial or cremation;
- “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;
- “offence” means an offence under this Ordinance;
- “omnibus” means a hiring car having seating accommodation for more than seven passengers;
- “overtaking” includes passing or attempting to pass any other traffic proceeding in the same direction;
- “parking” means the bringing of a motor car to a stationary position or causing it to wait for any purpose other than that of immediately taking up or setting down persons or goods;
- “parking place” means a place set apart under this Ordinance as a place at which motor cars or any specified class or description of motor cars may be parked;
- “passenger” means a person carried in a hiring car, but does not include the driver or, in the case of an omnibus, 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;
- “public stand” means a place set apart under this Ordinance as a place at which hiring cars or lorries or any specified class or description of hiring cars or lorries may be halted or may stand for hire;
- “prescribed” means prescribed by this Ordinance or any regulation thereunder;
- “register” means the register of motor cars kept under this Ordinance;
- “regulation” means a regulation made under this Ordinance;
- “repealed Ordinance” means any Ordinance repealed by this Ordinance;
- “stopping place” means a place set apart under this Ordinance 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 car when unladen, including the weight of accumulators, but excluding the weight of any water or fuel;
- “tractor” means a motor car constructed solely for hauling another vehicle, and not for carrying persons or goods;
- “traffic” includes bicycles, tricycles, motor cars, tram cars, vehicles of every description, pedestrians, processions, and bodies of troops, and all animals being ridden, driven or led;
- “traffic signs” includes all signals, warning sign-posts, direction posts, signs, marks, or devices, erected or provided on or about a highway for the guidance or direction of persons using the highway;
- “trailer” includes a caravan and every description of vehicle attached to and drawn by a motor car, but does not include a side car attached to a motor cycle;
- “Tribunal” or “Tribunal of Appeal” means the Tribunal of Appeal appointed under this Ordinance;
- “urban area” means—
- (a) any area comprised within the administrative limits of any local authority, each town or village brought under the operation of the Small Towns Sanitary Ordinance, 1892, being deemed for this purpose to be an area within the administrative limits of the Sanitary Board of the district or province in which such town or village is situated; or

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

“ wireless set ” means any apparatus which is capable in itself of transmitting or receiving wireless signals with or without the addition of aërials, valves, power supply, telephones, loudspeakers or equivalent devices.

(b) *Repeals, Savings and Transitory Provisions.*

Repeals.

177 (1) The following Ordinances or provisions thereof are hereby repealed :—

No. 20 of 1927.

(a) sections 1 to 17, sub-sections (1), (2) and (4) of section 18, sections 19 to 21, sub-sections (1) to (5) of section 22, sections 23 and 24, and sections 26 to 89, of the Motor Car Ordinance, 1927 ;

No. 22 of 1929.

(b) sections 1 to 8, sub-section (1) of section 9, section 10, sub-sections (1) and (2) of section 11, and sections 13 to 32, of the Motor Car Amendment Ordinance, 1929 ;

(c) the Motor Car Amendment Ordinance, No. 41 of 1935 ;

(d) the Motor Car Amendment Ordinance, No. 17 of 1936 ;

(e) the Motor Car Amendment Ordinance, No. 20 of 1936.

(2) The following provisions, namely—

(a) sub-section (3) of section 18 of the Motor Car Ordinance, 1927, as amended by sub-section (2) of section 9 of the Motor Car Amendment Ordinance, 1929 ;

(b) sub-section (6) of section 22 of the Motor Car Ordinance, 1927, as amended by sub-section (3) of section 11 of the Motor Car Amendment Ordinance, 1929 ; and

(c) section 25 of the Motor Car Ordinance, 1927, as amended by section 12 of the Motor Car Amendment Ordinance, 1929,

shall continue in operation until such date as the Governor may appoint by Proclamation published in the Gazette, and are hereby repealed with effect from that date.

Savings for orders of cancellation suspension or disqualification made under repealed Ordinance.

178 (1) Any order made by any court under the provisions of any repealed Ordinance cancelling a certificate of competence and in force at the appointed date shall be deemed to be an order made under this Ordinance and shall have effect as though this Ordinance had been in operation at the time such order was made ; and the provisions of section 76 shall apply accordingly.

(2) Where any order made by any court at any time under the provisions of any repealed Ordinance—

(a) suspending for any period the certificate of competence held at that time by any person ; or

(b) disqualifying a person, who was not at that time the holder of a certificate of competence, for obtaining a certificate of competence for a stated period,

is in force at the appointed date, the order shall be deemed to be an order under section 75 and shall have effect as though this Ordinance had been in operation at the time such order was made ; and the provisions of section 76 shall apply accordingly to any such order of suspension.

Savings for temporary certificates of competence.

179 Every temporary certificate of competence issued under any repealed Ordinance and in force at the appointed date shall be deemed to be a temporary certificate issued under this Ordinance and shall be effective for the period for which it is expressed to be in force.

Savings for licences and certificates.

180 (1) (a) Every licence for a motor car other than an omnibus or a lorry, every dealer's motor car licence, and every duplicate of every such licence ;

(b) every conductor's licence and every duplicate thereof ;

(c) every duplicate of any certificate of registration ; and

(d) every entry, alteration or endorsement on any such licence or certificate,

issued or made, as the case may be, under any provision of or any regulation made under any repealed Ordinance, and in

force at the appointed date, shall be deemed to be issued or made under this Ordinance, and the provisions of this Ordinance shall apply accordingly.

181 Every notice or sign duly erected or exhibited, under any provision of or any regulation made under any repealed Ordinance, for the purpose of the regulation of traffic, shall be deemed to be erected or exhibited under this Ordinance, and the provisions of this Ordinance shall apply accordingly.

Savings for traffic notices, signs, &c.

182 Every regulation, made or deemed to have been made under any repealed Ordinance, shall, if it is in force at the appointed date and is not inconsistent with this Ordinance, be deemed to be a regulation made under this Ordinance and shall have effect accordingly, and may be amended, replaced or repealed by regulations made under this Ordinance.

Savings for regulations.

183 (1) Where a special date is fixed by the Governor under section 1 for the coming into operation of any of the provisions of this Ordinance, it shall be lawful for the Governor to make orders—

Orders for transitional period.

- (a) declaring that any such provision or any part thereof shall not apply in any case specified in such order, or that it shall apply only to such extent or subject to such adaptations or modifications as may be so specified; and
- (b) providing for any unforeseen or special circumstances, or determining or adjusting any question or matter which may arise in the application of any such provision in any specified case for which no provision is otherwise made in this Ordinance.

(2) Every order made under sub-section (1) shall upon publication in the Gazette have the force of law and shall be as valid and effectual as if it were therein enacted.

FIRST SCHEDULE.

(Section 5.)

Regulation in respect of highways in Colombo.

1. (a) The weight of a motor car of any class or description used on any highway in Colombo together with the load carried thereon must not exceed thirteen tons, and its dimensions must not exceed the dimensions specified hereunder for motor cars of that class or description—

	Ft.	Ins.
Width of an omnibus, including the load ..	7	2
Width of a motor car (other than an omnibus) including the load ..	7	6
Height of a motor car, including the load ..	12	0
Wheel base of a motor car ..	16	0

(b) In the case of any motor car other than an omnibus, which is used on any highway in Colombo, the overhang must not exceed six feet six inches or one-half of the wheel base of the motor car, whichever is the less.

(c) In the case of an omnibus used on any highway in Colombo, the overhang must not exceed six feet six inches or two-fifths of the wheel base, whichever is the less.

Regulation in respect of highways outside Colombo.

2. (a) The dimensions of any motor car used on any highway outside Colombo must not exceed those specified hereunder :—

	Ft.	Ins.
Width, including the load ..	7	2
Height, including the load ..	12	0
Wheel base ..	14	0

(b) The overhang of any motor car used on any highway outside Colombo must not exceed five feet six inches, or two-fifths of the wheel base, whichever is the less :

Provided that it shall be lawful for the Commissioner to authorize by written permit the use of motor cars with overhangs in excess of the above limits, but not in any case exceeding one-half of the wheel base of the motor car, if he is satisfied that such excess is necessary and can safely be allowed.

3. (1) An articulated vehicle used on any highway outside Colombo must not have more than three axles, and the dimensions of any such vehicle must not exceed those specified hereunder :—

			Ft.	Ins.
Overall length	..	..	25	0
Wheel base	..	..	16	0

(2) The overhang of an articulated vehicle used on any highway outside Colombo must not exceed six feet six inches or two-fifths of the wheel base, whichever is the less.

Regulations in respect of all highways.

4. (1) The distance between the back of any motor car and the front of any trailer which is attached to the motor car, measured when the trailer and the motor car are in a straight line, must not exceed four feet.

(2) The combined length of a two-wheeled trailer and the motor car to which it is attached, measured when the trailer and the motor car are in a straight line, must not exceed thirty-three feet six inches.

(3) The length of a trailer having four wheels or more on the ground when being hauled must not exceed seventeen feet.

(4) The length of a trailer having only two wheels on the ground when being hauled must not exceed twenty-one feet.

(5) No lorry shall have more than one trailer attached to it and no tractor shall have more than two trailers attached to it.

(6) The Commissioner may, subject to such conditions relating to the use of any highway, as he may, after consultation with the Superintendent of Police and the District Engineer of the area in which the highway is situated, consider necessary in the interests of safety, grant a permit exempting from all or any of the provisions of this regulation—

(a) any trailer or tractor imported into Ceylon before the first day of January, 1928 ; or

(b) any trailer constructed for the conveyance of indivisible loads of exceptional length or any trailer forming part of an articulated vehicle ; or

(c) any motor car used for the purpose of hauling any other motor car which is disabled by accident, mechanical derangement or tyre failure.

5. (1) The wheels of every motor car must be properly fitted to the axles, and must not revolve in such a manner as to cause or to be likely to cause avoidable damage to the surface of the roads.

(2) The tyres used on any motor car must be constructed of rubber or some other soft and elastic material :

Provided that the Commissioner may grant authority in any special case for the use of tyres of any other description.

(3) Where any motor car is registered as being equipped with dual rear wheels, all the rear wheels of the motor car and the tyres used thereon must be of the same dimensions, and must be so fitted that they are all actually in use when the motor car is in motion.

6. (1) Every motor car must be constructed so as to be steered from the right or off side thereof :

Provided, however, that the provisions of this regulation shall not apply—

(a) in the case of a motor car imported into Ceylon before the first day of January, 1928 ; or

(b) in the case of any motor car in respect of which a special permit under the hand of the Commissioner is in force authorising the use of that motor car notwithstanding that it is not constructed in accordance with those provisions.

