**THE GAZETTE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**Part II of August 23, 2024**

**SUPPLEMENT**

(*Issued on 28.08.2024*)



**NATIONAL TRANSPORT COMMISSION**   
**(AMENDMENT)**

**A**

**BILL**

**to amend the National Transport Commission Act, No. 37 of 1991**

*Ordered to be published by the Minister of Transport and Highways*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2:* This clause amends the long title of the National Transport Commission Act, No. 37 of 1991 (hereinafter referred to as the "principal enactment") and such amendment is consequential to the amendment made by Part IIA by clause 16 and the legal effect of the section as amended is to broaden the scope of its functions to all transportation services and not to limit to omnibus services.

*Clause 3:* This clause amends the preamble of the principal enactment by specifying the scope of the Act, in terms of road transportation services and provides for the standards and criteria to improve road transportation.

*Clause 4:* This clause inserts a new section 1A to the principal enactment. The new section provides for the objects of the Act in relation to the services provided, the standards to be maintained and penal consequences to be imposed.

*Clause 5:* This clause amends section 8 of the principal enactment and the legal effect of the section as amended is to expand the scope of the functions of the Commission addressing the current requirements of public transportation and to provide for the upgrading of the service provided.

*Clause 6:* This clause amends section 9 of the principal enactment and is consequential to the insertion of new PART IIA by clause 16.

*Clause7:* This clause amends section 17 of the principal enactment and is consequential to the insertion of new PART IIA by clause 16.

*Clause 8:* This clause amends section 19 of the principal enactment and the legal effect of the section as amended is –

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| --- | --- |
| (1)  (2) | to increase the time period of an appeal to the Commission against the decision of an Authorized Person in relation to matters pertaining to a passenger service permit; and  to substitute the marginal note to that section. |

*Clause 9:* This clause amends section 20 of the principal enactment and the legal effect of the section as amended is to increase the time period of an appeal against the decision of the Commission.

*Clause 10:* This clause replaces section 24 of the principal enactment and the legal effect of the section as amended is to provide for a better evaluation criteria for issuing passenger service permits.

*Clause 11:* This clause inserts a new section 24A to the principal enactment. The new section provides for the issuing of a temporary permit.

*Clause 12:* This clause amends section 26 of the principal enactment and the legal effect of the section as amended is to provide for compliance with the minimum standards and to ensure the safety and convenience of the passengers.

*Clause 13:* This clause replaces section 28 of the principal enactment and the legal effect of the section as replaced is to provide for the transfer of a passenger service permit when the possession of the omnibus is transferred.

*Clause 14:* This clause amends section 30 of the principal enactment and the legal effect of this section as amended is to add further conditions subject to which the permit is renewed under this section.

*Clause 15:* This clause amends section 33 of the principal enactment and the legal effect of this section as amended is to increase the time period of an appeal to the Secretary to the Ministry of the Minister against the decision of the Commission refusing the grant of a passenger service permit, renewing the permit, cancelling a passenger service permit or imposing conditions subject to which a permit is granted and to repeal and substitute the marginal note to that section.

*Clause 16:* This clause inserts a new part to the principal enactment (PART IIA). This new Part provides for the regulation of transportation services operated interprovincially other than interprovincial omnibus services, and includes new section 34A (Declaration and registration of transportation services), section 34B (Categorization of transportation services and the issue of a certificate), section 34C (Certificate to be displayed on the windscreen) and section 34D (Appeals under PART IIA of the Act).

*Clause 17:* This clause amends section 35 of the principal enactment and the legal effect of the section as amended is to facilitate the payment into the Fund of the sums directed by a court, under any other written law or by a Magistrate.

*Clause 18:* This clause amends section 37 of the principal enactment and the legal effect of the section as amended is to make the provisions to audit the accounts of the Commission.

*Clause 19:* This clause inserts a new section 38A to the principal enactment. The new section provides for the computation of the transportation service fares.

*Clause 20:* This clause inserts new sections to the principal enactment. The new section 38B requires the Commission to monitor omnibus services and transportation services, section 38C provides for the establishment of a training centre and section 38D provides for codes of conduct.

