

MOTOR TRAFFIC

PART I REGISTRATION, POSSESSION AND USE OF MOTOR VEHICLES [3, 8 of 2009]

Motor vehicles not 2.
to be possessed or
used without
registration.
[4, 8 of 2009]
[3, 21 of 1981]
[36, 19 of 1978]

- (1) No person shall possess or use a motor vehicle unless that vehicle is registered, and the person for the time being entitled to the possession of the vehicle is registered as the owner thereof, in accordance with the provisions of this Part.
- (2) The possession by a dealer or a manufacturer of an unregistered motor vehicle for the purposes of sale shall be deemed not to be a contravention of subsection (1) so long as the vehicle remains unsold and is not used on any road except under the authority of a dealer's licence or manufacturer's licence as the case may be, issued under Part III and is identified by a distinctive number assigned for that purpose by the Commissioner-General.
- (3) The possession or use of a motor vehicle by a person for the time being entitled to the possession thereof shall be deemed not to be a contravention of subsection (1), if, but only if, the motor vehicle is lawfully used under the authority of a dealer's licence issued under Part III and is identified by a distinctive number assigned for the purpose.
- (4) The possession of a motor vehicle by a person (not being a manufacturer or a dealer) by whom the vehicle was imported into Sri Lanka shall be deemed not to be a contravention of subsection (1), if, but only if, that person

has made application for the registration of that vehicle and while the application is pending, its use is authorized by the Commissioner-General under section 18A.

(5) The use of a motor vehicle which upon importation into Sri Lanka is used on a road only for the purpose of and in the course of removal from the Customs premises or for the purpose of installing any equipment or which is being driven to or from any place specified by the Commissioner-General for the purpose of testing or registration, shall be deemed not to be a contravention of subsection (1), provided it is used under the authority of a dealer's licence or temporary permit issued for the purposes of this subsection by the Commissioner-General valid for a period of seven days.

Repealed (6) The use of a motor vehicle while it is being driven to or from any place specified by the Commissioner-General for the purpose of inspection or while it is being tested by the direction of the Commissioner-General for the purpose of registration shall be deemed not to be a contravention of subsection (1).

(7) The use of a motor vehicle under the authority of a visitor's temporary licence issued under Part III shall be deemed not to be a contravention of subsection (1).

(8) The possession or use by the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law of a motor coach, hiring car or a motor lorry shall be deemed not to be a contravention of subsection (1) so long as that coach or car or motor lorry is not used on any road for the carriage of persons or goods for fee or reward.

(9) The possession of a motor vehicle under the provisions of the proviso to section 12 (2) shall be deemed not to be a contravention of subsection (1) of this section so long as the vehicle remains under the contract of rental or hiring;

(10) A person who contravenes the provisions of subsections (1) or (5) of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand five hundred rupees and not exceeding five thousand rupees and on a second conviction to a fine

not less than five thousand rupees and not exceeding ten thousand rupees and on a third or subsequent conviction to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees.

Motor vehicle
fabricated
unlawfully and,..
not to be used.
[5, 8 of 2009]

2A. (1) No person shall knowingly use a motor vehicle -

- (a) that has been manufactured, assembled, fabricated, innovated, adapted, modified, or the construction of which has been changed illegally or otherwise than in conformity with the prototype approved by the Commissioner-General;
- (b) that has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;
- (c) that is mechanically defective;
- (d) that fails to comply with prescribed standards of safety;
- (e) that is stolen;
- (f) that has a false identity;
- (g) the chassis number of which has been tampered with; or
- (h) which has been manufactured, assembled, fabricated, adapted, modified, or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General.

(2) A person who contravenes the provisions of section 2A shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees or to imprisonment of either description for a term of one month or to both such fine and imprisonment and on a second conviction to a fine not less than one hundred thousand rupees and not exceeding two hundred thousand rupees or to imprisonment for a term of two months or to both such fine and imprisonment and on a third or subsequent conviction to a fine not less than two hundred thousand rupees and not exceeding three hundred thousand rupees or to imprisonment for a term of six months or to both such fine and imprisonment and confiscation of the vehicle.

Motor vehicles not
to be registered
unless they comply
with certain

3.(1) No motor vehicle shall be registered unless that vehicle conforms to the provisions of this Act and regulations made hereunder in regard to the construction, weight, dimensions and equipment of motor vehicles of the class or description to which that vehicle belongs.

requirements.
[6, 8 of 2009]
[4, 21 of 1981]

(2) The Commissioner-General shall not register any motor vehicle -

(a) if he has reason to believe -

(i) that it has been manufactured, assembled, fabricated, innovated, adapted, modified, or its construction changed, illegally or otherwise than in conformity with the prototype approved by the Commissioner-General ;

(ii) that it has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;

(iii) that it is mechanically defective;

(iv) that it fails to comply with prescribed standards of safety;

(v) that it is stolen ;

(vi) that the identity of the vehicle is false or in doubt;

(vii) that the chassis number has been tampered with;

(viii) that the applicant for registration of the vehicle has failed to furnish particulars of a previous registration, if any;

(ix) that the applicant has furnished inaccurate particulars in the application for registration of the vehicle; or

(x) that the vehicle has been imported with forged documents or that the application for registration contains a forged signature or is accompanied by forged documents;

(b) where the motor vehicle comprises features which -

(i) are not in accordance with the particulars contained in the application;

(ii) are not in his opinion roadworthy or are by reason of its design, construction or any condition thereof or any equipment thereof are not in compliance with the provisions of this Act;

(iii) require the prior written approval of the Commissioner-General for the import thereof and has been imported without obtaining such approval;

(iv) have been manufactured, assembled, fabricated, adapted, modified or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General.

(3) The decision of the Commissioner-General not to register a motor vehicle by reason of his findings under paragraphs (a) or (b) shall be final.

(4) No person under the age of eighteen years shall be registered as the owner of a motor vehicle: Provided however, that a person under the age of eighteen years may be registered as the beneficial owner of a motor vehicle in which event the parent or guardian of such person shall be registered as the owner thereof.

(5) Any person who submits an application for registration, which contains a forged signature or is accompanied by forged documents shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees.

(6) No motor vehicle shall be registered as a motor car if the tare of that vehicle exceeds four thousand five hundred kilograms.

Prohibition of registration of motor coaches and owners thereof except in certain cases.

[7, 8 of 2009]
[5, 21 of 1981]

4.(1) No motor coach shall be registered unless the person for the time being entitled to the possession of that motor coach is

(a) the Sri Lanka Central Transport Board or a Regional Transport Board established under the Transport Board Law, No. 19 of 1978 ; or

(b) the holder of a certificate of eligibility (granted under Part IV) for stage carriage permits for occasional omnibus services ;or

(c) the holder of a private coach permit for that motor coach.

(2) No person shall be registered as the owner of a motor coach unless that person is the Sri Lanka Central Transport Board or a Regional Transport Board, established under the Transport Board Law, No. 19 of 1978, or the holder of

(a) a certificate of eligibility (granted under Part IV) for stage carriage permits for occasional omnibus services ; or

(b) a private coach permit for that motor coach.

(3) Notwithstanding the provisions of subsection (2) the Commissioner-General may register as the owner of a motor coach a person who intends to let out that motor coach to a person who is eligible to be registered under subsection (2)

Description of

5.(1) A motor coach which is to be registered under this Part-

motor vehicles
upon registration.
[3, 18 of 2017]
[2, 18 of 2017]
[8, 8 of 2009]
[5, 21 of 1981]

(a) shall, if it is stated by the applicant for registration to be intended for use for the carriage of persons otherwise than for fee or reward, be registered as a private coach ;

(b) shall, if it is stated by the applicant for registration to be intended for the carriage of persons for fee or reward, be registered as an omnibus.

(2) A motor vehicle which is to be registered under this Part and-

(a) which is a motor cycle, light motor cycle, motor car, motor home, quadricycle, dual purpose vehicle, motor tricycle, motor tricycle van, motor lorry, light motor lorry, heavy motor lorry, motor coach, light motor coach, heavy motor coach, land vehicle, hand tractor, special purpose vehicle, motor ambulance, motor hearse or vehicle used by persons with disabilities as the case may be shall be registered as such ;

(b) which does not fall into any category specified in paragraph

(a) shall be registered as a motor vehicle of such description as may be prescribed.

Register of motor
vehicles.

6.(a) The Commissioner-General shall keep a register of all motor vehicles registered under this Act and shall enter or cause to be entered therein, in the prescribed form particulars relating to each such vehicle.

(b) Regulations may be made requiring the Commissioner-General to keep separate registers of different classes of motor vehicles or of motor vehicles intended to be usually kept or used in different areas.

Application for
registration.
[2, 8 of 1990]
[21, 2 of 1963]

7.(1) Every application for the registration of a motor vehicle shall be made to the Commissioner-General substantially in the prescribed form, shall be signed by the person for the time being entitled to the possession of the motor vehicle, and shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle.

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

(3) Notwithstanding anything in subsection (1) to the contrary, any dealer in motor vehicles, who is authorized in writing for the purpose by a person who is absent from Sri Lanka, may make application on behalf of that person for the registration of a motor vehicle, and in any

such case the application shall for the purposes of this section and of section 9 (1) be deemed to have been signed and made by that person.

(4) The application for the registration of a motor vehicle which is let under a hire purchase or leasing agreement shall be forwarded to the Commissioner-General by the person who so let that vehicle. Every such application shall be accompanied by a statement in the prescribed form, and by the prescribed fee for the entry in the register, as required by subsection (5) of section 9 of the name of that person as the absolute owner thereof.

Registration fee. **8.**(See also section 2 of the Sri Tax Law.) No motor vehicle shall be registered except upon payment of the prescribed fee.

Distinctive number **9.**(1) Upon the registration of a motor vehicle* the Commissioner-

and certificate of
registration.

[3, 8 of 1990]

[6, 21 of 1981]

[21, 2 of 1963]

General shall

(a) assign to the motor vehicle a number or a combination of one or more letters and one or more numbers or assign a number under a special series of numbers (in this Act referred to as a 'distinctive number') ; and

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

(c) enter in the register any conditions he deems necessary to ensure that the requirements of any provision of this Act or any other law are complied with ; and

(d) issue to that person a certificate of registration in the prescribed form.

(2) Where the ownership of a motor vehicle (other than a motor vehicle which is let under a hire-purchase agreement) is claimed by two or more persons, the Commissioner-General shall register as the owner of the vehicle-

(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-General after such inquiry as he may deem necessary :

Provided that nothing in the preceding provisions of this subsection shall be deemed or construed to authorize the Commissioner-General to register a person as owner of a motor coach in contravention of the provisions of section 4.

(3) In any case referred to in subsection (2), the Commissioner-General may also enter in the register the names of the other claimants to the ownership of the vehicle, 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 Act or to vest in such claimant any of the rights or powers conferred by this Act upon the registered owner of a motor vehicle.

(4) The decision of the Commissioner-General under paragraph (b) of subsection (2) shall be final and conclusive for the purposes of this Act; but shall not be deemed to prejudice or to affect in any way the right of the other claimants to the ownership of the vehicle to cause their claim to be determined by an action at law, and the final determination in any such action shall be binding upon the Commissioner-General.

(5) At the time of the registration of a motor vehicle which is let under a hire purchase or leasing agreement, the Commissioner-General shall also enter in the register the name of the person who so let the vehicle as the absolute owner thereof, but no such entry of the name of any person as absolute owner shall be deemed-

- (a) to affect any liability which the person registered as the owner may incur under any of the provisions of this Act; or

- (b) to vest in the person whose name is so entered as absolute owner any of the rights or powers conferred by this Act upon the registered owner of a vehicle; or

- (c) to prejudice or to affect in any way the right of any other person who claims to be the owner of the vehicle to cause his claim to be determined by an action at law and thereupon to require alteration of the register in accordance with the final determination in such action.

(6) The entry required by subsection (5) shall be made in the space provided in the register for the entry of the names of the other claimants, if any, to the ownership of a motor vehicle.

(7) Within a period of fourteen days after the due settlement of liabilities of a hire-purchase agreement in respect of a motor vehicle, the person who so let that vehicle shall forward to the Commissioner-General a written application for the deletion from the entry in the register relating to that vehicle of the name of the absolute owner thereof entered under subsection (5). Such application shall be accompanied by the prescribed fee for such deletion.

Information to
Commissioner-
General.

[9, 8 of 2009]
[7, 21 of 1981]

10. (1) The registered owner of a motor vehicle shall, whenever required by the Commissioner-General-

(a) forthwith furnish to the Commissioner-General all such information as the Commissioner-General may require, or proof of the weight of the motor vehicle, for the purpose of verifying the entries relating to that motor vehicle in the register; and

(b) forthwith forward to the Commissioner-General the certificate of registration relating to that motor vehicle.

(2) The registered owner of a motor vehicle shall-

(a) forthwith inform the Commissioner General in the specified form, of any circumstance or event which affects the accuracy of any entry in the registers relating to the motor vehicle and shall at the same time forward or deliver to the Commissioner-General the Certificate of Registration of such motor vehicle accompanied by the prescribed fee; and

(b) where he intends to effect such alteration in a motor vehicle as will change the class, overall measurements, external appearance, wheel base or seating capacity as specified in the Certificate of Registration, obtain the prior approval of the Commissioner-General to effect such changes.

(3) The registered owner of a motor vehicle shall forthwith inform the Commissioner-General in the specified form of any circumstance or event which affects the accuracy of any entry in the registers relating to himself and shall at the same time forward or deliver to the Commissioner-General the Certificate of Registration of the motor vehicle accompanied by the prescribed fee.

(4) The registered owner of a motor vehicle who contravenes or fails to comply with any of the provisions of the preceding subsections shall be guilty of an offence and shall, on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees.

Amendments in
register.

11. After a motor vehicle has been inspected, weighed or measured under section 194, or upon the receipt of any information or proof furnished in respect of a motor vehicle under section 10, the Commissioner-General may make such amendments in the register and in the certificate of registration relating to that motor vehicle as to him may seem necessary, and shall return the certificate to the registered

owner; and where any amendments are to be so made, the provisions of section 5 shall apply as though the registered owner were the applicant for registration.

Transfer to be on
specified forms.
[10, 8 of 2009]

11A. Where the registered owner of a motor vehicle wishes to transfer such vehicle he shall do so substantially in the prescribed Forms, A, A1, B, B1, C and C1.

Procedure on
change of
possession of
motor vehicles.
[11, 8 of 2009]
[8, 21 of 1981]

12. (1) On any change of possession of a motor vehicle consequent on the death of the registered owner-

(a) the person having the custody of the motor vehicle shall, within fourteen days of its coming into his custody, give notice of the fact to the Commissioner-General in the prescribed form;

(b) the Commissioner-General shall, upon receipt of such notice, issue any written directions that he may think necessary as to the use of the motor vehicle 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 vehicle pending such registration is given by the Commissioner-General by directions issued under paragraph (b), shall for the purposes of this Act be deemed to be the registered owner during the period for which such permission is given.

(2) On the change of possession of a motor vehicle upon a voluntary transfer made by the registered owner -

(a) the registered owner shall, within fourteen days after such change of possession -

(i) transmit direct to the Commissioner General either by registered post or personal delivery, the duly perfected prescribed Form A ; and

(ii) shall deliver to the new owner the duly perfected prescribed Forms B, B1, C and C1, the Certificate of Registration relating to the motor vehicle or a duplicate thereof, and the revenue licence of that motor vehicle, and shall retain the duly perfected prescribed Form A1 as proof of change of possession ;

(b) such motor vehicle shall not be used at any time after fourteen days of such change of possession unless the new owner has applied for registration as the new owner thereof :

Provided that this subsection shall not apply in any case where

the change of possession of a motor vehicle is consequent on a contract of hiring where the period of hiring does not exceed three months.

(3)

(a) A registered owner who fails to inform the Commissioner-General of the change of possession within fourteen days shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees.

(b) The new owner of a motor vehicle who fails to apply within fourteen days after change of possession to be registered as the new owner shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred rupees for each day after the fourteenth day up to the forty fourth day of such failure.

(c) The new owner of a motor vehicle who fails to apply within forty four days after change of possession to be registered as the new owner shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(d) A registered owner or a new owner who submits any document which is forged or which contains a forged signature shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees, and not exceeding fifteen thousand rupees.

(e) A police officer may detain a motor vehicle, the possession of which has changed and which is in use on a road for such period as may reasonably be necessary for the purpose of verification of ownership and shall release it to the new owner-

(i) on confirmation by the Commissioner- General that such vehicle has been registered in the name of the new owner thereof; and

(ii) on production of the Certificate of Registration thereof.

(4) On any change of possession of a motor vehicle otherwise than on the death of the registered owner or a voluntary transfer made by him-

(a) the registered owner of the vehicle shall, within fourteen days after the change of possession, deliver the revenue licence and the certificate of registration relating to the vehicle to the person into whose possession the vehicle has passed, and shall inform the Commissioner-General in writing of the change of possession;

(b) where the revenue licence and the certificate of registration are so delivered, the person into whose possession the vehicle has passed shall, within sixteen days after the change of possession, forward to the Commissioner-General the revenue licence and the certificate of registration relating to the vehicle, and shall apply to the Commissioner-General to be registered as the owner in place of the person registered as such;

(c) where the Commissioner-General is satisfied that the revenue licence or the certificate of registration relating to the vehicle has not been delivered under paragraph (a) to the person into whose possession the vehicle has passed, and that such person is entitled to the possession of the vehicle, the Commissioner-General 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 revenue licence;

(d) the person into whose possession the vehicle has passed shall, upon application made as hereinafter provided and upon production to the Commissioner-General of the certificate of registration or a duplicate thereof and of the revenue licence or a duplicate thereof, be entitled, unless his registration as owner thereof is prohibited by section 4 (2), to be registered as the owner of the motor vehicle in place of the person registered as such ; and

(e) the provisions of subsection (2)(b) shall apply to that motor vehicle in like manner as they would apply, if there was a change of possession of that vehicle consequent upon a voluntary transfer made by the registered owner .

Application for
registration of new
owner.

[12, 8 of 2009]

[4, 8 of 1990]

[21, 2 of 1963]

13. (1) Every application for the registration of a new owner upon any change of possession of any motor vehicle shall-

(a) be made to the Commissioner General substantially in the prescribed Forms Band C;

(b) shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle;

and a receipt of acceptance shall be obtained from the Commissioner General.

(2)

(a) The new owner shall retain the duly completed prescribed Forms B1 and C1.

(3) The application for the registration of a new owner of a motor vehicle which is let under a hire purchase or leasing agreement shall be forwarded to the Commissioner-General by the person who so let the vehicle. The application aforesaid shall be accompanied by a statement in the prescribed form and by the prescribed fee for the entry in the register, as required by subsection (4) of section 14, of the name of that person as the absolute owner thereof.

Registration of
new owner. [5,
8 of 1990]
[9, 21 of 1981]
[21, 2 of 1963]

14.(See also Motor Cars (Tax on Transfers) Law.)

(1) No person shall be registered as the new owner of a motor vehicle-

(a) unless the application for registration is accompanied by the prescribed fee and by the certificate of registration or a duplicate thereof, relating to that motor vehicle ;

(b) unless the revenue licence for that motor vehicle or a duplicate thereof is forwarded to the Commissioner-General by the applicant or the previous owner of that motor vehicle or, if there is no such licence, unless a receipt for the payment of the fee for such licence or a certificate from the licensing authority that a valid notice of non-user has been given in respect of that vehicle under section 37 is forwarded to the Commissioner- General ;

(c) if his registration as owner thereof is prohibited by section 4 (2) or by any of the conditions stipulated by the Commissioner-General under section 9(1)(c) ;

(d) unless all arrears of licence duty due from the registered owner and any liability under any other law in respect of the vehicle are paid.

(2) Upon the registration of the new owner of a motor vehicle, the Commissioner-General shall-

(a) either make the necessary alterations in the certificate of registration and deliver it to the new owner or issue to him a new certificate of registration ; and

(b) if the revenue licence for that motor vehicle has not become void under section 39, make the necessary alterations in such licence and deliver it to the new owner, and, if the revenue

licence for that motor vehicle has become void under section 39, transmit the void revenue licence to the licensing authority :

Provided, however, that the Commissioner-General may refuse to deliver the altered revenue licence to the new owner unless a certificate of insurance or a certificate of security, in conformity with the provisions of any existing law and relating to that motor vehicle, is produced to the Commissioner-General or a licensing authority for inspection.

(3) Upon the registration under this section of the new owner of a motor vehicle, the motor vehicle shall not be used unless a new revenue licence is issued in respect thereof, if the revenue licence has become void under section 39.

(4) At the time of the registration of the new owner of a motor vehicle which is let under a hire purchase or leasing agreement, the Commissioner-General shall also enter in the register the name of the person who so let the vehicle as the absolute owner thereof, but no such entry of the name of any person as absolute owner shall be deemed-

(a) to affect any liability which the person registered as the owner may incur under any of the provisions of this Act, or

(b) to vest in the person whose name is so entered as absolute owner any of the rights or powers conferred by this Act upon the registered owner of a vehicle; or

(c) to prejudice or to affect in any way the right of any other person who claims to be the owner of the vehicle to cause his claim to be determined by an action at law.

(5) The entry required by subsection (4) shall be made in the space provided in the register for the entry of the names of the other claimants, if any, to the ownership of a motor vehicle.

(6) Within a period of fourteen days after the due settlement of liabilities of a hire-purchase agreement in respect of a motor vehicle, the person who so let that vehicle shall forward to the Commissioner-General a written application for the deletion from the entry in the register relating to that vehicle of the name of the absolute owner thereof entered under subsection (4). Such application shall be accompanied by the prescribed fee for such deletion.

Power to change
the distinctive

14A. (1) Where a special series of distinctive numbers is determined for the purpose of assigning, under subsection (1) of section 9, a

number of a motor vehicle in certain circumstances
[10, 21 of 1981]
[2, 43 of 1958]

distinctive number to each motor vehicle the registered owner of which is a diplomat or which belongs to the government of any recognized foreign state, then, if the distinctive number of any such motor vehicle is not of such special series, the Commissioner- General shall cancel the distinctive number of that motor vehicle and assign to it a distinctive number which is of such special series.

- (2) Where a person who is not a diplomat becomes the registered owner of a motor vehicle which does not belong to the government of a recognized foreign state and to which a distinctive number of the special series referred to in subsection (1) has been assigned, the Commissioner-General shall cancel that distinctive number and assign to that motor vehicle a distinctive number which is not of such special series.
- (3) Where a motor vehicle which belongs to the government of a recognized foreign state and the distinctive number of which is of the special series referred to in subsection (1) ceases to belong to that government, the Commissioner-General shall, unless a diplomat becomes the registered owner, or the government of any other recognized foreign state becomes the owner, of that motor vehicle, cancel that distinctive number and assign to that motor vehicle a distinctive number which is not of such special series and where a diplomat of a state other than the state to which the diplomat who is the registered owner becomes the owner or any other recognized foreign state becomes the owner the Commissioner-General shall cancel that distinctive number and assign to that motor vehicle such distinctive number as he may determine.
- (4) In this section 'diplomat' means the diplomatic representative in Sri Lanka of the government of any other country, or any person who is a member of the diplomatic staff of such diplomatic representative.

Provision for absence of registered owner from Sri Lanka.
[11, 21 of 1981]

15.(1) Where the registered owner of a motor vehicle is absent from Sri Lanka, that motor vehicle shall not be used at any time after the expiration of a period of two months from the date of his departure from Sri Lanka and until his return to Sri Lanka unless the Commissioner-General has under subsection (2) registered a person as the temporary owner of that vehicle.

- (2) The Commissioner-General may register a person as the

temporary owner of a motor vehicle-

(a) upon application made in that behalf in the prescribed form by the registered owner (whether before or after his departure from Sri Lanka) or by the duly appointed attorney of the registered owner; or

(b) if it is proved to his satisfaction that that person has been authorized by the registered owner to use the vehicle during his absence from Sri Lanka.

(3) Notwithstanding anything in the preceding provisions of this section, no person shall be registered as the temporary owner of a motor coach except with the prior approval of the Commissioner-General; and the Commissioner-General may refuse to grant such approval in any case where he is not in his discretion satisfied that the motor coach will during the absence of the registered owner be used solely for the purposes of the business which the registered owner is Authorized by a permit granted under Part IV to use that motor coach. The provisions of subsection (2) of section 4 shall not apply in the case of the lustration under this section of any person its the temporary owner of a motor coach.

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

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

(6) Upon the registration under this section of any person as the temporary owner of a motor vehicle, the Commissioner-General shall endorse the certificate of registration in the prescribed manner and deliver it to that person, together with the amended revenue licence for that vehicle.

(6A) Where the registered owner of a motor vehicle (hereafter in this subsection referred to as the 'absent owner') is absent from Sri Lanka and a person is registered as the temporary owner of that motor vehicle under this section, such temporary owner shall not make a voluntary transfer effecting a change of possession of that motor vehicle without the written consent of the absent owner or of the duly

appointed attorney of the absent owner; and any such transfer made without such written consent shall be null and void.

(7) The registered owner of any motor vehicle in respect of which a temporary owner has been registered under this section, shall, on his return to Sri Lanka, deliver to the Commissioner-General the revenue licence and the certificate of registration issued under subsection (6) to the temporary owner, and shall apply, in the prescribed form, to be reregistered as the owner of that motor vehicle, and the Commissioner-General shall, unless his registration as owner thereof is prohibited by section 4 (2), upon payment of the prescribed fee, reregister him accordingly, and shall amend and deliver to him a certificate of registration and shall amend and deliver to him the revenue licence for that vehicle.

Registered owner to be deemed to be owner. **16.** 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 vehicle, shall, for the purposes of any proceedings under this Act, be deemed to be the owner of that motor vehicle.

Evidence. **17.** (1) A certificate of registration shall be prima facie evidence of the due registration of the motor vehicle to which the conflict relates and of the particulars appearing in the certificate.
(2) A copy of, or an extract from, any entry in the register, if purporting to be made under the hand of the Commissioner-General or any other officer authorized in that behalf by the Commissioner-General shall be received as prima facie evidence of the due registration of the motor vehicle to which the entry relates and of the particulars appearing therein including particulars as to the ownership of that vehicle.

Cancellation of registration of a motor vehicle.
[13, 8 of 2009]
[21, 2 of 1963] **18.** Where a motor vehicle which is registered has been permanently removed from Sri Lanka, or destroyed, or dismantled and broken up, or otherwise rendered permanently unserviceable, the owner shall report such fact to the Commissioner-General within fourteen days and shall also forward the Certificate of Registration to him and the Commissioner-General shall cancel the registration of such motor vehicle ;
(2) The Commissioner-General may for reasons to be recorded, of his own motion, cancel the registration of a motor vehicle,-
(a) if he has reason to believe-

(i) that it has been manufactured, assembled, fabricated, innovated, adapted, modified, or its construction changed, illegally or otherwise than in conformity with the prototype approved by the Commissioner- General ;

(ii) that it has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;

(iii) that it is mechanically defective;

(iv) that it fails to comply with prescribed standards of safety;

(v) that it is stolen ;

(vi) that the identity of the vehicle is false;

(vii) that the chassis number has been tampered with;

(viii) that the applicant for registration of the vehicle has failed to furnish particulars of a previous registration if any;

(ix) that the applicant has furnished inaccurate particulars in the application for registration of the vehicle; or

(x) that the vehicle has been imported with forged documents or that the application for registration contains a forged signature or is accompanied by forged documents;

(b) where the motor vehicle comprises features which-

(i) are not in accordance with the particulars contained in the application;

(ii) are not in his opinion roadworthy or which by reason of its design, construction or any condition thereof or any equipment thereof, are not in compliance with the provisions of this Act;

(iii) require the prior written approval of the Commissioner-General for the import thereof and has been imported without obtaining such approval;

(iv) have been manufactured, assembled, fabricated, adapted, modified or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General;

(v) the registered owner thereof is dead, or cannot be found or that such vehicle has ceased to be a motor vehicle ; or

(c) the registration of such motor vehicle has been obtained on the basis of documents which were , or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the Certificate of Registration, after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post to his address entered in the Certificate of Registration).

(3) The Commissioner - General shall, on receiving evidence or information to the effect that a motor vehicle has not been issued a revenue license for two consecutive years and has not been issued a Certificate of Non-user issued by the Licensing Authority for that period, forthwith require the registered owner to produce a valid revenue license or such Certificate of Non-user issued by the Licensing Authority and surrender the Certificate of Registration within a period of one month. If the owner fails to produce the revenue license or such Certificate of Non-user referred to in this section, the Commissioner - General shall cancel the registration of such motor vehicle.