(2) No special permit shall be issued by the Commissioner under paragraph (1) (b) unless he is satisfied that the motor car in respect of which the permit is issued is fitted on the right or off side with a mechanical or illuminated device capable of giving distinct and intelligible signals for the purpose of section 90, and of clearly indicating any intention to stop the motor car. Every such special permit shall be subject to the approval of the Executive Committee, except in the case of a motor car imported into Ceylon for the purpose of being used by the owner of that car during a visit to Ceylon.

7. (1) Every motor car must be equipped with two entirely independent and efficient braking systems, or with one efficient braking system having two independent means of operation, in each case so designed and constructed that the failure of any part of any such system will not prevent the brakes on not less than half the number of the wheels of the motor car from operating effectively so as to bring the motor car to rest within a reasonable distance.

(2) (a) One of the braking systems of a motor car, equipped with two such systems; or

(b) one of the means of operation of the braking system of a motor car equipped with only one such system,

must be capable of being operated or applied, as the case may be, by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(3) In the case of every motor car equipped with only one braking system—

(a) one of the means of operation of the system must be capable of acting on all the wheels of the motor car;

(b) the brakes applied by at least one of the means of operation must act on not less than half the number of the wheels of the motor car by mechanical means and not through the transmission gear.

(4) In the case of a motor car equipped with two braking systems the brakes operated on at least one of the systems must act directly and not through the transmission gear on at least half the number of wheels of the motor car:

Provided, however, that where a motor car has more than four wheels and the drive is transmitted to all wheels other than the steering wheel without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels, it shall be deemed to be sufficient compliance with this paragraph if the brakes of one braking system act directly on two driving wheels on opposite sides of the vehicle and the brakes of the other braking system act on all the other driving wheels.

(5) Every steam-driven motor car or trailer, the tare of which exceeds two hundredweight, must have a handbrake in good working order of such efficiency that its application will bring the motor car or trailer to rest within a reasonable distance.

(6) There must be carried on every trailer to which a brake is required to be attached a person competent to apply the brake:

Provided that it shall not be necessary to comply with this paragraph if the brakes upon the motor car hauling the trailer are so constructed and arranged that neither of such brakes can be used without bringing into action simultaneously the brake attached to the trailer, or if the brake of the trailer can be applied from the motor car by a person upon the motor car independently of the brakes of the latter.

8. Every motor car the tare of which exceeds seven hundredweight must be capable of being so worked that it may travel either forwards or backwards under its own power.

9. (1) Every motor car must be fitted with an instrument capable of giving audible and sufficient warning of its approach or position.

(2) There must be carried at the rear of every trailer a person, who shall give warning to the driver of the tractor or motor car to which the trailer is attached, of the approach of any traffic from behind the trailer. A whistle, bell or other appliance must be provided on the trailer and used for the purpose of giving such warning:

Provided, however, that this paragraph shall not apply in the case of a trailer the tare of which does not exceed five hundredweight and which is attached to a motor car other than a hiring car, lorry or tractor, if an entry to that effect under the hand of the Commissioner is contained in the licence for that trailer.

10. Every motor car the tare of which exceeds one and a half tons, and every omnibus, lorry and tractor must be equipped

FORM 2.

[Second
Schedule.]

(Section 14.)

Particulars to be given by Applicant for the Registration
of Motor Car.

I _____, of _____, hereby declare that I am entitled to the possession of the motor car described below, and apply to be registered as the owner thereof:

- I. Description and type of car :
- (a) Manufacturer's name : _____.
 - (b) Model, name or number : _____.
 - (c) Horse power : _____.
 - (d) Fuel used (whether petrol, diesel oil, &c.) : _____.
 - (e) Whether fitted with dual wheels on rear axle : _____.
 - (f) Tyres (pneumatic, solid or iron) : _____.

II. Type¹ and colour of body of car : _____.

III. Manufacturer's number of chassis : _____.

IV. Manufacturer's number of engine : _____.

V. Tare :⁴ _____ cwt. _____ qr. _____ lb.

VI. Purpose for which car will be used :—

- (a) Private car—conveyance of persons.
- (b) Motor cab.
- (c) Omnibus.
- (d) Lorry.

VII. (a) Place at which car will usually be kept : _____.

(b) Licensing authority for that place : _____.

VIII. The certificate of registration should be sent to me to the following address :—

And I hereby declare that the above-described motor car has not previously been registered in Ceylon and that the above particulars are true and accurate in every respect.

Dated : _____.

(Signature of Applicant.)

Uncancelled
stamp of
Rs. 10 for a
motor car or
Rs. 2.50 for a
motor cycle
to be affixed
by applicant.

The above particulars are correct, and the motor car was sold by us on _____.

(Signature of dealer.)

To the Commissioner of Motor Transport,
Colombo.

¹ Name in full and in capitals.

² Address.

³ Whether touring, saloon, buggyshaped, or charabanc.

⁴ (a) The "tare" means the actual weight of a fully equipped motor car when unladen including the weight of accumulators but excluding the weight of any water or fuel.

(b) Except in the case of a motor cycle, the entry shall be supported by a certificate signed by the manager of the manufacturing firm or by their agents in Ceylon, stating its weight; or by a certificate by an officer of the Public Works, Railway, or the Motor Transport Department.

⁵ Whether Government Agent, Assistant Government Agent, or Chairman, Municipal Council, Urban District Council, Local Board, or Sanitary Board, as the case may be.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent Registered.

[Second
Schedule.]

FORM 3.

(Section 16.)

Certificate of Registration.

(To be preserved by the owner.)

- I. Distinctive number : _____.
- II. Date of first registration : _____.
- III. Full name and address of present owner : _____.
- IV. Date of transfer to present owner : _____.
- V. (a) Manufacturer's name : _____.
- (b) Model, name or number : _____.
- (c) Horse power : _____.
- (d) Fuel used : _____.
- (e) Wheels on rear axle : _____.
- (f) Tyres : _____.
- VI. Type and colour of body : _____.
- VII. Manufacturer's No. of chassis : _____.
- VIII. Manufacturer's No. of engine : _____.
- IX. Tare : _____.
- X. Purpose for which motor car will be used : _____.
- XI. (a) Place at which motor car will usually be kept : _____.
- (b) The licensing authority for that place : _____.
- XII. Transferor's name and address : _____.
- XIII. Previous licensing authority : _____.

I certify that the above is a true copy of the registered particulars of motor car No. _____.

Motor car licence for 19— was duly endorsed and reissued.

Date : _____.

Commissioner of Motor Transport.

1. The registered owner shall *immediately* notify to the Commissioner of Motor Transport :—

- (1) Change of address,
- (2) Change of place where motor car is usually kept,
- (3) Change of possession,
- (4) Change affecting colour, tare or other particulars appearing above,
- (5) Conversion of hiring car to private car, or *vice versa*, or of lorry into omnibus, &c., and forward this certificate to him.

2. On change of possession the registered owner shall deliver this certificate within fourteen days to the purchaser who shall forward it to the Commissioner with the application for registration in his name.

The motor car licence shall be forwarded to the Commissioner direct by the registered owner.

FORM 4.

(Section 18 (1).)

Intimation to accompany Motor Car Licence and Certificate of Registration of Deceased Owner.

To the Commissioner of Motor Transport, Colombo.

I, ¹_____, of ²_____, enclose herewith the licence and certificate of registration relating to motor car No. _____.

Chassis No. _____ Engine No. _____, registered in the name of ³_____, who died on _____ at _____.

I, as ⁴_____, am the person having the custody of the motor car.

Dated : _____.

(Signature of informant.)

¹ Full name in capitals.² Address.³ Name of deceased.⁴ State whether executor, administrator, heir, &c.

FORM 5.
(Section 18 (2).)Second
(Schedule

Notice of Change of Possession of Car.

To the Commissioner of Motor Transport, Colombo.
(To be forwarded direct.)

Take notice that on the ¹_____, I, ²_____, of ³_____, transferred the possession of motor car No. _____ (Make: _____), to _____ of _____ who has signed below in acknowledgment of the transfer. I enclose herewith the current year's licence for the motor car.⁶

Witnesses : { (a) Signature : _____
Address : _____
(b) Signature : _____
Address : _____

Dated : _____ (Signature of transferor.)

I do hereby acknowledge the transfer to me of the motor car.

(Signature of transferee.)

- ¹ Date of transfer.
² Transferor's name.
³ Address.
⁴ Transferee's name in capitals.
⁵ Correct postal address.
⁶ If licence for the current year has not been obtained it should be so stated here, and reasons should be given; if notice of non-user has been given, the date of the notice and the licensing authority to whom it was given should be specified.
⁷ This notice should be signed in the presence of two witnesses who know the transferor.

FORM 6.

(Section 19.)

Application for Registration of a Motor Car consequent
on Death of Registered Owner.

To the Commissioner of Motor Transport, Colombo.

Consequent on the death on the _____ day of _____, 19____, of the registered owner _____ of _____, I, ¹_____ of _____, as the ²_____, deceased, hereby apply to be registered as the owner of the under-mentioned motor car.

- I. Distinctive number of motor car : _____.
II. Present colour of body of motor car : _____.
III. Chassis No. _____ Engine No. _____.
IV. Tare of motor car : _____ cwt. _____ qr. _____ lb.⁴
V. Purpose for which the car will be used :—

- (a) Private car—conveyance of persons.
(b) Motor cab.
(c) Omnibus.
(d) Lorry.

VI. (a) Address at which the motor car will be usually kept : _____.

(b) Licensing authority for that place : ⁵_____.

I enclose the certificate of registration and the licence for the current year, relating to the above motor car.

The certificate of registration and the licence for the motor car should be sent to me to the following address :—

I hereby declare that I am entitled to the possession of the motor car and that the particulars given herein are true and accurate in every respect.

Date : _____ (Signature of new owner.)

<p>Uncancelled stamp of Rs. 5 for a motor car or Rs. 2.50 for a motor cycle to be affixed by the applicant</p>
--

- ¹ Name in full in capitals.
² Address.
³ State whether heir, executor, administrator, &c.
⁴ If so required the tare of the car should be supported by a weight certificate issued by the Public Works, Railway or the Motor Transport Department.
⁵ Whether Government Agent, Assistant Government Agent, Chairman, Municipal Council, Urban District Council, Local Board or Sanitary Board, as the case may be.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent registered.

[Second
Schedule.]

FORM 7.

(Section 19.)

Application for Registration of a Motor Car on Transfer.

To the Commissioner of Motor Transport.

Consequent on a transfer from ¹_____, I, ²_____ of
³_____ declare that I am entitled to the possession of motor
car No. _____ (make _____), and hereby apply to be
registered as the owner thereof.

- I. Chassis No. _____ Engine No. _____.
- II. The present colour of body of car : _____.
- III. Purpose for which car will be used :—
(a) Private car—conveyance of persons.
(b) Motor cab.
(c) Omnibus.
(d) Lorry.
- IV. (a) Place at which motor car will usually be kept : _____.
(b) The licensing authority for that place : _____.
- V. The present tare of the car is _____ cwt. _____ qr. _____ lb.⁵
- VI. Date of coming into possession : _____.