*Clause 21:* This clause replaces section 39 of the principal enactment and the legal effect of the section as replaced enables directions to be issued to permit holders and the procedure for appeal relating to such directions.

*Clause 22:* This clause inserts a new section 39A to the principal enactment. The new section provides for the inclusion of penalties.

*Clause 23:* This clause amends section 40 of the principal enactment and the legal effect of the section as amended is to increase the minimum fine impose a maximum fine and decrease the period of imprisonment.

*Clause 24:* This clause amends section 44 of the principal enactment and the legal effect of the section as amended is to increase the matters for which regulations may be made.

*Clause 25:* This clause amends section 46H of the principal enactment and the legal effect of the section as amended is for improved facilities to be provided for certain routes to qualify for obtaining a passenger service permit.

*Clause 26:* This clause amends section 49 of the principal enactment by the insertion of the new definitions "prescribed", "Province", "Provincial Council", "transportation fares", "transportation services", "transportation vehicle" and "vehicle", and by amending the definition of "specified area".

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| *National Transport Commission (Amendment)* | 1 |

L.D. – O. 9/2021

AN ACTTOAMENDTHE NATIONAL TRANSPORT COMMISSION   
ACT, NO. 37 OF 1991

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

**1.** This Act may be cited as the National Transport Short title Commission (Amendment) Act, No. of 2024.

|  |  |  |
| --- | --- | --- |
| 5 | **2.**The long title of the National Transport Commission | Amendment |
| Act, No. 37 of 1991 (hereinafter referred to as the “principal | of the long |
| title of Act, |
| enactment”) is hereby amended by the substitution for the |
| No. 37 of |
| words “PASSENGER TRANSPORTATION BY OMNIBUS” | 1991 |

of the words “ROAD TRANSPORTATION”.

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| --- | --- | --- |
| 10 | **3.** The Preamble of the principal enactment is hereby | Amendment |
| amended as follows: - | of the |
| preamble of |

the principal (1) in paragraph (*a*) thereof by the substitution for the enactment

words “omnibus services” of the words  
“interprovincial omnibus services”;

15 (2) by the insertion immediately after paragraph (*a*) thereof of the following new paragraph: -

“(*aa*) to facilitate road transportation services interprovincially using omnibus services, office transport services, school transport 20 services, three-wheeler services and any other interprovincial road transportation service, as may be declared by the Minister;”;

2 *National Transport Commission (Amendment)*

(3) in paragraph (*b*) thereof by the substitution for the   
words "passenger transport by omnibus" of the   
words "road transportation";

(4) in paragraph (*d*) thereof by the substitution for the 5 words "between providers of such services" of the words "in each mode of transportation"; and

(5) by the repeal of paragraph (*e*) thereof and the   
substitution therefor of the following paragraphs: -

“(*e*) to ensure safe and comfortable road 10 transportation; and

(*f*) to determine the applicable standards and   
criteria to improve road transportation.”.

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| 15 | **4.** The following new section is hereby inserted | | Insertion of  new section  1A in the  principal  enactment |
| immediately after section 1 of the principal enactment and | |
| shall have effect as section 1A of that enactment: - | |
| "Objects of the Act | 1A. The objects of the Act shall be – |

(*a*) to facilitate omnibus services and   
transportation services inter-  
provincially;

20 (*b*) to monitor omnibus services and transportation services and ensure that standards applicable to such

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| services | are | met | by | the |

transportation service providers; and

|  |  |
| --- | --- |
| 25 | (*c*) to stipulate offences that may be committed by the respective |

transportation service providers and

*National Transport Commission (Amendment)* 3

the penal sanctions that may be   
imposed by the Commission for such   
offences.".

|  |  |  |
| --- | --- | --- |
| 5 | **5.** Section 8 of the principal enactment is hereby amended | Amendment of section  8 of the  principal  enactment |
| as follows: - |
| (1) by the substitution for the words "advise to the |

Government on the national policy relating to passenger transport services by omnibuses," of the words "advise the Government on the national 10 policy relating to road transportation,";

(2) in paragraph (*i*) thereof by the substitution for the words "in the specified area;" of the words "in the specified area and to issue transportation service permits for transportation services other than 15 omnibus services;";