(4) The Commissioner - General may order the examination of any vehicle, and if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post to his address entered in the Certificate of Registration) he is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, he shall order that the vehicle be written off and shall cancel the registration of such motor vehicle.

(5) If a motor vehicle is declared unroadworthy consequent to an accident or other circumstance the Commissioner- General shall suspend the registration of such motor vehicle: Provided however, that if on application made thereafter by the registered owner, in a prescribed form together with the prescribed fee, the Commissioner - General is satisfied that the vehicle has been made roadworthy and that it complies with the provisions of this Act and regulations made thereunder, he may remove the suspension.

(6) Where the registration of a motor vehicle has been cancelled under paragraph (b) of subsection (2) or where the identity of the vehicle or the identity of the owner of such vehicle is in question, such vehicle may be considered for reregistration under this Part,

provided that-

(a) the owner complies with the provisions of this Act and regulations made thereunder ; and

(b) the vehicle is inspected by an officer authorized for the purpose by the Commissioner-General, and an endorsement to the effect that the owner has complied with the provisions of this Act is made on the Certificate of Registration.

(7) Upon the cancellation of the registration of a motor vehicle, the registered owner shall cease to use such vehicle and shall return the identification plate to the Commissioner - General within seven days from the date of being notified of such cancellation.

(8)

(a) The Commissioner - General shall maintain a register of written off vehicles in accordance with the prescribed procedure, wherein information regarding motor vehicles that are written off, is entered. Such register shall be made available for inspection by the public during office hours.

(b) Entries in the register of written off vehicles may be made, amended and removed only in accordance with regulations made hereunder.

(9) For the purposes of subsections (7) and (8) a motor vehicle shall be written off only if, -

(a) the vehicle has been damaged by collision, fire, flood, accident, trespass or other event or circumstances ; and

(b) the insurer of the vehicle or, if there is no insurer, the registered owner of the vehicle makes a determination that the extent of the damage is such that the vehicle's fair salvage value plus the cost of repairing it for use on a road or road related area would be more than its fair market value immediately before the event or circumstances that caused the damage.

(10) An insurer of a vehicle referred to in subsection (a) is taken to have made a determination under paragraph (b) of subsection (9) if the insurer-

(a) allows a claim for the full insured value of the vehicle ; or

(b) disposes of the vehicle to a third party.

(11) A registered owner of a vehicle referred to in subsection (9) (b) is taken to have made a determination under that section if the

registered owner disposes of the vehicle to a motor wrecker.

(12) The Commissioner General shall ensure that a person who notifies the Commissioner General of a written-off vehicle, or who applies for an entry on the register of written-off vehicles to be amended or removed, is informed at the time of notification or application (as the case requires) that any information given or document submitted in connection with the notification or application, or a copy of such document, may be disclosed or used for investigation, law enforcement and allied purposes.

(13) The Minister may make regulations regarding the disposal of written off vehicles, and the records to be kept in that regard.

(14) Any person who contravenes any provision of this section shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and on a second or subsequent conviction to a fine not less than twenty thousand rupees and not exceeding thirty thousand rupees.

Use of a motor
vehicle pending
registration for the
first time.
[12, 21 of 1981]

18A.

The Commissioner-General may authorize the owner of a motor vehicle imported into Sri Lanka to use such vehicle pending its registration, for a period not exceeding three months from the date of importation.

Penalty for
fraudulently using
or mutilating etc.
of certificate of
registration.
[14, 8 of 2009]

18B. Any person who-

- (a) fraudulently uses or allows any other person to use ; or
- (b) imitates, alters, mutilates, defaces, or destroys a Certificate of Registration of a motor vehicle, shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART II

CONSTRUCTION AND EQUIPMENT OF MOTOR VEHICLES

Regulations as to
construction, & c,

19.(1) Regulations may be made prescribing the requirements as to construction, weight, dimensions and equipment of motor vehicles.

of motor vehicles.
[4, 18 of 2017]
[16, 8 of 2009]
[13, 21 of 1981]

Any such regulation may be expressed to be applicable to motor vehicles generally or to any specified class or description of motor vehicles.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Minister may make regulations -

(a) to regulate the width, height, wheel base, length and overhang of vehicles and trailers and the load carried thereon, the diameter of wheels and the width, nature and condition of tyres of such vehicles and trailers and to prohibit the use of any tyres likely to cause damage to the roads ;

(b) to prohibit excessive noise from warning devices, noise emitted from engine exhaust and noise due to the design or condition of the motor vehicle or the loading thereof ;

(c) to regulate the maximum unladen and laden weight of vehicles and trailers and the maximum axle load to be transmitted to the road or any specified area thereof by a motor vehicle of any class or description or by any part or parts of such a vehicle in contact with the road and the conditions under which such weights may be required to be tested ;

(d) to prescribe the particulars to be marked on vehicles and trailers ;

(e) to specify the number and nature of springs and brakes on vehicles and trailers and to ensure that springs, brakes, silencers, emission, light, weight and steering gear shall be efficient and kept in proper working order and for empowering any person or classes of persons designated, named or described in such regulations to test and inspect any such springs, brakes, silencers, emission, light, weight and steering gear on a road or, subject to the consent of the occupier of any premises, on any such premises;

(f) to regulate the appliances to be fitted for signalling the approach of a vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear or for intimating any intended change of speed or direction of a motor vehicle and to regulate or to prohibit the use of any such appliances and to ensure that they shall be kept efficient and in proper working order ;

(g) to regulate the lights to be installed in vehicles and trailers

whether in respect of the nature of such lights, the positions in which they shall be fixed and the periods during which they shall be kept lighted or otherwise ;

(h) to prescribe the safety equipment to be installed in vehicles

(i) to control, in connection with the use of a motor vehicle, the emission of smoke, oily substance, ashes, water, steam, visible vapour, noxious fumes, sparks, cinders, gas or grit ;

(j) to regulate the towing or drawing of motor vehicles by motor vehicles and the manner of attachments used therefor ;

(k) to prohibit in connection with the use of a motor vehicle the use of any appliances or the commission of any act which is likely to cause annoyance or danger to other users of the road or its vicinity ;

(l) to regulate the number of trailers that may be attached in train to any motor vehicle, the manner of attachment and the manner in which trailers shall be kept under control and the maximum weight thereof ;

(m) to prescribe the number of persons to be employed in driving or attending to motor vehicles or trailers and to regulate the duties and conduct of such persons ;

(n) to prescribe a maximum speed for motor vehicles of any class or description and to provide for exemption in special cases ; and prescribe the procedure of ascertaining the speed by the use of radar detectors and laser speed guns and photographic detection devices ; For the purposes of this paragraph different speeds may be prescribed as the maximum speed of a motor vehicle or class of motor vehicles in respect of a road or part of a road or a road in any area;

(o) to regulate or prohibit either generally or in specified areas or roads and either at all times or between specified hours, the use of horns or other warning appliances, and different rules may be made in respect of different classes or description of motor vehicles or in respect of the same class or description of vehicles in different circumstances ;

(p) to prescribe the degree of transmission of light into a motor vehicle and the procedure for determining the intensity of light penetration ;

(q) to specify the standards of emission of air pollutants ;

- (r) to regulate the installation of catalytic converters in any prescribed class of vehicles ;
- (s) to regulate the transport of chemicals, hazardous waste, petroleum products, gas or other dangerous goods;
- (t) to prohibit any class or classes or types of motor vehicles using the expressway or any road ; and
- (u) to prescribe procedures for de-registering of motor vehicles (cancellation from the register) and the fees to be charged therefor.

(3) Regulations may also be made providing for the issue by the Commissioner-General, whether free of charge or on payment of the prescribed fee, of permits exempting motor vehicles of any class or description from any such requirements where he considers it necessary to do so in the public interest. Such exemption shall be subject to such conditions as may be inserted in such permits relating to the safety or convenience of the public or the prevention of injury to or excessive wear of any road or any bridge on any road.

(4) The Commissioner-General may revoke or suspend any permit issued under any regulation made under subsection (2) on the ground that any of the conditions attached to the permit has not been complied with.

No person to fabricate, manufacture and c., motor vehicle except with permission of Commissioner-General.

[16, 8 of 2009]

19A. (1) No person shall fabricate, manufacture, assemble, innovate, adapt, modify or change the construction of a motor vehicle in Sri Lanka except with the prior written approval of the Commissioner-General.

(2) The Commissioner - General may upon application made in the prescribed Form and on payment of the prescribed fee, grant approval to such applicant to manufacture, assemble, fabricate, innovate, adapt, modify or change the construction of a motor vehicle as the case may be, subject to compliance by the applicant with terms and conditions which the Commissioner-General may specify by notice in writing, prior to the grant of such approval.

(3) Terms and conditions specified by notice under subsection (2), may include a requirement that the applicant's facility for manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be shall conform to specifications set out in such notice.

(4) The Commissioner-General shall refuse to grant the written

approval referred to in subsection (1), where he is satisfied that the applicant has not complied with any term or condition specified under subsection (2). Written notice of such refusal shall be given to the applicant.

(5) Any person aggrieved by the refusal of the Commissioner-General to grant written approval under this section may, within fourteen days of the receipt of the written notice of such refusal, appeal in writing to the Motor Traffic Appeals Tribunal constituted under section 213AA, whose decision thereon shall be final.

(6) The Commissioner-General may, by notice in writing, require a manufacturer, assembler, fabricator, innovator, adaptor, modifier or person engaged in the business of changing the construction of a motor vehicle, to effect such additions, improvements, or modifications as he may specify in such notice, to an existing facility for manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle.

(7) The Commissioner-General shall cancel a written approval granted under subsection (2) where he is satisfied that the manufacturer, assembler, fabricator, innovator, adaptor, modifier or person engaged in the business of changing the construction of a motor vehicle-

(a) has failed to comply with the requirements of a notice sent to him under subsection (6) ; or

(b)

(i) has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle in an improper or unsatisfactory manner ;

(ii) has failed to comply with any of the terms and conditions subject to which such written approval was granted ; or

(iii) has been convicted of an offence under this Part or has contravened the provisions of any regulation made thereunder.

(8) The Commissioner - General shall before cancelling any written approval under subsection (7), give notice in writing of his intention to do so, specifying a date, not less than fourteen days from the date of the notice, upon which such cancellation shall be made and

calling upon such manufacturer, fabricator, assembler, innovator, adaptor, modifier or person changing the construction of a motor vehicle to show cause to the Commissioner- General as to why such written approval should not be cancelled.

(9) Where the Commissioner-General has cancelled any written approval granted to a person under the provisions of subsection (7), he shall forthwith inform such person of such cancellation by notice in writing.

(10) Any person aggrieved by the decision of the Commissioner General under subsection (7) may, within fourteen days of the receipt of the notice referred to in subsection (9), appeal in writing against such cancellation to the Motor Traffic Appeals Tribunal established under section 213AA, whose decision thereon shall be final.

(11) An order of cancellation shall not take effect until the expiration of a period of fourteen days from the date of receipt of the notice of cancellation under subsection (9).

(12) If within that period, the person aggrieved by such cancellation appeals to the Motor Traffic Appeals Tribunal established under section 213AA the order shall not take effect until such Tribunal confirms such order of cancellation or the appeal is dismissed.

(13) Where an order of cancellation becomes effective under subsections (7) or (11), the manufacturer, assembler, fabricator, innovator, adaptor, modifier or person changing the construction of a motor vehicle shall as from the date when such order becomes effective, cease to carry on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be.

(14) Where written approval has been granted to a manufacturer, assembler, fabricator, innovator, adaptor, modifier, or person changing the construction of a motor vehicle, for the carrying on of business in such capacity, and an order of cancellation has been made in respect of any such category of persons, such person shall, within seven days of the making of such order of cancellation, surrender to the Commissioner - General -

- (i) the letter of written approval issued to such person; and
- (ii) the Certificate of Registration issued to him as a manufacturer, assembler, fabricator, innovator, adapter,

modifier or construction changer, as the case may be,

(15) A manufacturer, assembler, fabricator, innovator, adapter, modifier, or person engaged in the business of changing the construction of a motor vehicle, the written approval for whose business has been cancelled under this section, may on satisfying the Commissioner - General that he has, since such cancellation-

(i) complied with the requirements of a notice sent to him under subsection (6);

(ii) complied with the terms and conditions subject to which such written approval was previously granted ; and

(iii) is carrying on such business in a proper and satisfactory manner,

re-apply to the Commissioner-General-

(i) for the grant of written approval for his business ; and

(ii) for the issue of a Certificate of Registration as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be.

(16) Any person aggrieved by the refusal of the Commissioner-General to re-issue written approval or issue or renew the Certificate of Registration issued to such person as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be, may within fourteen days of the receipt of the written notice of refusal, appeal in writing to the Secretary of the Ministry of the Minister, whose decision thereon shall be final.

(17) A person who contravenes the provisions of subsections (1), (13) or (14) shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees and to the confiscation of such motor vehicle.

(18) The Minister may make regulations in respect of the procedure for the issue of a Certificate of Registration as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be, including the conditions to be attached to such Certificate and the conduct of such certificate holders.

Prohibition on
assembly of motor
vehicles except
with branded

19B. (1) No person shall assemble a motor vehicle except -

(a) with branded new parts ; and

(b) with the prior written permission of the manufacturer of

newparts.
[16, 8 of 2009]

such parts.

- (2) Any person who assembles a motor vehicle otherwise than in accordance with the provisions of subsection (1), shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees.

Prohibition on
importation of
certain vehicles.
[16, 8 of 2009]

19C. (1) No person shall import a motor vehicle into Sri Lanka-

(a) which is not in conformity with the prototype approved by the Commissioner-General; and

(b) except under the authority of a permit issued in that behalf by the Commissioner-General.

- (2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than three hundred thousand rupees and not exceeding five hundred thousand rupees.

Regulations as to
mascots.

20. Regulations may be made providing for the prohibition, regulation or control of the use on motor vehicles of mascots and other similar fittings.

Identification
[14, 21 of 1981]

21. On every motor vehicle there shall be fixed and maintained two identification plates each bearing the distinctive number of that motor vehicle as assigned to it by the Commissioner-General:

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 vehicle; and any reference in this Act 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 to the delineation of, such a design.

Shape of
identification
plates.

22. For the purposes of section 21, no identification plate shall be used unless the shape of the plate conforms to one of the prescribed diagrams, 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 such general provisions as may be prescribed:

Provided, however, that any identification plate of a shape not

conforming to one of the aforesaid diagrams may be used on any motor vehicle if a regular permit authorizing the use of such plate has been obtained from the Commissioner-General.

Identification plates. **23.** The two identification plates to be required by section 21 shall be fixed and maintained on a motor vehicle in accordance with such provisions as may be prescribed and are applicable to the class or description of motor vehicles to which the vehicle belongs.

Possession of identification plates. **24.** (1) Every identification plate required by section 21 shall be fixed and maintained in an upright position on the motor vehicle, with the upper edge of the letters and figures upwards.
(2) No part of any identification plate shall be obscured in any manner.

Penalty for contravention of sections 21, 22, 23 and 24. [17, 8 of 2009] **24A.** A person who -
(a) contravenes the provisions of sections 21, 22, 23 and 24 of this Act ; or
(b)
(i) fraudulently uses or allows any other person to use any identification plate, or
(ii) imitates, alters, mutilates, defaces or destroys any identification plate,
shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART III

REVENUE LICENCES

Motor vehicles not to be repossessed or used without revenue license. **25.** (1) No person shall possess or use a motor vehicle for which a revenue licence is not in force.
(2) The person who for the time being is, or is deemed under Part I to

[15, 21 of 1981]
[36, 19 of 1978]

be, the registered owner of a motor vehicle shall, for the purposes of subsection (1), be presumed, unless the contrary is proved, to possess that vehicle.

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

(3A) The possession by a manufacturer of a motor vehicle in Sri Lanka for the purposes of sale shall be deemed not to be a contravention of subsection (1) so long as the vehicle remains unsold and is not used on any road.

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

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

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

(7) The possession by a person of a motor vehicle in respect of which notice of a period of non-user has been given under section 37 shall be deemed not to be a contravention of subsection (1), if, but only if, the motor vehicle is not used in any place during that period.

(8) The Commissioner-General may issue a permit authorizing the removal of any motor vehicle for the purpose of repairs or for the purpose of compliance with any provision of this Act or for any other specified purpose on a specified date from a specified place and the use of that motor vehicle for the purpose of such removal in accordance with a permit so issued shall be deemed not be a contravention of subsection (i).

(9) When the revenue licence for a motor vehicle becomes void under section 39, the possession of that motor vehicle by the owner thereof

shall be deemed not be a contravention of subsection (1) if he has applied for a new revenue licence for that motor vehicle and the application has not been finally determined or if he has given notice of a period of non-user under section 37.

(10) The possession or use by the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law of a motor coach, a hiring car, or a motor lorry shall be deemed not to be a contravention of subsection (1) so long as that coach, hiring car or motor lorry is not used on the road for the carriage of passengers or goods for fee or reward.

Classes or
descriptions of
revenue licences.
[2, 18 of 2017]
[16, 21 of 1981]

26. (1) A revenue licence to be issued under this Part for a motor vehicle shall be a licence of one, or a combination of one or more, of the following descriptions, that is to say, a motor car licence, a private coach licence, an omnibus licence, a motor tricycle licence, a motor lorry licence, a motor tricycle van licence, a motor cycle licence, a motor hearse licence, a motor ambulance licence, an vehicle used by persons with disabilities licence, a hand tractor licence, or a land vehicle licence, and shall be issued having regard to the class or description of motor vehicles to which that vehicle belongs.

(2) Nothing in subsection (1) shall be deemed to affect or restrict the issue of dealer's licences under section 42, or of visitor's temporary licences under section 44.

Production of
certificate of
registration and
certificate of
insurance security.
[2, 40 of 1984]
[17, 21 of 1981]

27.(1) No revenue licence for any motor vehicle shall be issued by any licensing authority unless the certificate of or registration relating to that vehicle 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:

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

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

that authority by the applicant.

Licences for omnibuses and private coaches to be issued only to holders of operational permits.
[18, 21 of 1981]

- 28.** (1) No omnibus licence shall be issued under this Part except for an omnibus the registered owner of which is the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, No. 19 of 1978, or is the holder of a certificate of eligibility for stage carriage permits for occasional omnibus services.
- (2) No private coach licence shall be issued under this Part except for a private coach the registered owner of which is the holder of a private coach permit authorizing the use of that coach.

Revenue licences for motor vehicles.
[18, 8 of 2009]

- 29.**(1)
- (a) No revenue license for a motor lorry, light motor lorry, heavy motor lorry, motor coach, light motor coach, heavy motor coach, motor hearse or motor ambulance shall be issued by any licensing authority unless a Certificate of Fitness and an Emission Certificate issued in respect thereof under section 196, is produced.
- (b) No revenue license for a motor cycle, light motor cycle, motor car, dual purpose vehicle, motor tricycle, motor tricycle van, land vehicle, hand tractor or special purpose vehicle shall be issued by any licensing authority unless an Emission Certificate issued in respect thereof under section 196, is produced.
- (2) The Minister may make regulations-
- (a) providing for the amalgamation of the Certificate of Fitness and Emission Certificate if so required;
- (b) identifying new classes of vehicles in respect of which either the Certificate of Fitness or the Emission Certificate may be required.

Application for revenue licence.
[20, 21 of 1981]
[2, 12 of 1975]

- 30.** (1) Every application for a revenue licence (other than a dealer's licence: or visitors temporary licence) for a motor vehicle shall
- (a) be made to the licensing authority of the place in which the motor vehicle will usually be kept during the period for which the licence is required;
- (b) be substantially in such one of the prescribed forms, as may be appropriate to the case, and shall set out all particulars relating to that motor vehicle in respect of such of the matters

specified in that form as may be applicable to that motor vehicle;

(c) be signed by the registered owner of the motor vehicle;

(d) except in the case of a motor vehicle registered in the name of the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, No. 19 of 1978 be accompanied by the licence fee under section 31;

(e) be made on or before the thirty-first day of December in the year preceding the year for which the licence is required; and

(f) be accompanied by the previous years' licence:

Provided, however, that-

(i) in the case of any motor vehicle in respect of which notice of period of non-user has been given under section 37, the application shall be made before the end of that period;

(ii) in the case of a motor vehicle in respect of which notice of a period of non-user has been given under section 37 and that notice ceases to be operative on any date by reason of the provisions of section 37 (5), the application shall be made within three days of that date;

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

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

(v) in the case of a motor vehicle for which a new revenue licence is applied for as the revenue licence for that motor vehicle has become void under subsection (1) of section 39, the application shall be made within three days after the date on which the revenue licence has been void; and

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

days before the date on which it is intended to use that motor vehicle for that purpose.

(1A) Where in respect of any motor vehicle an application is made for a new revenue licence which is necessary by reason of section 39, there shall be attached to such application a statement of the circumstances which necessitate a new licence and the licence which has been void under that section except where such licence has already been sent to the licensing authority.

(2) Where application for a revenue licence for a motor vehicle is required under subsection (1) to be made before any day or before the expiry of any period, as the case may be, and there is delay in making the application, the licensing authority may in his discretion, on proof to his satisfaction that the delay is due to any error, accident or misfortune, and, on payment of the full amount of the licence fee which would under this Part have been payable on the licence if it had been issued on an application duly made under that subsection, issue a revenue licence expressed to be in force from the date of such issue; and in any case where a revenue licence for any motor vehicle has been issued under this subsection, no prosecution shall be instituted against any person for any contravention of section 25 (1) in respect of that vehicle during the period of such delay and where a prosecution has been instituted before the date of such payment the Magistrate shall discharge such person.

Minister may by notification alter date before which applications for revenue licences shall be made.
[2, 7 of 1974]

30A. (New section 30A has been added, and taken over from section 28A of the Finance Act, No. 38 of 1971, inserted therein by section 2 of the Finance (Amendment) Law, No. 7 of 1974.) Notwithstanding the provisions of section 30 (1) (e) the Minister may, from time to time, by Notification published in the Gazette specify in respect of any year the date before which applications for revenue licences for such year shall be made.

Licence fee.
[5, 12 of 2005]
[21, 21 of 1981]
[2, 22 of 1973]

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

(2) Where any revenue licence for a motor vehicle other than a dealer's licence, is to come into force after the first day of January and before the first day of March in any year, the amount of the fee

payable on that licence shall be the same as the amount payable on a yearly revenue licence for that motor vehicle under subsection (1).

(3) Where-

(a) application for a revenue licence for a motor vehicle, in respect of which notice of a period of non-user in any year has been given under section 37, is made under paragraph (i) or paragraph (ii) of the proviso to section 30 (1) and the licensing authority is satisfied that the motor vehicle 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 revenue licence for any motor vehicle registered for the first time in Sri Lanka on any date during the course of any year, is made under paragraph (iii) of the proviso to section 30 (1), and no notice of a period of non-user in respect of that motor vehicle has been given under section 37 ;

(c) application is made for a new revenue licence which is necessary by reason of section 39 and which is to come into force after the first day of January in any year, the licence fee payable on that licence shall, save as is otherwise provided in subsection (2), be the licence fee payable under subsection (1) on a yearly licence, reduced by one-twelfth part for each complete calendar month of the period commencing on the 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 licence fee shall be payable on a revenue licence for a motor vehicle belonging to or exclusively used in the service of the Government of Sri Lanka or belonging to the Government of any foreign state, as the Minister, after reciprocal arrangements in that behalf have been made, may from time to time specify by Notification published in the Gazette or belonging to the representative in Sri Lanka (by whatsoever name, title or designation called) of the Government of any foreign state so specified or the Trade Commissioner-General or consular officer in Sri Lanka of any such Government or persons on the staff of any such representative or Commissioner-General or consular officer.

(5) Where the licence fee for the revenue licence for a motor vehicle is paid to a licensing authority and before that licence is issued a change of possession of that motor vehicle occurs, then, if the new registered owner of that motor vehicle produces a receipt for the

payment of that fee and a certificate from the licensing authority has not been issued, no licence fee shall be payable by that registered owner.

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

(7) Any person who fails to comply with the requirements of a notice given to him under subsection (6) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than two thousand and not exceeding five thousand rupees, and the court may in addition to any such fine as the court may impose, order that person to pay the sum specified in that notice and such sum may be recovered in the same manner as a fine imposed by that court.

Form and duration of revenue licenses. **32.** Every revenue licence (other than a dealer's licence or visitor's temporary licence) for a motor vehicle shall be issued by the licensing authority in such one of the prescribed forms, as may be appropriate to the case, shall be in force from the date on which it is expressed to come into force and shall, save as otherwise expressly provided in this Part, continue in force until the thirty-first day of December next following that date.

Limitation of duration of certain licences. **33.** (1) In any case where (a) the stage carriage permit under the authority of which an omnibus is used ; or (b) the private coach permit which authorizes the use of any private coach, is due to expire before the thirty-first day of December in any year, the revenue licence issued for that year under this Part for that omnibus or private coach, as the case may be, shall notwithstanding anything in section 32, be and be expressed to be in force only until the date on which the permit is due to expire:

[22, 21 of 1981]

Provided that if the registered owner of that omnibus or private coach at any time before the date of expiry of the revenue licence becomes the holder of a stage carriage permit or a private coach permit, as the case may be, which is valid until some date not earlier than the thirty-first day of December of the year in respect of which that licence was

issued-, the licensing authority by whom the licence was issued shall, on application made in that behalf by such owner before the date of expiry of the licence and on payment of the amount of fee calculated as hereinafter provided by endorsement under his hand on the licence. extend the period of its validity until the thirty-first day of December aforesaid and accordingly the licence shall continue in force until that date.

(2) Where a revenue licence for an omnibus or private coach issued in respect of any year is, in accordance with subsection (1), due to expire before the thirty-first day of December of that year, the fee payable on that licence shall, save as is otherwise provided in subsection (2) of section 31, be the fee payable under subsection (1) of that section on a yearly licence, reduced by one-twelfth, part for each complete calendar month of the period commencing on the first day of the month succeeding the month in which the licence is due to expire and ending on the thirty-first day of December aforesaid:

Provided that where the period of validity of such a licence is extended under the provisions of subsection (1) until the thirty-first day of December aforesaid, a further fee shall be payable on that licence and the amount of that fee shall be the amount by which the fee payable on a yearly licence under subsection (1) of section 31 exceeds the amount actually paid on that licence at the time of issue thereof.

Power to insert
conditions in
revenue licence.
[22, 21 of 1981]

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

Maximum number
of persons and
passengers to be
specified in revenue
licences for private
coaches, & c.
[22, 21 of 1981]

35. (1) The licensing authority shall specify In every revenue licence issued by the authority

- (a) for a private coach, the maximum number of persons authorized to be carried in that coach ; and
- (b) for an omnibus, the maximum number of passengers authorized to be carried in that omnibus.

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

- (a) three hundred and eighty-two millimeters of seating space

shall be allowed for each person or passenger, as the case may be ; and

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

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

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

(b) which is to be used under the authority of a stage carriage permit for a regular omnibus service, the following provisions shall, for such periods as may be determined by the Commissioner-General, apply in lieu of the preceding provisions of this subsection :

(i) Three hundred and eighty-two millimeters of seating space shall be allowed for each passenger.

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

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

(iv) Where the omnibus has a wheel base of more than four thousand six hundred millimeters, the number of passengers determined for that omnibus under paragraph (i) shall be increased by a number not exceeding twelve :

And provided further that in the case of an omnibus

(a) which is constructed or adapted mainly or wholly to carry passengers standing, and

(b) which is used on such route or routes as may be specified in a permit issued therefor by the Commissioner-General, the

following provisions shall apply in lieu of the preceding provisions of this subsection :

- (i) Three hundred and eighty-two millimeters of seating space shall be allowed for each passenger where any seats are provided.
- (ii) One sixteen-hundredth of a square meter of standing space shall be allowed for each passenger who is standing,
- (iii) A strap-hanger or support of any kind whatsoever shall be provided in the omnibus for each passenger who is standing. In reckoning the standing space for passengers no account shall be taken of the one hundred and twenty-eight millimeters of space in front of each row of seats, if seats are provided in the omnibus, and the space reserved for the entry and exit of passengers into and from the omnibus.

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

[22, 21 of 1981]

36. The licensing authority shall specify in every licence for a motor lorry or motor tricycle van issued by that authority the maximum load (that is to say, the pay-load) which may be carried on the motor lorry or motor tricycle van.