¹ Name of transferor.² Full name in capitals.³ Address.⁴ Whether Government Agent, Assistant Government Agent, or
Chairman, Municipal Council, Urban District Council, Local Board
or Sanitary Board, as the case may be.⁵ If so required the tare of the car should be supported by a certificate
of weight issued by the Public Works, Railway or the Motor Transport
Department.I enclose the certificate of registration issued to the transferor^r
in respect of the car.The licence and the certificate of registration relating to the
car should be sent to me to the following address :—N.B.—In the case of a motor car registered before _____
the particulars required overleaf should be furnished.

Date : _____.

(Signature of new owner.)

<p>Uncancelled stamp of Rs. 5 for a motor car or Rs. 2.50 for a motor cycle to be affixed by the applicant</p>
--

NOTE.—If this Form, with stamps affixed, is sent by post, it should be
sent registered.Particulars to be furnished in the case of a motor car registered
before _____.

Model No. _____.

Fuel used (whether petrol, diesel oil, &c.) : _____.

Tyres (whether pneumatic, solid rubber or iron) : _____.

FORM 8.

(Section 21 (1).)

Application for Registration of Temporary Owner.

To the Commissioner of Motor Transport, Colombo.

In view of my approaching departure from Ceylon, I, ¹_____ of
²_____, hereby nominate the person named below to be
registered as the temporary owner of my motor car during my
absence from Ceylon :—

- I. Full name of nominee : ³_____.
- II. Postal address of nominee : _____.
- III. Distinctive number of motor car : _____.
- IV. Present colour of body of motor car : _____.
- V. Chassis No. _____ Engine No. _____.
- VI. Present tare of the car : ⁴ _____ cwt. _____ qr. _____ lb.
- VII. Date of temporary transfer : _____.
- VIII. Purpose for which the car will be used :—
(a) Private car—conveyance of persons.
(b) Motor cab.
(c) Omnibus.
(d) Lorry.
- IX. (a) Place at which the car will usually be kept : _____.
(b) Licensing authority for that place : _____.

I enclose the certificate of registration and the licence for the
current year, relating to the motor car.

Date : _____.

(Signature of owner.)

I hereby declare that the particulars given above are true and accurate in every respect, and that I consent to be registered as the temporary owner of the said motor car. [Second Schedule.]

Uncancelled
stamp of
Rs. 2.50
to be affixed
by nominee.

Date : _____.

(Signature of nominee.)

- ¹ Full name in capitals.
² Address.
³ In capitals.
⁴ If so required the tare of the car should be supported by a certificate of weight issued by the Public Works, Railway or the Motor Transport Department.
⁵ Whether Government Agent, Assistant Government Agent, Chairman, Municipal Council, Urban District Council, Local Board or Sanitary Board as the case may be.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent registered.

FORM 9

(Section 21 (6).)

Application for Re-registration of Owner returning to Ceylon.

To the Commissioner of Motor Transport, Colombo.

Consequent on my return to Ceylon, I, ¹_____ of ²_____ hereby apply to be re-registered as the owner of the motor car particulars of which are described below :—

- I. Distinctive No. of motor car : _____.
 II. Present colour of body of car : _____.
 III. Chassis No. _____ Engine No. _____.
 IV. Present tare of the motor car : ³_____ cwt. _____ qr. _____ lb.
 V. Date of return to Ceylon : _____.
 VI. Purpose for which the car will be used :—
 (a) Private car—conveyance of persons.
 (b) Motor cab.
 (c) Omnibus.
 (d) Lorry.
 VII. (a) Place at which the car will usually be kept : _____.
 (b) Licensing authority for that place : ⁴_____.

I enclose the certificate of registration and the licence for the current year, relating to the motor car.

I hereby declare that the particulars given herein are true and accurate in every respect.

The licence and the certificate of registration should be sent to me to the following address :—

Dated : _____.

(Signature of owner.)

Uncancelled
stamps of
Rs. 2.50
to be affixed
by owner.

I have given possession of the above car to the applicant.

(Signature of nominee.)

- ¹ Full name in capitals.
² Address.
³ If so required the tare of the car should be supported by a certificate of weight issued by the Public Works, Railway or the Motor Transport Department.
⁴ Whether Government Agent, Assistant Government Agent, Chairman, Municipal Council, Urban District Council, Local Board or Sanitary Board, as the case may be.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent registered.

[Second
Schedule.]

FORM 10.

(Section 31.)

Application for Licence for any Motor Car other than
a Motor Cab, Omnibus or Lorry.

To _____ (Licensing authority).

I, ¹_____, being the registered owner of motor car No. _____ Chassis No. _____ Engine No. _____ enclose the certificate of registration of the said motor car, and hereby apply for a licence, to be in force with effect from _____, for the use of the motor car for the conveyance of persons.

The motor car is equipped with ²_____ tyres.

The tare of the motor car is _____ cwt. _____ qr. _____ lb.

The car will usually be kept at : _____.

Licence duty of Rs. _____ is forwarded herewith by cheque/money order/postal order/cash.

The licence should be sent to the following address :—

Dated : _____.

(Signature of owner.)

¹ Full name in capitals.² State whether pneumatic, solid rubber or iron.

N.B.—Where the application is for the renewal of an existing licence by the same licensee, the certificate of registration need not be enclosed unless asked for by the licensing authority.

FORM 11.

(Section 31.)

Application for Licence for a Motor Cab.

To _____ (Licensing authority).

I, ¹_____ of ²_____, being the registered owner of motor cab No. _____ Chassis No. _____ Engine No. _____ enclose the certificate of registration of the said motor cab, and hereby apply for a licence to use the said motor cab, to carry _____ passengers,³ and passengers' personal luggage weighing not more than _____ cwt.

Address at which the cab will usually be kept : _____.

A licence to use the motor car as a hiring car or for any other purpose under the Motor Car Ordinance, No. _____ of 19____, or any earlier Ordinance or Regulations has/has not⁴ previously been refused.

The last occasion on which the motor car was examined as to its fitness to be used as a hiring car or for any other purpose was on _____ at _____ by _____.

The result of such examination was _____.

The motor cab is equipped with ⁵_____ tyres $\frac{\text{on all}}{\text{on}} \frac{\text{wheels.}}{\text{wheels.}}$

The licence now in force for the motor car is _____ and was issued on the _____ at _____.

Licence duty of Rs. _____ is forwarded herewith by cheque/money order/postal order/cash.

The licence should be sent to the following address :—.

The examination fee of Rs. 10 is affixed hereto in uncanceled stamps.

Dated : _____.

(Signature of owner.)

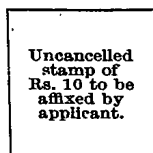
¹ Full name in capitals.² Postal address.³ Driver is not to be included.⁴ Strike out words not applicable.⁵ Whether pneumatic, solid rubber or iron.

Report of Examiner on Motor Cab No. _____.

The motor cab complies with the provisions of the Motor Car Ordinance, No. _____ of 19____, and the regulations made thereunder, and is fit to be licensed to carry _____ passengers and passengers' personal luggage weighing not more than _____ cwt. and to ply for hire as a motor cab in _____.

The motor cab is fitted with $\frac{\text{pneumatic}}{\text{solid}}$ tyres $\frac{\text{on all}}{\text{on}} \frac{\text{wheels.}}{\text{wheels.}}$

Examination fee.

(Insert any special conditions necessary
in the interests of safety.)

Or

The motor cab is unfit to be licensed as a motor cab by reason of the following remediable/irremediable defects, viz. :—

Dated : _____.

(Signature of Examiner.)

The above-mentioned defects have now been remedied to my satisfaction. [Second Schedule.]

Re-examination fee.

Uncancelled stamp of Rs. 5 to be affixed by applicant.

Dated : _____ (Signature of Examiner.)

N.B.—This form should be sent by the examiner direct to the licensing authority.

FORM 12.

(Section 31.)

Application for Licence for an Omnibus.

(To be sent by registered post or delivered by hand and acknowledgment obtained.)

To _____ (Licensing authority).

I _____ of _____ being the registered owner of omnibus No. _____ (Chassis No. _____ Engine No. _____) apply for a licence for the year _____ to be in force from _____ and declare as follows :—

The licence is required for carrying a maximum number of _____ passengers.³

It is proposed to provide a service under the licence on the following route/routes :—⁴

I annex to this application a time table and a table of fares for the proposed service.⁵

I have been regularly plying this omnibus on the following routes, for the period noted against each route :—

Route.	Period.
_____	_____
_____	_____

³ The following omnibuses belonging to me are plying regularly on the same route/routes :—

_____	_____
_____	_____

⁶ The omnibuses bearing the following numbers and belonging to me are also licensed for the current year to ply regularly on the routes noted against them.

Distinctive No. of omnibus.	Regular route.
_____	_____
_____	_____

A licence to use the omnibus as a hiring car or for any other purpose under the Motor Car Ordinance, No. _____ of _____ or any earlier Ordinance or regulations has/has not ⁶ previously been refused to me.

The last occasion on which the omnibus was examined as to its fitness to be used as an omnibus or for any other purpose was on _____, and the result of such examination was _____.

The omnibus is equipped with single/dual⁶ rear wheels, and has seating accommodation for not more than _____ passengers.

The omnibus will usually be kept at _____ (within your area).

The omnibus is in good mechanical condition and satisfies in all respects the requirements of the Motor Car Ordinance, No. _____ of _____, and I undertake to produce it for examination by an Examiner of Motor Cars when required to do so.

The licence duty will be remitted forthwith on receipt of information that the licence will be issued.

The certificate of registration of the omnibus is enclosed.

I hereby declare that the particulars given above are true and accurate in every respect.

_____ (Signature of owner of omnibus.)

Dated : _____.

Recommendations of licensing authority to be set out below with reasons—

The Commissioner of Motor Transport.

_____ Licensing authority.

Dated : _____.

[Second
Schedule.]

To _____ (Licensing authority).

Under section 52 of the Motor Car Ordinance, No. _____ of _____, I set out below my decision¹: the order of the Tribunal of Appeal on this application.

² The licence may be issued subject to the provisions of section 53 (2) in respect of the following routes: _____

³ The application shall be refused.

Commissioner of Motor Transport.

Dated: _____.

¹ Full name in capitals.

² Postal address.

³ Driver and conductor not to be included.

⁴ Give the two termini of the routes, and the intermediate highways proposed to be followed, and the number of the route if a number has been assigned.

⁵ In the case of two or more omnibuses owned by the same owner being used on the same route one time table and one table of fares, in respect of all the omnibuses may be annexed and reference made in the application.

