

The Orissa Stage Carriages (Licensing of Conductors) Rules, 1994

ODISHA

India

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Rule

THE-ORISSA-STAGE-CARRIAGES-LICENSING-OF-CONDUCTORS-RU of 1994

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The Orissa Stage Carriages (Licensing of Conductors) Rules, 1994Published vide Notification Orissa Gazette Extraordinary No. 110/28.1.1994, Notification SRO No. 94/94/, dated 18.1.1994S.R.O. No. 94/94. - Whereas the draft of the Orissa Stage Carriages (Licensing of Conductors) Rules, 1990 was published as required under Sub-section (1) of Section 212 of the Motor Vehicles Act, 1988 (59 of 1988) in the extraordinary issue No. 138 of the Orissa Gazette, dated the 7th February, 1991 under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 1576 -LC-1-A-31/90-T., dated the 29th January, 1991 as S.R.O. No. 80/91 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of thirty days from the date of publication of the said notification in the Official Gazette;And whereas objections and suggestions received in respect of the said draft have been considered by the State Government;Now, therefore, in exercise of the powers conferred by Section 38 of the said Act, the State Government do hereby make the following rules, namely:

1. Short title, commencement and application.

(1)These rules may be called the Orissa Stage Carriages (Licensing of Conductors) Rules, 1994.(2)They shall come into force on the date of their publication in the Orissa Gazette and they shall apply to and in relation to all stage carriages used in the State of Orissa.

2. Definitions.

(1) In these rules unless the subject or context otherwise requires - (a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988); (b) "Form" means a Form appended to these rules; (c) "Government" means the Government of Orissa; (d) "section" means section of the Act. (2) All other words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them under the Act and the Orissa Motor Vehicles Rules, 1993.

3. Licensing authority, jurisdiction, function and powers.

(1) The licensing authority shall be - (i) in the Case of Police District, Rourkela, the Regional Transport Officer, Rourkela and in the case of district of Puri, the Regional Transport Officer, Puri; and (ii) in case of any other region in the State, the Regional Transport Officer of the region concerned. (2) The licensing authority shall be responsible for issue, renewal of the licence or issue of duplicate licences to the conductors in accordance with these rules.

4. Driver or any other person temporarily employed to act as conductor without licence.

(1) When in an emergency it becomes difficult for the permit-holder to provide for a conductor for his stage carriage, or where a conductor on duty, for reasons beyond his control, cannot perform his duties, the driver of a stage carriage may, for a period not exceeding one month, act as a conductor of the stage carriage without holding a conductor's licence under Sub-section (1) of Section 30 : Provided that both the driver and the operator shall intimate at their earliest opportunity to the licensing authority about the engagement of the driver as-conductor. (2) Any person other than the driver of a stage carriage may also act as conductor, without holding a conductor's licence, for a period not exceeding one month : Provided that - (i) he intimates his intention to do so to the licensing authority within whose jurisdiction he intends to act as a conductor in Form I through the owner or proprietor of the stage carriage; (ii) he is disqualified for holding a conductor's licence; and (iii) he has not on previous occasions acted as a conductor without a licence for a total period of one month.

5. Application for grant of conductor's licence.

(1) An application for the grant of a conductor's licence as required by Sub-section (1) of Section 30 shall be made in Form II and shall be accompanied by a medical certificate in Form III and the fee specified in Sub-section (5) of Section 30. (2) Upon receipt of an application for a conductor's licence, the licensing authority after making such enquiries as may reasonably be necessary to establish the identity of the applicant and after ascertaining that the applicant is not disqualified for holding a conductor's licence may issue the licence in Form IV ; Provided that the licensing authority shall not issue a licence to the applicant, if he had previously held a licence issued under Chapter III of the Act, unless he is satisfied that there is good reason for his inability to obtain a duplicate copy of his former licence.