For the purpose of determining the maximum load, each person permitted to be carried on the motor lorry or motor tricycle van shall be deemed to weigh fifty and eight-tenth kilograms.

Notice of period of non-user.

[2, 47 of 1983]

[23, 21 of 1981]

[3, 22 of 1973]

37. (1)

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

Provided, however, that where any such written notice is given within seven days after the thirty-first day of December 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 thirty-first day of December.

- (b) Where a person comes into possession of a motor vehicle during the course of any year, he may, within seven days after the date of coming into possession of the motor vehicle, give written notice that he does not intend to use the motor vehicle for

such period commencing on that day, as may be specified in the notice.

(c) Where the registered owner of a motor vehicle surrenders a revenue licence of a motor vehicle for cancellation under section 40 he may give written notice on or before the date of surrender as may be specified in the notice:

Provided, however, that in any case where the motor vehicle belongs to the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board law No. 19 of 1978 the licensing authority may in lieu of such written notice and in lieu of the licence accept a certificate from an officer authorized in that behalf by the Board stating that the vehicle was not in use on any road for such period as may be specified in such notice.

(d) Where the revenue licence for a motor coach or motor lorry expires at any time before the thirty-first day of December in any year, the registered owner of that motor coach or motor lorry may give written notice on or before the date of such expiry that he does not intend to use that motor coach or motor lorry for such period commencing on the date of such expiry as may be specified in the notice.

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

Provided, however, that where any written notice purporting to extend a period of non-user is given within seven days after the date of the expiry of that period, the licensing authority, if he is satisfied that the delay in giving such notice was due to any error, accident or misfortune, may in his discretion accept such notice as 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 accompanied by the prescribed fee and dispatched 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 I as the new owner or the temporary owner of a motor vehicle, in respect of which notice of a period of non-user has been given under this section, that notice shall cease to be operative on the date of the registration of such new owner or temporary owner.

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

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

Revenue licence to **38.** The revenue licence issued for any motor vehicle shall

be carried on motor vehicles and produced when required.

[24, 21 of 1981]

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

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

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

Circumstances in which revenue licence become void.

[25, 21 of 1981]

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

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

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

(2) The revenue licence for any motor vehicle shall become void on the date of the coming into force of a new revenue licence issued for

that motor vehicle in order to authorize the use of that motor vehicle for a purpose not authorized by the first-mentioned revenue licence.

(3) A revenue licence to which subsection (4) of section 31 applies shall become void if in consequence of a change of possession of the motor vehicle for which that revenue licence has been issued, the said subsection ceases to apply to that revenue licence.

(4) A new revenue licence-

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

(b) to authorize as indicated in subsection (2), the use of any motor vehicle for a purpose not authorized by the revenue licence replaced by the new revenue licence, is in this Act referred to as a new revenue licence which is necessary by reason of this section.

Surrender,
cancellation and
alteration of
revenue licence.
[25, 21 of 1981]

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

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

(3) Where a revenue licence

(a) has been void under section 39, or

(b) is a revenue licence to which subsection (2) of this section applies, the licensing authority who issued that revenue licence may in writing order the holder of that revenue licence to surrender it to him for cancellation.

(4) Where it is necessary to make any alteration in a revenue licence, the licensing authority who issued that revenue licence, may in writing order the holder of that revenue licence to return such licence to him for the purpose of making that alteration.

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

(6) Where a revenue licence-

(a) is surrendered under this section, or

(b) is replaced by a new revenue licence which is necessary by

reason of section 39, the licensing authority to whom the revenue licence is surrendered or who issues the new revenue licence for the replaced revenue licence shall cancel by endorsement thereon under his hand the surrendered or the replaced revenue licence.

- Refund of licence fee.
[25, 21 of 1981]
[3, 12 of 1975]
- 41.** (1) Where a new revenue licence which is necessary by reason of section 37 (1) is issued for any motor vehicle the person to whom the revenue licence which is replaced by the new revenue licence was issued shall be entitled to obtain from the licensing authority who issued the replaced revenue licence, a refund, subject to the deduction of a sum of five rupees of one-twelfth part of the duty, paid by that person for the replaced revenue licence, in respect of each complete calendar month of the period commencing on the first day of the month succeeding the month in which the replaced revenue licence became void and ending on the thirty-first day of December next following.
- (2) Where the holder of a revenue licence for a motor vehicle, other than a revenue licence replaced by a new revenue licence which is necessary by reason of section 37, surrenders it for cancellation to the licensing authority who issued it, he shall be entitled to obtain from that licensing authority a refund, subject to the deduction of a sum of five rupees, of one-twelfth part of the duty paid by that person for the surrendered revenue licence, 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.
- (3) If any person who has paid to a licensing authority the licence fee for a revenue licence for a motor vehicle satisfies the licensing authority at any time before the issue of the revenue licence that such person is not required under this Act to obtain such licence, he shall be entitled to a refund of that fee from that licensing authority.
- (4) Where an applicant for a revenue licence pays to a licensing authority in revenue stamps, money or otherwise as the licence fee for that licence any sum in excess of that fee, he shall be entitled to obtain a refund of such excess from that licensing authority.

Dealer's certificate and licence **42.**(1)

- (a) The Commissioner-General may each year upon application, in the prescribed form, made by a person who is a dealer in, or

manufacturer or repairer of, motor vehicles, 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 prescribed form; 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-General 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 prescribed form, and upon production of the dealer's certificate relating to that garage or place of business, and on payment of the licence fee at the rate prescribed for such licence, issue to the holder of that certificate such number of dealer's licences as he may require.

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

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

(4) Subject to the provisions of subsection (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.

Use of motor
vehicle under

43.(1) A dealer's licence shall authorize the use of a motor vehicle which belongs to the dealer or is entrusted to him for sale or repair, and is

dealer's licence.

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

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

Provided, however, that the use of the motor vehicle by the purchaser under the authority of a dealer's licence shall be, and shall be deemed to have been, a contravention of the provisions of section 25, unless the purchaser, within the three days next following the sale-

- (a) in the case of a motor vehicle for which a revenue licence is not in force, makes application under section 30 for a revenue licence for that vehicle;
- (b) in the case of a motor vehicle for which a revenue licence is in force, makes application under section 12 for registration as the new owner of that vehicle,

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

- (a) that licence shall be carried on the motor vehicle in the manner provided in section 38;
- (b) two identification plates, each bearing the dealer's licence number assigned to that licence under section 42 (2), shall be affixed to the motor vehicle in accordance with such of the prescribed provisions as may be applicable to a motor vehicle of that class or description,

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

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

- (a) shall keep a record, in the prescribed form, of every occasion on which a motor vehicle is used under the authority of a dealer's

licence issued to him; and

(b) shall where a motor vehicle is sold and used after the sale under the authority of any such licence, keep a record of the engine and chassis numbers of the motor vehicle, the name and address of the purchaser, the date and time of the removal of the motor vehicle after the sale and the number assigned to that licence under section 42 (2), and shall forward a duplicate of the record to the Commissioner-General immediately after the sale; and

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

Visitor's temporary **44.** (1) The Commissioner-General, may if he is satisfied upon

licence

[19, 8 of 2009]

application made in the prescribed form and accompanied by the prescribed fee and documents relating to the importation of a motor vehicle, that such motor vehicle has been imported into Sri Lanka-

(a) for participation in a motor sports meet approved by the Minister in charge of the subjects of sports; or

(b) for the purpose of being used by the owner of that vehicle during a visit to Sri Lanka,

notwithstanding that no person has been registered as the owner of that vehicle, issue to the owner a visitor's temporary licence in the prescribed form, authorizing the possession and use of the motor vehicle for a period not exceeding twelve months from the date of importation.

(2) The powers conferred on the Commissioner General by subsection (1) may in the case of motor vehicles imported through any Port in Sri Lanka, be exercised by the Government Agent or Divisional Secretary of the Administrative District within which the Port is situated or by the Superintendent of Customs of that Port.

(3) Every application made to, and a copy of every visitor's temporary licence issued by, any officer under subsection (2) shall be forwarded to the Commissioner-General within fourteen days from the date of issue.

(4) Every visitor's temporary licence shall specify the make, model, chassis number, engine number and colour of the motor vehicle and the details of distinctive plates issued under subsection (5).

(5) The Commissioner-General shall issue to such owner two plates bearing a distinctive number or numbers assigned for the purposes of this section.

(6) Such plates shall be displayed as prescribed and shall be returned to the Commissioner-General on the expiry of the licence.

(7) The owner of the visitor's temporary licence shall de-register the temporary registration of such vehicle prior to its exportation.

Restrictions on use 45. (1) No person shall use any motor vehicle for any purpose not

of motor vehicle in
contravention of
revenue licence.
[27, 21 of 1981]

authorized by the revenue licence for the time being in force for that vehicle, or in contravention of any of the conditions contained in that licence.

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

-

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

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

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

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

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

PART IV

PASSENGER CARRIAGE PERMITS

OMNIBUS SERVICES

46.(1) No omnibus shall, on or after the appointed date, be used on any road except under the authority of a stage carriage permit granted by the Commissioner-General under this Part and for the time being in force.

47. A permit authorizing the use of an omnibus shall be one of the following classes, that is to say:

48. A stage carriage permit for an occasional service shall entitle the holder thereof to use an omnibus of which he is the registered owner for the purpose of the operation of an occasional service, on the occasion of any festival, fair, exhibition, excursion, or any other event for the carriage of passengers in accordance with the conditions attached to the permit.

49. The Commissioner-General may, at the time of the grant of a stage carriage permit for an occasional service, specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, each omnibus the use of which is authorized by the permit, and in any such case, no omnibus other than an omnibus so specified shall be used for the purposes of the service.

50. The period for which a stage carriage stage carriage permit for an occasional service shall be in force shall be such period as is specified in the permit.

51.(1) Every application for a stage carriage permit shall be made to the Commissioner-General in such form as the Commissioner-General may provide for the purpose.

(2) Every applicant for a stage carriage permit shall submit together with his application, a statement in such form as the Commissioner-General may provide for the purpose, containing

- (a) particular of the type, or types of the

o posed to be used under the permit ; and
m (b) such other particulars as the
n Commissioner-General may require.
i
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r
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Certificates of
eligibility for
permits for
occasional
services.
[33, 21 of 1981]

- 52.(1) A stage carriage permit for an occasional service shall not be granted to any person other than-
- (a) the holder of a stage carriage permit for a regular service ; or
 - (b) a person who is the holder of a certificate of eligibility for permits for occasional services.
- (2) An application for a certificate of eligibility for occasional services may be made by any person carrying on or proposing to carry on the business of carriage of passengers on tours or excursions.
- (3) Every application for a certificate of eligibility under this section shall be made to the Commissioner-General and shall be disposed of in his discretion.
- (4) The grant to any person of a certificate of eligibility under this section shall not be deemed or construed in any way to limit or affect the right of the Commissioner-General to refuse any application by that person for a stage carriage permit for an occasional service.
- (6) In any case where a stage carriage permit for an occasional service can lawfully be granted to any person and the Commissioner-General is unable to grant a permit prior to the time at which the service is proposed to be commenced, the Commissioner-General may orally authorize the applicant to provide the service ; and any service provided in accordance with such oral authority shall be deemed to be a service provided under a stage carriage permit if the prescribed fee for the requisite permit is paid within seven days of the date on which the service was provided.
- 53..

Conditions attached
to permits. [35, 21
of 1981]

57. Subject to the provisions of this Act and of any regulations made in that behalf, the Commissioner-General may attach to any stage carriage permit all such conditions as he may think fit to impose, for securing the safety and convenience of the public, including

conditions
requiring-

(a) that the fares to be charged shall be such as may be specified in the permit;

(b) that the service shall be operated in accordance with a time-

table specified in the permit;

(c) that every omnibus used on the service shall be of a specified type and be maintained at all times in a fit and serviceable condition;

(d) that no omnibus shall be used on the service unless a certificate of fitness in respect thereof is in force for the time being;

(e) that the requirements of any written law with respect to the time for which drivers or conductors of omnibuses may remain continuously on duty and to their hours of work or rest and to their wages are complied with in the case of the drivers and conductors of the omnibuses used under the authority of the permit;

(f) that the speed limits prescribed by any written law and applicable in the case of omnibuses shall be observed in the operation of the service.

Revocation or
suspension of
permits.

[37, 21 of 1981]

[2, 7 of 1957]

58.(1) Subject to the provisions of this section, the Commissioner-General may revoke any stage carriage permit or suspend any permit for any specified period on the ground that any of the conditions attached to the permit have not been complied with.

(2) The Commissioner-General shall not make a determination that a stage carriage permit be revoked or suspended unless satisfied that

such revocation or suspension is necessary by reason of the frequency of the breach of conditions, or of any breach having been committed wilfully or to the danger of the public.

(5) The provisions of this section shall not affect or prejudice the institution or maintenance in any case of a prosecution for any offence under this Act or any other written law.

Repealed
[38, 21 of 1981]
[3, 7 of 1957]

60A.
Repealed.

Provision as to
transferability & c,
of permits.
[39, 21 of 1981]

59.(1) The holder of a stage carriage permit shall not transfer or assign the permit to any other person.

(2) In the event of the death of the holder of a stage carriage permit, the person having the custody of the omnibus or the majority of the omnibuses used under the authority of the permit shall forthwith give notice of the death to the Commissioner-General; and if that person, within fourteen days of the death of the holder, makes application to the Commissioner-General for a new permit in substitution for the existing permit, that person shall be deemed for the purposes of this Act to be the holder of the existing permit during the period commencing on the date of the death and ending on the date of the grant or refusal of the application:

Provided, however, that no stage carriage permit shall by reason of the preceding provisions of this section be deemed to be in force at any time after the period for which the permit was granted.

Repealed
[40, 21 of 1981]

60. Repealed.

Repealed
[40, 21 of 1981]

61. Repealed.

Regulations.
[41, 21 of 1981]

62. Regulations may be made with respect to all or any of the following matters:-

(a) the procedure on applications for, and the determination of, questions in connexion with the grant, suspension and revocation of stage carriage permits, the fees payable in respect of such applications and permits, and the manner in which such fees shall be payable;

(c) the plates and marks to be carried on omnibuses and the

manner in which they are to be displayed;

(a) the records to be kept by holders of such permits in relation to the persons employed by such holder as drivers or conductors of omnibuses and to the times of the commencement and cessation of work by such persons and the intervals of rest taken by them;

(b) the documents to be carried by drivers of omnibuses and the particulars to be entered therein;

(c) the records to be kept in respect of the journeys performed by omnibuses;

(d) the preservation of records so kept, the inspection of such records by any authority specified in the regulation, and the production for the purposes of such inspection of such records on demand made by any such authority.

HIRING CAR SERVICE

PRIVATE COACH PERMITS

Permits required for private coaches. 74. (1) No private coach shall, on or after the appointed date, be used on any road except under the authority of a private coach permit granted by the Commissioner-General under this Part and for the time being in force.

(2) The provisions of subsection (1) shall not apply to any private coach which is used by any dealer on any road if, but only if, it is so used under and in accordance with a dealer's licence issued under Part III.

(3) Every application for a private coach permit shall be made to the Commissioner-General in such form as he may provide for the purpose and may be granted or refused in his discretion. The determination of the Commissioner-General upon any such application, or in respect of any matter for which provision is made in sections 75 to 77 or in any regulation made under section 78, shall be final and conclusive.

Authorized
carriage under
private coach
permit.

75.(1) A private coach permit granted under this Part shall entitle the holder thereof to use each private coach specified in the permit for the carriage of persons and their personal luggage, otherwise than for fee or reward, for any purpose specified in the permit and in accordance with the conditions attached thereto.

(2) Regulations may be made declaring that any payment, made by a person of any

prescribed description of persons and in the prescribed circumstances, in respect of the carriage of that person in a private coach shall be for the purposes of subsection (1) an exempted payment; and any such regulation may make different provisions with respect to private coaches used by persons of different descriptions or for different purposes.

A person shall not be deemed for the purposes of subsection (1) to be carried on any private coach for fee or reward by reason only that he makes or has made in respect of such carriage any payment so

declared to be an exempted payment.

Specification of private coach in permit.

76.(1) The Commissioner-General shall, at the time of the grant of a private coach permit, specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, each private coach the use of which is authorized by the permit: Provided, however, that in the case of a coach that has not been registered at the time of the grant of the permit, the Commissioner-General may specify that coach by reference to such particulars as are available, and shall in any such case enter in the permit the distinctive number and other necessary particulars prior to the issue under Part III of a revenue licence for that coach.

(2) No private coach permit shall be granted to any person authorizing the use of any private coach unless that person is the registered owner of that coach, or in a case referred to in the proviso to subsection (1), the Commissioner-General is satisfied that such person intends to be registered as the owner of that coach.

Eligibility for private coach permits.

77.A private coach permit shall not be granted except-

(a) to a person for the time being in charge of a school, in order to authorize the carriage of students of the school and of persons employed on the staff thereof; or

(b) to an airways undertaking, in order to authorize the carriage to and from airports of aircraft passengers and of persons employed in the undertaking; or

(c) to any employer, (including a department of Government or other public or local authority), in order to authorize the carriage of persons employed by or under the employer; or

(d) to any other person of any prescribed class or description of persons, in order to authorize the carriage of persons for any prescribed purpose,

Regulations as to private coach permits.

78.Regulations may be made for the purposes of carrying out or giving effect to the provisions of sections 74 to 77; and without prejudice to the generality of the powers hereinbefore conferred, any such regulation may provide-

(a) the particulars to be contained in applications for private coach permits, and the fees payable in respect thereof;

(b) for the conditions which shall or may be attached to such

permits, the variation, modification or rescission of conditions or the addition of new conditions;

(c) for the revocation or suspension of such permits;

(d) for the duration of such permits; and

(e) the plates and marks to be carried on private coaches and the manner in which they are to be displayed.

PART V GOODS CARRIAGE PERMITS

PART VI INSURANCE AGAINST THIRD-PARTY RISKS

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

99. (1) Save as is otherwise provided in subsection (2), no person shall use or drive, cause or permit any other person to use or drive, a motor vehicle on a road unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance, or a security, in respect of third-party risks, in conformity with the requirements of this Part.

(2) The provisions of subsection (1) shall not apply in the case of a motor vehicle belonging to the State or a local authority at any time when the motor vehicle is being used or driven for the purposes of the State service or, as the case may be, by a servant of the local authority in the course of his employment.

Requirements as to **100.** (1) In order to conform to the requirements of this Part a policy of

policies of insurance.

[44, 21 of 1981]

insurance in relation to the use of a motor vehicle must be a policy which-

(a) is issued by an insurer (hereinafter referred to as an 'authorized insurer') who is authorized by the Minister in charge of the subject of Trade, subject to such conditions as may be prescribed, to issue policies of insurance for the purposes of this Part; and

(b) insures, in accordance with the provisions of paragraph (c),

such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle on a road; and

(c)

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

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

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

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

(i) liability in respect of the death of any person in the employment of a person insured by the policy, or in respect of bodily injury sustained by any person so employed, where such death or injury arises out of and in the course of such employment;

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

(iii) any contractual liability.

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

(3) Notwithstanding anything in any other law to the contrary, an

insurer issuing a policy of insurance for the purposes of this Part shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or 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.

Requirements as to **101.** (1) In order to conform to the requirements of this Part a security in securities. relation to the use of a motor vehicle must-

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

(b) consist of any undertaking by the giver of the security, subject to any conditions specified therein, to make good, up to an amount prescribed by section 100 (1) (c), in the case of a policy of insurance relating to a motor vehicle of that class, any failure on the part of the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security, duly to discharge any such liability, required by section 100 (1) to be covered by a policy of insurance, as may be incurred by him or them.

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

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

matters as may be prescribed.

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

[20, 8 of 2009]

102.(1) Where a certificate of insurance has been issued in connexion with a policy of insurance, so much of the policy as purports to restrict, or attach conditions, to the insurance of any person insured thereby shall, save as is otherwise provided in subsection (4), be of no effect as respects any such liability as is required to be covered by section 100 (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 100 (1)(b).

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

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

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

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

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

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

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

(v) for organized racing or speed testing;

(vi) on a contract of letting and hiring;

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

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

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

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

(c) provides that the motor vehicle shall not be driven by- (i) any person or persons named in the policy; (ii) any person who is not the holder of a driving licence; (iii) any person whose driving licence has been cancelled or suspended or who is for the time being disqualified for obtaining a driving licence ; or

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

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

(5) Where a person, who has completed seventeen years of age, drives any motor vehicle in accordance with the conditions set out in section 123 (2) for the purpose of learning to drive a motor vehicle, no condition inserted under paragraph (c) (ii) of subsection (4) in the policy of insurance relating to that vehicle shall be of any effect as respects any such liability, as is required to be covered by section 100 (1) (b), and as may be incurred while the motor vehicle is driven by that person.

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

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

Requirements as to **104.** (1) The driver of any motor vehicle on a road shall, on being

production of certificate of insurance or of security.

required so to do by any police officer, give his name and address and the name and address of the owner of the vehicle, and produce for inspection the certificate of insurance or of security issued in respect of that vehicle :

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

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

(2) The owner of a motor vehicle shall give such information as may be required by a police officer for the purpose of determining whether or not the vehicle was being driven in contravention of section 99 on any occasion when the driver was required under subsection (1) to produce the certificate.

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

105.(1) If after a certificate of insurance has been issued under section 100 (4) to the persons by whom a policy has been effected, a decree in respect of any such liability as is required by section 100 (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 106 to 109, pay to the persons entitled to the benefit of the decree any sum payable thereunder in respect of that liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum under such decree.

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

Liability of insurer in respect of any decree.

[21, 8 of 2009]

106.(1) No sum shall be payable by an insurer under the provisions of section 105 in respect of any decree-

(a) unless before or within seven days of the commencement of the action the plaintiff in the action in which such decree was entered has given notice of such action to such insurer; or

(b) so long as execution of such decree is stayed pending appeal.

(2) Every notice given under subsection (1) shall-

(a) specify the name of the court in which such action is instituted;

(b) specify the number assigned to the action;

(c) specify the names of, the parties to the action;

(d) specify the number of the insurance policy in respect of which the action is instituted;

(e) specify the nature of the action ; and

(f) require the insurer to answer the plaint before a date to be specified in such notice.

(3) Every notice shall be accompanied by a copy of the plaint filed in the action.

(4) An insurer to whom such notice is given shall be made a party to such action and shall be entitled to defend such action.

Non-liability of insurer where policy is cancelled before event.
[45, 21 of 1981]

107. No sum shall be payable by an insurer under the provisions of section 105 in connexion with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein and either-

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

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

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

Declaration of non- **108.** (1) No sum shall be payable by an insurer under section 105 if, in

liability for misreport sensation, &c

any proceedings commenced before or within three months after the institution of the action in which the decree was entered, he has obtained from a court of competent jurisdiction-

(a) a declaration that, apart from any provision contained in the policy, he is entitled to avoid 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 subsection (1) 'material fact' and 'material particular' mean respectively, a fact and a particular of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions.

Declaration of non- 109. No sum shall be payable by an insurer under section 105 in respect

liability for breach
of condition.

of any decree it, 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 102 (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 110. If the amount which an insurer becomes liable under section 105 to

amount pay by
insurer.

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.

111.(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 100 (1) (b) shall be valid unless such third party is a party to the settlement.

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

Rights of third Parties against insurers on insolvency of the insured.

112.(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 subsection (1), such condition shall be of no effect.

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

(a) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third party, nothing in

this Part shall affect the rights of the 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.

Transfer of
Certificate of
Insurance.
[22, 8 of 2009]

112A. (1) Where a person in whose favour the Certificate of Insurance has been issued in accordance with the provisions of this Chapter transfers to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the Certificate of Insurance and the policy described in the Certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

Explanation

For the removal of doubts, it is hereby declared that such deemed transfer shall include the transfer of rights and liabilities of the said Certificate of Insurance and policy of insurance.

(2) The transferee shall apply within fortyfour days from the date of transfer in the prescribed Form to the insurer for making necessary changes in regard to the fact of transfer in the Certificate of Insurance and the insurer shall make the necessary changes in the Certificate and the policy of insurance in regard to the transfer of insurance.

Duty to give
information as to
insurance.

113.(1) Every person, against whom a claim is made in respect of any liability referred to in section 100 (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.

(2) In the event of any insured person being adjudged insolvent or making a composition or arrangement with his creditors, or, where the insured person is a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company, or of a receiver or manager of the

company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge, it shall be the duty of the insolvent, debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property, to give at the request of any person claiming that the insolvent, debtor or company is under such liability to him as is covered by the provisions of this Part, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by section 14, 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 112 rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by this section on the persons therein mentioned.

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

Settlement between **114.** Where a person who is insured under a policy of insurance issued for

insurers and
insured persons.

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

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

115. 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 112(1) shall, notwithstanding anything contained in that section or in section 113, or section 114, not affect any liability of that person of the nature referred to in section 100 (1) (b); but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 112, 113 and 114 on the person to whom the liability was incurred.

Application of sections 112, 113 and 114.

116. (1) For the purposes of sections 112, 113 and 114 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 112, 113 and 114 shall not apply-

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

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

Duty to surrender certificate on cancellation of policy.

117. 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-General or cancellation or suspension or suspension of the policy.

118.

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 to the Commissioner-General or to such other authority as may be prescribed.

Application of this

part to securities.

The provisions of section 102 and of sections 105 to 118 shall apply in relation to securities having effect under this Part as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in any of those sections to being insured, to a certificate of insurance, to an insurer, and to persons insured, shall be construed respectively as references to the having in force of the security, to the certificate of security, and to the persons whose liability is covered by the security.

Application of
deposits.

120. 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 100 or section 101 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.

121. 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 authorized for the purposes of section 100 or section 101, 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-General and to licensing authorities by such insurers and persons;
- (f) the adaptation or modification of any of the provisions of this Part for the purpose of the application of such provision in the case of motor vehicles imported for use in Sri Lanka by visitors making a temporary stay in Sri Lanka;
- (g) all matters connected with or incidental to the matters

specifically referred to in this section; and

(h) all such other matters as may be necessary for carrying out or giving effect to the principles and provisions of this Part.

PART VII DRIVING LICENCES

Classification of
driving licences for
motor vehicles.

[5, 18 of 2017]

[23, 8 of 2009]

122.(1) For the purposes of this Act, motor vehicles shall be divided into the classes specified in Columns 1, 2 and 5 of the Schedule to this section and a licence for the classes specified in Columns 1, 2 and 5 shall be deemed to authorize the holder thereof to drive a motor vehicle of a class specified in Columns 1, 2, 3, 4 and 5 as defined in ISO Standard accommodating local requirements.

(2) Notwithstanding the provisions of subsection (1), the Minister may in exceptional circumstances make regulations to the effect that a driving licence other than a licence specified in subsection (1) shall be deemed to authorize the holder thereof to drive a motor vehicle of a class specified in such regulations.

Categories of
Driving Licences.

[6, 18 of 2017]

[24, 8 of 2009]

122A. (1) Categories of permits or Licences issued in respect of motor vehicles shall be as follows:—

(i) Learner's Permit;

(ii) Driving Licence for light motor vehicles; or

(iii) Driving Licence for heavy motor vehicles.

(2) For the purposes of this Part,

(a) light motor vehicle shall comprise the classes of vehicles specified in item 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 8, 9 or 11 of the Schedule to section 122; and

(b) heavy motor vehicles shall comprise classes of vehicles specified in item 4(i), 4(ii), 5, 6(i), 6(ii), 7 or 10 of the Schedule to section 122.

Prohibition of
driving without
driving licence.

[2, 10 of 2019]

[2, 18 of 2017]

[25, 8 of 2009]

123.(1) Subject to the provisions of subsection (2)-

(a) no person shall drive a motor vehicle of any class on a road unless he is the holder of an driving licence subject to a probation period. which is valid for motor vehicles of that class;

(b) no person shall employ or permit any other person to drive a

motor vehicle of any class on a road unless the person so employed or permitted is the holder of an driving licence subject to a probation period. which is valid for motor vehicles of that class; and

(c) no person shall drive a light vehicle on a road unless he has completed the age of eighteen years and shall not drive a heavy vehicle on a road unless he has completed the age of twenty-one years.

(2)

(a) A person who does not hold a driving licence and who wishes to learn or to be permitted to drive a motor vehicle shall make application to the Commissioner-General for a Learner's Permit-

(i) in the prescribed form; and

(ii) accompanied by the prescribed levy and the prescribed documents.