⁶ Delete if not applicable.

⁷ Give full address of garage.

⁸ Strike out what is inapplicable.

Omnibus No. _____.

To the Examiner of Motor Cars,

You are requested to examine motor omnibus No. _____ belonging to _____ of _____ and report below on its mechanical condition and whether it is fit to be licensed as an omnibus.

The application is for a licence to provide a service on the following routes:—

The certificate of registration is enclosed.

(Licensing authority.)

Dated: _____.

Report of Examiner on Omnibus No. _____.

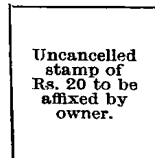
To _____ (Licensing authority).

The omnibus referred to above complies with the provisions of the Motor Car Ordinance, No. _____ of 19____, and the regulations made thereunder, and is fit to be licensed as an omnibus for carrying a maximum number of _____ passengers and passengers' personal luggage not exceeding _____ lb. all

The omnibus is fitted with pneumatic/solid tyres on _____ wheels.
two

(Insert here any special conditions necessary in the interests of safety, and also state how and where goods may be carried.)

Fee for Examination.



Or

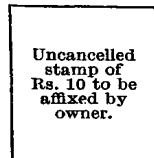
This omnibus is unfit to be licensed as an omnibus by reason of the following remediable/irremediable defects.

Examiner of Motor Cars.

Dated: _____.

The above-mentioned defects have now been remedied to my satisfaction. The omnibus examined by me conforms to the description appearing in the certificate of registration which is returned herewith.

Fee for re-examination.



Dated: _____.

Examiner of Motor Cars.

FORM 13.

(Section 31.)

Application for Licence for Omnibus which has not been constructed at Date of Application.

To _____ (Licensing authority).

I _____ of _____ apply for a licence for an omnibus for the year _____ to be in force from _____, and declare as follows:—

The construction of the omnibus for which the licence is required has not been commenced/completed.¹ I undertake if this application is allowed, that the omnibus will be ready for use before the expiry of a period of two months after I am informed by you that the licence may be issued.

The licence is required for carrying a maximum number of _____ passengers⁴ [Second Schedule.]

It is proposed to provide a service under the licence on the following route/routes : _____⁵

I annex to this application a time table and a table of fares for the proposed service.⁶

⁷ The following omnibuses belonging to me are plying on the same route/routes : _____

The omnibuses bearing the following numbers and belonging to me are also licensed for the current year to ply regularly on the routes noted against them.

Distinctive No. of omnibus.	Regular route.
_____	_____

The omnibus will be equipped with single/dual³ rear wheels and will have seating accommodation for not more than _____ passengers.

The omnibus will usually be kept at _____ (within your area).

I undertake to produce the omnibus for examination by an Examiner of motor cars, when required to do so under section 44 of Ordinance No. _____ of 19—.

The licence duty will be remitted forthwith on receipt of information that the licence will be issued.

I hereby declare that the particulars given above are true and accurate in every respect.

Dated : _____ (Signature of owner of omnibus.)

Recommendations of licensing authority to be set out below with reasons—

The Commissioner of Motor Transport,

_____ (Licensing authority.)

Dated : _____

To _____ (Licensing authority).

Under section 52 of the Motor Car Ordinance, No. _____ of _____, I set out below my decision⁸/the order of the Tribunal of Appeal on this application.

⁸ The licence may be issued subject to the provisions of section 53 (2) in respect of the following routes : _____.

⁸ The application shall be refused.

_____ Commissioner of Motor Transport.

Dated : _____

¹ Full name in capitals.

² Postal address.

³ Strike out words not applicable.

⁴ Driver and conductor not to be included.

⁵ Give the two termini of the route, and the intermediate highways, proposed to be followed, and the number of the route if a number has been assigned.

⁶ In the case of two or more omnibuses owned by the same owner being used on the same route one time table and one table of fares in respect of all the omnibuses may be annexed and reference made in the application.

⁷ Delete if not applicable.

⁸ Strike out what is inapplicable.

Omnibus No. _____.

To the Examiner of Motor Cars,

You are requested to examine motor omnibus No. _____ belonging to _____ of _____ and report below on its mechanical condition and whether it is fit to be licensed as an omnibus.

The application is for a licence to provide a service on the following routes : _____

The certificate of registration is enclosed.

_____ (Licensing authority.)

Dated : _____

Report of Examiner on Omnibus No. _____.

To _____ (Licensing authority).

The omnibus referred to above complies with the provisions of the Motor Car Ordinance, No. _____ of 19—, and the regulations made thereunder, and is fit to be licensed as an omnibus for carrying a maximum number of _____ passengers and passengers' personal luggage not exceeding _____ lb.

[Second
Schedule.]

The omnibus is fitted with pneumatic/solid tyres on all
wheels. two

(Insert here any special conditions necessary in the interest
of safety, and also state how and where goods may be carried.)

Fee for Examination.

Uncancelled
stamp of
Rs. 20 to be
affixed by
owner.

Or

This omnibus is unfit to be licensed as an omnibus by reason
of the following remediable/irremediable defects.

Examiner of Motor Cars.

Dated : _____.

The abovementioned defects have now been remedied to my
satisfaction. The omnibus examined by me conforms to the
description appearing in the certificate of registration which is
returned herewith.

Fee for re-examination.

Uncancelled
stamp of
Rs. 10 to be
affixed by
owner.

Examiner of Motor Cars.

Dated : _____.

FORM 14.
(Section 31.)

Application for a Licence for a Lorry.

(For carriage of goods otherwise than for fee or reward.)

(To be sent by registered post or delivered by hand and
acknowledgment obtained.)

To _____ (Licensing authority).

I ¹_____ of ²_____ being the registered owner of motor
lorry No. _____ Chassis No. _____ Engine No. _____
apply for a licence for the year _____ to be in force from _____
to use the lorry for the carriage of goods up to the maximum
weight of _____ lb. and declare as follows :—

The lorry will be used for the following purpose³ : _____

The lorries bearing the distinctive Nos. set out below and
belonging to me are used for the same purpose.

A licence to use the lorry for any purpose under the Motor
Car Ordinance, No. _____ of _____ or any earlier Ordinance or
regulations has ¹has not⁴ previously been refused to me.

The last occasion on which the lorry was examined as to its
fitness to be used as a lorry or for any other purpose was on
_____ and the result of such examination was _____.

The lorry is equipped with single/dual⁴ rear wheels, and
pneumatic/solid/iron⁴ tyres on _____ wheels.

The lorry will usually be kept at⁵ _____ (within your area).

The lorry is in good mechanical condition and satisfies in all
respects the requirements of the Motor Car Ordinance, No. _____
of _____, and I undertake to produce the lorry for examina-
tion by an Examiner of Motor Cars when required to do so.

The licence duty will be remitted forthwith on receipt of
information that the licence will be issued.

The certificate of registration of the lorry is enclosed.

I hereby declare that the particulars given above are true
and accurate in every respect.

(Signature of owner of lorry.)

Dated : _____.

¹ Full name in capitals.

² Postal address.

³ State nature and quantity of goods to be carried and for what
purpose.

⁴ Strike out words not applicable.

⁵ Give full address of garage.

Motor Lorry No. _____

To the Examiner of Motor Cars,

You are requested to examine motor lorry No. _____
belonging to _____ of _____ and report below on its
mechanical condition and whether it is fit to be licensed as a
lorry.

The certificate of registration is enclosed.

(Licensing authority.)

Dated : _____.

Report of Examiner on Lorry No. _____.

[Second
Schedule.]

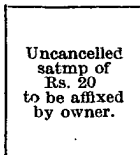
To _____ (Licensing authority).

The lorry referred to above complies with the provisions of the Motor Car Ordinance, No. _____ of _____, and the regulations made thereunder, and is fit to be licensed as a lorry for the carriage of goods up to the maximum weight of _____ lb.

The lorry is fitted with pneumatic/solid/iron tyres.

(Insert any special conditions necessary in the interests of safety, &c.)

Fee for Examination.



Or

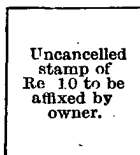
This lorry is unfit to be licensed as a lorry by reason of the following remediable/irremediable defects.

Examiner of Motor Cars.

Dated : _____.

The abovementioned defects have now been remedied to my satisfaction. The lorry examined by me conforms to the description appearing in the certificate of registration which is returned herewith.

Fee for re-examination.



Examiner of Motor Cars.

Dated : _____.

FORM 15.

(Section 31.)

Application for Licence for a Lorry.

(For carriage of goods for fee or reward.)

(To be sent by registered post or delivered by hand and acknowledgment obtained.)

To _____ (Licensing authority).

I, _____ of _____ being the registered owner of motor lorry No. _____ Chassis No. _____ Engine No. _____ apply for a licence, for the year _____ to be in force from _____, to use the lorry for the carriage, for fee or reward, of goods up to a maximum weight of _____ lb., and declare as follows :—

It is proposed to provide a service under the licence in the area described hereunder :—^a

I have been regularly plying this lorry in the areas and during the period, set out below :—

^aThe following lorries, also belonging to me, are plying in the same area.

^aThe lorries bearing the following Nos. and belonging to me are also licensed for the current year, and are plying regularly in the following areas :—

Distinctive No. of Lorry.	Area of Operation.
------------------------------	-----------------------

A licence to use the lorry for any purpose under the Motor Car Ordinance, No. _____ of _____, or any earlier Ordinance or regulations has/has not^b previously been refused to me.

The last occasion on which this lorry was examined as to its fitness to be used as a lorry or for any other purpose was on _____, and the result of such examination was _____.

The lorry is equipped with single/dual^b rear wheels, and ^bpneumatic/solid/iron tyres on _____ wheels.

The lorry will usually be kept at _____ (within your area).

The lorry is in good mechanical condition and satisfies in all respects the requirements of the Motor Car Ordinance, No. _____ of _____, and I undertake to produce it for examination by an Examiner of Motor Cars whenever required to do so.

The licence duty will be remitted forthwith on receipt of information that the licence will be issued.

The certificate of registration of the lorry is enclosed.

I hereby declare that the particulars given above are true and accurate in every respect.

Dated : _____

(Signature of owner of lorry.)

[Second
Schedule.]

Recommendation of licensing authority to be set out below :—
The Commissioner of Motor Transport.

Dated : _____ (Licensing authority.)

To _____ (Licensing authority).

Under section 53 of the Motor Car Ordinance, No. _____ of _____, I set out below my decision⁷/the order of the Tribunal of Appeal on this application.

⁷The licence may be issued subject to the provisions of section 53 (2) in respect of the following area :—

⁷The application shall be refused.

Dated : _____ Commissioner of Motor Transport.