(3) by the repeal of paragraph (*k*) thereof and the   
 substitution therefor of the following paragraph:-

“(*k*) to enter into agreements with any person for   
the provision of omnibus services and

20 transportation services and to issue passenger service permits and transportation service permits thereof;”;

(4) by the repeal of paragraph (*m*) thereof and the   
substitution therefor of the following paragraph: -

25 “(*m*) to arrange the transportation of goods inter- provincially by omnibus services and transportation services;”; and

4 *National Transport Commission (Amendment)*

(5) by the addition immediately after paragraph (*m*)   
thereof of the following new paragraphs: -

"(*n*) to formulate a road transportation guideline   
 at national level;

5 (*o*) to determine a formula to charge transportation fares after considering the written representations of the relevant stakeholders and to periodically assess the national policy relating to road transportation 10 and revise such formula when necessary;

(*p*) to promote and regulate the use of modern   
technological systems to upgrade the   
transportation system;

(*q*) to facilitate the provision of infrastructure

15 facilities relating to transportation services;

(*r*) to maintain a national database for   
transportation services and to monitor the   
services provided by the transportation   
service providers;

20 (*s*) to establish a training centre to train transportation service providers;

(*t*) to issue directions to any person to whom a   
permit has been issued or renewed under this   
Act;

|  |  |
| --- | --- |
| 25 | (*u*) to appoint sub-committees to assist in the activities of the Commission specified in the |

Act;

*National Transport Commission (Amendment)* 5

(*v*) to review the national policy relating to road   
transportation annually and to advise the   
Government on legal, administrative or other   
matters relating to such policy;

|  |  |
| --- | --- |
| 5 | (*w*) to consult the relevant Ministries, Provincial Councils, local authorities, District and |

Divisional Secretaries, public and private   
sector organizations and recommend such   
measures as may be necessary for the purpose

|  |  |
| --- | --- |
| 10 | of preventing road accidents, and for upgrading the transportation services for |

protecting and safeguarding the interests of   
passengers;

(*x*) to receive complaints from the public relating

|  |  |
| --- | --- |
| 15 | to any contravention of the provisions of this Act or any regulation made thereunder; and |

(*y*) to give wide publicity to matters regulated under section 44, as may be necessary for the convenience of any applicant, passenger, 20 holder of a permit or certificate, or for the efficient administration of the Act.''.

|  |  |  |
| --- | --- | --- |
| 25 | **6.** Section 9 of the principal enactment is hereby amended | Amendment |
| by the repeal of paragraph (*h*) thereof and the substitution | of section 9 |
| of the |
| therefor of the following paragraph: - |
| principal |
| “(*h*) to provide engineering, technical, legal, | enactment |

medical and financial assistance and advice to holders of passenger service permits and transportation service permits, to enable the proper discharge, of their functions relating 30 to the omnibus services and transportation services; and”.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 6 | *National Transport Commission (Amendment)* | Amendment |
| **7.** Section 17 of the principal enactment is hereby | |
| amended by the substitution for the words "to furnish to the | | of section 17 |
| of the |
| Commission," of the words "or a transportation service | |
| principal |
| permit, as the case may be, to furnish to the Commission". | |
| enactment |
| **8.** Section 19 of the principal enactment is hereby | |
| Amendment |
| amended as follows:- | | of section 19 |
| of the |
| (1) in subsection (1) thereof by the substitution for the | | principal |
| enactment |
| words “within fourteen days" of the words "within | |

thirty days”; and

10 (2) by the repeal of the marginal note to that section and the substitution of the following marginal note therefor:-

“Appeals against any decision of an Athorized Person”.