(b) The Commissioner-General shall conduct a theory examination for the purpose of ascertaining whether the applicant is competent to be granted a Learner's Permit and if such applicant is successful at such examination, and satisfies the Commissioner-General in regard to the requirements specified in paragraph (c) of this subsection, issue him with a Learner's Permit.

(c) Every applicant for a Learner's Permit shall prove to the satisfaction of the Commissioner-General-

(i) in the case of an application for a Learner's Permit to drive light vehicles that he has completed the age of seventeen years; and in the case of an application for a Learner's Permit to drive heavy vehicles that he has completed the age of twenty years; and

(ii) that he is physically fit to drive the class or classes of vehicles in respect of which the application is made.

(d) Every person who is successful at the theory examination referred to in paragraph (b) shall-

(i) apply to the Commissioner-General in the prescribed form accompanied by the prescribed fee, for the 'L' plate which shall be fixed and maintained on a motor vehicle in accordance with the succeeding provisions of this section;

(ii) obtain an insurance cover in accordance with the provisions of section 99.

(e) A holder of an 'L' plate shall not permit or cause the owner or any other person in charge of a motor vehicle who is not the holder of an 'L' plate to use that plate for the purpose of learning: Provided that-

(i) no person other than the holder of a Learner's Permit and the person instructing him shall travel in such motor vehicle; where the person so instructing such learner is a registered driving instructor, the maximum number of learners carried in a motor vehicle belonging to the class referred to in item 2 of the Schedule to section 122 shall not exceed three persons and in motor vehicles of a class referred to in items 6(i), 6(ii) and 7 of the Schedule to section 122 shall not exceed six persons;

(ii) the holder of a Driving Licence which is valid for motor vehicles of that class and who should be at least twenty one years of age, shall accompany him for the purpose of instructing him and shall be seated at his side: Provided however that the requirements herein contained shall not apply to motor cycles and tractors; and

(iii) there is carried above each identification plate fixed on the vehicle, in such manner as not to obstruct any such identification plate, a white board or plate bearing the letter 'L' painted thereon in red the dimensions of such letter being at least twice the corresponding dimensions of any letter forming part of the distinctive number on the identification plate.

(f) The holder of a Learner's Permit may on completion of a period of three months from the date of issue of such Learner's Permit and if he has satisfied the requirements set out in section 125, apply to the Commissioner-General in the prescribed Form accompanied by the prescribed levy to convert his Learner's Permit into a Driving Licence.

(g) Regulations may be made prescribing-

(i) any other requirement or condition for the issue of a Learners' Permit; and

(ii) the shape, size, colour, details of display and the procedure for the issue of 'L' plate.

(3)

(a) A Driving Licence shall be subject to a minimum probationary period of one year from the date of issue and a maximum probationary period of two years from the date of issue.

(b) Where the holder of a Driving Licence has within the probationary period of one year accumulated the prescribed number of demerit points as would result in the cancellation or suspension of his driving licence under section 133A, or demerit points over and above such prescribed number, the Commissioner-General shall extend the period of probation for a further period of one year.

(c) If the Commissioner-General is satisfied that the holder of a Driving Licence under paragraph (b), has during the extended probationary period of one year accumulated the prescribed number of demerit points which would result in the suspension or cancellation of a driving licence under section 133A or driver improvement points over and above such prescribed number, he shall forthwith cancel such probationary licence.

(4)

(a) For the purposes of this Act, every driving licence, irrespective of whether it is a Driving Licence subject to a probationary period or a Driving Licence, shall be treated as a valid driving licence for the class or classes of motor vehicles referred to therein.

(b) All levies recovered by the Commissioner- General in respect of the issue of every such licence or permit referred to in subsection (1) of section 122 shall be deemed to have been validly recovered under the provisions of this Act.

(5)

(a) A person who contravenes the provisions of paragraph (a) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding thirty thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees.

(b) A person who contravenes the provisions of paragraph (b) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand

rupees and not exceeding thirty thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees.

(c) A person who contravenes the provisions of paragraph (c) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than thirty thousand rupees and not exceeding forty thousand rupees and on a second or subsequent conviction to a fine not less than forty thousand rupees and not exceeding fifty thousand rupees.

(6)

(a) A person who contravenes the provisions of paragraph (d) of subsection (2) shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

(b) A person who contravenes the provisions of paragraph (e) of subsection (2), shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

(7) A person who contravenes the provisions of paragraph (a) of subsection (3) shall be guilty of an offence and shall on conviction, be liable to the penalty specified in section 224.

Application for a
Learners Permit
and Driving
Licence.

[7, 18 of 2017]

[2, 18 of 2017]

[26, 8 of 2009]

124.(1) Every application for a Learners Permit and Driving Licence shall be made to the Commissioner-General in the prescribed Form, and shall be accompanied by-

(a) a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute Act, No. 25 of 1997 or a medical practitioner registered under the Medical Ordinance (Chapter 105) and duly authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit and mentally alert to drive the class or classes of vehicles in respect of which the application is made ;

(b) the prescribed levy ;

(c) two copies of a photograph of the applicant of such size as may be prescribed and taken not earlier than six months prior to the date of the making of the application;

(d) a declaration made by the applicant in the prescribed Form as to whether or not he is suffering from any disease or mental or physical disability as would be likely to cause his driving to

be a source of danger to the public.

(2) Every applicant for a Driving Licence valid for motor vehicles belonging to the classes specified in item 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 8, 9 or 11 of the Schedule to section 122 shall prove to the satisfaction of the Commissioner General that he -

(a) has completed the age of eighteen years;

(b) has been a learner driver of the class of vehicles in respect of which the application is made for at least three months from the date he obtained a Learner's Permit from the Commissioner General;

(c) possesses such educational and other qualifications, as may be prescribed by regulations.

(3) Every applicant for a Driving Licence for heavy motor vehicles shall prove to the satisfaction of the Commissioner General that he -

(a) has completed the age of twenty one years;

(b) has been a learner driver of the class of vehicles in respect of which the application is made for at least three months from the date on which he obtained a Learner's Permit from the Commissioner General;

(c) possesses an adequate practical knowledge of the mechanism of motor vehicles, as may be prescribed by regulations;

(d) possesses such educational and other qualifications, as may be prescribed by regulations;

(e) has been in possession of a Driving Licence valid for motor vehicles belonging to the classes specified in item 2(i), 2(ii), 2(iii), 3(i), 3(ii) or 8 of the Schedule to section 122, for a period of not less than two years.

Driving Licence
Fund
[2, 44 of 1992]

124A. (1) There shall be established for the purposes of this Act, a fund to be called the 'Driving Licence Fund' (hereinafter referred to as the 'Fund').

(2) There shall be paid into the Fund such part of the prescribed fee recovered under section 124, 126A, 128 or 213, as may be determined by the Minister from time to time, as the cost of the issue of driving licence cards.

(3) There shall be paid out of the Fund, all such sums of money as

may be required to be paid in connection with the issue of driving licence cards.

(4) Any surplus remaining in the Fund may be used for such purposes as may be determined by the Minister having regard to the need for the promotion of road safety and prevention of accidents.

(5) The Commissioner-General shall be responsible for the administration of the Fund.

(6) The accounts of the Fund shall be audited by the Auditor-General.

Motor Traffic
Appeals Board.
[27, 8 of 2009]

124B. (1) There shall be Motor Traffic Appeals Board (hereinafter in this Part referred to as 'the Board') consisting of the following members who shall be persons who have gained recognition or integrity:-

(a) a nominee of the Secretary to the Ministry of the Minister in charge of the subject of Transport;

(b) a retired examiner of Motor Traffic nominated by the Secretary to the Ministry of the Minister in charge of the subject of Transport; and

(c) one person from the Police Department nominated by the Inspector General of Police.

(2) An applicant for a driving licence who has complied with the requirements set out in subsection (2) of section 123 and section 124, and who is aggrieved by the decision of the Commissioner-General refusing to issue him a driving licence may prefer an appeal to the Board against such decision.

(3) The Board shall within a period of thirty days from the date of preferring the appeal communicate its decision on such appeal to the applicant and the Commissioner-General, and the Commissioner-General shall give effect to such decision.

Medical
Committee.
[27, 8 of 2009]

124C. (1) The Minister shall appoint a Medical Committee comprising of -

(a) the Commissioner-General of Motor Traffic or his nominee ;

(b) the Director -General of Health Services or his nominee ;

(c) Specialist/Medical Officer registered under the Medical Ordinance (Chapter.) who has specialized in the particular

field; and

(d) a representative of the Ministry of the Minister in charge of the subject of Transport :

(2) The duties of the Medical Committee shall be to hear appeals from persons aggrieved by the refusal to issue Medical Certificates by medical practitioners or the National Transport Medical Institute under section 124D.

(3) A medical practitioner who wilfully issues a Medical Certificate which is incorrect as regards the medical condition of an applicant or is incorrect in regard to any material particulars specified therein shall be guilty of the offence of fraudulent issue of a medical certificate and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and such practitioner shall also be reported to the Sri Lanka Medical Council.

Appeals to Medical **124D.** (1) An applicant for a Learners Permit and Driving Licence who is

Committee. [2,
18 of 2017]
[27, 8 of 2009]

aggrieved by the refusal of a Medical Practitioner referred to in section 124 or the National Transport Medical Institute to issue him with a Medical Certificate may prefer an appeal against such refusal to the Medical Committee appointed under section 124C.

(2) Such Medical Committee shall within a period of seven days cause such applicant to be examined by a registered medical practitioner other than a medical practitioner referred to in paragraph (1) and shall if such medical practitioner certifies that the applicant is fit to be issued a driving licence, issue him a Medical Certificate and shall report such fact to the Sri Lanka Medical Council.

Issue of driving
licence.
[8, 18 of 2017]
[28, 8 of 2009]
[3, 44 of 1992]
[4, 40 of 1984]
[49, 21 of 1981]

125.(1) Every driving licence shall be in the prescribed form. Where a driving licence has been issued in the form of a card, such licence shall be accompanied by an endorsement form of such description as may be prescribed. For the purposes of this Act such endorsement form shall constitute a part of the licence which it accompanies and any endorsement made on such form shall be deemed to have been made upon such driving licence.

(2) No driving licence shall be issued to any person unless he has, within the thirty days immediately preceding the date on which the licence is required, passed a driving test conducted by the Commissioner-General or by some other person authorized for the

purpose by the Commissioner-General, and satisfied the Commissioner-General or such other person, as the case may be-

(a) that he is competent to drive, without danger to the public and with due consideration for other users of the road, a motor vehicle of the class or classes for which the licence is required; and

(b) that he is fully conversant with the contents of the road code.

(4) No driving licence shall be issued to any person if he is suffering from any such disease or disability as may be prescribed, or if the Commissioner-General is satisfied that the person suffers from any physical or mental disability which is likely to prevent him from driving a motor vehicle in a safe or proper manner: Provided that, the Commissioner-General may refuse to issue a driving licence in circumstances that appear to him to be detrimental to the interest of the public.

(5)

(a) No Driving Licence shall be issued -

(i) in respect of motor vehicles belonging to the classes specified in item 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 8, 9 or 11 of the Schedule to section 122 to any person who has not attained the age of eighteen years; and

(ii) in respect of motor vehicles belonging to the classes specified in item 4(i), 4(ii), 5, 6(i), 6(ii), 7 or 10 of the Schedule to section 122 to any person who has not attained the age of twenty-one years.

(b) A Driving Licence issued to a person below the specified age shall have no force or effect in law.

(6) One of the copies of the photograph, furnished under section 124 (1) by an applicant for a driving licence, shall be affixed to the licence issued to him and shall be authenticated by the Commissioner-General 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-General.

(7) Every holder of a driving licence shall furnish two copies of his photograph to the Commissioner-General whenever the copy affixed to his licence under subsection (6) is faded, defaced, damaged, or torn, or whenever he is ordered to do so by the Commissioner-

General, or by a court before which he is convicted under any written law of an offence in connexion with the driving of a motor vehicle. The copies furnished under this subsection shall be dealt with in the manner provided by subsection (6).

Duration of driving license. **126.** (1) Unless otherwise prescribed by the Minister and subject to the provisions of subsections (2) and (3) of section 126A and section 126B, Learners Permit and Driving Licence issued in respect of

[9, 18 of 2017]

[29, 8 of 2009]

[4, 44 of 1992]

[50, 21 of 1981]

motor vehicles -

(a) belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7 and 10 of the Schedule to section 122, shall be valid for a period of four years ;

(b) belonging to the classes specified in item 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 8, 9 or 11 of the Schedule to section 122, shall be valid for a period of eight years.

(2) A driving licence which is cancelled under the succeeding provisions of this Part shall cease to be effective on the date of cancellation thereof.

(3) A driving licence which is suspended for any period under the succeeding provisions of this Part shall not be effective during the period of such suspension.

(4) A person who drives a motor vehicle on a road at any time during which his driving licence has been suspended or cancelled or where the period of validity of such licence has expired shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(5) The Minister may make regulations prescribing the period of validity of driving licences issued under this Act for any class or classes of vehicles specified under section 122

Replacement of driving licences.

[5, 44 of 1992]

126A. (1) Notwithstanding anything to the contrary contained in this Act, the Minister may, by Order published in the Gazette, declare that every driving licence issued or deemed to be issued under this Act, bearing a serial number specified in the Order, shall be replaced with a driving licence in the form of a card in the prescribed form and fix such date as he may deem suitable for the invalidation of the first mentioned licence, so issued, notwithstanding that such licence has been issued for a specified period or for the lifetime of the holder.

(2) Where an Order under subsection (1) is made, every person who holds a driving licence bearing a serial number specified in such Order, shall make an application to the Commissioner- General for the replacement of such licence with a driving licence in the form of a card in the prescribed form on or before the date fixed for the invalidation of such licence.

(3) Every application made under subsection (2) shall be accompanied by-

(a) the prescribed fee in respect of the replacement of the driving licence;

(b) 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; and

(c) the driving licence sought to be replaced.

(4) Where an application is made for the replacement of a driving licence under this section, the Commissioner-General shall issue to every person who makes such application under subsection (2), a temporary driving licence in the prescribed form. Such temporary driving licence shall be valid until a driving licence in the form of a card is issued to such person under this section.

Renewal of a
Driving Licence.
[10, 18 of 2017]
[30, 8 of 2009]

126B. (1) Subject to the provisions of subsections (2) and (3) of section 126 and section 126A, every Driving Licence may, on the expiry of the period for which it is issued, be renewed, in the case of motor vehicles of a class referred to in item 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 8, 9 or 11 of the Schedule to section 122 for further periods of eight years each, at a time and in the case of motor vehicles of a class referred to in item 4(i), 4(ii), 5, 6(i), 6(ii), 7 or 10 of such Schedule for further periods of four years each, at a time.

(2) Every application for the renewal of a Driving Licence shall -

(a) be in the prescribed Form;

(b) on payment of the prescribed levy ;

(c) be accompanied by a medical certificate issued in accordance with subsection (1) (a) of section 124;

(3) Every application for the renewal of a Driving Licence shall be forwarded to the Commissioner General at least three months prior to the expiry of such Licence.

Refusal to issue driving licence communicated to applicant. **127.** Where the Commissioner-General refuses to issue a driving licence, he shall serve or cause to be served on the applicant therefor a written statement to that effect. The statement shall set out the grounds of such refusal.

Validity of driving licence.
[31, 8 of 2009]
[6, 44 of 1992]
[51, 21 of 1981] **128.** (1) A driving licence, unless expressed to be valid for all classes of vehicles, shall be valid only for the class or classes of motor vehicles specified in Column 3 of the Schedule to section 122.

Emergency service vehicles and public service vehicles.
[11, 18 of 2017]
[32, 8 of 2009] **128A.** (1) No person, who is the holder of a driving licence valid for any class or classes of motor vehicles shall drive any emergency service vehicle or public service vehicle on any road unless he is specifically authorized to do so by a special endorsement of the Commissioner - General on his driving licence.
(2) A person wishing to drive an emergency service vehicle or a public service vehicle on any road shall make application to the Commissioner - General on the prescribed form accompanied by the prescribed levy.
(3) The Minister may prescribe by regulations, the requirements, qualifications and tests necessary to qualify for an endorsement on a Driving Licence authorizing a Licence holder to drive an emergency service vehicle or public service vehicle, as the case may be.

Special purpose vehicles.
[32, 8 of 2009] **128B.** (1) A person wishing to drive a special purpose vehicle shall make application for a licence for that purpose to the Commissioner-General in the prescribed form accompanied by the prescribed levy.
(2) The Minister may make regulations prescribing the requirements to be satisfied, the qualifications necessary and the tests to be conducted for the purpose of determining whether a person qualifies to drive a special purpose vehicle.

Driving a motor vehicle loaded with chemicals or hazardous waste **128C.** (1) A person who intends to drive a motor vehicle with chemicals, hazardous waste, petroleum products, gas or other dangerous goods, shall make an application to the Commissioner General in the prescribed form for a Driving Licence in a class referred to in

&c.
[12, 18 of 2017]

item 2(ii), 4(i), 4(ii) or 5 of the Schedule to section 122, as may be applicable, together with the prescribed fee.

(2) The Minister may prescribe by regulations, the qualifications necessary and the tests to be conducted to determine whether a person is fit to drive a motor vehicle referred to in subsection (1).

Special provisions
affecting licences
to drive motor
coaches, lorries
and motor tricycle
vans.

[7, 44 of 1992]
[5, 40 of 1984]
[52, 21 of 1981]

129.(1) No driving licence shall be valid for a motor coach, motor lorry or motor tricycle van unless the licence is, by entry made thereon under the hind of the Commissioner-General, expressed to be valid for motor coaches, lorries or motor tricycle vans, as the case may be and in the case of a driving licence issued in the form of a card, unless such driving licence is issued to be valid for such motor coaches, lorries or motor tricycle vans, as the case may be;

(2) No driving licence shall, under sub- section (1), be expressed or issued to be valid for motor coaches lorries or motor tricycle vans unless the Commissioner-General is satisfied that the applicant for the licence or the holder thereof, as the case may be has attained the age of twenty-one years.

(3) Where the Commissioner-General is satisfied that an applicant for, or the holder of, a driving licence is unfit to drive a motor coach, motor lorry or motor tricycle van by reason of the fact that he habitually in a riotous of disorderly manner or is habitually drunk or suffers from any disease of an infectious or contagious nature.

(a) the Commissioner-General may make order refusing the application that the licence be expressed or issued to be valid, as the case may be, for motor coaches, lorries or motor tricycle vans ; or

(b) where the licence has been expressed to be valid by entry made under subsection (1), or issued to be valid for motor coaches, lorries, or motor tricycle vans, the Commissioner-General may make order that such licence or entry shall, as the case may be, cancelled or suspended and accordingly such licence or entry may be cancelled or suspended by the Commissioner-General.

(4) Where a driving licence is cancelled or suspended or the validity of a driving licence is restricted, the holder of the driving licence shall forthwith surrender such licence to the Commissioner-General for necessary action.

Provided that where the licence is not produced in compliance with

such order, the court may make order disqualifying the holder of the licence for driving any motor vehicle until the production of the licence to the court.

(5) Where any court under any written law convicts the holder of a driving licence, which is valid for any particular class of motor vehicles, of any offence which shows him to be unfit to drive a vehicle of that class, the court may, in addition to any other punishment which it may lawfully impose for that offence, order the licence to be produced to the court before the expiry of a period of five days from the date of the order and cancel the licence :

Provided that in any case where the court has not, after the conviction of such holder, considered the fitness of such holder to drive a vehicle of that class, the Commissioner-General or a police officer of the rank of a sergeant or above may at any time make representations to the court that the holder is unfit to drive a vehicle of that class and the court may, if it thinks fit, cancel the licence :

And provided further that where the licence is not produced in compliance with such order, the court may make order disqualifying the holder of the licence from driving any motor vehicle until the production of the licence to the court.

(6) Where any licence issued or any entry made under subsection (1) on any driving licence is cancelled under subsection (3) or subsection (5) the Commissioner-General may, on application made by the holder of that licence in accordance with the provisions of section 128 (1) at any time after the expiry of two years from the date of such cancellation, issue a new licence, or make a fresh entry on that licence under subsection (1) of that section.

Licence to drive
specified vehicle of
a specified weight
or description.
[53, 21 of 1981]

130.(1) Notwithstanding anything contained in this Part, the Commissioner-General may in his discretion issue to any person a driving licence expressed to be valid for a specified motor vehicle or for motor vehicles of any specified weight or description.

(2) No person who is the holder of a driving licence issued under subsection (1) shall drive on a road any motor vehicle other than the motor vehicle specified in that licence or a motor vehicle of the weight or description specified in that licence, as the case may be:

Provided, however, that any person who is the holder of a driving licence expressed to be valid for any class of motor vehicles, other than invalid carriages, shall be entitled to drive a hand tractor.

Power to issue driving licence without driving test to holder of driving licence issued outside Sri Lanka.

131.Where any person who is the holder of a driving licence or any equivalent thereof, which has been at any time issued outside Sri Lanka, applies to the Commissioner-General for a driving licence, the Commissioner-General may in his discretion issue a driving licence to that person without requiring him to pass the driving test referred to in section 125 (2).

Temporary driving licences.
[33, 8 of 2009]

132.(1) Notwithstanding anything in this Part to the contrary, on application made in the prescribed form, the Commissioner-General may, with or without the driving test referred to in section 125 (2), issue to any person who satisfies the Commissioner-General that he is a bona fide visitor to Sri Lanka, a temporary driving licence which shall be in the prescribed form and shall be effective for such period, not exceeding twelve months from the date of his arrival in Sri Lanka, as may be specified therein.

(2) The powers conferred on the Commissioner-General by subsection (1) may in the case of a person arriving in Sri Lanka-

(a) at the port of Talaimannar, be exercised by the Government Agent of the administrative district of Mannar or the Sub-Collector of Customs at Talaimannar;

(b) at the port of Trincomalee, be exercised by the Government Agent of the administrative district of Trincomalee;

(c) at the port of Galle, be exercised by the Government Agent of the administrative district of Galle.

(3) A copy of every driving licence issued by any officer under subsection (2) shall be forwarded to the Commissioner-General.

(4) No temporary driving licence shall be issued under subsection (1) or subsection (2) except upon payment of the prescribed fee.

(5) The provisions of this Part, requiring copies of photographs to be furnished by applicants for driving licences and to be affixed to such licences, shall apply to the issue of temporary driving licences under this section.

International Driving Permit.
[34, 8 of 2009]

132A. (1) Any person ordinarily resident in Sri Lanka, being the holder of a driving licence issued under Part VII of this Act, may on application made in the manner hereinafter provided, obtain an International Driving Permit authorizing him to drive a vehicle whilst abroad in any of the contracting States or Territories that

have acceded to the Vienna Convention on Road Traffic of Eighth November, One Thousand Nine Hundred and Sixty Eight.

(2) An application for any such driving Permit shall be in the prescribed Form and be accompanied by the prescribed levy and may be submitted to the prescribed associations who shall forward the application to the Commissioner-General.

(3) Every applicant for an International Driving Permit shall be examined by an authorized officer appointed for the purpose by the Commissioner-General, prior to the issue of the said Permit.

(4) Such International Driving Permit shall be valid for a period of one year commencing from the date of issue.

(5) For the purpose of this section 'prescribed association' means the Automobile Association of Ceylon or any other Association which is affiliated to the Alliance International de Tourism in Geneva, Switzerland, being the regulatory body for the issue of International Permits as may be prescribed by the Minister by Notification published in the Gazette.

Recognition of
international
driving permit or
certificate in Sri
Lanka.
[34, 8 of 2009]

132B. A person who is a bonafide visitor to Sri Lanka and who possesses a valid International Driving Permit issued by any of the Contracting States to, or the States or Territories that have acceded to the Vienna Convention of eighth November One Thousand Nine Hundred and Sixty Eight, shall be deemed to possess a driving licence issued under the provisions of this Act and to be authorized to drive the class or classes of vehicles specified in the driving permit:

Provided that-

(a) the Permit is valid within the meaning of Article 41 of the Vienna Convention of 1968;

(b) the holder carries such permit while driving in Sri Lanka and produces it on demand by a police officer or Examiner of Motor Vehicles for inspection; and

(c) the holder fulfils in all respects the conditions set out in Article 41 of the Vienna Convention of 1968.

Cancellation of
driving license in
physical or mental
disability.

133.(1) A Magistrate who is satisfied that the holder of a driving licence suffers case any such physical or mental disability as may be prescribed, or which is likely to prevent him from driving a motor vehicle in a safe or proper manner, may cancel the licence.

(2) For the purposes of subsection (1), the court may require the holder of a driving licence 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.

133A. (1) The Minister may prescribe by regulations-

- (a) the offences for which demerit points shall be imposed; and
- (b) the respective demerit points for such offences.

(1A)

(a)

(i) Where the holder of a Driving Licence has been convicted of an offence prescribed under subsection (1) and such offence does not amount to a suspension or cancellation of the Driving Licence, the court may direct, the Inspector General of Police to,

(ii) Where the holder of a Driving Licence admits liability for an offence for which a spot fine is prescribed under section 215A, the Inspector General of Police shall,

enter the relevant demerit points for such offence to the data base established for such purpose;

(b) For the purposes of this section the Deputy Inspector General of Police in charge of Ranges of each Province shall authorize an Officer of the rank of Sergeant or above, to enter the relevant demerit points to the data base. The Deputy Inspector General of Police shall forward the demerit points to the Commissioner General, who shall enter the demerit points in the prescribed manner to the Driving Licence or Endorsement Form, as the case may be;

(c) In this section 'Province' means a Provincial Council established for a Province by virtue of Article 154A of the Constitution.

(2) Where the holder of a driving licence accumulates within the prescribed period such prescribed number of demerits points as would render such driving licence subject to cancellation or suspension by the Commissioner-General, the Commissioner-General shall cancel or suspend the driving licence, as the case

may be.

(3) Repealed of subsection.

(4) Immediately upon the suspension or cancellation of a driving licence under subsection (2) the accumulated demerit points shall be deleted.

(5) Repealed of subsection.

Demerit points to be included when imposing the penalty for offences under this Act.

[14, 18 of 2017]

133B. Where a person referred to in this Act -

(1) contravenes the provisions of any section; or

(2) is guilty of an offence for which the penalty is specified under section 224; or

(3) contravenes any regulation made under the Act,

the Magistrate may on conviction impose the following penalties:-

(a) the fine as may be specified in the relevant section for such offence; or

(b) the term of imprisonment as may be specified in the relevant section for such offence; or

(c) make an Order for the Inspector General of Police to enter the relevant demerit points under section 133A; or

(d) any penalty combining any of the penalties aforesaid; or

(e) all penalties under paragraphs (a), (b) and (c) aforesaid.

Cancellation of driving licences.
[55, 21 of 1981]

134.(1) Where the holder of a driving licence has after the date of the issue to him of that licence been convicted of the offence of rash or negligent driving or where the Commissioner-General in his discretion thinks fit so to do, the Commissioner-General may require the holder to furnish a medical certificate of fitness in the prescribed form and issued by a Government medical practitioner, and may cancel the licence-

(a) if he is satisfied that the holder suffers from any physical or mental disability which is likely to prevent him from driving a motor vehicle in a safe and proper manner; or

(b) unless he passes a driving test conducted by the Commissioner-General or by some other person authorized by

the Commissioner-General and satisfies the Commissioner-General or such other person as to the matters specified in paragraphs (a) and (b) of subsection (2) of section 125.

(2) The driving test referred to in subsection (1) shall be performed and the certificate shall be issued free of charge.

Driving licence to be carried by driver and produced required.

135.(1) The driver of a motor vehicle shall always carry his driving licence on his person or in the motor vehicle and shall, when on demand made by a police officer, forthwith produce the licence and permit it to be inspected. Provided, however, that no person shall be deemed to have contravened the provisions of this subsection, if he proves to the satisfaction of the court that his licence had at the time of the alleged contravention been forwarded to the Commissioner-General for an extension of its validity, replacement, renewal or additional endorsement.

(1A) Any person who fails to carry a valid Learner's Permit and Driving Licence including the endorsement form while driving a motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand five hundred rupees and not exceeding five thousand rupees.

(1B) Where a driver of a motor vehicle does not possess a valid Learner's Permit and Driving Licence a police officer may detain such driver of the motor vehicle until such driver produces a valid Learner's Permit and Driving Licence. Where it is found that such driver does not hold a valid Learner's Permit and Driving Licence, such driver and owner of the motor vehicle shall be guilty of an offence and shall be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees and to imprisonment of either description for a term of six months: Provided however that the owner of such motor vehicle shall not be deemed to be guilty of an offence if he proves to the satisfaction of the Court that the vehicle was removed by such driver without his knowledge.