- ¹ Full name in capitals.
- ² Postal address.
- ³ Give the names of the towns or villages, &c., between which it is proposed to ply the lorry.
- ⁴ Delete if not applicable.
- ⁵ Strike out words not applicable.
- ⁶ Give full address of garage.
- ⁷ Strike out words not applicable.

Motor lorry No. _____.

To the Examiner of Motor Cars,
_____.

You are requested to examine motor lorry No. _____ belonging to _____ of _____ and report below on its mechanical condition and whether it is fit to be licensed as a lorry.

The certificate of registration is enclosed.

Dated : _____ (Licensing authority.)

Report of Examiner on Lorry No. _____.

To _____ (Licensing authority).

The lorry referred to above complies with the provisions of the Motor Car Ordinance, No. _____ of _____, and the regulations made thereunder, and is fit to be licensed as a lorry for the carriage of goods up to the maximum weight of _____ lb.

The lorry is fitted with pneumatic/solid/iron tyres.

(Insert any special conditions necessary in the interests of safety, &c.)

Fee for Examination.

Uncancelled
stamp of
Rs. 20 to be
affixed by
applicant.

Or

This lorry is unfit to be licensed as a lorry by reason of the following remediable/irremediable defects.

Dated : _____ Examiner of Motor Cars.

The abovementioned defects have now been remedied to my satisfaction. The lorry examined by me conforms to the description appearing in the certificate of registration which is returned herewith.

Fee for re-examination.

Uncancelled
stamp of
Rs. 10 to be
affixed by
applicant.

Dated : _____ Examiner of Motor Cars.

[Second Schedule.]

FORM 16,
(Section 34.)

Licence for motor cars constructed wholly or mainly for conveyance of persons.
(FRONT) (BACK)

MOTOR CAR LICENCE No.

Front.

Distinctive No. _____

Make : _____

Licensed wholly or mainly for the conveyance of persons.

The car will usually be kept at _____

Licence fee Rs. _____

Dated : _____

(Signature and Designation.)

Chassis No. _____

Engine No _____

CWT. _____

HP. _____

This licence is conditional on the motor car remaining in the possession of _____ of _____ the present registered owner.

On any change of possession the operation of the licence is suspended until it has been duly endorsed by the Commissioner of Motor Transport.

This licence commences on _____ and expires on DECEMBER 31 next.

Dated : _____

(Signature and Designation.)

FORM 17.
(Section 34.)

Licence for Motor Cab.

Second Schedule.

(FRONT)

MOTOR CAB LICENCE No.

Distinctive No. _____
 Make: _____
 Licensed to carry _____ passengers and
 their personal luggage not exceeding
 _____ cwt.
 The motor cab will usually be kept at _____
 Licence fee Rs. _____
 Dated: _____
 (Signature and Designation.)

Chassis No. _____ **Engine No.** _____
Wt. _____ **Rate:** _____
sq. ft. _____

(BACK)

This licence is
 conditional on the motor cab
 remaining in the possession of _____
 of _____ the present registered owner. On any
 change of possession the operation of the licence is
 suspended until it has been duly endorsed by the
 Commissioner of Motor Transport.
 This licence commences on _____ and expires
 on DECEMBER 31 next.
 Dated: _____
 (Signature and Designation.)

FORM 18. [Second Schedule.]
(Section 34.)

Licence for a motor omnibus

(FRONT)

Front.

MOTOR OMNIBUS LICENCE No.

Distinctive No. _____

Licensed to carry a maximum number of _____ passengers and passengers' personal luggage not exceeding _____ lb.

To be used only on the following approved route:—

1 _____ to _____ via _____

2 _____ to _____ via _____

The omnibus will usually be kept at _____

Dated: _____

(Signature and Destination.)

CWT. _____ : GRL _____

Engine No. _____

Chassis No. _____

qt. _____ lb. _____

(BACK)

Make: _____

Licence fee paid: _____

Special conditions: _____

This licence is conditional on the omnibus remaining in the possession of _____ of _____ the present registered owner. On any change of possession the operation of the licence is suspended until it has been duly endorsed by the Commissioner of Motor Transport.

This licence commences on _____ and expires on December 31 next.

Dated: _____

(Signature and Destination.)

[Second Schedule.]

FORM 19.
(Section 34.)

Licence for a lorry.

(FRONT)

PRIVATE MOTOR LORRY LICENCE No.

Chassis No. _____

Distinctive No. _____

Licensed to carry goods up to the maximum weight of _____

The lorry will usually be kept at _____

Dated : _____

(Signature and Designation.)

Engine No. _____

Wt. _____ CWT. _____

Rate : _____

qt. _____ lb. _____

(BACK)

Make : _____

Licence fee paid : _____

Special conditions : _____

This licence is conditional on the lorry remaining in the possession of _____ of _____ the present registered owner.

On any change of possession the operation of the licence is suspended until it has been duly endorsed by the Commissioner of Motor Transport.

This licence commences on _____ and expires on December 31 next.

Dated : _____

(Signature and Designation.)

FORM 20.
(Section 38.)

[Second
Schedule.]

Application for Registration of Dealer's Garage or Place
of Business.

To the Commissioner of Motor Transport, Colombo.

I/We¹ _____ of² _____ hereby declare that I am/we are carrying on the business of dealer in/manufacturer of/repairer of³ motor cars within the area of⁴ _____ and apply for the registration of the garage/⁵place of business at⁶ _____.

The garage/place of business³ was previously registered under garage No. _____.

I am/we are agent/agents in⁶ _____ for the sale of new motor cars of the following makes :—

I/We have carried on the business of dealer since the year _____.

I/We shall require _____ dealer's licences for which application will be made to the licensing authorities concerned.

I/We have made/are making³ similar applications in respect of our garages/places of business³ at _____.

I/We hereby declare that the above particulars are true and accurate in every respect.

Stamp of Rs. 10
in respect of
each dealer's
garage, to be
affixed.

Dated : _____.

(Signature of applicant.)

¹ Full name in capitals.

² Full address.

³ Strike out words not applicable.

⁴ State whether Government Agent, Assistant Government Agent, Chairman, Municipal Council, Urban District Council, Local Board or Sanitary Board, as the case may be.

⁵ State full address.

⁶ State place.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent registered.

FORM 21.
(Section 38.)

Dealer's Certificate of Registration for the Year _____.

- I. Registered garage No. _____ (To be used on licence and the number plates).
- II. Date of registration : _____.
- III. Name of dealer, or of manufacturer or repairer of motor cars : _____.
- IV. Situation of office of dealer : _____.
- V. Situation of garage or place of business which is registered : _____.

I certify that the above is a true copy of the registered particulars of garage No. _____.

_____ for Commissioner of Motor Transport.

Dated : _____, 19____.

FORM 22.
(Section 38.)

Application for Dealer's Licence.

To _____ (Licensing authority).

I/We¹ _____ of² _____ hereby declare that I am/we are carrying on the business of dealer in/manufacturer of/repairer of motor cars at³ _____ in your area, and apply for⁴ _____ dealer's licences for the year 19____.

I/We enclose Dealer's Certificate bearing registered garage No. _____.

Duty of Rs. _____, at Rs. 10 for each dealer's licence is forwarded herewith by cheque/money order/postal order/cash.

Dated : _____.

(Signature of applicant.)

¹ Full name in capitals.

² Postal address.

³ Give full business address.

⁴ State the number of licences required.

N.B.—A separate application supported by a separate dealer's certificate should be made in respect of each place of business where the licences are required to be used.

FORM 23.
(Section 38.)

Dealer's motor car licence.

[Second Schedule.]

(BACK)

A record shall be kept in the prescribed form of every occasion on which a motor car is used under the authority of this licence.

This licence does not authorize the carriage of persons or goods for fee or reward or of any person not engaged in testing the car or inspecting it after repairs or with a view to its purchase.

A car sold by the dealer to whom this licence is issued may be used under the authority of this licence, otherwise than as a hiring car or for fee or reward, for ten days next following the sale provided that application for a licence is made by the purchaser within three days after the date of such sale.

This licence comes into force on _____ and expires on December 31 next following.

Signature : _____
Date : _____

(FRONT)

DEALER'S MOTOR CAR LICENCE.

Front.

No. _____

Name of dealer : _____

Registered garage or place of business : _____

Signature : _____

Designation : _____

Date : _____

Expires on December 31, 19 _____

FORM 24.

[Second
Schedule.]

(Section 39.)

Record of Motor Cars used under Licences held in
respect of Garage No. _____ for _____.*N.B.*—On every occasion when a motor car is used under the authority of a dealer's licence an entry must be made promptly in this record.

Dealer's Licence No.	Make and distinctive number of motor car used. (If not registered, give engine No. and other distinguishing mark.)	Colour of car used under the dealer's licence.	Date and time of motor car leaving garage.	Name and address of person driving the motor car, or if motor car was purchased, name of purchaser.	Date and time of return of motor car to garage.	Remarks.

FORM 25.

(Section 41.)

Application for Temporary Licence for Motor Car.

I, _____ of _____ being a *bona fide* visitor to Ceylon, do hereby apply for a temporary licence to use my motor car/cycle registered at _____ for the period³ from _____ to _____.

Registration No. : _____ Chassis No. : _____.

Make and h.p. : _____ Engine No. : _____.

Class and type of body : _____ Colour : _____.

Tare : _____ cwt. _____ qr. _____ lb. _____.

I arrived in Ceylon on _____ per ss. _____.

My address in Ceylon is as follows :—

(Signature of applicant.)

Dated : _____.

To : _____.

Uncancelled stamp of Rs. 5 per month or part of a month to be affixed.

¹ Full name in capitals.² Home address.³ State period for which temporary licence is required.

[Second Schedule.]

FORM 26.
(Section 41.)

Temporary Licence for Motor Car.

(FRONT)

TO USE IN CEYLON A MOTOR CAR REGISTERED IN ANOTHER COUNTRY.

CEYLON.

Distinctive No. _____

Make : _____

Colour : _____ Tare : — cwt. — qr. — lb.

Engine No. _____

Owner : _____

This licence is valid from _____
and expires on _____

Signature : _____

Designation : _____

Date : _____

TEMPORARY LICENCE NO. _____

(BACK)

This licence should be carried on the front of the motor car and placed in a conspicuous position on the left or near side of the motor car so that the front of the licence and the writing thereon shall be clearly visible to a person standing in front of the motor car on the left or near side thereof.

N.B.—A removal permit which is issued by the Commissioner of Motor Transport, free of charge, will be required by the Customs Officers for the removal of the car out of Ceylon.

FORM 27.

(Section 65.)

Application for Certificate of Competence.

To the Commissioner of Motor Transport.

I, ¹_____ of ²_____ hereby apply for a certificate of competence to drive motor cars of the following class/classes.³

I ⁴am _____ years of age, the date of my birth being _____.