6. Renewal of conductor's licence.

(1)An application for renewal of a conductor's licence shall be made in Form V to the licensing authority which issued the licence or if the holder has changed the residence otherwise than by way of temporary absence of his usual place of residence to the licensing authority of the area in which he is residing. The application shall be accompanied by the conductor's licence sought to be renewed and the fee specified in Sub-section (5) of Section 30.(2)Upon receipt of an application for the renewal of a conductor's licence, the licensing authority after making such enquiries as it may deem necessary, may renew the licence.(3)When the authority renewing the licence is not the authority which issued the licence, it shall intimate the fact of renewal in Form VI to the authority which issued the licence.

7. Qualification for grant of conductor's licence.

- No person shall be granted a conductor's licence unless he satisfied the licensing authority that-(i)he has adequate knowledge of the provisions of the Act and the rules made thereunder relating to the duties and functions of a conductor;(ii)the applicant possesses a good moral character;(iii)the applicant possesses a valid Adult First-Aid Certificate issued by the St. John Ambulance Association (India); and(iv)the applicant passed the High School Certificate Examination or on examination equivalent thereto ;Provided that nothing in this clause shall apply to any person who immediately before these rules came into force, was in possession of a valid conductor's licence issued by a competent authority.

8. Duties of conductors of stage carriages.

- The conductor of a stage carriage shall-(i)as far as may be reasonably possible having regard to his duties be responsible for the due observance of the provisions of the Act and the rules framed thereunder;(ii)not smoke while on duty;(iii)behave in a civil and orderly manner to passengers and intending passengers;(iv)be cleanly dressed in the manner in which the licensing authority/Regional Transport Authority may specify;Note - Nothing in this clause shall apply to persons lawfully working as conductor in accordance with Rule 4.(v)maintain the vehicle in a clean and sanitary condition;(vi)not solicit customer save in a civil and quiet manner;(vii)not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for any journey;(viii)announce the name of each halting place or station as soon as the vehicle comes to a halt;(ix)ensure, before giving a signal to the driver to start the vehicle, that the alighting persons have got down and the intending passengers have entered and so far stood in the vehicle;(x)not interfere with persons getting into or preparing to get into any other vehicle;(xi)not allow any person to be carried in any stage carriage in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number of passenger permitted under the terms and the permit to be carried standing in the vehicle;(xii)not save for good and sufficient reason, refuse to carry any person tendering the legal fare;Explanation - Where the legal fare is less than one rupee, a demand by such person change in excess of that sum shall be a good and sufficient reason for refusing to carry such person for the purposes of this clause;(xiii)not allow any passenger to be carried in any stage carriage without payment of the legal fare;Provided that this clause shall

not apply to such Government servants or class of Government servants on duty as the State Government may, from time to time by notification in the Official Gazette specify in this behalf;(xiv)where goods are carried on a vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of goods;(xv)not save for good and sufficient reason, require any person who has paid the legal fare to alight from the vehicle before the intended destination is reached;(xvi)not unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with time table pertaining to the vehicle or where there is no such time table, with a reasonable despatch;(xvii)not while he is on duty, permit the vehicle to be used for an illegal or immoral purpose;(xviii)not permit any petrol to be poured in to the fuel tank while the engine is in motion;(xix)in the event of the vehicle being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver or conductor arrange to convey the passengers to their destination in some other similar vehicle or, if unable so to arrange within a period of half an hour after the failure of the vehicle, shall on demand by any passenger refund to him a proportionate part of the fare relating to the journey for which the passenger had paid the fare;(xx)not cause or allow anything to be placed in the vehicle in such manner as to obstruct the entry or exit of passengers;(xxi)issue a ticket separately for each passenger immediately on payment of the legal fare or freight by the passenger except where arrangement outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the legal fare have been made;(xxii)at the conclusion of any journey make reasonable search in the vehicle for anything left behind by any passenger and take into his custody so found and at the earliest opportunity make over the same to a responsible person at any office or station of the holder of the permit for the vehicle or to an officer at a police-station and take into his custody and deal with anything so found by any other person as prescribed in Rule 61 of the Orissa Motor Vehicles Rules, 1993;(xxiii)not cause or allow to enter into be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease or, the corpse of any person whom he knows or has reason to believe to have, been suffering from any such disease;(xxiv)notwithstanding anything contained in Clause (xxiii) upon application in writing by a registered medical practitioner allow a person suffering from an infectious or contagious disease to be carried in a stage carriage provided that no other person save a person or persons in attendance on the sick person shall be carried in the vehicle at the same time;(xxv)be responsible, when a person suffering from an infectious or contagious disease or the corpse of any person who has been suffering from such disease has been carried in a stage carriage,, for reporting the fact to a medical officer of health and to the owner of the vehicle and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the vehicle has been disinfected and other precautions taken in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer;(xxvi)whenever he is free from the duty or issuing tickets, sit at a rear of the vehicle and be on the look out for other motor vehicles approaching from behind and effectively signal their approach to the driver;(xxvii)take all reasonable precautions to prevent the luggage, which may be carried on the roof of the vehicle being miscarried or lost on the way or drenched in the rains;(xxviii)not be under the influence of drink or a drug to an extent rendering him incapable of discharging his duties efficiently;(xxix)carry the complaint book as prescribed in these rules and produce the same on demand;(xxx)not at the same time hold more than one conductor's licence issuing under Chapter-III of the Act;(xxxi)on the demand by any Police Officer in uniform or any