(1C)

(a) Where the driver of a motor vehicle wilfully refuses to produce the Learner's Permit and Driving Licence on demand by a police officer, such police officer may take such driver and the vehicle into custody and produce such driver at the nearest police station for the purpose of investigation.

(b) Any person who wilfully refuses to produce the learner's

permit or driving licence or endorsement form on demand by a police officer shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees:

Provided however, that no person shall be deemed to be guilty of an offence under this section, if he proves to the satisfaction of the court that his learner's permit or driving licence had at the time of the alleged contravention, been forwarded to the Commissioner-General for an additional endorsement or for an extension of its validity, or for replacement or renewal.

(1D)

(a) No person shall drive a motor vehicle carrying or possessing a learner's permit or driving licence which is faded, defaced, damaged, or obscure.

(b) Any person who contravenes the provisions of paragraph (a) shall be guilty of an offence under this Act and shall on conviction be liable to the penalty specified in section 224

(2) Every holder of a driving licence who is charged before any court with any offence under this Act, or with any offence under any other written law committed in connexion with the driving of a motor vehicle, shall take the licence with him to the court and shall, if he is convicted of the offence, forthwith produce the licence to the court for the purpose of endorsement under section 136.

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

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

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

period or periods as the court before which he is charged, may cause to be specified by endorsement made on the permit.

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

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

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

Suspension or
cancellation of
driving licences
and order
disqualifying
persons for
obtaining licences.
[9, 44 of 1992]
[57, 21 of 1981]

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

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

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

(2) Where the driving licence of any person convicted of the offence of contravening any of the provisions of subsections (1) and (2) of section 151, or of any offence in connexion with the driving of a motor vehicle punishable under section 272 or section 328 of the Penal Code, contains at the time of such conviction endorsements, made after the 1st day of January, 1941, under the Motor Car Ordinance, No. 45 of 1938, or made under this Act in respect of not less than two and not more than four previous convictions of any of those offences or of the offence of contravening any of the provisions of any such enactment corresponding to the provisions of subsections (1) and (2) of section 151, the court shall either cancel the licence or suspend the licence for a stated period, which shall be not less than six months nor more than two years; and where the licence contains at the time of such conviction endorsements so made in respect of five previous convictions of any of the offences aforesaid, the court shall cancel the licence.

(3) Where the driving licence of any person convicted of any offence in connexion with the driving of a motor vehicle punishable under section 298 or section 329 of the Penal Code contains at the time of such conviction endorsements, made after the 1st day of January, 1941, under the Motor Car Ordinance, No. 45 of 1938, or made under this Act, in respect of two previous convictions of any of those offences, the court shall cancel the licence.

(4) Where any person is convicted of the offence of contravening the provisions of section 99, the court shall make an order suspending the driving licence of such person, or declaring such person to be disqualified for obtaining a driving licence, 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.

(5) Where the holder of a driving licence is convicted before any court of any offence under this Act or of any offence under any other written law committed in connexion with the driving of a motor vehicle, the court shall endorse upon the licence 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 initialed by the Judge or Magistrate of the court, or in the case of a conviction by the High Court or Court of Appeal, by the Commissioner-General of that court:

Provided however that in the case of a driving licence issued in the form of a card, such endorsement may be made on the endorsement form prescribed under section 125 and an endorsement so made shall for the purposes of this Act, be deemed to have been made upon such driving licence.

(6) Where any court under subsection (5) endorses on any driving licence the particulars of any conviction and no order suspending or cancelling the licence is made by the court, the court shall forward to the Commissioner-General a copy of the endorsement made on the licence.

(7) Where an order suspending or cancelling a driving licence is made and endorsed on the licence under this section, the court shall forward the licence to the Commissioner-General.

(8) Where a driving licence is suspended for any period, the Commissioner-General shall return the licence on demand, at the

end of that period, to the person in whose name the licence was issued.

Consequences of orders of suspension or cancellation. [58, 21 of 1981]

137.(1) Where a driving licence is suspended by a court under section 136-

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

(b) the Commissioner-General shall not issue a new driving licence to that person during that period.

(2) Save as otherwise provided in subsections (5) to (9)-

(a) any person whose driving licence is cancelled under section 136 shall be deemed to be disqualified for obtaining a new driving licence; and

(b) the Commissioner-General shall not issue to that person a new driving licence.

(3) Where any court has under section 136 (1) declared any person to be disqualified for obtaining a driving licence for any period, the Commissioner-General shall not during that period issue to that person a driving licence.

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

(5) The court which has made order cancelling the driving licence 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 authorizing him to apply to the Commissioner-General for a new driving licence in accordance with the provisions of this Act.

(6) The court shall notify the Commissioner-General and the police of the receipt of any such application and shall afford the Commissioner-General 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 subsection be served on the Assistant Superintendent of Police of the area in which the court is situated.

(7) 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 driving licence.

(8) 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 subsection, relating to the first application made by any person thereunder after the cancellation of his driving licence, shall apply equally to any other application made by him after the refusal of the first application.

(9) Where any court makes order under this subsection authorizing any person to apply for a new driving licence, such person may make application for the certificate under section 124 and the provisions of this Part relating to the issue of driving licences shall apply accordingly. Where a new driving licence is issued to any such person the Commissioner-General shall make an entry in the new licence to the effect that it is issued in consequence of an order under this section, but shall not set out therein any particulars relating to any previous conviction of that person.

Fraudulent
application for
driving licence.
[2, 18 of 2017]
[37, 8 of 2009]

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

(1A)

(a) If any person whose Learner's Permit and Driving Licence is in the custody of the police or any court in connection with the commission of an offence under this Act or the commission of an offence related to the driving of a motor vehicle under any other written law, applies for a new Learner's Permit and Driving Licence or a duplicate Learner's Permit and Driving Licence that person shall be guilty of an offence and any licence so obtained shall be of no effect.

(b) Any person who is guilty of an offence under paragraph (a)

of this subsection shall on conviction be liable to a fine not less than five thousand rupees and not more than ten thousand rupees and on a second or subsequent conviction to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and to the cancellation of his driving licence.

(c) If any person shall possess more than one driving licence issued by the Commissioner-General at any one time, or is in possession of the driving licence of another person without lawful authority he shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees and to the confiscation of such licence.

(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 certificate by any competent authority, applies for or obtains a driving licence under this Act while he is so disqualified or without disclosing such refusal, as the case may be, that person shall be guilty of an offence under this Act and any licence so obtained shall be of no effect,

(3) If any person whose 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 driving licence under this Act without giving particulars of such endorsement, cancellation, or suspension, as the case may be, that person shall be guilty of an offence under this Act and any licence so obtained shall be of no effect.

Commissioner
General to be
notified of change
of residence.
[38, 8 of 2009]

138A. (1) Every holder of a driving licence shall notify the Commissioner-General either by registered post or personal delivery, of any changes in his residence and postal address within thirty days of such change and the Commissioner General shall endorse such changes in the respective endorsement form and record them in the appropriate registers.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act and shall on conviction be liable to the penalty specified in section 224.

Appeals from
orders of
suspension,
cancellation or
disqualification.
[59, 21 of 1981]

139. Any person who is dissatisfied with any order, made under this Part by any court other than the Court of Appeal, suspending or cancelling a driving licence held by him or declaring him to be disqualified for obtaining a driving licence may, whether or not any other punishment is imposed by the court, appeal against the order to the Court of Appeal; and the provisions of Chapter XXVIII of the Code of Criminal Procedure Act, No. 15 of 1979, shall, where not inapplicable, apply to every appeal under this section.

PART VIIA

LICENCING OF DRIVING SCHOOLS AND INSTRUCTORS.

Licensing of
Driving
Instructors.

139A. (1) No person shall, on or after the relevant date, as a driving instructor except under the authority, and in accordance with the terms and conditions, of a licence (hereinafter referred to as an 'instructor's licence') issued in that behalf by the Commissioner- General under this Part and for the time being in force.

(2) Any person who contravenes the provisions of subsection(1) shall be guilty of an offence and shall, on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and on a second or subsequent conviction to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

Application for
instructor's licence.
[41, 8 of 2009]
[6, 40 of 1984]

139B. (1) Every application for an instructor's licence shall be made to the Commissioner-General in such form, and shall contain such particulars, and shall be accompanied by such application fee as may be prescribed.

(2) No instructor's licence of any class shall be issued to any person unless he-

(a) is the holder of a valid driving licence of a class which is specified under section 139BB to make him eligible to be issued an instructors licence of such class as is specified in that section ; and

(b) possesses such suitable qualifications and experience as may be prescribed.

(3) An instructor's licence shall be subject to such terms and conditions as the Commissioner may consider necessary to ensure that high standards are maintained in the giving of instruction in the driving of motor vehicles.

(4) A driving instructor who fails to comply with any of the terms or conditions of his licence shall, in addition to his licence being liable to be cancelled or suspended under section 139E, be guilty of an offence under this Act.

Instructor's Licence 139BB. (1) An instructor's licence issued under this Part shall be divided

into three classes, namely Class A, Class B and Class C.

(2) An Assistant Instructor's Licence shall be of Class C.

(3) An Instructor or Assistant Instructor shall be eligible to be issued a Class C licence if he has been the holder of a valid Driving Licence stated to be valid for a motor vehicle belonging to the classes specified in items 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 8 and 9 of the Schedule to section 122, for a minimum period of five years immediately prior to the application. Such instructor's licence or Assistant instructor's licence shall authorize him to instruct learners of classes of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122.

(4) A person shall be eligible to be issued an Instructor's Licence of Class B, if he has been the holder of a valid Regular Licence stated to be valid for Motor Vehicles belonging to the classes specified in items 1(i) and 6 of the Schedule to section 122, for a minimum period of five years immediately prior to the application. Such instructor's licence shall authorize him to instruct learners of Motor Vehicles belonging to the classes specified in items 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 4(i), 4(ii), 6(i), 6(ii), 8 and 10 of the Schedule to section 122.

(5) A person shall be eligible to be issued an Instructor's Licence of Class A, if he has been the holder of a valid regular licence expressed to be valid for motor vehicles belonging to the classes specified in items 1(i), 5 and 7 of the Schedule to section 122, together with emergency service vehicle and public service vehicle endorsements valid for a minimum period of five years immediately prior to the application. Such instructor's licence shall authorize him to instruct learners of motor vehicles

belonging to the classes specified in items 1(i), 1(ii), 2(i), 2(ii), 2(iii), 3(i), 3(ii), 4(i), 4(ii), 5, 6(i), 6(ii), 7, 8, 9 and 10 of the Schedule to section 122.

Duration & c. of
instructor's licence.
[6, 40 of 1984]

139C. (1) No instructor's licence shall be issued by the Commissioner-General to any person under this Part, except upon the payment by such person to him of such fee or fees as may be prescribed.

(2) Subject to the provisions of subsections (3) and (4), every instructor's licence issued under this Part shall be valid for a period of two years, and every such licence may be renewed for a period of two years at a time upon payment of such fee as may be prescribed.

(3) An instructor's licence which is cancelled under the succeeding provisions of this Part shall cease to be effective on the date of cancellation thereof.

(4) An instructor's licence which is suspended for any period under the succeeding provisions of this Part shall not be effective during the period of such suspension.

Refusal to issue or
renew instructor's
licence to be
communicated to
applicant or holder.
[6, 40 of 1984]

139D. Where the Commissioner-General refuses the issue or renewal of an instructor's licence on the ground that the applicant therefor or the holder thereof, has failed to satisfy any of the requirements set out in or under subsection (2) or subsection (3) of section 139B the Commissioner-General shall serve or cause to be served on the applicant or the holder, as the case may be, a written statement to that effect. The statement shall set out the grounds of such refusal.

Cancellation or
suspension of
instructor's licence.

139E. (1) The Commissioner-General may cancel or suspend an instructor's licence if he is satisfied that the driving instructor-

(a) has improperly obtained his instructor's licence contrary to the provisions of this Part or any regulations made thereunder;

(b) is no longer a fit and proper person to continue to hold an instructor's licence by reason of his conduct or physical disability

(c) is contravening or has contravened any of the terms or conditions of his licence or any of the provisions of this Part or any regulations made thereunder; or

(d) has accumulated more than the specified number of

demerit points.

(2) The Commissioner-General shall, before cancelling or suspending a licence under the provisions of subsection (1), give the driving instructor concerned notice in writing of his intention to do so specifying a date, not less than fourteen days after the date of the notice, upon which such cancellation or suspension shall be made and calling upon the driving instructor to show cause to the Commissioner-General why his licence should not be cancelled or suspended.

(3) Where the Commissioner-General has cancelled or suspended a licence under the provisions of subsection (1), he shall forthwith inform the driving instructor concerned by notice in writing of such cancellation or suspension.

(4) A driving instructor may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal in writing against such cancellation or suspension to the Secretary to the Ministry of the Minister of the Minister whose decision shall be final.

(5) An order of cancellation or suspension shall not take effect until the expiration of a period of fourteen days after the Commissioner-General has informed the driving instructor concerned of the order.

(6) If within that period, the driving instructor concerned appeals to the Secretary to the Ministry of the Minister of the Minister, the order shall not take effect until it is confirmed by the Secretary or the appeal is for any reason dismissed by the Secretary.

(7) Where an order of cancellation or of suspension becomes effective under subsection (5), the driving instructor concerned shall, as from the date when the order becomes effective, cease to give instruction to any person in the driving of a motor vehicle.

(8) A driving instructor whose instructor's licence has been cancelled under this section shall surrender such licence to the Commissioner - General within seven days of such cancellation.-
General.

Licensing of
driving schools.

139F. (1) No
person
shall, on
or after
the
relevant
date,
carry on
the

business of a driving school except under the authority, and in accordance with the terms and conditions, of a licence (hereinafter referred to as a 'driving school licence') issued in that behalf by the Commissioner-General under this Part and for the time being in

force.

(2) A person carries on the business of a driving school if that person engages or employs other persons or, agents to give instruction to persons in the driving of a motor vehicle.

(3) Any person who is guilty of the offence of contravening or failing to comply with the provisions of subsection (1) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than seven thousand five hundred rupees and not exceeding fifteen thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Application for
driving school
licence.

[6, 40 of 1984]

139G. (1) Every application for a driving school licence shall be made to the Commissioner-General in such form, shall contain such particulars, and be accompanied by such application fee, as may be prescribed.

(2) No driving school licence shall be issued to any person unless he-

(a) possesses or has at his disposal the prescribed kind of motor vehicles to be used for driving instruction and driving tests in the driving school; and

(b) has the facilities to carry on the driving school in a proper or satisfactory manner and employ licensed driving instructors in that school.

(3) A driving school licence shall be subject to such terms and conditions as the Commissioner-General may consider necessary to ensure that high standards are maintained in the conduct of the activities of driving schools.

Duration & c. of
driving school
licence.

[6, 40 of 1984]

139H. (1) No driving school licence shall be issued by the Commissioner-General to any person under this Part, except upon the payment by such person to him of such fee or fees as may be prescribed.

(2) Subject to the provisions of subsection (3), every driving school licence issued under this Part shall be valid for a period of two years, and every such licence may be renewed for a period of two years at a time upon payment of such fee as may be prescribed.

(3) A driving school licence which is cancelled under the

succeeding provisions of this Part shall cease to be effective on the date of cancellation thereof.

Refusal to issue or
renew driving
school licence to
be communicated
to applicant or
holder.
[6, 40 of 1984]

139J. Where the Commissioner-General refuses the issue or renewal of a driving school licence on the ground that the applicant therefor or the holder thereof, has failed to satisfy any of the requirements set out in or under subsection (2) or subsection (3) of section 139G, the Commissioner-General shall serve or cause to be served on the applicant or the holder, as the case may be, a written statement to that effect. The statement shall set out the grounds of such refusal.

Cancellation of
driving school
licence.
[6, 40 of 1984]

139K. (1) The Commissioner-General may cancel a driving school licence if he is satisfied that the owner of the driving school-

(a) has carried on the driving school in an improper or unsatisfactory manner;

(b) has failed to comply with any of the terms or conditions upon which the driving school licence was issued; or

(c) has been convicted of an offence under this Act or any regulations made thereunder.

(2) The Commissioner-General shall, before cancelling a driving school licence under the provisions of subsection (1), give the owner of the driving school concerned notice in writing of his intention to do so specifying a date, not less than fourteen days after the date of the notice, upon which such cancellation shall be made and calling upon him to show cause to the Commissioner-General why his licence should not be cancelled.

(3) Where the Commissioner-General has cancelled a licence under the provisions of subsection (1), he shall forthwith inform the owner of the driving school concerned by notice in writing of such cancellation.

(4) Any person aggrieved by the decision of the Commissioner-General under subsection (1) may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal in writing against such cancellation to the Secretary to the Ministry of the Minister, decision shall be final.

(5) An order of cancellation shall not take effect until the expiration of a period of fourteen days after the Commissioner-General has informed the owner of the driving school concerned of the order.

(6) If within that period, the owner of the driving school concerned appeals to the Secretary to the Ministry of the Minister, the order shall not take effect until it is confirmed by the Secretary or the appeal is for any reason dismissed by the Secretary.

(7) Where an order of cancellation becomes effective under subsection (5), the owner of the driving school concerned shall, as from the date when the order becomes effective, cease to carry on the business of the driving school.

(8) The owner of the driving school whose driving school licence has been cancelled under this section shall forthwith surrender it to the Commissioner-General.

Appeal against
refusal to issue or
renew any licence
under this Part.
[6, 40 of 1984]

139L. Any person aggrieved by the refusal of the Commissioner-General to issue or renew any licence under this Part may, within fourteen days of the written notification of the refusal, appeal in writing to the Secretary of the Ministry of the Minister, whose decision shall be final.

Regulations for the
purposes of this
Part.
[6, 40 of 1984]

139M. 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) prescribing the qualifications and experience necessary for eligibility to apply for an instructor's licence;
- (c) prescribing the kind of motor vehicles which may be used for driving instruction and driving tests and the conditions that must be complied with before such vehicles may be so used;
- (d) regulating the conduct of driving instructors when giving instruction;
- (e) regulating the activities of driving schools and prescribing the manner in which driving schools should be conducted; and
- (f) prescribing the form of records to be kept by driving instructors, driving schools and their particulars to be entered therein.

Interpretation.
[45, 8 of 2009]

139N. In this Part-
'driving 'driving school' means an establishment where

[6, 40 of 1984]

school' persons are given instruction in the driving of motor vehicles for fee or reward, but does not include a driving school maintained by a Government Department or Public Corporation; and

'relevant date' 'relevant date' means the date appointed as the relevant date for the purposes of this Part by the Minister by Order published in the Gazette.

Transitional provisions.

[6, 40 of 1984]

139P. Notwithstanding anything contained in this Part a person who, immediately before the relevant date

(a) was acting as a driving instructor shall be entitled to carry on as such without an instructor's licence; or

(b) was carrying on the business of a driving school shall be entitled to carry on such business without a driving school licence,

for a period of three months commencing from the relevant date and, if before the expiration of that period such person applies for an instructor's licence or a driving school licence, as the case may be, until the license is granted or finally refused or the application is withdrawn.

PART VIII

USE OF MOTOR VEHICLES ON ROADS

(A) SPEED LIMITS AND RESTRICTION OF MOTOR TRAFFIC ON ROADS

Speed limits.

[16, 18 of 2017]

[60, 21 of 1981]

140.(1) A motor vehicle shall not be driven at a speed greater than the speed limits prescribed by regulations.

(2) The provisions of subsection (1) shall not apply to a motor ambulance, firefighting vehicle or police vehicle while on pursuit when used for an emergency purpose.

Regulations as to speed limits different from those set out in

141.(1) Regulations may be made, as respects all roads or the roads in any specified area or any specified road or part of a road, prescribing for all motor vehicles or any specified class or description of motor vehicles or any specified motor vehicles, speed limits more stringent

section 10.

[61, 21 of 1981]

than, or in excess of, the limits set out in section 140.

- (2) No motor vehicle, to which any regulation made under subsection (1) applies, shall be driven at a speed exceeding the limit prescribed by the regulation on any road or part of a road in respect of which the regulation is made.

Penalty for driving
at an excessive
speed.

[3, 10 of 2019]

141A. (1) Any person who contravenes the provisions of sections 140, 141 and 142 or any regulation made thereunder shall be guilty of an offence and shall on conviction be liable, where the speed is -

- (a) in excess of the prescribed speed limit up to twenty per centum, to a fine not less than three thousand rupees and not exceeding five thousand rupees;
- (b) in excess of twenty per centum and less than thirty per centum of the prescribed speed limit, to a fine not less than five thousand rupees and not exceeding ten thousand rupees;
- (c) in excess of thirty per centum and less than fifty per centum of the prescribed speed limit, to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees; and
- (d) in excess of fifty per centum of the prescribed speed limit, to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees.

(2) Notwithstanding the provisions of subsection (1), any person who contravenes the provisions of sections 140, 141 and 142 shall also be liable to on the spot fines as may be prescribed under section 215A.

Exemption from,
and relaxation of
speed limits.

142. Regulations may be made in respect of all roads or the roads in any specified area or any specified road-

- (a) prescribing for all motor vehicles or any specified class or description of motor vehicles, or any specified motor vehicle, speed limits less stringent than those set out in section 140; or
- (b) exempting, subject to such conditions as may be prescribed, all motor vehicles or any specified class or description of motor vehicles or any specified motor vehicle, belonging to or exclusively employed in the service of the State or of any local authority, from the provisions of section 140.

Regulations for

143. (1) Regulations may be made prohibiting, restricting or controlling

restriction of motor traffic.

the use of all motor vehicles or any specified class or description of motor vehicles on all roads or on the roads in any specified area or on any specified road 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 road or any bridge on any road.

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

Restriction of motor traffic on roads outside Colombo.

[62, 21 of 1981]

144. (1) Regulations may be made

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

(i) motor coaches ; or

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

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

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

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

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

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

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

- (a) for the purpose of carrying goods belonging to or intended for the exclusive use of the Government of Sri Lanka ;
- (b) for the purpose of carrying furniture or household goods to or from any premises to which such road is the only means of access ;
- (c) for the purpose of proceeding to any other road which had been declared by regulation to be suitable for such traffic ;
- (d) for the purpose of proceeding to or returning from places of pilgrimage ; or
- (e) for such other purpose as may be prescribed.

Condition of motor **145.**(1) No motor vehicle shall be used on a road unless it is in all

vehicles.

[46, 8 of 2009]

respects in such a condition that it will not cause or be likely to cause-

- (a) danger, discomfort, annoyance or harm to any person in the vehicle or any person using the road ;
 - (b) danger to any vehicle on the road ; or
 - (c) damage to any property on or adjoining the road.
- (2) Where a driver of a motor vehicle contravenes any provision of subsection (1) such driver, and registered owner of such motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees.
- (3) Where a driver of a motor vehicle contravenes the provisions of subsection (1) and thereby causes injury to any person such driver, and registered owner of such motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding two months or to both such fine and imprisonment and to the suspension of his driving licence for a period of six months.
- (4) Where a driver of a motor vehicle contravenes any provision of sub-section (1) and thereby causes grievous injury to any person, such driver and registered owner of such motor vehicle shall be guilty of an offence, and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding thirty five

thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and to the suspension of his driving licence for a period of six months.

(5) Where a driver of a motor vehicle contravenes any provision of sub-section (1) and thereby causes the death of any person, such driver and registered owner of such motor vehicle shall be guilty of an offence, and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding seventy five thousand rupees or imprisonment for a term not exceeding one year or to both such fine and imprisonment and to the suspension of his driving licence for a period of twelve months.

Regulations as to
lights on motor
vehicle.
[63, 21 of 1981]

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

(B) PROVISIONS AS TO DRIVING AND HALTING OF MOTOR VEHICLES

Motor vehicles to
be driven in
accordance with
section 148.

147.(1) No person shall drive a motor vehicle on a road in contravention of any of the provisions of section 148.

(2) It shall not be a sufficient defence for the driver of a motor vehicle in any prosecution entered against him for a contravention of any of the provisions of section 148 to prove that he has complied with the provisions of section 153.

Rules of the road.
[7, 40 of 1984]
[64, 21 of 1981]

148.(1) A motor vehicle being driven shall be kept to the left or near side of the road, except when such vehicle is overtaking other traffic or turning right;

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

same direction except the lane closest to the centre of the road:

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

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

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

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

Provided, however, that a motor vehicle may pass or overtake a vehicle, or an animal which is being led or driven, on the side which in all the circumstances appears reasonable to be the safe side at that time.

(5) A motor vehicle shall not be driven alongside of or overtake, other traffic proceeding in the same direction, in such manner as to obstruct any traffic proceeding in the opposite direction.

(6) A motor vehicle shall not be driven so as to cross or commence to cross a road, or be turned in a road, in such manner as to obstruct any traffic on the road.

(7) A motor vehicle proceeding from a place which is not a road into a road, or from a road into a place which is not a road, shall not be driven in such manner as to obstruct any traffic on the road.

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

(9) A motor vehicle which, at the intersection of two or more roads, turns into or crosses the road declared and indicated by a notice under section 150 to be the main road shall not be driven in such manner as to obstruct any traffic on that main road.

(10) Where two or more motor vehicles approach, or arrive at, the intersection of two or more roads 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 150, no such motor vehicle shall be driven along that part of the area of

intersection until any other such motor vehicle coming from the right or off side, has passed it.

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

(12) Unless otherwise directed by a police officer on duty a motor vehicle turning to the left from any road into any other road shall be kept as near as possible to the left edge of the road in the manner indicated in the following diagram:

(13) A motor vehicle turning to the right from any road into any other road shall, firstly, be positioned for the manoeuvre by being driven, ridden or pushed nearly parallel to the centre of the road. At the same time the driver shall signal his intention to turn right. On reaching the point of turn, which should be close to the centre of the intersection of the two roads he shall proceed to complete the manoeuvre by turning right into the other road, having ascertained that his path is clear of on-coming traffic. Where there is any structure at the above-mentioned intersection, the manoeuvre shall be completed keeping such structure on the right of the motor vehicle unless otherwise ordered by a police officer.

(14) A motor vehicle proceeding from any place to a road shall stop, before entering such road where stop-lines are painted.

Precautions in
crossing a railway.
[4, 10 of 2019]

148A. (1) No person shall drive a motor vehicle on or across a railway crossing -

(i) when the railway gate is closed;

(ii) disregarding the railway signal system; or

(iii) without obeying directions of an authorized officer,

to likely endanger one's own safety or that of any other person.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding thirty thousand rupees and on a second conviction to a fine not less than thirty thousand rupees and not exceeding forty thousand rupees and the suspension of his driving licence for a period of not exceeding six months, and on a third or subsequent conviction to a fine not less than forty thousand rupees and not exceeding fifty

thousand rupees and the suspension of his driving licence for a period not exceeding twelve months.

General duty of driver to accidents.	<p>149.(1) Notwithstanding anything contained in section 148, it shall be the duty of the driver of every motor vehicle on a road to take such action as may be necessary to avoid any accident.</p> <p>(2) The breach by the driver of any motor vehicle on a road of any of the provisions of section 148 shall not be deemed to exonerate the driver of any other motor vehicle on the road at that time from any breach of the duty imposed on him by subsection (1).</p>
Declaration of main roads. [65, 21 of 1981]	<p>150.(1) Regulations may be made declaring which of two or more intersecting roads shall be deemed to be the main road.</p> <p>(2) Warning notices, in such form as may be prescribed, shall be exhibited and maintained by the authority responsible for the road at suitable places on intersecting for the purpose of indicating each main road declared under this section.</p>
Driving after the consumption of alcohol or drugs, and reckless or negligent driving. [8, 40 of 1984] [2, 31 of 1979]	<p>151.(1) No person shall drive a motor vehicle on a road after he has consumed alcohol or any drug.</p> <p>(1A) No person shall drive any omnibus or any other motor vehicle intended for the carriage of persons for fee or reward on a road after he has consumed alcohol or any drug.</p> <p>(1B) Any person who drives a motor vehicle on a road after he has consumed alcohol or any drug and thereby causes death or injury to any person, shall be guilty of an offence under this Act.</p> <p>(1C)</p> <p>(a) Where a police officer suspects that the driver of a motor vehicle on a road has consumed alcohol he may require such person to submit himself immediately to a breath test for alcohol or an examination by a Government medical officer in order to ascertain whether such person has consumed alcohol and that person shall comply with any such requirement, as the case may be.</p> <p>(b) Where a breath test for alcohol or an examination by Government medical officer reveals that such person has consumed alcohol or where such person refuses to submit himself to any such test or examination it shall be presumed that such person has consumed alcohol unless</p>

evidence to the contrary has been adduced.