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| --- | --- | --- |
| 15 | **9.** Section 20 of the principal enactment is hereby amended | Amendment |
| in subsection (2) thereof by the substitution for the words | of section 20 |
| of the |
| “fourteen days”, of the words “thirty days”. |
| principal |

enactment

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **10.** Section 24 of the principal enactment is hereby | | Replacement |
| repealed and the following section is substituted therefor: - | | of section 24 |
| of the |
| “Criteria for issuing  passenger  service  permits | 24. (1) Upon receipt of an application for a passenger service permit, the Commission shall consider the following criteria prior to granting or refusing passenger service | principal |
| enactment |
| permits:- | |

(*a*) the demand for omnibus services by 25 the public on the route or routes applied for in the application;

(*b*) the capability of the applicant to   
provide an efficient service, subject

*National Transport Commission (Amendment)* 7

to such terms and conditions as may   
be appropriate;

(*c*) suitability of the omnibus to   
undertake the journeys on any

5 assignable route or routes;

(*d*) sustained financial competence of   
the applicant, based on a bank   
statement covering immediately   
preceding six months, to maintain

|  |  |
| --- | --- |
| 10 | the omnibus in the manner provided in the Act and the regulations and |

other written law; and

(*e*) suitability of the facilities afforded   
to the driver, conductor and

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 15 | passengers | including | space | Insertion of |
| allocated for goods or baggage.”. | | |
| **11.** The following new section is hereby inserted | | |
| immediately after section 24 of the principal enactment and | | | new section |
| 24A in the |
| shall have effect as section 24A of that enactment: - | | |
| principal |

enactment

|  |  |  |
| --- | --- | --- |
| 20 | “Issuingof a temporary  permit | 24A.The Commission may, subject to |
| section 18, issue a temporary permit to |
| authorize the operation an omnibus on such |

other route or routes and for such period of time as may be determined in accordance with 25 section 24 in order to meet the actual passenger demand and requirement, during a festival season or holiday and having regard to other social necessities.".

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 8 | *National Transport Commission (Amendment)* | Amendment |
| **12.** Section 26 of the principal enactment is hereby | |
| amended in paragraph (*c*) thereof by the substitution for the | | of section 26 |
| of the |
| words “shall be maintained at all times in a fit and serviceable | |
| principal |
| condition;" of the words "shall be maintained in compliance | | enactment |
| with the minimum standards as may be prescribed with the | |

recommendations of the Commission for securing the safety and convenience of the public.”.

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| --- | --- | --- | --- |
| 10 | **13.** Section 28 of the principal enactment is hereby | | Replacement |
| repealed and the following section is substituted therefor: - | | of section 28 |
| of the |
| “Transfer of the permit | 28. (1) The holder of a valid passenger service permit may transfer such permit, with | principal |
| enactment |

the prior approval of the Commission, for the balance period of time specified in such permit. The person to whom the transfer is to 15 be effected shall make an application to the Commission, within one week of receiving possession of the omnibus, whether or not the permit has expired, in the form and manner as may be prescribed and on payment of the 20 prescribed fees.

(2) The Commission shall consider   
granting or refusing to grant a passenger   
service permit, subject to section 18 and the   
procedure and the terms and conditions

|  |  |
| --- | --- |
| 25 | provided under section 24, or any specific criteria prescribed thereon, prior to the grant |

or refusal to grant such permit.

(3) Any person who fails to comply with   
the provisions of this section or any regulation

30 made thereunder shall be guilty of an offence under section 40.".

|  |  |  |
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| *National Transport Commission (Amendment)* | 9 | Amendment of section 30 of the  principal  enactment |
| **14.** Section 30 of the principal enactment is hereby amended as follows:-  (1) in subsection (1) thereof by the substitution for the | |

words "for such period not less than one year and

5 not more than three years calculated from the date of expiry of the permit.", of the words "for such period not less than one year and not more than three years calculated from the date of expiry of the permit, subject to the provisions under sections 24, 10 25(1) and 31(1) and having regard to the performance of such permit holder.";

(2) by the insertion immediately after subsection (1) of   
 that section, of the following new subsection: -

“(1A) An application for renewal of a passenger 15 service permit shall be made six months prior to the date of expiry of the permit.”;

(3) in subsection (2) thereof -

(*a*) by the substitution for the words “has not   
paid the prescribed fee for the renewal of the

|  |  |
| --- | --- |
| 20 | permit." in paragraph (*c*) of the words "has not paid the prescribed fee for the renewal of |

the permit;";

(*b*) by the insertion immediately after paragraph   
(*c*) of that subsection of the following new

25 paragraph: -

“(*d*) has not performed satisfactorily, in   
accordance with the performance   
criteria determined by the Commission   
and prescribed by regulation.".