officer of the Motor Vehicles Department not below the rank of Sub-Inspector, Traffic and Junior Inspector Motor Vehicles or any member of the State Transport Authority or Regional Transport Authority within his respective jurisdiction produce his licence for inspection :Provided that if at the time his licence is demanded, he is displaying the badge prescribed under Rule 11 or if he produces the licence within forty eight hours at any police station it shall be sufficient for the compliance of this clause;(xxxii)maintain such records as the permit-holder and the Regional Transport Authority may specify in respect of the trips performed-by the vehicle in his charge in addition to the records prescribed under the act and rules framed thereunder:(xxxiii)cause the vehicle to stop for check by competent authorities and shall carry documents and papers, such as registration certificate, etc. required to be carried in the stage carriage;(xxxiv)not cause or allow to be carried anything or any article poisonous or dangerous to human life in a stage carriage;(xxxv)not harass any passenger.

9. Conductor's licence lost or destroyed or mutilated issue of duplicate thereof.

(1)If at any time a conductor's licence is lost by the holder or is destroyed or mutilated, the holder shall forthwith intimate the fact in writing and make an application for the grant of a duplicate licence in Form VII to the licensing authority in whose area he has his place of residence at the time, which shall be accompanied by the fee prescribed in Sub-section (5) of Section 30.(2)Upon receipt of an application as aforesaid, the licensing authority shall, if it is not the authority by whom the conductor's licence was issued, apply to that authority for particulars of the conductor's licence and of any endorsements thereon and shall after making such enquiries as it thinks fit, if satisfied that a duplicate licence may properly be issued, issue a duplicate conductor's licence and send intimation to the authority by whom the original licence was issued ;Provided that where subsequent to the issue of a duplicate licence it is found that there has been an endorsement by a Court since the date of grant of last renewal of licence, it shall be lawful for the licensing authority to call for the duplicate licence and make the necessary endorsement thereon.(3)Where a photograph is required to be affixed to a duplicate licence issued under the provisions of these rules, the holder of the licence shall furnish the licensing authority with two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate licence and the other shall be transmitted by the authority issuing the duplicate licence to the authority by whom the original licence was issued.(4)Where a duplicate licence has been issued upon representation that the original licence has been lost and the original licence is afterwards found or received by the holder, the holder shall immediately, return the duplicate licence to the licensing authority.(5)Any other person finding a conductor's licence shall deliver it to the nearest police-station of the nearest licensing authority. The Officer-in-charge of the police-station, on receipt of the licence, shall immediately forward it to the licensing authority concerned. The licensing authority shall restore thereon in case the duplicate licence has not been issued, and shall substitute it for the duplicate in case a licence to the holder duplicate has already been issued.