I am not suffering from any physical or mental disability and I am not subject to epileptic fits or sudden attacks of giddiness or fainting.

My eyesight is normal.

* I have never been refused a driving licence or a certificate of competence to drive a motor car.

* A certificate of competence previously held by me has not been cancelled.

I enclose two copies of a photograph of myself (size 2½ in. × 2 in. bust) taken in the month of _____, 193—. [Second Schedule.]

I hereby declare that the above particulars are true and accurate in every respect.

I enclose a certificate/certificates^s as to my knowledge of the mechanism of a motor car.

Uncancelled stamp of Rs. 15 to be affixed by applicant before examination.

(Signature of applicant.)

Date : _____.

EXAMINER'S REPORT.

I hereby certify that I have tested the above described applicant on motor _____ bearing distinctive No. _____ and find him competent/incompetent to drive _____.

I have no reason to doubt the correctness of the information furnished by the applicant.

A copy of photograph should be affixed here and authenticated by the signature of the Examiner on it.

(Signature of Examiner.)

Date : _____.

¹ Full name in capitals.

² Postal address.

³ State whether motor cycle or "omnibuses" or "lorries" or "steam driven motor cars" or "motor cars other than omnibuses, lorries and steam driven motor cars" or "all motor cars".

⁴ Applicant should have completed 18 years of age, or in the case of hiring cars, 21 years.

⁵ Certificates only required with application for certificate to drive motor cabs, omnibuses or lorries.

* Strike out whichever inapplicable.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent registered.

FORM 28.

(Section 66.)

Driver's Certificate of Competence.

This is to certify that _____ whose photograph is affixed hereto is competent to drive _____.

This certificate shall be in force until the _____ day of _____, 19—, and is renewable.

Dated : _____.

Photograph.

Commissioner of Motor Transport.
(Extensions to be entered here)

Date of Endorsement.	Offence committed.	Section of Ordinance.	Endorsement.	By whom Endorsement made.

N.B.—Any order made by a Court, of cancellation or suspension is to be communicated to the Commissioner of Motor Transport.

FORM 29.

(Section 67.)

Application for extension of Validity of Certificate of Competence.

(Section 65.)

To the Commissioner of Motor Transport.

I¹, _____ of _____ the holder of certificate of competence No. _____ issued on _____ and which is produced/

[Second
Schedule.]

forwarded herewith, hereby apply for the extension of the validity of the said certificate to motor cars of the following class/classes³ : _____.

I am _____ years of age, the date of my birth being _____.

I am not suffering from any physical or mental disability and I am not subject to epileptic fits or sudden attacks of giddiness or fainting.

My eyesight is normal.

I hereby declare that the above particulars are true and accurate in every respect.

I enclose a certificate/certificates⁵ as to my knowledge of the mechanism of a motor car.

Uncancelled
stamp of
Rs. 5 for
each
Examination.

Date : _____.

(Signature of applicant.)

EXAMINER'S REPORT.

I hereby certify that I have tested the above-described applicant on motor _____ No. _____ and find him competent/incompetent to drive _____.

I have no reason to doubt the correctness of the information furnished above by the applicant.

Date : _____.

(Signature of Examiner.)

¹ Full name in capitals.

² Postal address.

³ State whether motor cycle or "omnibuses" or "lorries" or "steam driven motor cars" or "motor cars other than omnibuses, lorries and steam driven motor cars" or "all motor cars".

⁴ Applicant should have completed 18 years of age, or in the case of hiring cars, 21 years.

⁵ Certificates only required with application for certificate to drive motor cabs, omnibuses or lorries.

NOTE.—If this Form, with stamps affixed, is sent by post, it should be sent registered.

FORM 30.

(Section 71.)

Application for Temporary Certificate of Competence.

I ¹ _____ of ² _____ being a *bona fide* visitor to Ceylon, do hereby apply for a temporary certificate of competence to drive a motor car/cycle for the period ³ from _____ to _____.

I annex for your reference and return my driving licence/certificate of competence No. _____ dated _____ issued to me at _____.

I arrived in Ceylon on _____ by _____.

My address while in Ceylon will be as follows : —

Dated : _____.

(Signature of applicant.)

To _____.

Uncancelled
stamp of
Rs. 5 for the
entire period
of 3 months or
part thereof
to be affixed.

¹ Full name in capitals.

² Home address.

³ State period for which temporary certificate is required.

FORM 31.

No. _____.

(Section 71.)

Temporary Certificate of Competence to Drive a Motor Car.

This is to certify that _____ of _____ is authorised under the provisions of section _____ of Ordinance No. _____ of _____, to drive in Ceylon a motor _____ during the period from _____ to _____.

(Signature and designation) _____

Commissioner of Motor Transport.

Dated : _____.

FORM 32.
(Section 114.)[Second
Schedule.]

Register to be kept by owners of Hiring Cars or of Lorries.

Date.	Distinctive number of Hiring Car or Lorry.	Time of departure from garage.	Name of driver and number of his certificate of competence.	Signature of driver.	In the case of an omnibus, name of conductor and number of his licence	Signature of conductor.	In the case of a lorry, nature, weight and destination of goods.	Signature of owner of Hiring Car or Lorry or his authorised representative.	Time of return of Hiring Car or Lorry to garage.	Signature of driver on return to garage.	Signature of conductor on return to garage.	Signature of owner or authorised representative on return of Hiring Car or Lorry to garage.	Remarks.

FORM 33.
(Section 168.)

Application for a Duplicate Certificate of Registration.

To the Commissioner of Motor Transport, Colombo.

I, ¹_____ of ²_____ the holder of certificate of registration of motor car No. _____ Chassis No. _____, Engine No. _____ hereby declare that the said certificate of registration has been lost/destroyed/damaged ³ in the following circumstances (state facts) _____.

I am enclosing herewith the defaced/damaged ³ certificate of registration.

If the certificate of registration which is reported to have been lost or destroyed is found or any part of it is hereafter recovered, I undertake to forward the same to you.

And I hereby declare that the above statements are true and accurate in every respect, and apply for a duplicate certificate of registration.

Uncancelled
stamp of
Rs. 1 to be
affixed by
applicant.

Dated: _____.

(Signature of owner.)

¹ Full name in capitals.² Postal address.³ Strike out words not applicable.FORM 34.
(Section 168.)

Application for a Duplicate Motor Car Licence.

To _____ (Licensing authority).

I, ¹_____ of ²_____ the holder of licence No. _____ for motor _____ No. _____, Chassis No. _____, Engine No. _____ hereby declare that the said motor car licence has been lost/destroyed/damaged ³ in the following circumstances (state facts) _____.

I am enclosing herewith the defaced/damaged ³ motor car licence.

If the motor car licence which is reported to have been lost or destroyed is found or any part of it is hereafter recovered, I undertake to forward the same to you.

And I hereby declare that the above statements are true and accurate in every respect, and apply for a duplicate motor car licence.

The fee of Rs. 2 is sent herewith by cheque/money order/postal order/cash.

Dated: _____.

(Signature of owner.)

¹ Full name in capitals.² Postal address.³ Strike out words not applicable.FORM 35.
(Section 168.)

Application for a Duplicate Certificate of Competence to drive Motor Cars.

To the Commissioner of Motor Transport, Colombo.

I, ¹_____ presently of ²_____ the holder of certificate of competence No. _____ dated _____ hereby declare that the said certificate has been lost/destroyed/defaced/damaged, ³ in the following circumstances (state facts) _____ and apply for a duplicate of the said certificate of competence.

The certificate was/was not ³ endorsed. There is no order of cancellation or suspension in force at present ⁴.

[Second
Schedule.]

I enclose two copies of a photograph of myself (size 2½ in. × 2 in. bust) taken in the month of _____, 19—.

The loss of the certificate of competence was reported to the Police Station at _____ on _____.

I am enclosing herewith the defaced/damaged³ certificate of competence/If the certificate of competence which is reported to have been lost or destroyed or any part of it is hereafter recovered, I undertake to forward the same to you.

And I hereby declare that the above statements are true and accurate in every respect.

Revenue
stamp of
Rs. 5 to be
affixed by
applicant.

(Signature of owner.)

Dated : _____.

¹ Full name in capitals.

² Correct postal address.

³ Strike out words not applicable.

⁴ State overleaf particulars of endorsements, convictions, &c., if any.

N.B.—If this application, with stamps affixed, is sent by post, it should be sent registered.

Particulars of endorsements, convictions, &c., if any, to be entered below.

FORM 36.
(Section 168.)

Application for a Duplicate Conductor's Licence.

To the Commissioner of Motor Transport, Colombo.

I, ¹ _____ of ² _____ holder of omnibus conductor's licence No. _____ dated, _____ hereby declare that the said licence has been lost/destroyed/defaced/damaged³, in the following circumstances (state facts) _____ and apply for a duplicate of the said licence.

The licence was/was not⁴ endorsed, suspended or cancelled. There is no order of suspension or cancellation made in respect of that licence in force at present⁴.

I enclose two copies of a photograph of myself, size 2½ in. × 2 in., taken in the month of _____.

The loss of the licence was reported to the Police station at _____ on _____.

I am enclosing herewith the defaced/damaged³ licence. If the licence which is reported to have been lost or destroyed or any part of it is hereafter recovered, I undertake to forward the same to you.

³I am now acting as a conductor on omnibus No. _____ plying between _____ and _____/I have not been employed for the last _____ months.

And I hereby declare that the above statements are true and accurate in every respect.

Uncancelled
stamp of
Rs. 2 to be
affixed by
applicant.

(Signature of owner.)

Dated : _____.

¹ Full name in capitals.

² Correct postal address.

³ Strike out words not applicable.

⁴ State overleaf particulars of endorsements, convictions, &c., if any.

N.B.—If this application, with stamps affixed, is sent by post, it should be sent registered.

Particulars of endorsements, convictions, &c., if any, to be entered below.

FORM 37.
(Fifth Schedule.)

Application for Conductor's Licence.

To the Commissioner of Motor Transport, Colombo.

I, ¹ _____ of ² _____ hereby apply for an omnibus conductor's licence for the year 19—.

My age is _____ years, my date of birth being _____ (Applicant should have completed eighteen years of age on the date of application).

I declare that I am not suffering from any physical or mental disability which prevents me from performing the duties of conductor and that I am not suffering from any disease of a contagious or infectious nature.

I have never before applied for or been granted or refused a conductor's licence/I have been the holder of licence No. _____ issued on _____ 193— and cancelled by the _____ on _____ 193—.

¹ Full name in capitals.

² Postal address.

I enclose two copies of a photograph of myself taken in the month of _____ 19—.

[Second Schedule.]

(N.B.—These must be in size 2½ in. × 2 in.—bust only.)

I hereby declare that the above particulars are true and accurate in every respect.