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| 10 | *National Transport Commission (Amendment)* | Amendment of section 33 of the |
| **15.** Section 33 of the principal enactment is hereby amended as follows:- | |

principal

(1) in subsection (1) thereof by the substitution for the enactment

words "fourteen days", of the words "thirty days";

5 and

(2) by the repeal of the marginal note to that section

and the substitution of the following marginal note

therefor:-

“Appeals against

10 any decision

of the Commission”.

|  |  |
| --- | --- |
| **16.** The following new Part (sections 34A to 34D) is hereby inserted immediately after section 34 of the principal enactment and shall have effect as PART IIA of that enactment: - | Insertion of new PART IIA in the  principal |

enactment

15 "PART IIA

REGULATIONOF TRANSPORTATION SERVICESOPERATED

INTERPROVINCIALLYOTHERTHANINTERPROVINCIALOMNIBUSSERVICES

|  |  |  |
| --- | --- | --- |
| 20 | Declaration | 34A. (1) Notwithstanding the operation of |
| and | Part II pertaining to omnibus services, the |
| registration |
| Minister may, on the recommendation of the |
| of |
| transportation | Commission, by Order published in the |
| services |
| *Gazette* declare office transport services, |

school transport services and three-wheeler

services to be the designated transportation

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 25 | services | that | could | be | operated |

interprovincially. The Minister may vary,

amend or repeal any Order from time to time

*National Transport Commission (Amendment)* 11

to declare any other means of transportation   
as may be necessary to be a mode of service   
for the purposes of this Part to be operated   
interprovincially.

5 (2) (*a*) Every Order made under subsection (1) shall come into operation on the date of such publication or on such later date as may be specified in the Order.

(*b*) Every order made under subsection (1) 10 shall, within three months of its publication in the *Gazette* be brought before Parliament for approval and any Order which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without 15   
 prejudice to anything previously done thereunder.

(*c*) The date on which any Order is deemed   
to be so rescinded shall be published in the   
*Gazette*.

20 (3) (*a*) Every transportation service provider shall be registered with the Commission and a permit (hereinafter referred to as the "transportation service permit") be issued to such service provider by the

25 Commission.

(*b*) A Register shall be maintained by the   
Commission for each transportation service   
and the Commission shall simultaneously   
update the database by entering the relevant

30 registration details in the official website of the Commission. The details of the registered

12 *National Transport Commission (Amendment)*

transportation service providers shall be   
declared by notification published by the   
Commission in the *Gazette* from time to time.

(*C*) The procedure for registration and the 5 manner of issuing transportation service permit shall be as prescribed.

(4) Any transportation service provider   
shall not provide transportation services as   
provided in subsection (1) unless registered

10 with the Commission in terms of this section.

(5) The transportation service permit shall be issued or shall not be issued, as the case may be, subject to the terms and conditions of the respective transportation service and 15 the standards of such service to be maintained by the said permit holder, as may be prescribed from time to time.

(6) Any transportation service provider   
who –

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| --- | --- | --- |
| 20 | (*a*) | alters the transportation service |

permit;

(*b*) produces false documents; or

(*c*) provides any transportation service through a vehicle which 25 has not been registered under subsection (3),

*National Transport Commission (Amendment)* 13

shall be guilty of an offence under this Act and the Commission shall publish in the website the names and details of such persons upon conviction for public awareness, until 5 the penalty for the offence has been settled in full and the transportation service provider has been registered in the manner provided in this section.

|  |  |  |
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| 10 | Categorization | 34B. (1) The Minister may, on the advice |
| of | of the Commission, categorize classes of the |
| transportation |
| transportation services and from time to time |
| services and |
| the issue of a | prescribe the standards to be maintained by |
| certificate |
| any such service. |

(2) Where the Minister has categorized 15 classes of the transportation services, the Commission shall issue a certificate to the holder of a transportation service permit according to such categorization.