10. Issue of duplicate of conductor's licence.

(1)When a duplicate conductor's licence is issued' under Rule 9, it shall be clearly stamped "duplicate" in red and shall be marked with the date of issue of the duplicate and the seal of the

licensing authority.(2)If the licensing authority who issued a duplicate licence is not the authority by whom the original licence was issued it shall intimate the fact to the authority by whom the original licence was issued.(3)If the licensing authority, who affixes a new photograph to a duplicate licence as per the provision of Rule 12, is not the authority by whom the original licence was issued, it shall forward the second copy of the photograph to that authority for record.

11. Badges and uniforms of conductors.

(1)(a)The badge to be issued by the licensing authority shall be in brass or stainless steel and shall be in shape and size as illustrated and specified in the Schedule appended to these rules.(b)No conductor shall lend or transfer the badge prescribed in these rules to any other person.(c)Any person finding a conductor's badge shall unless he returns the same to a person whom he knows to be the holder forthwith surrender it to the authority by which it was issued or to a Police Officer of the nearest Police-station.(d)The conductor of a stage carriage shall while on duty display on his right breast a plate in white plastic of size 8 centimetres x 2.5 centimetres inscribed with his name in bold black letters of size 0.5 centimetre both in English and Oriya one below the other respectively. The cost of name plate shall be borne by the wearer himself.(2)A conductor shall use Khaki Trousers with Khaki half or full shirts and with pick cap while on duty, the badge shall be worn on the left side of the breast in a conspicuous manner.(3)The licensing authority shall charge the fees for issue of each badge or duplicate badge as prescribed in Rule 16 :Provided that this rule relating to badge and uniform shall not apply to persons lawfully working as conductors in accordance with Rule 4.

12. Requirement as to photograph.

(1)The copies of photographs required by Sub-section (3) of Section 30 shall be a size not more than five centimetres by 6.25 centimetres. It shall be taken from front, and shall be in black and white colour on glazed paper.(2)The photograph of the holder when affixed to a conductor's licence shall be sealed with the seal of the licensing authority in such manner that part of the impression of the seal is upon the photograph and part on the margin.(3)If at any time it appears to a licensing authority that the photograph affixed to a conductor's licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the licence forthwith and to furnish two clear copies of a recent photograph of himself and the holder shall within such time as the licensing authority may specify, appear in person before the licensing authority and present the photographs accordingly.(4)Upon receipt of copies of the photograph as provided in Sub-rule (3), the licensing authority shall remove the old photograph from the conductor's licence and affix and seal thereto one copy of the new photographs and return the licence to the applicant and shall, if it is not the licensing authority by whom the licence was issued, forward the second copy of the photograph to the authority which issued the licence :Provided that if the holder of the licence so desires, the licensing authority shall issue a duplicate licence with a copy of the new photograph affixed thereto and shall destroy the original licence. In such a case, if the licensing authority is not the authority by whom the original licence was issued it shall inform the licensing authority which issued the original licence.(5)Where a new photograph is affixed to a conductor's licence, the date on which it was affixed shall be entered upon the photograph.

13. Appellate authority.

- The authority empowered under Sub-section (2) of Section 33 and Sub-section (4) of Section 34 to hear appeal against the decision of a licensing authority, shall be the Chairman, Regional Transport Authority of the functional area of the licensing authority.

14. Conduct and hearing of appeals.

(1)An appeal under Sub-section (2) of Section 33 and Sub-section (4) of Section 34 shall be preferred in the form of a memorandum in duplicate, together with a Treasury challan shall on showing a deposit of a fee of rupees two, setting for concisely the ground of objection to the order of the licensing authority and shall be accompanied by the order in original appealed against.(2)When an appeal is preferred, a notice shall be issued to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.(3)The appellate authority after giving an opportunity to both the parties of being heard and after making such further enquiry, if any, as it may deem necessary, shall pass such order as it deems proper.

15. Change of residence.

- The holder of a conductor's licence shall, except in the case of temporary absence not involving a change of residence for a period exceeding three months report any change of his temporary or permanent address as notified on the licence to the licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed.