I enclose copies of two testimonials regarding my character. (The testimonials should be from two responsible persons who know the applicant personally).

Uncancelled stamp of Rs. 2 to be affixed by applicant.

Date : _____ (Signature of Applicant.)

NOTE.—If this application, with stamps affixed, is sent by post, it should be sent registered.

FORM 38.
(Fifth Schedule.)

Motor Omnibus Conductor's Licence.

This is to certify that _____ whose photograph is affixed hereto has been granted an omnibus conductor's licence for the year _____.

This licence shall be in force until the 31st day of December, 19—.

(Commissioner of Motor Transport.)

Dated : _____.

Photograph.

Renewal of Conductor's Licence.

This licence is hereby renewed for the year, 19—, and shall be in force until the 31st day of December, 19—.

(Commissioner of Motor Transport.)

Dated : _____.

Date of Endorsement.	Offence committed.	Section of the Ordinance.	Endorsement.	By whom Endorsement made.

N.B.—Any order made by a Court, of suspension, cancellation or disqualification is to be communicated to the Commissioner of Motor Transport.

FORM 39.
(Fifth Schedule.)

Application for renewal of Conductor's Licence.

To the Commissioner of Motor Transport, Colombo.

I, _____ of _____ holder of omnibus conductor's licence No. _____ issued on _____ hereby apply for renewal of the said licence for the year, 19—.

I declare that I am not suffering from any physical or mental disability which prevents me from performing the duties of a conductor and that I am not suffering from any disease of a contagious or infectious nature. * I am now acting as conductor on omnibus No. _____ plying between _____ and _____ /I have not been employed for the last _____ months.

* I have not before been refused renewal of the licence nor has the licence been cancelled/suspended.

The conductor's licence is forwarded herewith.

(N.B.—If the applicant's appearance has changed since issue of the last licence or if the photograph affixed to the licence is damaged, torn or defaced, two copies of his photograph, size 2½ in. × 2 in.—bust only—should be furnished with the application).

Uncancelled stamp of 50 cts. to be affixed by applicant.

Date : _____ (Signature of applicant.)

- 1 Full name in capitals.
- * Postal address.
- * Strike out whichever is inapplicable.

N.B.—The applicant is advised to send this application with stamp and the conductor's licence by registered post, if he cannot hand them over personally at the office of the Commissioner of Motor Transport.

THIRD SCHEDULE.

Identification Plates.

PART A.

(Section 26.)

Authorised Shapes for Identification Plates.

Diagram No. 1.

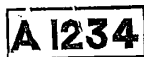


Diagram No. 2.



Diagram No. 3.



Diagram No. 4.

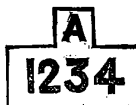


Diagram No. 5.



Diagram No. 6.

*General Provisions.*

(Section 26.)

1. (1) The ground of each identification plate fixed on a motor car licensed to be used for hire or reward must be white, and the distinctive number on such plate must be red.
- (2) The ground of each identification plate to be fixed on a motor car used under the authority of a dealer's licence must be red, and the dealer's licence number on such plate must be white.
- (3) The ground of each identification plate to be fixed on any motor car, other than a motor car referred to in paragraph (1) or paragraph (2), must be black, and the distinctive number on such plate must be white.
2. In every plate conforming to any of the diagrams Nos. 1, 5, and 6, the space between the letter and the figures must be not less than one and a half inches.
3. In every plate conforming to any of the diagrams Nos. 2, 3, and 4, the space between the upper and the lower lines must be not less than three-quarters of an inch.
4. The distinctive number of the motor car must be set out in each plate in accordance with the design of the particular diagram to which the plate conforms.
5. Each letter and figure on every plate must be not less than three and a half inches high; every part of every letter and figure must be at least five-eighths of an inch broad; and the total width of the space taken by each letter or figure, other than the figure "1", must be at least two and a half inches. The letters and figures on each plate must be of uniform size.
6. The space between adjoining letters and adjoining figures must be half an inch in width, and there must be a margin of at least half an inch between the top or the bottom of a plate and the nearest part of any letter or figure, and of at least one inch between either of the sides of a plate and the nearest part of any letter or figure.
7. In the case of the plate required by Part B of this Schedule to be fixed on the front or the front mudguard of a motor cycle, the dimensions of the spaces, margins, letters and figures must be not less than half the dimensions specified in paragraphs 2, 3, 4, 5, and 6.

PART B.

(Sections 27 and 39 (3).)

1. On every motor car, other than a motor cycle or trailer—
 - (a) a plate shall be fixed on the front of the car in such a manner that the distinctive number thereon is clearly discernible from any position in front of the car; and
 - (b) a plate, which shall be illuminated at night, shall be fixed on the back of the car in such a manner that the distinctive number thereon is clearly discernible from behind the car.
2. On every motor cycle—
 - (a) a plate bearing the distinctive number on each side thereof shall be fixed on the front of the cycle, or on the front mudguard in the same plane as the wheel in such manner that the distinctive number thereon is clearly discernible from either the right or the left side of the cycle; and
 - (b) a plate, which shall be illuminated at night, shall be fixed on the back of the cycle in such manner that the distinctive number thereon is clearly discernible from behind the cycle.

3. On every trailer, two plates, which shall be illuminated at night, shall be fixed, one above the other, on the back of the trailer in such manner that the distinctive numbers thereon are clearly discernible from behind the trailer. The upper plate shall have thereon the distinctive number of the trailer, and the lower plate shall have thereon the distinctive number of the motor car to which the trailer is attached.

4. For the purposes of this Part of this Schedule an identification plate shall be deemed to be clearly discernible if the letters and figures thereon can be easily read by a person of normal vision—

- (a) during the day, from a distance of fifty yards; and
- (b) at night, from a distance of twenty yards.

FOURTH SCHEDULE.

DUTIES ON MOTOR CAR LICENCES.

(Section 32.)

Part A.—Motor cars equipped with pneumatic tyres.

Licence.	Duty. Rs. c.
I. Yearly licence for a motor cycle with or without a trailer or side car	10 0
II. Yearly licence for a motor car (other than a motor cycle or omnibus) constructed wholly or mainly for carrying persons—	
(a) where the tare does not exceed 5 cwt.	10 0
(b) where the tare exceeds 5 cwt., but does not exceed 10 cwt.	20 0
(c) " " 10 " " 15 " "	30 0
(d) " " 15 " " 20 " "	35 0
(e) " " 20 " " 25 " "	40 0
(f) " " 25 " " 30 " "	50 0
(g) " " 30 " " 35 " "	75 0
(h) " " 35 " " 40 " "	100 0
(i) " " 40 " " 45 " "	150 0
(j) " " 45 " " 50 " "	200 0
(k) " " 50 " " " "	250 0
III. Yearly licence for an omnibus .. .. .	.. A sum calculated according to the seating accommodation for passengers at the rate of Rs. 10 per seat or a sum of Rs. 160 whichever of these sums is the greater
IV. Yearly licence for a lorry, other than a trailer, motor hearse, or motor ambulance—	
(x) where the tare does not exceed 5 cwt.	20 0
(b) where the tare exceeds 5 cwt., but does not exceed 15 cwt.	30 0
(c) " " 15 " " 20 " "	40 0
(d) " " 20 " " 25 " "	50 0
(e) " " 25 " " 30 " "	60 0
(f) " " 30 " " 35 " "	70 0
(g) " " 35 " " 40 " "	80 0
(h) " " 40 " " 50 " "	100 0
(i) " " 50 " " 60 " "	120 0
(j) " " 60 " " 70 " "	140 0
(k) " " 70 " " 80 " "	160 0
(l) " " 80 " " 90 " "	180 0
(m) " " 90 " " 100 " "	200 0
(n) " " 100 " " " "	300 0
V. Yearly licence for a trailer, motor hearse or motor ambulance .. .. .	.. A sum calculated according to tare at three-fifths of the rates specified in item V.
VI. Yearly licence for a motor plough or motor harrow or for any motor car proved to the satisfaction of the licensing authority to be used exclusively for hauling or propelling ploughs or harrows .. .. .	.. Free

Part B.—Motor Cars not equipped with pneumatic tyres.

VII. Yearly licence for a motor car not equipped with pneumatic tyres on all the wheels .. .. .	.. The sum payable under Part A increased by twenty-five per centum
VIII. Yearly licence for a motor car not equipped with rubber tyres on all the wheels Twice the sum payable under Part A

Part C.—Dealer's Licences.

(Section 38.)

IX. Yearly dealer's licence	10 0
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FEE FOR DUPLICATES.

(Section 168.)

	Rs. c.
For the issue of a duplicate of any licence	2 0

FIFTH SCHEDULE.

PART A.

Additional provisions as to use of hiring cars on highways generally.

1. (1) No petroleum, kerosine or inflammable liquid of any kind shall be carried in an omnibus in addition to the supply in the fuel tank thereof, except—

- (a) in a quantity not exceeding ten gallons ; and
- (b) in properly constructed tins, each of a capacity not exceeding two gallons and fitted with a screw-cap firmly fixed so as to prevent leakage ; and
- (c) on the rear part of the roof of the omnibus, or in such other position on the omnibus as may be specified on the licence for the omnibus.

(2) The fuel tank of an omnibus shall not be filled, nor shall the filler cap thereof be removed, while the engine is running.

2. No formic acid, nitric acid or other dangerous or inflammable substance shall be carried in any part of an omnibus.

3. No goods or live-stock from which any offensive smell arises or is likely to arise shall be carried in any part of an omnibus.

4. In the event of any article or goods referred to in any of the regulations 1, 2, and 3 being carried in an omnibus in contravention of such regulation, the owner, the driver and the conductor of the omnibus shall severally be guilty of an offence.

5. The driver of an omnibus shall not stop the omnibus or allow it to stand on a highway in an urban area, except—

- (a) in the event of a breakdown, and then only for such period as may be necessary to enable reasonable repairs to be effected ; or
- (b) on a public stand provided or set apart for omnibuses and indicated as such by a notice exhibited by the licensing authority, and then only on payment of such fees, and subject to such regulations for the use thereof as may be prescribed or made under the Ordinance, and subject to the provisions of regulation 6 ; or
- (c) at a stopping place indicated as such by a notice exhibited by the licensing authority, and then only for such period as may be reasonably necessary for the purpose of taking up or setting down passengers or goods, and subject to the provisions of regulation 6 ; or
- (d) in a parking place set apart for omnibuses and indicated as such by notice under section 102 of the Ordinance.

6. Where in an urban area any notice is exhibited by a licensing authority indicating a stopping place or public stand provided or set apart for omnibuses—

- (a) no passengers or goods may be taken up into, or set down from, any omnibus in the urban area, except at such stopping place or public stand ;
- (b) no omnibus shall, after stopping at any such stopping place or public stand, be driven away therefrom, except—
 - (i) for the purpose of continuing along its approved route ; or
 - (ii) if such stopping place or public stand is the terminus of such route, for the purpose of returning along such route ; or
 - (iii) for the purpose of proceeding without passengers to the garage or other place where it is usually kept.