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

(d) The report of a Government medical officer to the effect that the driver of a motor vehicle on a road has consumed alcohol or any drug shall be sufficient evidence of the fact that such person has consumed alcohol or any drug unless evidence to the contrary has been adduced.

(e) Where such person refuses to submit himself to any such examination by the Government medical officer may be made, it shall be presumed that he was driving after the consumption of alcohol or drugs unless evidence to the contrary has been adduced.

(1CC) Where a police officer has reasonable grounds for believing that any person has committed an offence under this section, he may arrest such person without warrant.

(1D) Regulations prescribing-

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

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

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

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

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

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

Position of driver **152.** (1) No person shall drive a motor vehicle on a road when he is in

when driving
motor vehicles.
[66, 21 of 1981]

such a position that he has not or cannot have full control of the vehicle or a full and unobstructed view of the road and the traffic ahead of the motor vehicle.

- (2) The driver of a motor vehicle on a road shall not permit any person to sit beside him in any position which obstructs or is likely to obstruct the view of the road and the traffic ahead of the motor vehicle or which hinders or is likely to hinder the steering or the control of the vehicle.
- (3) The driver of a motor vehicle shall not permit any person to sit or stand on the right hand side of the driver's seat if the vehicle is steered from the right or off side thereof, or on the left hand side of that seat if the vehicle is steered from the left or near side thereof.
- (4) The driver of a motor vehicle shall have continuously both hands on the steering wheel or hand bars, as the case may be, except when changing gears or when giving necessary hand signals or manipulating essential vehicle controls.

Prohibit the use of
mobile phone etc.
while driving.
[5, 10 of 2019]

- 152A.** (1) No person shall use a telephone, mobile phone or any other movable communication equipment when driving a motor vehicle on a road.
- (2) A person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224 and also be liable to the amount prescribed for on the spot fines under section 215A.

Signals by drivers.
[67, 21 of 1981]

- 153.** (1) Signals given by drivers of motor vehicles shall be-
- (a) operated by an electro-mechanical device which shall be illuminated both by day and by night; such illumination, shall be intermittent and be clearly visible both from the front and rear of the vehicle. The color of the signal lights shall be amber or white with the express authority of the Commissioner- General;
 - (b) operated by flashing the headlamps when indication of forward progress is intended.
- (2) No lights of an intermittent or flashing pattern shall be used either outside or inside a vehicle, other than those mentioned in subsection (1).
- (3) In the event of an unexpected failure of the warning device as set out in subsection (1), manual signals as prescribed in the regulations

under this Act shall be temporarily employed.

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

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

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

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

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

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

Reversing of motor **154.** The driver of a motor vehicle shall not reverse the vehicle or permit vehicles.

it to travel backwards on a road for a longer distance than may be necessary for the purpose of turning that vehicle or for any other reasonable purpose.

Sound or light warnings.

[47, 8 of 2009]

[68, 21 of 1981]

155.(1) The driver of a motor vehicle on a road shall give sufficient warning of the approach or position of the motor vehicle by sounding an efficient warning instrument whenever such warning is necessary for safety or by flashing the headlamp beams in a dipped position:

Provided, however, that when a motor vehicle is stationary on a road, no warning instrument affixed to that vehicle shall be operated

except for the purpose of preventing an accident or ensuring the safety of the vehicle or its occupants.

(2) (a) Notwithstanding the provisions of subsection (1), the driver of a motor vehicle shall not use, or cause or permit to be used the warning instrument of such vehicle except -

- (i) when necessary as a traffic warning to avoid an accident; or
- (ii) as an indication of his intention to overtake another vehicle, provided however, that at night, such driver may flash the head lights for such purpose and also sound a warning instrument.

(3) No person shall use a motor vehicle that has been equipped with a multi-tone horn sounding a succession of different notes, or with any other sound producing device giving a harsh, shrill, loud or alarming noise: Provided that such a multi-tone horn or other sound producing device may be fitted or used -

- (a) on a vehicle used by the fire brigade;
- (b) on a vehicle used by members of the police or armed services; or
- (c) on an ambulance responding to an emergency call.

(4) No whistle or horn, other than a horn sounding a single note, shall, for the purposes of subsection (1), be sounded on any motor vehicle on any road.

(5) Regulations may be made -

- (a) prohibiting or restricting for the purposes of this section the use of all warning instruments or any specified instrument in any area or part thereof during any specified hours of the day;
- (b) prescribing the maximum noise level that may emanate from a vehicle whether from the engine, the exhaust device or the horn;
- (c) prescribing the maximum noise level that is permissible for any class or classes of vehicles with regard to a warning device or reverse warning device or any amplifying devices fitted on such class or classes of vehicles.

(6) In any area in respect of which any regulations have been made under subsection (5), no person shall, notwithstanding the provisions of subsection (1), use any warning instrument in contravention of those regulations.

(7) Any person who contravenes the provisions of this section shall

be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees and to the confiscation of such instruments.

Emission in certain **155A.** (1) A person who drives or uses a motor vehicle that emits smoke,

instances to be an offence visible vapour, grit, sparks, ashes, cinder, grease or oily substances, which is likely to -

[48, 8 of 2009]

(a) constitute a health hazard or cause annoyance or injury to any person ;

(b) obscure the visibility of any other road user ; or

(c) cause damage to any road or other public place or property,

shall be guilty of an offence, and shall on conviction be liable to a fine not less than two thousand rupees and not exceeding five thousand rupees and on a second or subsequent conviction, to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(2) An examiner or a police officer authorized by the Inspector-General of Police who has reason to believe that an offence under subsection (1) is being committed in respect of a motor vehicle which is on a road or other public place -

(a) may stop and examine the vehicle and may measure or cause to be measured by means of a prescribed apparatus, the emission of smoke or visible vapour from the vehicle ; or

(b) may by notice in writing served on the owner of the vehicle either personally or by post require the production of such vehicle at a vehicle examination centre or police station on such date and at such time as may be specified in the notice for the purpose of-

(i) measuring the emission of smoke or visible vapour by means of a prescribed apparatus ; or

(ii) examining the vehicle to ascertain whether its condition is such that its use results in the commission of an offence under this section.

(3) An owner of a vehicle who is served with a notice under subsection (2) and who fails without reasonable cause to produce such vehicle on the date, time and place specified in such notice shall be guilty of an offence and shall on conviction, be liable to a

fine not less than five thousand rupees and not exceeding ten thousand rupees.

(4)

(a) The Minister may prescribe the standard of emission which shall be applicable in respect of motor vehicles.

(b) Such regulations may provide different standards in respect of different classes of motor vehicles.

(5) For the purposes of this section, 'examiner' means an examiner of motor under this Act, or a person authorized in that behalf by the Commissioner-General or by the Inspector General of Police.

Riding on running boards, & c, of motor vehicles. **156.** The driver of any motor vehicle on a road or, in the case of an omnibus, the, conductor, shall not permit any person to ride, and no person shall ride, on the running boards, wings or fenders or on the outside of the motor vehicle except on a properly constructed seat or except for the purpose of testing the vehicle during or after repairs.

Riding in omnibuses.
[2, 20 of 1968] **156A.** No conductor of an omnibus on a road shall permit any passenger to ride, and no passenger shall ride, in any omnibus except in a seat provided for the use of passengers or in the gangway provided between two rows of seats in a single-decked omnibus, or in the gangway provided between two rows of seats in the lower deck of a double-decked omnibus.

Number of persons **157.**
The owner or driver of a motor car on a road shall not cause or
in front seats of motor cars. permit more than two persons in addition to the driver to ride in the front seat or seats of the car.

[69, 21 of 1981]

Use of seat belts. **157A.** (1) No person shall travel in a prescribed seat in a vehicle of a prescribed class or description unless he uses a seat belt of a type prescribed by the Minister.
[17, 18 of 2017]
[49, 8 of 2009]

(2) Regulations may be made prescribing:-

(a) the seats to which the requirement applies ;

(b) the class or description of vehicles ; and

(c) the type or description of seat belts for the purposes of subsection (1).

(3) No person shall sell or offer for sale or have in his possession for sale any seat belt, which is not of a type prescribed by the

Minister.

(4) Any person who contravenes the provisions of subsection (3) or any regulation made under this section shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

Pillion riding.
[9, 40 of 1984]
[70, 21 of 1981]

158.(1) 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 road, and such person shall not be carried otherwise than sitting astride the cycle on a seat securely fixed thereto behind the driver's seat.

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

(3) Where the driver of a motor cycle carries on his motor cycle any other person who does not wear a protective helmet of a type approved by the Minister under subsection (2), both such driver and such person shall be guilty of an offence under this Act.

Distribution of
advertisements, &
c.

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

Noise
[50, 8 of 2009]

160.(1) The driver of a vehicle which is in motion or stationary shall not use or permit any person to use, and no person in the vehicle shall use, any amplifying equipment with loudspeaker fitted to or carried on the vehicle: Provided, however, that an amplifying equipment may be used in a motor vehicle, if the volume of the sound emanating from such equipment is so regulated as to ensure that it is confined within the vehicle and intended for the hearing only of the occupants thereof.

(2) All motor vehicles which have an internal combustion engine shall be equipped with an efficient silencing device through which all exhaust from the engine is projected and which prevents the creation of undue noise.

(3) An examiner, or a police officer authorized in that behalf by the Inspector General of Police may direct a driver of any vehicle to sound the warning device for the purpose of making a noise level

reading.

(4) Regulations may be made prescribing-

(a) the maximum noise levels that may emanate from engine exhaust device; and

(b) the maximum noise level permissible for different class or classes of vehicles with regard to horn, warning device or reverse warning device and amplifying devices fitted on such class or classes of vehicles.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees.

(6) For the purposes of this section 'examiner' means an Examiner of Motor Vehicles appointed or deemed to be appointed under this Act and includes a person authorized in that behalf by the Inspector General of Police.

Warning signs to be displayed whenever road repair are being done.

[10, 40 of 1984]

160A.

Whenever repairs are being made to a road, it shall be the duty of the person effecting such repairs or causing such repairs to be made, to cause to be displayed for the safety of road users warning signs and lights at night.

Duty in case of accident.

[18, 18 of 2017]

[51, 8 of 2009]

[72, 21 of 1981]

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

(a) The driver of the motor vehicle shall-

(i) immediately stop the vehicle ;

(ii) furnish his name and address, the name and address of the owner of the vehicle, the distinctive number of the vehicle and other particulars relating thereto, if requested so to do by any person 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 grama seva niladhari;

(iii) in any case where the person to whom injury has been caused so requests, or if he is unconscious or if the injury caused to that person appears to endanger his 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;

(iv) in every case not referred to in subparagraph (iii), report the accident forthwith to the officer-in-charge of the nearest police station as specified in the Form prescribed in subsection (4); and

(v) a driver who fails to report such accident forthwith to the officer-in-charge of the nearest police station as specified in the Form prescribed in subsection (4) shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees.

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

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

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

(ii) within twenty four hours of the accident communicate, his name and address and the fact that he was in the vehicle at the time of the accident, to the officer in charge of a police station as specified in the Form prescribed in subsection (4).

(d) the insurer to whom a claim for insurance is made in connection with such accident shall -

(i) inform the officer-in-charge of the nearest police station of such accident, for the purpose of compiling statistical records relating to accidents giving details of such accident and the names and addresses of the parties involved in such accident as informed to him by the person making the claim;

(ii) not settle any claim until a copy of the Form referred to in subsection (4), certified by the police officer of the nearest police station has been furnished;

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

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

Provided, however, that no person shall be deemed to have contravened the provisions of this subsection by reason only of his failure to produce such certificate, if, before the expiry of a period of 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 vehicle shall give such information as may be required by a police officer for the purpose of determining whether or not the vehicle was being driven in contravention of the provisions of section 99 at the time when the driver was required to produce the certificate.

(3) A person who contravenes the provisions of paragraph (d) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(4) The Minister may make regulations -

(a) specifying the procedure to be followed when reporting an accident to the nearest police station;

(b) specifying the Form to report the accident; and

(c) specifying any other information as may be necessary, in connection with this section.

Traffic directions and police officer to be obeyed.
[73, 21 of 1981]

162. The driver of a motor vehicle 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.

Motor vehicles to be stopped on request of officers in command of troops, & c.
[11, 40 of 1984]

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

Traffic signs and notices of police officer, local authority and the Department of roads or a Department of a Director of Works.
[12, 40 of 1984]
[74, 21 of 1981]

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

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

(b) By order of the local authority of any area in the case of a road in charge of that local authority or in the case of a road in charge of the Department of roads by order of the Director of roads:-

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

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

(c) By order of the Sri Lanka Central Transport Board or a Regional Transport Board established under the Transport Board Law, No. 19 of 1978, in concurrence with the Department of roads, local authority and the police for the purpose of indicating

(i) Places set apart for the parking of omnibuses belonging

to any such Board; and

(ii) Stopping places for omnibuses belonging to any such Board.

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

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

(5) Save as provided in subsection (1), and except with the sanction of the Local authority or the Department of roads or a Department of a Director of Works or the Sri Lanka Central Transport Board or any Regional Transport Board, as the case may be, and except in accordance with any regulation made under subsection (2), no person shall erect, exhibit or maintain on, or so as to be visible from, a road, any traffic sign or notice appearing to be intended for the guidance of motor vehicles.

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

(7) In this section 'local authority' includes a Village Council and any such board, institution or corporation as is empowered by law to construct and maintain roads and is declared by the Minister by notification published in the Gazette to be a local authority for the purposes of this section.

Precautions to be taken when petrol is taken into tank.

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

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

receptacle in or on the vehicle.

Halting or parking 166.(1)

of motor vehicles
on road.

[75, 21 of 1981]

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

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

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

(3) Where the halting or parking of motor vehicles on any road or part of a road is prohibited by a notice exhibited under subsection (2), the driver of a motor vehicle shall not allow the vehicle to stand on that road or part of a road 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 road or part thereof to any officer or authority; Or

(b) following in due order the movement of any traffic on that road or part thereof at that time; Or

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

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

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

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

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

(7) In this section 'local authority' includes a Village Council and any such board, institution or corporation as is empowered by law to construct and maintain roads and is declared by the Minister by notification published in the Gazette to be a local authority for the purposes of this section.

Precautions to be
taken when motor
vehicle is halted or
left unattended or
disabled on a road.
[13, 40 of 1984]
[76, 21 of 1981]

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

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

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

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

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

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

Regulations for the **168.** (1) Regulations may be made under this Act prescribing a road code

guidance of under
of roads.

comprising such directions as may appear to the authority empowered to make such regulations to be proper for the guidance of persons using roads and including directions relating to the prohibition, regulation and control of traffic.

(2) Notwithstanding anything in section 214 of this Act, the contravention of any provision of the road code prescribed by regulation under subsection (1) shall not of itself be an offence within the meaning of this Act, but such contravention may, in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.

Hours of work.
[77, 21 of 1981]

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

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

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

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

Public stands for motor tricycle vans, omnibuses and lorries. [78, 21 of 1981]	<p>170. (Not applicable to any omnibus, hiring car or motor lorry of any Regional Transport Board. - See Paragraph 1, Schedule III, of the Transport Board Law)</p> <p>(1) The local authority for any urban area may provide one or more public stands within that area for the use of motor tricycle vans, omnibuses or lorries, or any specified class or description of motor tricycle vans, omnibuses or lorries.</p> <p>(2) Regulations may be made empowering the Commissioner-General in any case where he is satisfied that the provision for public stands made by the local authority for any urban area is unsatisfactory, to make such provision as he may deem necessary for the establishment and maintenance of public stands within that area in accordance with regulations so made.</p>
Repealed [79, 21 of 1981]	171. Repealed.
Repealed [79, 21 of 1981]	172. Repealed.
Prohibition against charging of excess fares for omnibuses.	<p>173. The owner, driver or conductor of any omnibus-</p> <p>(a) shall not demand or receive from any passenger, in respect of any journey on any route or road, any fare in excess of the fare authorized in respect of that route or road by any condition of the stage carriage permit under the authority of which such omnibus is used ; or</p> <p>(b) shall not receive or agree to receive from any passenger in respect of any journey on any route or road, any fare less than the fare authorised in respect of that journey by any condition of that permit.</p>
Recovery of excess fares. [80, 21 of 1981]	<p>174. (1) No person shall be bound by any agreement entered into by him to pay in respect of any journey on an omnibus any fare in excess of the authorized fare referred to in section 173, and any person who has paid any fare in excess of any such authorized fare as may be applicable to the sum paid in excess from the person to whom such sum was paid.</p> <p>(2) Where any person is convicted by any court of a contravention of the provisions of paragraph (a) of section 173 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</p>

person in excess of the highest authorized fare, or the authorized fare, or the fare agreed upon, as the case may be, and such sum shall be recoverable in like manner as a fine imposed by the court, notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

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

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

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

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

Recovery of fares. 175. (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 any omnibus or claimed from him as damages for any injury willfully caused by him to any omnibus during any such journey, fails or refuses to pay such sum on demand made by the owner of the omnibus, or any servant or agent authorized by the owner to receive such sum, the Magistrate's Court having jurisdiction over the place at which the journey began or ended or at which the injury occurred may, upon complaint made by the owner thereof, and upon summary proof of the facts alleged in that complaint, order such person to pay to the owner the sum so due as fare or 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 omnibus in attending court, as the court may determine; and every sum ordered to be paid under this section shall be recoverable in like manner as a

[81, 21 of 1981]

fine imposed by the court notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose.

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

Property left
omnibuses.
[81, 21 of 1981]

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

Repealed
[82, 21 of 1981]

177. Repealed.

Carriage of persons
in excess of
authorized number
in private coaches
and of goods the
than personal
luggage in motor
cars or private
coaches.
[83, 21 of 1981]
[3, 63 of 1961]

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

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

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

(3) For the purposes of this section

- (a) a child under three years of age not occupying a separate seat in a motor car or private coach shall not be reckoned as a person;
- (b) the driver of the car or coach, as the case may be, shall be reckoned as a person; and
- (c) two children, being each over three years and under twelve

years of age, shall be reckoned as one person.

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

(5) Where any motor car, motor tricycle or private coach is authored by permit issued under section 45 to be used for the carriage of articles of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the motor car, motor tricycle or private coach of articles of that description.

Carriage of persons **179.** (1) Where the number of passengers found at any time in an

or passengers in
excess of
authorized number,
and of goods other
than personal
luggage In
omnibuses.

[83, 21 of 1981]

[4, 63 of 1961]

omnibus on a road exceeds the maximum number specified in the revenue licence for that omnibus, or where other than such goods as may be prescribed or the personal luggage of a passenger are found in an omnibus on a road, the conductor of the omnibus shall be guilty of an offence.

(2) For the purpose of this section -

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

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

(ii) the drivers of an omnibus;

(iii) the conductor of an omnibus; and

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

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

(3) Regulation may be made to define the nature, description or weight of article or package which may be carried in omnibus as personal luggage and of the goods other than personal luggage which may be carried in omnibus.

(4) Where any omnibus is authorized by permit issued under section 45 to be used for the carriage of articles of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the omnibus articles of that

description.

Persons not to enter omnibus or private coach when full. [83, 21 of 1981]

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

Touting for passengers.

181. No owner, driver, or conductor, or person acting on behalf of the owner, driver, or conductor, of a hiring car or omnibus standing or plying for hire shall speak, make any noise, or sound any instrument, in order to attract the attention of the public or of a possible passenger.

Register to be kept by owners of omnibuses. [84, 21 of 1981]

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

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

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

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

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

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

Record sheet to be carried on each omnibus.

183. (Not applicable to any omnibus of any Regional Transport Board.- See Paragraph 3 (1), Schedule III, of the Transport Board Law.) The driver of every omnibus shall, unless exemption in respect of that omnibus has been granted in accordance with regulations, carry therein on each occasion on which the omnibus is used for any journey, and produce for inspection whenever required so to do by a police officer, a record sheet in the prescribed form containing

copies of the entries made in the register under section 182 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.

Repealed
[85, 21 of 1981]

184. Repealed.

Licensed conductor **185.** (1) Save as is otherwise provided in subsection (3), a licensed

to be carried on
omnibus and issue
of tickets by him.
[86, 21 of 1981]
[4, 39 of 1964]

conductor shall be carried in every omnibus used on any road.

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

(3) The provisions of subsection (1) shall not apply in relation to an omnibus of the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, No. 19 of 1978, at any time when the omnibus is being used for plying between two fixed places without stopping at any other place for the purpose of picking up or setting down passengers.

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

Repealed
[87, 21 of 1981]
[36, 19 of 1978]

186.
Repealed.

Repealed
[87, 21 of 1981]

187. Repealed.

Carriage on motor
lorry or motor
tricycle van of
goods in excess of
maximum load.
[14, 40 of 1984]
[88, 21 of 1981]

188. (1) Where the weight of goods found at any time on a motor lorry or a motor tricycle van on a roads exceeds the maximum load or maximum axle load specified on the revenue licence format or maximum motor lorry or motor tricycle van, or where the distribution of the load is such as to cause danger, the driver of the motor lorry or motor tricycle van shall, save as provided in section 214. be guilty of an offence under this Act.

(2) Where in the opinion of a police officer, any motor lorry or

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

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

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

Persons who may
be carried on a
motor lorry.

[89, 21 of 1981]

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

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

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

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

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

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

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

Distinctive number **189A**. Where any motor vehicle is used on any road with a trailer

of trailer.

[15, 40 of 1984]

attached to such vehicle, the trailer shall, in addition to the distinctive number of the trailer, also display the distinctive number of the motor vehicle to which it is attached.

Regulations as to
motor vehicles.

[90, 21 of 1981]

190. (1) Regulations may be made-

- (a) prohibiting, restricting or controlling the use of motor vehicles generally or any specified class or description of motor vehicles, as respects roads or the roads in any specified area or any specified road or part of a road;
- (b) prescribing any condition or requirement not expressly provided for in this Act, as to the construction and equipment and use of all or any specified class or description of motor vehicles;
- (d) providing that motor vehicles generally or any specified class or description of motor vehicles shall comply with such anti-date requirements as may be prescribed;
- (e) prohibiting, restricting or regulating the carriage of petroleum or other fuel, acids and other dangerous or offensive articles on motor coaches;
- (f) providing for the licensing, supervision and control of conductors of omnibuses and of ticket inspectors employed by owners of omnibuses, for the revocation or suspension of such licences and for the imposition and recovery of fees for such licences;
- (g) prescribing the duties and regulating the conduct of drivers, conductors and ticket inspectors of omnibuses;
- (i) prescribing the minimum educational or other qualifications required for the grant of conductor's licences in respect of omnibuses;
- (j) providing for endorsements to be made on such licences on conviction of the holder thereof of any offence under this Act;
- (k) providing for the regulation and control of queues at stopping places for omnibuses, the facilities to be provided at such stopping places and the charges to be made for the use of such facilities;
- (*k)(Not applicable to any omnibus of any Regional Transport Board.-See Paragraph 3 (1), Schedule 111, of the Transport

Board Law.) prescribing the use of stopping places or public stands for omnibuses and restricting the halting or stopping of omnibuses on all roads generally or on the roads in any specified area or any specified roads or part of a road;

(l) providing that badges containing identification numbers be worn by drivers and conductors of omnibuses;

(m) providing for the regulation and control of the conduct of passengers in omnibuses;

(n) as respect omnibuses-

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

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

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

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

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

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

(vii) requiring the surrender of tickets by the holders

thereof on the expiry of the period for which they are issued;

(o)(Not applicable to any place provided and maintained by any Regional Transport Board as a place at which omnibuses, hiring cars or lorries may be hailed or may stand for hire. - See Paragraph 3 (3), Schedule III, of the Transport Board Law.) as respects every public stand in any specified area or any public stand-

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

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

(iii) prescribing the manner in which motor vehicles may enter or leave the public stand or be placed therein;

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

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

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

(q) prescribing the particulars which are to be entered by the driver of an omnibus in the record sheet required by section 183, and the manner in which and the intervals at which such particulars are to be entered;

(r) prescribing the circumstances in which and the conditions subject to which exemption from the provisions of sections 182 and 183 may be granted by the Commissioner-General in respect of any omnibus;

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

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

approval of the Minister charged with the subject of Local Government.

(3) No regulation under section 141 or section 142 or section 143 or section 144 shall be made except with the concurrence of the Minister in charge of the subject of roads.

(C) ROAD RACING AND TESTS

Orders enabling holding of races and tests.

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

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

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

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

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

(3) At least two clear days before any Order made under subsection (1) is to have effect, the Commissioner-General shall by advertisement in at least two daily newspapers give notice of the fact that the race or test is to be held and that any road or part of a road is to be closed to traffic.

The cost of each such advertisement shall be paid by the person

upon whose application the Order under subsection (1) is made.

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

(5) Any direction contained in any Order under subsection (1) shall have effect notwithstanding anything to the contrary in any other provision of this Act; and every person contravening any such direction shall be guilty of an offence.

(D) DERELICT MOTOR VEHICLES

Ordered motor
vehicles.
[91, 21 of 1981]

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

(2) Every owner or person in charge of the vehicle on whom a notice is served under subsection (1), shall comply with the requirements set out therein.

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

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

PART IX EXAMINATION, INSPECTION AND TESTING OF MOTOR VEHICLES

Power to inspect
and test motor
vehicles.

[16, 40 of 1984]
[92, 21 of 1981]

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

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

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

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

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

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

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

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

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

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

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

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

Power of

194. (1) The Commissioner-General may at any time, whether before or

Commissioner-General to inspection and examination of motor vehicles.
[52, 8 of 2009]
[5, 12 of 2005]
[93, 21 of 1981]

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

- (a) that the motor vehicle does not comply with the requirements of this Act or of any regulation; or
 - (b) that any information furnished to him in respect of the motor vehicle is false or incorrect; or
 - (c) that the motor vehicle is not in a serviceable condition; or
 - (d) that the weight, dimensions character or seating accommodation of the motor vehicle has been altered after registration without the prior approval of the Commissioner-General.
- (2) Where the Commissioner-General is satisfied, after the inspection and examination of a motor vehicle under subsection (1), that such vehicle does not comply with the requirements of this Act or of any regulation, or that such vehicle is not in a serviceable condition or that the weight, dimensions character or seating accommodation of that vehicle has been altered after registration without prior approval thereof, he may, by written notice served on the owner thereof, prohibit the use of the vehicle until the Commissioner-General is satisfied after further inspection and examination under that subsection, that the defects specified in the notice have been removed Where the Commissioner-General is so satisfied he shall revoke the notice; and
- (3) Where the use of a motor vehicle has been prohibited by a notice under subsection(2), no person shall use that vehicle or cause or permit such vehicle to be used until the notice is revoked under that subsection.
- (4) Where the use of a motor vehicle has been prohibited by a notice under subsection (2), the Commissioner-General may in writing order the registered owner of such vehicle to surrender the revenue licence so that he may impound it until the notice is revoked, and if such order is made, such registered owner shall comply with it within fourteen days after it is communicated to him.
- (5) Any person who is guilty of the offence of contravening the provisions of subsection (3) shall on conviction after summary trial before a Magistrate be liable to a fine not less than three thousand

rupees and not exceeding five thousand rupees and on a second or subsequent conviction to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

Approved garages, approved inspection and testing centres and certifying officers.
[53, 8 of 2009]

195.(1) The Commissioner-General may, upon application made in that behalf in the prescribed form by the registered owner of a garage or inspection and testing centre and upon payment of the prescribed levy and service charge, by Order declare-

(a) that the garage or inspection or testing centre specified in such order shall be an approved garage or approved inspection or testing centre for the annual examination and certification of vehicles for the purposes of section 29; and

(b) that such registered owner, and the other person or persons employed at such approved garage or approved inspection or testing centre and specified in the order, shall each be an approved certifying officer for the purpose of such examination and certification of motor vehicles at such approved garage or approved inspection or testing centre.

(2) Where the Commissioner-General makes an order under subsection (1), he shall issue to each approved certifying officer a letter of authority stipulating therein, the conditions subject to which such letter of authority is issued.