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| --- | --- | --- |
| 20 | Certificate to | 34C. (1) The holder of a transportation |
| be displayed |
| service permit shall cause the certificate to |
| on the |
| windscreen | be displayed on the windscreen of the vehicle |

to which it relates in such manner that it is   
clearly visible to any person boarding such   
transportation vehicle.

|  |  |
| --- | --- |
| 25 | (2) Any person who fails to comply with the provisions of subsection (1) or who |

displays a representation so nearly   
representing the certificate in such a manner   
as to mislead or confuse a third party, shall be

30 guilty of an offence under this Act.

14 *National Transport Commission (Amendment)*

Appeals 34D. (1) Any person who is aggrieved by a under   
PART IIA of decision of the Commission under PART IIA the Act of this Act may appeal against such decision to the Secretary to the Ministry of the 5 Minister within thirty days from the date on which such decision is communicated to such aggrieved person.

(2) The provisions of section 33 of this   
Act shall, *mutatis mutandis*, apply to any

|  |  |  |
| --- | --- | --- |
| 10 | appeal under subsection (1).". | Amendment |
| **17.** Section 35 of the principal enactment is hereby |
| amended in subsection (2) thereof as follows:- | of section 35 |
| of the |

principal   
enactment

(1) in paragraph (*b*) thereof by the substitution for the   
word "Act." of the word "Act;"; and

15 (2) by the addition immediately after paragraph (*b*) thereof of the following new paragraph: -

"(*C*) all sums directed to be paid thereto by a court   
or under any other written law or by a   
Magistrate in his discretion.".

|  |  |  |
| --- | --- | --- |
| 20 | **18.** Section 37 of the principal enactment is hereby | Amendment |
| of section 37 |
| amended by the substitution for the words and figures "The |
| of the |
| provisions of Article 154 of the Constitution" of the words | principal |
| enactment |
| and figures "The provisions of Article 154 of the |

Constitution and the National Audit Act, No. 19 of 2018".

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *National Transport Commission (Amendment)* | | 15 | Insertion of new section 38A in the  principal  enactment |
| **19.** The following new section is hereby inserted | | |
| immediately after section 38 of the principal enactment and | | |
| shall have effect as section 38A of the principal enactment: - | | |
| "Computation of the fare | 38A. (1) The transportation service fares pertaining to the transportation services | |

including omnibus services shall be computed by the Commission in accordance with the formula determined by the Commission from time to time adhering to 10 the national policy relating to transportation fares approved by Parliament, and specified by Order published in the *Gazette*.

(2) The Commission shall publish the lists of the transportation service fares pertaining 15 to the respective transportation services in the official website of the Commission and each transportation service provider shall prepare a list of the transportation service fares applicable to his service in accordance with 20 such lists published in such website and shall cause such list to be displayed at any conspicuous place of the transportation vehicle.

(3) The Commission may, from time to 25 time, in accordance with the provisions of subsection (2) of section 39, inspect whether the transportation service providers are in compliance with the preceding provisions of this section, and any person who fails to comply 30   
 with the provisions of this section shall be guilty of an offence under section 40.''.

|  |  |  |  |  |
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| 5 | 16 | *National Transport Commission (Amendment)* | | Insertion of |
| **20.** The following new sections are hereby inserted | | |
| immediately after the heading "PART IV GENERAL" of the | | | new sections |
| 38B, 38C and |
| principal enactment and shall have effect as sections 38B, | | |
| 38D in the |
| 38C and 38D of that enactment: - | | | principal |
| "Commission to monitor  omnibus  services and  transportation services | | 38B.(1) The Commission shall monitor omnibus services and transportation services - | enactment |

(*a*) to ensure a safe, efficient and effective interprovincial 10 transportation with the assistance of the relevant Government agencies and may call for reports from the said Government agencies of the said monitoring activities and of any 15 remedial measures taken by the said service providers; and

(*b*) to assess the effect of sound   
pollution and other emissions from   
transportation vehicles with the

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 20 | assistance | of | the | Central |

Environmental Authority and assist   
in adhering to the standards   
specified under the National   
Environmental Act, No. 47 of 1980.