7. (1) No person other than the conductor shall sit on the special seat provided in an omnibus for the conductor thereof.

(2) No person other than the driver shall sit on the driver's seat in an omnibus while it is in motion on a highway, and no person shall sit or stand on the right-hand side of that seat.

Licensing of Conductors of Omnibuses.

8. No person shall act as conductor of an omnibus unless he is the holder of a licence in that behalf issued by the Commissioner.

9. Every application for a conductor's licence shall be in the Form 37 set out in the Second Schedule to the Ordinance, and shall be accompanied by the fee prescribed in the Sixth Schedule and by two copies of the applicant's photograph taken not earlier than six months before the date of the application.

10. Every conductor's licence shall be substantially in the Form 38 set out in the Second Schedule to the Ordinance.

11. One copy of the photograph of each applicant shall be filed in the Commissioner's office, and the other copy shall be affixed to the conductor's licence, if the Commissioner decides to issue a licence to such applicant, and shall be authenticated by the Commissioner with a facsimile of his signature or with his official seal or stamp.

12. No conductor's licence shall be issued to any person who has not completed eighteen years of age.

13. Every conductor's licence shall expire on the thirty-first day of December of the year in respect of which it is issued.

14. Any conductor's licence may, on application in the Form 39 set out in the Second Schedule to the Ordinance, made to the Commissioner by the person to whom the licence was issued and on payment of the fee prescribed in the Sixth Schedule to the Ordinance, be renewed by endorsement made thereon under the hand of the Commissioner. Every renewal of a licence shall expire on the thirty-first day of December of the year in respect of which the licence is renewed. [Fifth Schedule.]

15. The Commissioner may refuse to issue a conductor's licence or a renewal thereof, or at any time suspend or cancel a licence or a renewal of a licence already issued, to any person who is found by the Commissioner to be unfit to be the conductor of an omnibus on the ground that he is a registered criminal within the meaning of the Prevention of Crimes Ordinance, No. 2 of 1926, or that he habitually behaves in a riotous or disorderly manner or is habitually drunk or suffers from any disease of an infectious or contagious nature. Any finding of the Commissioner under this regulation shall be subject to an appeal to the Executive Committee, and the decision of the Executive Committee on any such appeal shall be final and conclusive.

16. The conductor of an omnibus shall carry his licence on his person or in the omnibus while he is on duty, and shall forthwith produce it for inspection on demand by a police officer or headman.

17. Every conductor who is prosecuted before any court for any offence shall take his licence with him to the court-house and shall produce the licence when called upon to do so by the court at any stage of the proceedings.

18. (1) A court which convicts a person holding a conductor's licence of any offence under any written law shall call upon such person to produce the licence and endorse on it the particulars of the conviction, and may in addition suspend or cancel the licence by a further endorsement made on the licence and recorded in the proceedings. If the licence is not so produced when demanded, the holder thereof may, by an order recorded by the court in the proceedings, be disqualified for acting as conductor of any omnibus until the licence is produced in court for such endorsement as may be necessary.

(2) A copy of every endorsement or order made under paragraph (1) shall be forwarded by the court to the Commissioner.

(3) Where an order suspending or cancelling a conductor's licence is made and endorsed on the licence under paragraph (1), the court shall forward the licence to the Commissioner who, in the case of an order of suspension, shall return the licence at the end of the period of suspension on demand made by the person to whom it was issued.

Drivers and conductors of hiring cars.

19. Every person acting as the driver of a hiring car or as the conductor of an omnibus shall behave in a civil and orderly manner at all times while he is on duty therein.

20. No person acting as the driver of a hiring car or as the conductor of an omnibus shall, while he is on duty therein—

- (a) smoke in the car during a journey or when it is carrying passengers;
- (b) give to any intending passenger any information which he knows to be false as to the destination or route of the car or as to the fare for any journey;
- (c) wilfully obstruct the driver of any other hiring car from taking up or setting down any passenger into or from such other car; or
- (d) refuse without reasonable cause to accept an intending passenger.

21. The driver of an omnibus shall not, while the omnibus is in motion, enter into conversation with the conductor or any other person.

Passengers in hiring cars.

22. No person shall, while he is travelling in an omnibus—

- (a) use any obscene, indecent, or offensive language or gesture, or behave in any manner likely to annoy or to insult any other person;
- (b) spit upon or wilfully soil any part of the omnibus;
- (c) wilfully damage or deface the omnibus or any part thereof or any part of its equipment;
- (d) wilfully do or cause to be done with respect to any part of the omnibus or of its equipment anything which is calculated to obstruct or interfere with the working of the omnibus or to cause injury or discomfort to any person;
- (e) alter or deface the ticket issued to him;
- (f) enter into conversation with the driver of the omnibus;
- (g) smoke or carry a lighted pipe, cigar or cigarette in any part of the omnibus in which a notice prohibiting smoking is exhibited;
- (h) sell or offer for sale or distribute any goods or any printed matter of any description.

PART B.

Regulations as to Motor cabs.

1. The regulations in this Part of this Schedule shall apply—
 - (a) to motor cabs plying for hire in Colombo ; and
 - (b) to motor cabs used outside Colombo in pursuance of a contract of hiring entered into when plying for hire in Colombo.
2. The driver of a motor cab shall not ply or stand for hire on a highway, unless the motor cab—
 - (a) is halted at a public stand provided or set apart for motor cabs by the licensing authority ; or
 - (b) is hailed by an intending passenger while the motor cab is proceeding, after the conclusion of an engagement for hire, to a public stand or to the place where the cab is kept, or to or from that place from or to a public stand.
3. The driver of a motor cab shall not take the cab into, or allow it to remain at, a public stand, unless the cab is in a proper state of repair.
4. Whenever motor cabs are halted at any public stand—
 - (a) the driver of each of the first two motor cabs in order of position shall be in attendance on the cab while it is at the public stand and shall hold himself in readiness to accept any hire immediately ; and
 - (b) the driver of each motor cab behind the first cab shall move his cab forward from time to time as vacancies occur in front.
5. Where a motor cab of any specified seating capacity is required by an intending passenger and a cab of that capacity is not the first cab in order of position at a public stand—
 - (a) the driver of the cab which is first in order of position among the cabs of that capacity halted at that stand at the time shall accept the hire ; and
 - (b) the driver of any other cab at that stand shall not accept the hire.
6. The driver of a motor cab shall not, while the cab is engaged for hire, stop the cab, except at the request of the hirer, for a period longer than may be necessary for any reasonable purpose.
7. (1) The driver of a motor cab shall not, when the cab is not engaged for hire—
 - (a) halt the cab on any part of a highway other than a public stand ; or
 - (b) cause the cab to loiter on a highway for the purpose of securing a hire.

(2) In this regulation, “to loiter” means to proceed along a highway at a speed slower than the speed at which other motor cars of the same class or description would normally be driven on that highway at that time.
8. The driver of a motor cab shall not without reasonable excuse—
 - (a) refuse a hire when the cab is standing unengaged at a public stand ; or
 - (b) refuse or neglect when engaged on a hire to drive the cab to any place indicated by the hirer in any case where the journey and the return journey do not together exceed twenty miles ; or
 - (c) refuse or neglect when engaged on a hire to carry such number of passengers, not exceeding the number specified in the licence for that motor cab, as he may be required by the hirer to carry.

SIXTH SCHEDULE.

(Section 139.)

<i>Fees.</i>	Rs.	c.
For registration of a motor car other than a motor cycle	10	0
For registration of a motor cycle	2	50
For registration of a new owner of a motor car (other than a motor cycle) on change of possession	5	0
For registration of a new owner of a motor cycle	2	50
For registration of a temporary owner of a motor car	2	50
For re-registration of owner on return to Ceylon	2	50
For the issue of a duplicate certificate of registration	1	0
For registration of a dealer's garage or place of business	10	0
For a temporary licence under section 41, for each month or part of a month	5	0
On application for certificate of competence	15	0
On application under section 67 (1) for extension of validity of certificate of competence	5	0
For the issue of a duplicate certificate of competence	5	0
For a temporary certificate of competence under section 71 for 3 months or part thereof	5	0
For the issue of a conductor's licence	2	0
For the renewal of a conductor's licence	0	50
For the issue of a duplicate conductor's licence	2	0

For examination of an omnibus or lorry under section 44	Rs. c.
.. .. .	20 0
For examination of a motor cab under section 59	10 0
For each examination of a motor cab under section 104	5 0
For each examination of an omnibus or lorry under section 104	10 0
For examination of a trailer	5 0
For an appeal to the Commissioner from any finding of an examiner	20 0
For a special permit for an omnibus under section 117.. .. .	0 50

Passed in Council the Twenty-second day of September, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Third day of October, One thousand Nine hundred and Thirty-eight.

E. R. SUDBURY,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 58/37

An Ordinance to amend the Coconut Research Ordinance, 1928.

No. 29 of 1928.

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 Coconut Research (Amendment) Ordinance, No. of 1938.

Short title.

2 Section 5 of the Coconut Research Ordinance, 1928, is hereby amended by the substitution, for sub-section (4) thereof, of the following :—

Amendment of section 5 of Ordinance No. 29 of 1928.

“(4) The Board shall repay the principal amount of the loan or of any instalment thereof by means of ten equal annual payments, the first of which payments shall be due on the expiry of a period of one year from the date on which the loan or the instalment thereof, as the case may be, is paid to the Board.

Together with each such annual payment the Board shall also pay interest, at such rate as the Financial Secretary may fix, on the amount of the loan or of the instalment thereof, as the case may be, which was outstanding during the year preceding the date on which such payment is made.

The Financial Secretary may, at any time before repayment of the loan or of the instalment thereof, as the case may be, is completed, reduce the rate of interest so fixed, with effect from a specified date ”.

Objects and Reasons.

Under section 5 (4) of the Coconut Research Ordinance, 1928, the Board of Management of the Coconut Research Scheme is required to pay interest at five per cent. per annum on any loan granted to the Board under that Ordinance for the purpose of acquiring lands for the experimental and research work of the Scheme. While the rate of five per cent. may have been reasonable at the time the principal Ordinance was passed, it is thought that this rate is too high at the present time and that provision should be made whereby the rate can be reduced when market rates of interest drop.

2. The object of this Bill is to amend the principal Ordinance so as to provide that the Financial Secretary should fix the rate of interest in respect of each loan, and to empower him to reduce the rate, if necessary, at any time before a loan is repaid.

B. H. ALUWIHARE,
Acting Minister for Agriculture and Lands.
Colombo, October 7, 1938.