(3) The Commissioner-General may revoke or alter any order made under subsection (1) if there is a contravention of any condition specified in the letter of authority issued to any approved certifying officer of such approved garage or such approved inspection or testing centre in respect of which such order was made.

(4) The Commissioner-General may specify, in relation to each approved garage and approved inspection or testing centre the maximum number of motor vehicles which may be examined and certified at that approved garage or approved inspection or testing centre during the course of a day.

(5) Where the Commissioner-General rejects an application referred to in subsection (1), he shall state his reasons therefor in writing.

(6) The Minister may make regulations prescribing-

(a) the equipment and facilities that should be made available at an approved garage or approved inspection or testing centre;

(b) the qualifications required of an approved certifying officer;

- (c) the frequency of mandatory inspection for different classes or descriptions of motor vehicles;
- (d) the amount of any deposit to be made by an approved garage or approved inspection or testing centre.

Issue of Emission Certificate and Certificate of Fitness.

[6, 10 of 2019]
[54, 8 of 2009]

196.(1) Upon the production of a motor vehicle before an examiner or an approved certifying officer referred to in section 195 and upon payment of the prescribed levy or service charge, for the purpose of obtaining an Emission Certificate and a Certificate of Fitness as is referred to in section 29, an examiner or approved certifying officer shall on such criteria as may be prescribed, examine such vehicle and shall certify whether or not such Certificates may be issued in terms of this Act.

(2) An Emission Certificate and Certificate of Fitness issued in respect of a motor vehicle shall remain in force for one year from the date of issue or such shorter period not less than three months as may be specified in such certificate.

(3) Where an examiner or approved certifying officer certifies that a motor vehicle is unfit for use, he shall state his reasons therefor.

(4) The registered owner of a motor vehicle which is certified after examination under the preceding provisions of this section to be unfit for use, may, appeal to the Commissioner - General against the issue of such Certificate and the decision of the Commissioner - General on such appeal shall be final.

(5) The Emission Certificate and Certificate of Fitness issued in respect of a motor vehicle under this section shall be-

- (a) carried in that vehicle at all times;
- (b) made available for inspection on demand by a police officer, Grama Niladhari or Examiner or authorized officer appointed under this Act, or by any person authorized in writing by the Commissioner - General :

Provided however, that such certificate shall be produced when required, before a Court, the Commissioner - General or a Licensing Authority.

(c) a person who contravenes the provisions of this subsection shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224 and also be liable to the amount prescribed for on the spot fines under section 215A.

(6) The registered owner of an approved garage or approved inspection or testing centre shall forward in the prescribed form to the Commissioner General before the tenth day of the following month. a monthly summary of the Emission Certificates and Certificates of Fitness issued by him during each month.

(7)

(a) If the registered owner of an approved garage or approved inspection or testing centre fails to send the monthly summary referred to in subsection (6) before the tenth day of each month, the Commissioner General shall, in the first instance, issue him with a warning that the order made under section 195 in respect of such garage may be revoked if such monthly summary is not sent within the time specified under subsection (6).

(b) If the registered owner of such approved garage or approved inspection or testing centre fails to send such monthly summary for three consecutive months the Commissioner General shall revoke the order made under section 195 in respect of that approved garage or approved inspection or testing centre.

(c) A person who contravenes the provisions of subsection (6) shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees and on a second or subsequent conviction to a fine not less than ten thousand and not exceeding fifteen thousand rupees.

(8) Regulations may be made providing for the procedures for the examination of motor vehicles for the purpose of the issue of an Emission Certificates and Certificates of Fitness.

Yearly examination **196A.** Notwithstanding anything to the contrary in section 196, the yearly

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

[95, 21 of 1981]

[5, 22 of 1973]

examination and certification prior to the issue of a licence of such motor vehicle as is referred to in section 29 shall in the case of a motor vehicle belonging to the Sri Lanka Central Transport Board or a Regional Transport Board established under the Transport Board Law, No. 19 of 1978, as the case may be, be carried out by an officer authorized in that behalf by the respective Board and any certificate of fitness issued by any such officer in respect of any such vehicle shall, for the purpose this- Act be deemed to be a certificate issued under section 196.

Effect of issue of a **196B.** (1) Where any person issues a fraudulent Emission Certificate and

fraudulent
Emission
Certificate and
Certificate of
fitness.
[55, 8 of 2009]

Certificate of Fitness, or where there is a contravention of any one or more of the conditions specified in the letter of authority issued to an approved certifying officer, the Commissioner-General or any other Authority shall-

- (a) appropriate the full deposit made by such approved garage ;
- (b) revoke the authority given to such garage and to such approved certifying officer of such garage ; and
- (c) cancel any permit, licence or certificate obtained on the basis of the fraudulent Emission Certificate and Certificate of Fitness.

(2) Any approved certifying officer who issues a fraudulent Emission Certificate and Certificate of Fitness or contravenes any condition specified in a letter of authority issued to such approved certifying officer shall be guilty of an offence and shall, on conviction be liable to a fine not less than twenty thousand rupees and not exceeding twenty five thousand rupees.

Examination of
motor tricycle
vans, motor
coaches and lorries
and prohibition of
use thereof.
[96, 21 of 1981]

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

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

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

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

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

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

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

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

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

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

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

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

the Commissioner-General.

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

Inspection of
lorries and motor
tricycle vans and
prohibition of use.
[56, 8 of 2009]
[5, 12 of 2005]
[97, 21 of 1981]
[2, 47 of 1968]

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

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

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

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

(4) Subject as provided in subsection (2) a prohibition under this

section shall become operative as soon as notice thereof has been given either to the registered owner, or to the person in charge of the motor any motor vehicle, and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.

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

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

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

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

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

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

[59, 8 of 2009]
[97, 21 of 1981]

Repealed.

Production of
document carried
in lorries or motor
tricycle vans.

[58, 8 of 2009]
[97, 21 of 1981]
[2, 47 of 1968]

200. (1) An examiner or police officer not carried is below the rank of sergeant may at any time, on lorries or motor production if so required of Ms authority, tricycle vans. require the person in charge of any motor lorry or motor tricycle van to produce, and to permit him to inspect and copy, any document which by or by regulations made under this Act is required to be carried on, or by the driver of, the motor lorry or motor tricycle van and for that purpose may stop am detain the motor lorry or motor tricycle van for such time as is required 'or the inspection and copying and, if any person, when required by an examiner or a police officer so to do, fails to produce to the examiner or police officer any such document as aforesaid, or to permit him to inspect or copy any such document, that person shall be guilty of an offence under this act.

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

(3) Any person who commits an offence under subsection (1) shall be liable, on conviction to a fine not less than three thousand rupees and not exceeding five thousand rupees.

Repealed.
[59, 8 of 2009]
[97, 21 of 1981]

201.
Repealed.

Regulations.

202. Regulations may be made-

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

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

Service of notices, **203.** Every notice or order for the purposes enactment, of this Part may be

& c.
[98, 21 of 1981]

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

PART X

ADMINISTRATION AND PROCEDURE

Appointment of
officers and
servants.
[99, 21 of 1981]
[5, 47 of 1968]

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

General functions
and Commissioner-
General.
[100, 21 of 1981]

205. Subject to the provisions of this Act, the Commissioner-General shall be charged with the following functions and duties;-
- (a) the control, organization and co-ordination of passenger and goods transport by road;
 - (b) the other powers, duties and functions conferred or imposed on the Commissioner-General by or under this Act or any other written law.

Repealed
[101, 21 of 1981]

206. Repealed.

Repealed
[101, 21 of 1981]

207. Repealed.

Repealed
[101, 21 of 1981]

208. Repealed.

Repealed
[101, 21 of 1981]

209. Repealed.

Repealed
[101, 21 of 1981]

210. Repealed.

Repealed
[101, 21 of 1981]

211. Repealed.

Repealed.
[101, 21 of 1981]

212. Repealed.

Motor Traffic
Advisory Council.
[102, 21 of 1981]

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

- (a) the Police Department,
- (b) the roads Department,
- (c) the Sri Lanka Central Transport Board,
- (d) the Ceylon Society for the Prevention of Accidents,
- (e) the Automobile Association of Ceylon,
- (f) the Ceylon Tourist Board,
- (g) the Local Government Department,
- (h) the Colombo Municipal Council.

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

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

(4) Meetings of the council may be summoned by the Commissioner-General whenever he may deem it necessary, and shall be summoned by him once at least in each half-year:

Provided, however, that the chairman shall summon a meeting whenever he is requested in writing so to do by not less than three members of the council.

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

National Council
for Road Safety.
[2, 5 of 1998]

213A. (1) There shall be a National Council for Road Safety consisting of a Chairman and not more than seventeen other members appointed by the Minister and consisting of-

(a) a representative of the Ministry of the Minister in charge of the subject of Education, appointed after consultation with the relevant Minister;

(b) a representative of the Ministry of the Minister in charge of the subjects of Finance and Planning, appointed after consultation with the relevant Minister;

(c) a representative of the Ministry of the Minister in charge of the subjects of Provincial Councils and Local Government appointed after consultation with the relevant Minister;

(d) a representative of the Ministry of the Minister in charge of the subject of roads, appointed after consultation with the relevant Minister;

(e) a representative of the University of Moratuwa deemed to have been established under the Universities Act, No. 16 of 1978, appointed after consultation with the University Grants Commission established under that Act;

(f) a representative of the Urban Development Authority established by the Urban Development Authority Act, No. 41 of 1978, appointed after consultation with the relevant Minister;

(g) a representative of the Road Development Authority

established by the Road Development Authority Act, No. 73 of 1981, appointed after consultation with the relevant Minister;

(h) a representative of the Ministry of the Minister;

(i) a representative of the National Transport Commission established by the National Transport Commission Act, No. 37 of 1991;

(j) a representative of the Department of Motor Traffic;

(k) a representative of the Sri Lanka Central Transport Board established by the Transport Board Law, No. 19 of 1978;

(l) a representative of the Ceylon Society for the Prevention of Accidents;

(m) a representative of the Transport Medical Institute;

(n) a representative of the Automobile Association of Ceylon, established by Automobile Association of Ceylon (Incorporation) Act, No. 19 of 1957;

(o) a representative of the Department of Police, appointed after consultation with the Inspector-General of Police;

(p) a representative of the Colombo Municipal Council, appointed after consultation with the Mayor of that Council; and

(q) the Controller of Insurance or his representative.

(2) Every member of the National Council for Road Safety shall, unless he vacates office earlier by death, resignation by letter in that behalf addressed to the Minister or removal from office by the Minister under subsection (3), hold office for such period not exceeding three years as may be specified by the Minister in his letter of appointment. Any member vacating office by effluxion of time shall be eligible for reappointment.

(3) The Minister may remove from office any member of the National Council for Road Safety without assigning any reason therefor.

(4) In the event of the vacation of office of any member the Minister shall appoint another person to succeed such member and the member so appointed shall hold such office for the unexpired period of the term of office of his predecessor.

(5) The Chairman of the National Council for Road Safety may summon meetings of such Council whenever he may deem it necessary, so however, that he shall summon a meeting thereof at least once in every three months:

Provided however that, such Chairman shall summon a meeting of such Council, whenever he is requested in writing to do so by not less than six members, of such Council.

(6) The quorum for any meeting of the National Council for Road Safety shall be eight.

(7) Regulations may be made providing for the conduct of business by the National Council for Road Safety and prescribing the procedure to be followed at meetings of such Council. Subject to such regulations, and the provisions of subsection (6), the National Council for Road Safety may regulate its own procedure.

(8) No act or proceeding of the National Council for Road Safety shall be invalid by reason only of the existence of any vacancy therein or any defect in the appointment of any member thereof,

(9) The Minister may give the National Council for Road Safety such general or special directions in writing as to the discharge of its functions and the National Council for Road Safety shall give effect to such directions.

(10) The functions of the National Council for Road safety shall be as prescribed.

Motor Traffic
Appeals Tribunal.
[60, 8 of 2009]

213AA. (1) There shall be a Motor Traffic Appeals Tribunal (hereinafter referred to as 'the Tribunal') consisting of the following members who shall be persons of integrity, and eminence in their respective fields :-

(a) one person from the Institute of Automotive Engineers established under the Institute of Automotive Engineers' of Sri Lanka (Incorporation) Act No. 48 of 1992 nominated by the Minister in charge of the subject of Science and Technology ;

(b) one person having recognition in the field of law, nominated by the Minister in charge of the subject of Justice ; and

(c) one person from the Ministry of Transport, nominated by the Minister in charge of the subject of Transport.

(2) The Minister shall appoint one member as the Chairman of the Tribunal.

(3) Every member of the Tribunal shall, unless he vacates office earlier by death or resignation by letter in that behalf addressed to the Minister or unless he is removed from office by the Minister under subsection (4) hold office for a period not exceeding three years as may be specified by the Minister in his letter of appointment. Any member vacating office by effluxion of time shall be eligible for reappointment.

(4) The Minister may remove from office any member of the Tribunal for reasons assigned.

(5) In the event of the vacation of office of any member the Minister shall appoint another person to succeed such member and the member so appointed shall hold such office for the unexpired period of the term of office of his predecessor.

(6) The Chairman of the Tribunal may summon meetings of such Tribunal whenever he deems it necessary :

Provided however, that such Chairman shall summon a meeting of such Tribunal, whenever he is requested in writing to do so by two members, of such Tribunal

(7) The quorum for any meeting of the Tribunal shall be two members.

(8) Regulations may be made providing for the conduct of business of the Tribunal and prescribing the procedure to be followed at meetings of such Tribunal. Subject to such regulations, and the provisions of subsection (6), the Tribunal may regulate its own procedure.

(9) No act or proceeding of the Tribunal shall be invalid by reason only of the existence of any vacancy therein or any defect in the appointment of any member thereof.

(10) The functions of the Tribunal shall be to hear appeals from persons aggrieved by -

(a) the refusal of the Commissioner-General to grant written approval under subsection (4) of section 19A; and

(b) the cancellation under subsection (7) of section 19A of any written approval granted by the Commissioner-General,

for the manufacture, assembly, fabrication, innovation, adaptation, modification or change of construction of a motor

vehicle.

Road Safety.
[2, 5 of 1998]

213B. (1) Every insurer or person who issues Fund, a policy of insurance or security, as the case may be, in respect of third party risks, under Part VI of this Act, shall deduct from the premium paid to him for such policy of insurance or security, as the case may be, such sum as is equal to the prescribed sum and shall cause the sum so deducted to be transmitted to the Fund established Subsection (2).

(2) There shall be a Fund to be called the Road Safety Fund (hereinafter in this section referred to as the 'Fund'). The Fund shall be administered and managed by the National Council for Road Safety.

(3) There shall be paid into the Fund-

- (a) all sums transmitted to the Fund under subsection (1); and
- (b) all sum received by the Fund as donations or grants.

(4) There shall be paid out of the Fund-

- (a) all sums required to implement programmes for the promotion of Road Safety and accident prevention or to carry out other prescribed activities, approved by the National Council for Road Safety;
- (b) alt sums required to provide financial assistance to persons killed or injured as a result of motor vehicle accidents or their dependants, in instances in which such motor vehicles have not been identified; and
- (c) all sums required to meet the administrative expenses of the National Council for Road Safety

(5) For the avoidance of doubt, it is hereby declared that all sums donated to the Fund are sums donated to a fund established by the Government, within the meaning of section 31 of the Inland Revenue Act, No. 28 of 1979.

One Half of the
fines to be credited
to the Police
Reward Fund.
[61, 8 of 2009]

213C. One half of all fines, other than fines imposed by Courts, recovered under the provisions of this Act other than monies specified under paragraph (b) of subsection (2) of section 213D shall be credited to the Consolidated Fund and the other half shall be credited to the Police Reward Fund, established under section 73 of the Police Ordinance (Chapter 53).

Motor Traffic
Reward and
Incentive Fund.
[61, 8 of 2009]

- 213D.** (1) There shall be established for the purposes of this Act, a fund to be called the Motor Traffic Reward Fund (hereafter referred to as 'the Reward and Incentive Fund.')
- (2) There shall be paid into the Reward and Incentive Fund-
- (a) all sums directed to be paid thereto under section 213E or by the Director General of Customs or under any other written law;
 - (b) one half of the fines, other than fines imposed by Court, recovered under court actions instituted by the Department of Motor Traffic;
 - (c) one percent of the fees, levies and surcharges, charged under this Act.
- (3) There shall be paid out of the Reward and Incentive Fund-
- (a) all payments given as rewards to officers engaged in the regulation, supervision, inspection, investigation, detection and control of vehicles in accordance with regulations made hereunder;
 - (b) the expenses incurred in the administration of the Fund; and
 - (c) prescribed payments.
- (4) Regulations may be made -
- (a) prescribing the manner in which the Fund is to be administered;
 - (b) in respect of matters connected with the Fund which are required by this Act to be prescribed;
 - (c) in respect of all matters incidental to or connected with the establishment and administration of the Fund.
- (5) The accounts of the Fund shall be audited by the Auditor General.

Surcharge for
modification and
alteration of
vehicles.
[61, 8 of 2009]

- 213E.** (1) Where a vehicle is modified, altered or changed as regards its construction, and identity or any changes are effected to its mechanical components, the Commissioner General shall have the power to impose such surcharges in accordance with the provisions of regulations made hereunder and such imposition shall be final and conclusive.
- (2) The amount of the surcharges imposed by the Commissioner

under the provisions of sub-section (1) shall be credited to the Motor Traffic Reward fund established under section 213D.

PART XI

OFFENCES PENALTIES AND PROCEEDINGS IN COURT

Contravention of
Act, regulation,
order & c.

214. (1) Any person-

(a) who contravenes any provision of this Act 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 Act or any regulation; or

(b) who, being holder of any permit or licence granted or issued under this Act, fails to comply with any condition attached to that permit or licence, as the case may be, shall be guilty of an offence under this Act.

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

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

(b) the driver and the owner of the motor vehicle shall also be guilty of an offence under this Act, 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 under this Act, if he proves to the satisfaction of the court that the contravention was not due to any act, omission, default or neglect on his part;

(ii) the owner, if he was not present in the motor vehicle at the time of such contravention, shall not be deemed under paragraph (b) to be guilty of an offence under this Act, if he proves to the satisfaction of the court that the contravention was committed without his consent or was

not due to any act or omission on his part or that he had taken reasonable precautions to prevent such contravention;

(iii) the owner shall not, in the case of a contravention of any provision of Part VIII or of any regulation made under section 190 (other than a provision or regulation by which a duty, prohibition or liability is expressly imposed on the owner) be deemed under paragraph (b) to be guilty of an offence under this Act unless he aided and abetted such contravention.

Attempt and
abetment.

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

Spot fines.
[19, 18 of 2017]

215A. (1) Any person who contravenes the provisions of any section set out in the Second Schedule to this Act, or fails to comply with any order, direction, demand, requirement or notice lawfully issued under any such section, shall be guilty of an offence.

(2) Where a police officer makes a detection in respect of an offence under subsection (1), and the person involved admits liability for such offence, such person may in lieu of prosecution for such offence, pay the spot fine which shall be prescribed by regulation.

(3) Where the offence for which liability is admitted is an offence which is subject to demerit points, the relevant demerit points shall be entered for such offence under section 133A.

(4) The payment of the fine shall be made either -

(i) to any post office; or

(ii) to any Government Institution as may be prescribed; or

(iii) by electronic means as may be prescribed.

(5) Proof of such payment shall be forwarded either by personal delivery or registered post, or by electronic means as may be prescribed, to the officer-in-charge of the police station named by the police officer making the detection, within a period of two weeks from the date of detection.

(6) Any person who fails to pay the fine within the period specified under subsection (5), may be permitted, to pay twice the amount of the fine prescribed for such offence within two weeks immediately after the period referred to under subsection (5), before action is

instituted in the Magistrate's Court.

Penalty for
contravention of
subsection (4) of
section 137 of the
principal
enactment.
[17, 40 of 1984]

215B. Any person who contravenes the provisions of subsection (4) of section 137 of this Act, by driving a motor vehicle on a road at any time while an order suspending or cancelling his driving licence or declaring him to be disqualified for obtaining a licence, is in force, shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate, be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months.

Penalty for driving
after consumption
of alcohol or drugs.
[7, 10 of 2019]
[5, 12 of 2005]
[3, 31 of 1979]

216. Any person who is guilty of the offence of contravening the provisions of subsection (1) of section 151 shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than twenty five thousand rupees and not exceeding thirty thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment and to the suspension of his driving licence for a period not exceeding twelve months.

Penalty for driving
certain motor
vehicles after the
consumption of
alcohol or drugs.
[8, 10 of 2019]
[5, 12 of 2005]
[4, 31 of 1979]

216A. Any person who is guilty of the offence of contravening the provisions of subsection (1A) of section 151 shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than twenty five thousand rupees and not exceeding thirty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and the cancellation of his driving licence.

Penalty for causing
death or injury to
persons by driving
motor vehicles after
consumption of
alcohol or drugs. [9,
10 of 2019]
[5, 12 of 2005]
[4, 31 of 1979]

216B. Any person who is guilty of the offence of contravening the provisions of subsection (IB) of section 151 shall, on conviction after summary trial before a Magistrate, be liable-

(a) where he causes death to any person, to a fine not less than one hundred thousand rupees and not exceeding one hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding ten years or to both such fine and imprisonment and to the cancellation of the driving licence;

(b) where he causes -

(i) hurt to any person, to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment and to the cancellation of his driving licence; or

(ii) grievous injury to any person, to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment and to the cancellation of his driving licence.

Penalty for driving
recklessly or
dangerously.[
[10, 10 of 2019]
[18, 40 of 1984]
[104, 21 of 1981]

217. (1) Any person who is guilty of the offence of contravening the provisions of section 151 (2) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees, and on a second conviction to a fine not less than fifteen thousand rupees and not exceeding thirty thousand rupees, and the suspension of his driving licence, and on a third or subsequent conviction, to a fine not less than twenty thousand rupees and not exceeding forty thousand rupees or to rigorous imprisonment for a term not exceeding six months or to both such fine and imprisonment and the cancellation of his driving licence.

(2) Any person who is guilty of the offence of contravening the provisions of driving section 151 (3) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees, and on a second conviction to a fine not less than fifteen thousand rupees and not exceeding thirty thousand rupees and on a third or subsequent conviction, to a fine not less than twenty thousand rupees and not exceeding forty thousand rupees and the suspension of his driving licence for a period of six months.

Penalty for driving
without certificate
of insurance.
[11, 10 of 2019]
[63, 8 of 2009]

218. A person who contravenes the provisions of section 99 shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Penalty for giving **219.** Any person who

false information.
[64, 8 of 2009]
[5, 12 of 2005]
[20, 40 of 1984]
[105, 21 of 1981]

- (a) in or in connection with any application.
 - (i) for the registration of a motor vehicle ; or
 - (ii) for a driving licence or for the extension of the validity of such driving licence ; 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 licence ; or
- (b) in or in connection with any application made under Part III or Part IV ; or
- (c) in giving any information lawfully demanded or required under this Act or any regulation,

makes any statement which to his knowledge is false or in any material respect misleading, shall be guilty of an offence under this Act, and on conviction after summary trial before a Magistrate shall be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment and the documents issued or registered shall be deemed to be invalid from the date of such issue or registration. two thousand five hundred rupees and not exceeding five thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for
imitation of
revenue licences,
& c.
[65, 8 of 2009]
[5, 12 of 2005]
[21, 40 of 1984]
[105, 21 of 1981]

220.(1) Any person, who

- (a) fraudulently uses or allows any other person to use ; or
- (b) imitates, alters, mutilates, defaces or destroys, any identification plate, any certificate of registration, certificate of fitness, revenue licence for a motor vehicle, driving licence, permit issued under section 135 (4) or under Part IV, conductor's licence or any other certificate or licence, or any duplicate of any such permit, certificate or licence, issued or deemed to have been issued under this Act or any regulation, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not less than seven thousand five hundred rupees and not exceeding twenty five thousand rupees and for a second or subsequent conviction to a fine not less than seven thousand five hundred rupees and not exceeding fifty thousand rupees or

to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

(1A) Any person who fraudulently issues a driving licence shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees and on a second or subsequent conviction to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees.

(2) Any person who

(a) forges or imitates or alters any certificate of insurance, or uses or causes or permits any other person to use any such certificate knowing it to be forged or imitated or altered ; or

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

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

shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than fifteen thousand rupees and not exceeding fifty thousand rupees and to imprisonment of either description for a term not exceeding three months and the documents issued or registered shall be deemed to be invalid from the date of such issue or registration.

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

Penalty for
contravention of
Part III.

[5, 12 of 2005]

[22, 40 of 1984]

[105, 21 of 1981]

221. Any person-

(a) who is guilty of the offence of using any motor vehicle in contravention of any provision of Part IV; or

(b) who is guilty of the offence of failing to comply with any condition attached to a permit granted under such Part,

shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than one thousand rupees, and not exceeding

two thousand rupees and on a second or subsequent conviction to a fine not less than two thousand rupees and not exceeding four thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Offence by body corporate or partnership. **222.** Where the person convicted of an offence under this Act is a body corporate or a partnership, every director or officer of the body corporate, or every member of the partnership, as the case may be, shall each be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he has used due diligence to prevent the commission of the offence.

Penalty for causing **223.** Any person who, knowing or having reason to believe that an

disappearance of evidence or giving false information relating to an offence.
[66, 8 of 2009]
[5, 12 of 2005]
[23, 40 of 1984]
[106, 21 of 1981]

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

General Penalty.
[12, 10 of 2019]
[20, 18 of 2017]
[67, 8 of 2009]

224. Any person guilty of any offence, for which no other punishment is expressly provided for in this Act, shall, on conviction after summary trial be liable to a fine not less than two thousand five hundred rupees and not exceeding seven thousand five hundred rupees, and on a second conviction to a fine not less than seven thousand five hundred rupees and not exceeding fifteen thousand rupees, and on a third or subsequent conviction to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand

rupees.

Procedure to be followed by court in respect of certain offences.
[108, 21 of 1981]

224A. (1) Where proceedings have been instituted against any person in any Magistrate's Court in respect of any such offence under this Act as may be prescribed and where no accident involving damage to any property or injury to any other person has resulted from, or was occasioned by, the commission of that offence, the court may, notwithstanding anything in the Code of Criminal Procedure Act, No. 15 of 1979, to the contrary, issue to the first-mentioned person together with the summons a notice stating that it will not be necessary for such person to appear at the time and place specified in the summons if he on or before the date specified in the notice

(a) by letter addressed to the Commissioner-General of that court admits the commission of the offence,

(b) pays to the Commissioner-General the amount specified in the notice, and

(c) sends to the Commissioner-General his driving licence to enable the court to make an endorsement under section 136.

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

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

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

Suspension of driving licenses by operation of law.
[25, 40 of 1984]

224B. Where the driver of a motor vehicle-

(a) is prosecuted for

(i) rash and negligent driving; or

(ii) driving at an excessive speed; or

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

(b) is involved in an accident resulting in the loss of life and the matter has been referred to a Magistrate for inquiry, the Magistrate may, upon an application made by the police to have the licence of the driver of such vehicle suspended, in his discretion order the licence to be so suspended until the determination of the proceedings or inquiry.

Power of court to
order recovery of
licence fee.

[109, 21 of 1981]

[4, 12 of 1975]

225.(1) Where my court convicts any person of the offence of possessing of using a motor vehicle in contravention of section 25 (1) and a certified is produced signed by the licensing authority and stating the amount of fee due and surcharge, it any the court shall in addition to any other punishment which it may impost 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 not with standing that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose. Every such sum when recovered by the court shall be remitted to the licensing authority and shall be disposed of under this Act by such licensing authority in like manner as the fee payable on a revenue licence for that motor vehicle.