25 (2) Every permit holder who fails to maintain the transportation vehicle adhering to the standards specified under the National Environmental Act, No. 47 of 1980 shall be guilty of an offence under this Act and shall 30 on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred thousand rupees.

(3) The manner of monitoring by the

*National Transport Commission (Amendment)* 17

Commission under this section shall be as   
prescribed.

|  |  |  |  |  |  |
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| 5 | Establishment | 38C. (1) There shall be established a | | | |
| of a training |
| training centre for the upliftment of | | | |
| centre |
| transportation | services | under | the |

Commission. The purpose of the Centre shall   
be to enhance the overall capacity of the   
transportation service providers by affording   
training opportunities in mechanical skills,

|  |  |
| --- | --- |
| 10 | road safety emergency measures and road etiquette. |

(2) The management of the Centre   
including the maintenance of records,   
reporting, financial accountability and

|  |  |  |
| --- | --- | --- |
| 15 | Powers of the | monitoring,shall be undertaken by the |
| Commission, in the manner as prescribed. |
| 38D. (1) The Minister shall prescribe codes |
| 20 | Minister to |
| of conduct which shall be applicable in |
| prescribe |
| respect of interprovincial omnibus services |
| codes of |
| and all or any of the transportation services |
| conduct |
| provided in subsection (1) of section 34A. |

(2) The regulations under subsection (1)   
shall be made only on the advice of the   
Commission and after having obtained the

25 approval of Parliament.

(3) (*a*) Where any transportation service   
provider has contravened or fails to comply   
with or there is a reasonable likelihood of

|  |  |
| --- | --- |
| 30 | such contravention of non-compliance with any matter set out in any code of conduct |

prescribed in terms of section (1), the   
Commission may conduct an inquiry in   
accordance with the procedure as may be   
prescribed.

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| 5 | 18 | *National Transport Commission (Amendment)* |
| (*b*) The Commission may, after giving the |
| respective transportation service provider an |
| opportunity to be heard at the inquiry under, |
| paragraph (*a*), issue a directive to such |
| transportation service provider within such |
| time as may be prescribed – |

(i) to cease and refrain from doing an act   
or omitting to do an Act related to the   
respective code of conduct;

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| 10 | (ii) to perform such acts as in the opinion of | | Replacement |
| 15 | the Commission are necessary to rectify | |
| the situation; or | |
| (iii) to make a payment of such sum of | |
| money as compensation as determined | |
| by the Commission to an aggrieved | |
| 20 | person who has suffered harm, loss or | |
| damage as a result of any | |
| contravention by a transportation | |
| service provider under paragraph (*a*). | |
| (*c*) Every directive issued under paragraph | |
| 25 | (*b*) shall be in writing and be communicated | |
| to the transportation service provider to whom | |
| it is directed by registered post, electronic | |
| communication or other similar means | |
| determined by the Commission, and such | |
| 30 | directive shall be binding on such | |
| transportation service provider, who shall | |
| comply with such directive from the date of | |
| such communication.". | |
| **21.** Section 39 of the principal enactment is hereby | |
| repealed and the following section is substituted therefor: - | | of section 39 |
| of the |
| 35 | "Power of  Commission to issue  directions to permit  holders | 39. (1) The Commission may issue to any person to whom a permit has been issued or renewed under this Act, such general or special directions as it may consider necessary  for the purpose of making such person comply | principal |
| enactment |

*National Transport Commission (Amendment)* 19

with the provisions of this Act or any regulations made thereunder or with any condition attached to such permit and it shall be the duty of such person to whom such 5 directions are issued to comply with such directions within such time as shall be specified in such directions.

(2) For the purposes of subsection (1), an   
officerauthorized by the Commission in

10 writing may at any time –

(*a*) enter into any transportation vehicle to ascertain whether such vehicle is used for the purposes authorized by the permit or renewed permit, as may 15 be applicable, any conditions specified therein or any directions issued under any code of conduct, or whether the provisions of this Act have not being complied with;

20 (*b*) require the production by the driver of such vehicle, of the certificate issued under section 34 or section 34B, as the case may be, or of any other document granted in respect 25 of that vehicle; or

(*c*) take into custody such certificate,   
other document or copy thereof.