16. Fees.

(1)The fee for the issue of a duplicate conductor's licence shall be rupees six only.(2)The fee for the issue of a conductor's badge shall be rupees eight only.(3)The fee for the issue of a duplicate conductor's badge shall be rupees twelve only.(4)The fee for furnishing copies of document shall be fifty paise for each typed page of the copy supplied.(5)All fees payable under these rules shall be paid by means of Treasury challan under the head "Motor Vehicles Act-Fees for collection of badges".

17. Interpretation.

- If any question arises relating to the interpretation of these rules it shall be referred to the Government for decision.

18. Repeal and saving.

- The Orissa Stage Carriages (Licensing of Conductors) Rules, 1961 are hereby repealed :Provided that any order issued, appointment made, action taken and things done under any of the provisions of the rules so repealed shall be deemed to have been made under the corresponding provisions, of these rules.Form I[See Rule 4 (2) (i)]Intimation to act as a conductor without conductor's

licenceToThe Licensing Authority.....I..... son ofresiding
at.....intend to act as a conductor of the stage carriage running on route.....for a
period of.....days from..... to.....

2. I, further, declare that-

(a)My age is.....years as on.....(b)I have not been previously disqualified for holding
a conductor's licence.....(c)I have not held conductor's licence issued by any licensing
authority before(d)I do not suffer from any disease or disability.....Reasons for
not being in possession of a conductor's licence.....*(e) I have acted on previous occasions as
conductor without a licence for the period from.....to.....on the service run by and
have informed the licensing authorityvide letter dated
the.....20...Date:.....20.....Signature of applicantTo be forwarded
through the permit-holder of the stage carriage who intends to employ him. Reasons for employing
the person of particulars given
above.....Date.....20Signature of
permit-holder*Strike out the whichever is not applicable (Here specify name of area).Form II[See
Rule 5 (1)]Application for conductor's licenceThe Licensing authority.....I..... son
of.....of.....(Present address).....and (Permanent address)..... hereby apply
for the grant of a conductor's licence.

**2. I possess Adult First-Aid Certificate No.....issued by the St. John
Ambulance Association (India).....Branch, valid till.....and attach
the same herewith.**

**3. Necessary fee has been deposited vide Treasury challan
No.....dated.....**

4. I have the following convictions :

(No convictions).....

**5. I have.....previously held a conductor's licence issued
by.....which was revoked for the following reasons :**

.....

6. I am not disqualified for holding a conductor's licence.

7. Particulars of orders of disqualifications and endorsement in respect of my previous licence, if any, are given below :

8. I attach a medical certificate and two copies of recent photograph of myself.

9. I hereby declare that I am not less than 18 years of age.

10. I further declare that I have passed Matriculation Examination.....and enclose herewith a copy of the Matriculation Certificate.

11. I further declare that the above statements are correct.

Date ,.....20...Signature of applicantDuplicate signature of applicantNote - The fee for the issue of conductor's licence is Rs. 1000 only to be deposited in cash.*Strike out the alternative not applicable.Form III[See Rule 5 (1)]Medical Certificate for Conductor(To be filled by a Registered Medical Practitioner)

1. Name of person examined *.....

2. Father's name.....

3. Applicant's present

**age.....year.....months.....days.....
as on.....**

4. Is the applicant to the best of your judgement, subject to epilepsy vertigo of any mental ailment likely to affect his efficiency ?

5. Does the applicant suffer from any heart or lung disorder which might interfere with the performance of his duties as a conductor ?

6. Does the applicant suffer from any degree of deafness ? If so, would, the deafness impede easy converse with passengers ?

7. Has the applicant any deformity or loss of memory which would interfere with the efficient performance of his duties as a conductor ?

8. Does he show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs ?

9. Is he, in your opinion, generally fit as regards bodily health and eye-sight ?

10. Marks of identification.....

Signature of person examined I certify that the person examined has affixed his signature hereto in my presence and that to the best of my knowledge and belief the above statements are true and the photograph attached is a reasonable/correct likeness of the person described.

Space for
photograph Dated.....20.....Place..... Signature.....Name.....Designation.....