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

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

Motor vehicle to be deemed to be property of registered owner for purposes of section 60 of the Code of Criminal Procedure Act, No. 15 of 1979.
[109, 21 of 1981]

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

PART XII SUPPLEMENTARY

Fees.
[110, 21 of 1981]

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

(a) May

(i) be paid by means of revenue stamps to be provided by the person by whom the fee is payable and to be cancelled by the Commissioner-General or by any officer authorized in that behalf by the Commissioner-General, or by means of cheque, money order or postal order; Or

(ii) if the fee is for a stage carriage permit be paid as provided in the preceding sub-paragraph (i) or in cash or by means of cheque, money order or postal order; and

(b) shall be credited to the Consolidated Fund:

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

(i) the registration of any motor vehicle belonging to or exclusively used in the service of the Government of the Republic of Sri Lanka or belonging to such other foreign state as the Minister may from time to time specify by Notification published in the Gazette or belonging to the representative in Sri Lanka (by whatsoever name, title or designation called) of any foreign Government or any other foreign state specified or the Trade Commissioner-General or consular officer in Sri Lanka of any such

Government or persons on the staff of any such representative or Commissioner-General or consular officer;

(ii) the issue of a driving licence to, or the extension of the validity of the driving licence of, any member of the Sri Lanka Army for the purpose of authorizing such member to drive within Sri Lanka, on military duty, any type or description of motor vehicles used for military purposes; or

(iii) the issue of a driving licence to or extension of the validity of any such licence of the representative in Sri Lanka (by whatsoever name, title or designation called) of any foreign Government or any other foreign state specified by Notification published under paragraph (i) of this proviso or the Trade Commissioner-General in Sri Lanka, of any Government or the consular officer in Sri Lanka of any such Government or person on the staff of any such representative or Commissioner-General or consular officer.

(2) The Commissioner-General may authorize an examiner approved under sections 195 and 196 to appropriate the fee paid for the examination of a motor coach, motor tricycle van or motor lorry.

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

(4) Where an applicant for the registration of a motor vehicle or for a permit under this Act pays as the fee for such registration or permit a sum in excess of that fee, he shall be entitled to obtain from the Commissioner-General a refund of such excess.

Levy of penalty
often per centum
for failure to pay
licence fees on due
date.

[3, 7 of 1974]

227A. (Section 227A has been taken over from section 29 of the Finance Act, No. 38 of 1971, inserted by section 3 of the Final-f (Amendment) Law, No. 7 of 1974.) Notwithstanding any of the provisions of this Act there shall be levied and collected a penalty amounting to ten per centum of the amount of any licence fee due under any regulation made under this Act, if payment of such

licence fee is not made in full on or before the date on which such fee falls due for payment under this Act or under any Notification made under section 30A.

Power to declare urban areas. 228. Regulations may be made declaring any specified area, other than an area within the administrative limits of a local authority, to be an urban area for the purposes of this Act.

Repealed [111, 21 of 1981] 229. Repealed.

Verification of facts in application 230. Any officer or authority to whom application is made for anything to be done under this Act may require any facts stated in the application, and any other necessary information, to be verified to his satisfaction.

Issue of duplicates. [10, 44 of 1992] **231.** (1) Any officer or authority by whom any certificate, permit or licence under this Act or any regulation has been granted or issued shall, upon proof to his satisfaction that such certificate, permit or licence has been lost, destroyed, defaced or damaged, issue a duplicate of the certificate, permit or licence to the person, entitled thereto; and any duplicate so issued shall be deemed for all purposes to be a certificate, permit or licence, as the case may be, granted or issued in accordance with the provisions of this Act or of any regulation.

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

(3)

(a) No duplicate of a driving licence shall be issued under subsection (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 driving licence is issued under subsection (1), the Commissioner-General shall set out, on that duplicate, copies of all such endorsements or entries made on the licence as may be brought to his notice:

Provided that in the case of any duplicate driving licence issued in the form of a card, such endorsements or entries may be

made by the Commissioner-General on the endorsement form prescribed under section 125.

(4)

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

(b) No duplicate of a revenue licence for a motor vehicle shall be issued by a licensing authority under this section except upon payment of the prescribed fee.

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

Duty of owner to give information as to driver and occupants of motor vehicle.

[112, 21 of 1981]

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

Duty of driver to give information as to his name and address.

[113, 21 of 1981]

232A. Where any police officer or Gram Siva Niladhari has reason to suspect that an offence in connection with the driving of a motor vehicle has been committed, such police officer or Gram Siva Niladhari may require the driver of that motor vehicle to furnish his name and address, and if such driver fails or refuses to do so or gives a false name or address, he shall be guilty of an offence under this Act.

Seizure and forfeiture of vehicles.

[68, 8 of 2009]

232B. (1) An Examiner of Motor Vehicles, an authorized officer or a police officer may, if he has reason to believe that a motor vehicle which has been fabricated, manufactured, assembled, innovated, adapted, modified or the construction of which has been changed in contravention of the provisions of section 19A has been used for the commission of or in connection with the commission of an offence under any law in force for the time being seize and detain such motor vehicle for such time as may be necessary for the

purposes of any inquiry.

(2) Where any authorized officer seizes any motor vehicle under subsection (1), such motor vehicle shall be kept in the custody and control of the Commissioner-General pending inquiry.

(3) Where after due inquiry by an Examiner of Motor Vehicles or an authorized officer or a police officer, such examiner of Motor Vehicles authorized officer or police officer is satisfied that any motor vehicle seized -

(a) has been fabricated, manufactured, assembled, innovated, adapted, modified or its construction changed in contravention of the provisions of section 19A ; and

(b) was used for the commission of or in connection with the commission of an offence under any law in force for the time being,

such officer shall submit a report of the facts elicited in the course of such inquiry to the Commissioner General of Motor Traffic and shall institute proceedings against the driver of such vehicle in a court of competent jurisdiction under section 2A and such other law.

(4) The Commissioner General of Motor Traffic shall, if he is satisfied in regard to the genuineness of the facts contained in the report give instructions for the forfeiture of such vehicle and such vehicle shall thereupon be forfeited.

(5) Any motor vehicle forfeited under subsection (4) shall upon forfeiture vest absolutely in the State. Such vesting shall take effect-

(a) after the expiration of the period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture ; or

(b) where an appeal has been preferred to the Court of Appeal against the order of forfeiture upon the determination of such appeal confirming or up holding the order of forfeiture.

(6) In the application the aggrieved person shall be described as the plaintiff and the Examiner, authorized officer or police officer as the case may be, as the defendant. The application shall contain-

(a) the name of the Court of Appeal and the date of making of the application to the court ;

(b) the name and address of the Examiner of Motor Vehicles, authorized officer or police officer; and

(c) a plain and concise statement of the matter which has to be determined by the court, namely, that the seizure and forfeiture of the motor vehicle, which is the subject matter of the application was unlawful and that the court shall determine-

(i) that such seizure and forfeiture was unlawful ; and

(ii) that such vehicle shall be forthwith returned to the plaintiff.

(7) In any proceedings in the Court of Appeal on any application made to it in respect of the seizure and forfeiture of any motor vehicle the burden of proving that such seizure and forfeiture under that subsection was unlawful, shall lie on the plaintiff.

(8) The Minister may make regulations specifying the procedure for the disposal of vehicles that have been forfeited under this section.

Reduction of
disqualification
period.

[68, 8 of 2009]

232C. (1) Where a person is convicted of an offence under this Act and the Court makes order disqualifying him from driving for any period not less than twelve months, such period of disqualification may be reduced by the Court if by a date specified in the Order under this section such person successfully completes a course approved by the Minister for the purpose of this section and designated by a Court.

(2) The reduction made by an order under this section in a period of disqualification imposed by the Court shall be a period specified in the order of not less than three months and not more than one quarter of the unreduced period and accordingly, where the period imposed is twelve months the reduced period shall be nine months, and where the period imposed by the order is six months, the reduced period shall be three months.

(3) The Court shall not make an Order under this section unless-

(a) it is satisfied that a place on the course specified in the order is available for the offender ;

(b) the Court has explained the effect of the order to the offender and has informed him of the amount of the fees for the course and the requirement that he must pay them before

the commencement of the course ; and

(c) the offender has agreed that the order should be made.

(4) The date specified in an order as the latest date for completion of a course must be at least two months before the last day of the period of disqualification as reduced by the order.

(5) On the successful completion of the course, a Certificate shall be issued by the officer who conducted the course to the Registrar of the Court which made the order. If the Certificate referred to is received by the Registrar of the Court before the end of the period of disqualification imposed but after the end of the period as it would have been reduced by the order, the order shall have effect as if the reduced period ended on the day on which the certificate is received by the Court.

(6) Where the course is not completed before the end of the period of disqualification as reduced by the Court, the Court may order the convicted person to remain disqualified until the approved course is completed successfully.

Protection of
action.
[68, 8 of 2009]

232D. (1) No suit or prosecution shall be instituted against any officer for any act which in good faith is done or purported to be done by such officer under this Act.

(2) Any expense incurred by such officer as is referred to in subsection (1) in any suit or prosecution brought against him before any Court in respect of any act which is done or purported to be done by him under this Act shall, if the Court holds that such act was done in good faith, be paid by the State.

Detention of
drivers.
[68, 8 of 2009]

232E. A police officer may detain, for such time as is reasonably necessary for purposes of inquiry and investigation, the driver of a motor vehicle at a police station-

(a) who, on being requested to give his name and address refuses or fails to do so, or gives a name and address which the police officer reasonably suspects to be false;

(b) who is involved in an accident resulting in death or grievous injury;

(c) who, he reasonably suspects has consumed alcohol or drugs;

(d) who, in his opinion is in possession of false or forged documents or false identification number plates;

- (e) who, in his opinion is in possession of a motor vehicle with a forged or altered chassis and engine number; or
- (f) whom he reasonably suspects is in possession of a stolen vehicle.

Detention of
vehicles.
[68, 8 of 2009]

232F. (1) An Examiner of Motor Vehicles or a police officer who has reason to believe that the provisions of this Act or regulations made thereunder in regard to construction, equipment and use have not been complied with in respect of any vehicle, may require the driver of such vehicle to drive it to the nearest police station and may if necessary detain it for such time as may be reasonably necessary for the purpose of inspection and investigation.

(2) A police officer may also detain a motor vehicle at any police station, if -

- (a) the driver is unable to produce a valid policy of insurance under section 99;
- (b) the driver does not possess a valid driving licence; or
- (c) the vehicle belongs to a dealer, repairer or manufacturer who does not hold a Dealer's Registration Certificate, Repairer's Registration Certificate or Manufacturer's Registration Certificate.

(3) An Examiner of Motor Vehicles or a Police officer may also detain a motor vehicle at any police station or at any premises of the Department of Motor Traffic if he has reasonable grounds to believe that,-

- (a) the documents submitted for registration of such vehicle are false or forged documents;
- (b) the vehicle has a forged, tampered or altered chassis or engine number;
- (c) the vehicle is mechanically defective;
- (d) the vehicle is stolen or if he reasonably suspects it to be stolen; or
- (e) the vehicle is fitted with false or forged identification plates.

Duty of owners to
obtain information

233. The owner of a motor vehicle shall when he engages a driver or a conductor obtain from him the serial number of his driving licence

as to drivers and
conductors.

or conductor's licence, as the case may be, and his full name and
address.

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

234. If by reason of an offence under this Act any injury is caused to any road, 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 road 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 vehicle which caused the injury.

Power of
Commissioner-
General to decide
questions as to
classification of
motor vehicles.

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

Certificate of
examination to be
admissible
evidence.

[114, 21 of 1981]
[6, 47 of 1968]

236. Where, in any proceedings under this Act, any question arises as to whether or not in respect of a motor vehicle there is a compliance with any provision of this Act or any regulation, or as to whether or not any wheel weighers, weighbridge or other weighing machine for weighing motor vehicles is accurate, the certificate of any examiner, certifying officer, or other prescribed person to the effect that he has examined the vehicle or wheel weighers or weighbridge or other machine for weighing motor vehicles, as the case may be, and stating the result of his examination, shall be admissible in evidence and shall be sufficient prima facie evidence of any fact or opinion stated therein relating to the matter in question, and the court shall not permit the examiner, officer or other person to be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers such cross-examination to be necessary in the Interests of justice.

Procedure for
making

237.(1) The Minister may make regulations for all matters for which regulations are required or authorized to be made under this Act, all

regulations. [115,
21 of 1981]

matters stated or required by this Act to be prescribed, and all other matters incidental to or connected with such matters.

- (2) Every regulation made by the Minister under subsection (1) shall be published in the Gazette and shall come into force on the date of such publication or on in such later date as may be specified in the regulation.
- (3) Every regulation shall as soon as convenient after the publication in the Gazette be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.
- (4) The date on which any regulation is deemed to be so rescinded shall be published in the Gazette.

Application of Act
to persons and
motor vehicles of
the Government of
Sri Lanka.
[116, 21 of 1981]

238.(1) Save as otherwise provided in this Act, the provisions of this Act shall apply in the case of persons and motor vehicles in the service of the Government of Sri Lanka

Provided, however, that the provisions of sections 2, 21 and 25 shall not apply in the case of any motor vehicle ordinarily used by the President or the Prime Minister:

And provided further that regulations may, with the concurrence of the Minister in charge of the subject of Defence, be made exempting

- (a) members, or any specified class or, description of members, of the forces of the Republic of Sri Lanka; and
 - (b) motor vehicles, or any specified class or description of motor vehicles, which belong to or are exclusively used for the purpose of the forces of the Republic of Sri Lanka, from all the provisions, or any specified provision, of this Act or of any regulations made thereunder.
- (2) For the purposes of facilitating any exercises of the Services, the Minister may, with the concurrence of the Minister in charge of the subject of Defence, by Order
- (a) declare that any specified road or road; or part of any such road shall be closed to traffic on any specified day or days or during any specified time on any specified day or days; and
 - (b) declare that the provisions of this Act or any specified provision of this Act shall not apply to the members of the forces of the Republic of Sri Lanka participating in such

exercises or to or in relation to the motor vehicles used for the purposes of such exercises.

(3) For the purposes of the preceding provisions of this section, the expression 'exercises of the Services' includes any exercises, manoeuvres, training or movement of the forces of the Republic of Sri Lanka.

Protection of public interests.

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

(2) It is hereby declared that in the event of the compulsory acquisition by the Government or by any local authority or prescribed public authority of any undertaking by which a service is provided under the authority of a stage carriage permit granted under Part IV of this Act, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

In this section 'compulsory acquisition' means compulsory acquisition under the authority of any written law which may hereafter be enacted in that behalf.

Provisions relating to stage carriage permits not to apply to omnibuses or hiring cars used for the purpose of providing regular or occasional omnibus services or hiring car services by the Regional Transport Boards [36, 19 of 1978]

239A. The provisions of this Act relating to stage carriage permits shall not apply to or in relation to-

(a) any omnibus used for the purposes of providing a regular or an occasional omnibus service; or

(b) any hiring car used for the purpose of providing a hiring car service, by any Regional Transport Board established by the Transport Board Law, and accordingly no stage carriage permit shall be required for the registration of any such Regional Transport Board as the owner of such omnibus or for the grant of the revenue licence in respect of such omnibus, or for the use of such omnibus on any road, or for any other purpose whatsoever connected with such omnibus.

Prohibition of grant of stage carriage permits

239B.

Notwithstanding anything to the contrary in any other provisions of this Act, a stage carriage permit for a regular omnibus service

for regular
omnibus services.
[36, 19 of 1978]

shall not be granted to any person.

Removal of
difficulties.

239C. (Section 239C has been taken over from section 245 and renumbered section 239C) It shall be lawful for the Minister, by Order published in the Gazette, to make such provision as he may in his discretion consider necessary or expedient for the purpose of providing for any unforeseen or special circumstances, or of resolving, determining or adjusting any doubt, question or matter, which may arise in relation to the application of this Act or in respect of which provision is not made in this Act. Every Order made under this section shall upon publication thereof in the Gazette have the force of law and be as valid and effectual as if it were herein enacted.

Offences to be
cognizable [69,
8 of 2009]

239D. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No 15 of 1979, every offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Code of Criminal Procedure Act.

Offences triable by **239E.**

All offences under this Act shall be triable by a Magistrate's

Magistrate's Court.
[69, 8 of 2009]

Court.

PART XIII INTERPRETATION

Interpretation.
[21, 18 of 2017]
[71, 8 of 2009]
[26, 40 of 1984]
[117, 21 of 1981]
[5, 12 of 1975]
[28, 38 of 1971]

240.In this Act, unless the context otherwise requires-

'accident' means an accident-

- (a) which occurs or originates on a road, street or any other place open to public traffic ;
- (b) which results in one or more persons being killed or injured or causes damage to property ; and
- (c) in which at least one moving vehicle was involved, and includes collisions between vehicles, between vehicles and pedestrians and between vehicles and animals or fixed objects and includes accidents in which one vehicle alone is involved.

'Act' means the Motor Traffic Act, (Chapter 203);

'anchor fitting' means the terminal part of a seat belt designed to be attached to a vehicle or seat;

'approved certifying officer' means a certifying officer referred to in section 195 who examines a motor vehicle for the purpose of issuing a certificate of fitness under section 196 ;

'approved garage' means a garage declared by the Commissioner-General or by the Provincial Commissioner of Motor Traffic to be an approved garage by order under section 195 for the purpose of the examination and certification of fitness of motor vehicles prior to the issue of annual revenue licences

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

'assembled illegally' means the assembling of a motor vehicle-

- (a) otherwise than with branded new parts ;
- (b) without the prior written permission of the manufacturer of those parts ; or
- (c) without the prior written approval of the Commissioner-General.

'appointed date' means the 1st day of September, 1951;

'articulated vehicle' means a motor vehicle comprising a Prime Mover and a Semi Trailer;

'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;

'branded' means branded with the trade name of a manufacturer registered with the Registrar of Trade Marks or with the equivalent authority of the foreign country from which the branded parts originated and includes parts branded by a manufacturer who has entered into an agreement with the original manufacturer of such parts;

'buckle component' means each one of the two parts of the buckle assembly designed to be latched to each other to complete the buckle assembly;

'Certificate of Fitness' means the Certificate issued under section 196 of this Act, and which includes a statement on the mechanical condition of the vehicle;

'certificate of insurance' means a certificate issued under section 100(4);

'Certificate of Registration' means a Certificate issued by the

Commissioner General to the effect that a motor vehicle has been duly registered under the provisions of this Act ;

'certificate of security' means a issued certificate under section 101(2);

'Colombo' means the Municipality of Colombo;

'Commissioner-General' means the Commissioner General of Motor Traffic appointed under section 204 of this Act;

'dealer' means a person who is engaged in the business of hypothecation, sale, importation, leasing or hire purchase of motor vehicles in an approved garage and includes an importer;

'death' means a person who was killed immediately as a result of or subsequent to the accident;

'demerit points' means the points assigned for traffic offences under the Motor Traffic Act in addition to any other penalties entered to the Driving Licence or Endorsement Form of the offender;

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

'driving instructor or assistant driving instructor' means a person who possesses a valid instructor's licence and is employed in a driving school and who gives instructions in the driving of a motor vehicle for a fee or reward, as approved by the Commissioner - General;

'driving licence' means a licence issued under Part VII of this Act ;

'driving school' means an establishment where persons are given instruction in the driving of motor vehicles for fee or reward and registered under the provisions of this Act;

'dual purpose vehicle' means a motor vehicle designed and constructed for the purpose of carrying both persons and goods contemporaneously, provided that the number of persons being carried (including the driver) does not exceed nine in number, and the gross vehicle weight does not exceed three thousand five hundred kilograms

'Electronic' shall have the same meaning as in the Electronic Transactions Act, No.19 of 2006;

'emergency service vehicle' means -

- (a) a vehicle used for an emergency call and identified in the case of -

- (i) a firefighting vehicle used by the Fire Service Department by the use of a red light;
 - (ii) a vehicle used by the Police by the use of a red light and blue light; and
 - (iii) an ambulance by the use of a red light; and;
- (b) any other vehicle responding to an emergency using blinking blue light or blinking amber light with the approval of the Commissioner-General of Motor Traffic ;

'Emission Certificate' means the Certificate containing a statement to the effect that the emission of smoke, visible vapour, grit, sparks, ashes, cinder, greases or oily substance emanating from the vehicle is within the permitted limit.

'examiner' means an examiner of motor vehicles appointed or deemed to be appointed under this Act and includes a Chief Examiner and Deputy Chief Examiner;

'fabricated illegally' means the fabrication carried out on a chassis or a part of a chassis or body or part of a body of a motor vehicle, which causes changes to its prototype without the prior written approval of the Commissioner-General.

'fatal accident' means an accident involving a single moving vehicle or several moving vehicles in which one or more persons are killed within thirty days of such accident;

'goods' includes livestock and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except a living person but does not include baggage or personal effects carried in a motor car or in a trailer attached to a motor vehicle or the personal baggage of passengers travelling in the vehicle;

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

'grievous injury' means an injury resulting in one or more of the kinds of hurt enumerated in section 311 of the Penal Code (Chapter (19) ;

'gross vehicle weight' means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

'hand tractor' means a two-wheeled tractor fitted with a trailer adapted for the carriage of not more than, six persons (including the

driver) and goods' ;

'heavy motor coach' means a combination of a motor coach having a seating capacity of not more than thirty three seats inclusive of the driver's seat and its trailer and having a maximum authorized tare weight exceeding seven hundred and fifty kilograms or a combination of two motor coaches ;

'heavy motor lorry' means a combination of a motor lorry and trailer, or trailer or an articulated vehicle and its trailer and such trailer having an authorized tare weight in excess of seven hundred and fifty kilograms and such motor lorry and trailer or trailers or articulated vehicle and trailer or trailers having a gross vehicle weight in excess of three hundred and fifty kilograms;

'Inspection Certificate' means a Certificate granted by an officer authorized by the Commissioner-General where, after an examination of a motor vehicle, he is satisfied that the body, engine and the chassis of the vehicle conforms to the provisions of this Act and regulations made thereunder ;

'inspection and testing centre' means an inspection and testing centre approved by the Commissioner - General under section 195;

'instructor' includes an assistant instructor ; and

'instructor's licence' includes an assistant instructor's licence;

'road' 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 ;

Repealed

'land vehicle' means a mechanically or electrically propelled vehicle or a vehicle propelled by solar energy or a vehicle propelled by liquid petroleum gas, including a vehicle including a trailer the gross vehicle weight of which does not exceed three thousand five hundred kilograms and which is constructed wholly or mainly for use on land in connection with an agricultural purpose or the carriage of construction material and garbage;

'lap belt' means a seat belt designed to provide pelvic restraint only ;

'lap-sash seat belt' means a seat belt combining a lap strap designed to provide pelvic restraint and the torso strap designed to provide upper torso restraint;

'licensing authority' means the authority empowered to issue revenue licences under the Constitution of the Democratic Socialist Republic of Sri Lanka;

'light motor coach' means a motor vehicle not being a motor ambulance or motor hearse having a seating capacity of ten or more persons and less than thirty four persons, including of the driver's seat and their effects and includes a trailer so constructed or adapted of which the authorized tare does not exceed seven hundred and fifty kilograms ;

'light motor lorry' means a motor lorry the gross vehicle weight of which exceeds 3500 kilograms and does not exceed 17000 kilograms and which may be combined with a trailer having a minimum authorized tare which does not exceed 750 kilograms, and includes a motor hearse and ambulance;

'local authority' means any Municipal Council Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers* duties and functions exercised, performed and discharged by any such Council ;

'manufacturer' means a person who is engaged in the business of building bodies for attachment to chassis in an approved factory ;

'manufactured, innovated, adapted , modified or the construction of which has been changed illegally' means the manufacture, innovation, adaptation, modification or the change of construction of a motor vehicle without the prior written approval of the Commissioner-General, under subsection (2) of section 19A

'lorry' Repealed

'moped' means a motor cycle with an internal combustion engine having a cylinder capacity not exceeding fifty cubic centimetres and which is equipped with pedals by means of which it can be propelled;

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

'motorcar' means a motor vehicle, not being a motorcycle, motor tricycle, motor ambulance, motor hearse or vehicle used by persons with disabilities, which is constructed or adapted for carriage of not more than nine persons (including the driver) and their effects and which the Commissioner-General is satisfied cannot be adapted for

the carriage of not more than nine persons (including the driver) and their effects and includes a trailer so constructed or adapted ;

'motor coach' means a motor vehicle not being a motor ambulance or motor hearse having a seating capacity of more than thirty three persons (including the driver) and their effects and includes a trailer so constructed or adapted which does not exceed seven hundred and fifty kilograms;

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

'motor home' means a vehicle designed and constructed without a trailer for transport and accommodation of passengers, provided that the number of passengers being carried (including the driver) does not exceed six in number, and the gross vehicle weight does not exceed four thousand five hundred Kilograms;

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

'motor lorry' means a motor vehicle constructed or adapted wholly or mainly for the carriage of goods the gross vehicle weight of which is more than 17000 kilograms and which may be combined with a trailer so constructed or adapted having a maximum authorized tare which does not exceed 750 kilograms;

'Motor Traffic Advisory Council' means the Motor Traffic Advisory Council established under section 213 of this Act;

'motor tricycle' means a motor vehicle designed to travel on three wheels and having a tare which does not exceed 500 kilograms and which is constructed wholly or mainly for the carriage of passengers;

'motor tricycle van' means a motor vehicle which is designed to travel on three wheels and having a tare which does not exceed 500 kilograms the gross vehicle weight of which does not exceed 1000 kilograms and which is constructed or adapted wholly or partly for the carriage of goods;

'motor vehicle' means

- (a) any mechanically and/or electrically, and/or solar energy propelled vehicle or vehicle propelled by liquid petroleum gas or vehicle propelled by alternative fuel including a tractor or

trailer which is intended or adapted for use on roads but does not include a road-roller ;

(b) any mechanically and/or electrically and/or solar energy propelled vehicle, or vehicle propelled by liquied petroleum gas or vehicle propelled for altenative fuel or intended for use on land in connection with an agricultural or constructional purpose such as leveling dredging, earthmoving, forestry or any similar operation but does not include a road-roller;

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

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

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

'owner' in relation to a motor vehicle means a person in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor and in relation to a motor vehicle which is the subject of a hire purchase agreement or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;

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

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

'passenger' means a person carried in a hiring car or omnibus, but does not include the driver or, in the case of an omnibus, the conductor;

'permit' means a permit issued by the Commissioner-General

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

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

'prescribed' means prescribed by this Act or any regulation thereunder;

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

'public place' means a road, street, way or other place, whether a thoroughfare or not to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by an omnibus ;

'public service vehicle' means any motor vehicle used or adapted to be used or kept for the carriage of passengers for a fee or reward

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

'quadricycle' means a vehicle having a tare less than 500 Kilograms and having an engine capacity between 199CC and 499CC or having maximum continuous rated power that does not exceed 15KW in the case of an electric motor or in the case of electric vehicles having right hand driven integrated closed body and motor vehicles in this class used for carrying persons having seating capacity not more than five persons including the driver or carrying goods having maximum gross vehicle weight of 1000 Kilograms;

'Regional Transport Board' means the Regional Transport Board established by the Transport Board Law;

'Commissioner-General' means the Commissioner-General of Motor Vehicles;

'regulation' means a regulation made under this Act;

'registered owner' in relation to a motor vehicle or a trailer means a person in whose name such motor vehicle or trailer is registered;

'repealed Ordinance' means the Motor Car Ordinance, No. 45 of 1938 ;

'road' means the entirety of any public way or any other road to which the public has access and includes a national highway, express way and restricted access highway and any bridge or culvert over which such road passes ;

'sash guide' means a system of one or more devices which locate the torso strap of a lap-sash seat belt;

'seat belt' means an arrangement of straps, anchor fittings securing buckle, adjusting devices, and at least one sash guide device designed to restrain a motor vehicle occupant in the event of an impact or accident ;

'special purpose vehicle' means a vehicle having a special chassis, or

a general purpose chassis incorporating major modifications designed for a specific purpose which includes public utility vehicles (garbage trucks, street sweepers &c.), construction vehicles (mobile cranes, mobile drilling rigs, mobile plants, freezer trucks, forklifts, loaders &c.) and any other special vehicle used for agricultural purposes and maintenance;

'stopping place' means a place set out under any law as a place at which omnibuses may be halted for the purpose of picking up or setting down passengers ;

'strap' means a part of a seat belt designed with flexure to facilitate correct and comfortable wearing;

'Sri Lanka Central Transport Board' means the Sri Lanka Central Transport Board established by the Transport Board Law;

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

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

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

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

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

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

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

'vehicle' means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn and includes a bicycle or other peddle powered vehicle and

trailer carriage, cart, coach, tram car and mechanically propelled and/or electrically and/or solar energy propelled vehicle or vehicle propelled by liquid petroleum gas or vehicle propelled by alternative fuel and any artificial contrivance used or capable of being used as a means of transportation on land but does not include a railway locomotive;

'vehicle used by persons with disabilities' means a motor vehicle which is specially designed and constructed, or adapted, for the use of persons suffering from some physical defect or disability and intended solely for the use of such persons.

'urban area' means-

- (a) any area comprised within the limits of any Municipal Council or Urban Council; or
- (b) any other area declared by regulation to be an urban area for the purposes of this Act.