(Registered Medical Practitioners shall also sign on the photograph, which shall be firmly affixed and not loosely pinned to the form in a manner that a part of his signature will be on the form). Form IV[See Rule 5 (2)]Conductor's licence No.....Name.....Son of.....of (Present address).....(Permanent address).....

Space for Photograph Space for pasting duplicate Signature of applicant

is licensed as a conductor and has been issued conductor's badge No.....The licence is valid from..... to.....The.....20.....Signature of licensing authorityThe licence is hereby renewed up to the..... day of..... 20.....Signature of licensing authorityThe licence is hereby renewed up to the..... day of..... 20.....Signature of licensing authorityThe licence is hereby renewed up to the..... end of..... 20.....Signature of licensing authority(On Reverse)Endorsements

Date	Particulars of orders of disqualification in brief	Reasons for order of disqualification in brief	Signature of endorsing of authority
(1) (2)		(3)	(4)

Form V[See Rule 6 (1)]Form of application for the renewal of conductor's licenceToThe Licensing Authority.I.....Son of.....of.....(Present) address.....and (Permanent address).....hereby apply for a renewal of the conductor's licence No.....which was issued to me on theday of.....20..... by the licensing authority..... the licence is due to/has expired on.....20.....

2. I attach herewith the conductor's licence issued to me.....

3. Necessary fee has been deposited vide Treasury challan No/dated.....

4. I hereby declare that I am not subject to any disease or disability that is likely to hamper me in the performance of my duties as a conductor of stage carriage and that I am not disqualified for holding a conductor's licence.

Date.....20.....Signature of applicantForm VI[See Rule 6 (3)]Form of intimation of renewal of a conductor's licenceFromThe Licensing Authority.....ToThe Licensing Authority.....conductor's licence No.....dated.....issued by you in favour of-Name.....Name of father.....Permanent address.....has been renew by me for a period of 3 years with effect from the.....to.....Date of..... 20....Date.....20.....Signature of licensing authorityForm VII[See Rule 9 (1)]Intimation of loss or destruction of conductor's licence and application for duplicateToThe Licensing AuthorityI.....S/o.....of (permanent address) and (present address).....hereby report that conductor's licence.....No.....issued by the licensing authority on or about the.....day of.....20.....has been lost/destroyed in the following circumstances :(To be filled in)

2. I hold a conductor's badge No.....issued by the licensing authority.....

3. I hereby apply for a duplicate conductor's licence and tender rupees six vide Treasury challan No.....dated.....

4. I attach two clear copies of a recent Photograph of myself.

Date.....20...Signature of applicant(For use in the office of the licensing authority)Part-ADuplicate of conductor's licence.....first granted on.....has been issued by me this.....day of.....20.....Application refused in letter No.....dated the.....20..... to the applicant giving reasons.Licensing authorityPart-B(Parts-B and C will be printed on a separate sheet to Part-A and will be used if the application is made to an authority other than the original licensing authority.)Forwarded to the licensing authority..... for verification and completion of Part-C.Date.....20...Licensing authorityPart-CReturned to the licensing authority.....The Photograph and signature have been compared with my seconds no such conductor's licence appears to have been issued by this office. I am not satisfied that applicant was the holder of the conductor's licence described. I am satisfied that the applicant was the holder of a badge and conductor's licence issued by this office as follows :

1. Badge No.....

2. Conductor's licence No.....

3. Date of issue.....

4. Last renewed by the licensing authority

5. Date of expiry.....

Date.....20.....Licensing authorityReturned to the licensing authority.....for recording, duplicate has been issued by me on the date of 20.....and a copy of photograph affixed thereto is attached.I have in my letter No.....dated.....declined to issue the duplicate conductor's licence applied for and I attach a copy of that letter.Date....20.....Licensing authority

Schedule

[See Rule 11 (1) (a)]Conductor's badgeLicensing AuthorityName of the area of the licensing authorityNumber of the badgeConductor (6 Centimetres)Note - Badge to be rectangular in shape measuring (6 centimetres) in length and (4 centimetres) in height.