(3) Any person who is aggrieved by any direction, order or decision of any officer 30 authorized by the Commission in terms of subsection (2) may prefer an appeal to the

20 *National Transport Commission (Amendment)*

Secretary to the Ministry of the Minister   
within thirty days from the date on which   
such direction, order or decision is   
communicated to such aggrieved person.

5 (4) The provisions of section 33 of this Act shall, *mutatis mutandis*, apply to any appeal under subsection (3).".

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| 10 | **22.** The following new section is hereby inserted | | Insertion of new section 39A in the  principal  enactment |
| immediately after section 39 of the principal enactment and | |
| shall have effect as section 39A of the principal enactment:- | |
| "Imposition of penalties | 39A. (1) Where any transportation service provider fails to comply with the provisions |

of subsection (3) of section 38D, the Commission shall, after taking into 15 consideration the impact on passengers and the nature and extent of the relevant non- compliance, issue a notice to inform the transportation service provider the penalty to be imposed specifying the reasons for such

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| 20 | imposition. The Commission shall afford an opportunity for such service provider to make |

representations in person or in writing within   
a duration of twenty-one days from the date   
of receipt of the notice.

25 (2) Upon the expiry of the time duration specified in subsection (1), the Commission shall make a decision and communicate it to the transportation service provider by issuing a certificate under his hand. Such certificate

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| 35 | may specify a penalty, which shall not exceed a sum of rupees one hundred thousand |

for each non-compliance, or exemptsuch   
service provider from the penalty, as the case   
may be.

*National Transport Commission (Amendment)* 21

(3) Where a transportation service   
provider has been subjected to a penalty on a   
previous occasion, subsequently fails to   
conform to a directive issued under the

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| 5 | provisions of subsection (3) of section 38D, such person shall in addition to the penalty |

which may be imposed under subsection **(**2**)**   
be liable to the payment of an additional   
penalty consisting of twice the amount

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| 10 | imposed as a penalty for the second and subsequent occasions of non-compliance. |

(4) The Commission shall be responsible for the collection of a penalty imposed under this section and the money so collected shall 15 be credited to the Fund of the Commission after deducting such sum of money collected as compensation, if any, payable to the aggrieved person affected by reason of the

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| 20 | non-compliance of the provisions of subparagraph (iii) of paragraph (*b*) of |

subsection (3) of section 38D.

(5) (*a*) If a transportation service provider becomes liable to a penalty in terms of subsection (1) or (2) fails to pay such penalty, 25 within such period as may be specified in such notice, the Commission may make an *ex parte* application to the Magistrate Court of Colombo for an order requiring the payment of the penalty to be recovered in a

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| 30 | like manner as a fine imposed by such court notwithstanding such sum may exceed the |

amount of fine which that court may, in the   
exercise of its ordinary jurisdiction impose.

(*b*) If a transportation service provider 35 becomes liable to a penalty for three or more occasions within a period of six calendar

22 *National Transport Commission (Amendment)*

months, the Magistrate may order the   
suspension of his permit issued or renewed   
under this Act for a period not exceeding three   
months.

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| 5 | (6) The imposition of a penalty under this section shall not preclude a relevant |

regulatory or statutory body from taking any   
other regulatory measures including, but not

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| 10 | limited to, the suspension of such transportation service provider from carrying |

on the respective transportation service or the   
cancellation of the license granted for   
carrying on such service.

(7) (*a*) Any transportation service provider 15 who is aggrieved by the imposition of an administrative penalty under this section, may prefer an appeal to the Secretary to the Ministry of the Minister within thirty days from the date on which such administrative 20   
penalty was communicated to such aggrieved person.

(*b*) The provisions of section 33 of this   
Act shall, *mutatis mutandis*, apply to any   
appeal under paragraph (*a*).

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| 25 | **23.** Section 40 of the principal enactment is hereby | Amendment |
| amended by the repeal of all the words from "to a fine not | of section 40 |
| of the |
| exceeding two hundred thousand rupees" to the end of that |
| principal |
| section and the substitution therefor of the following words:- |
| enactment |

"to a fine not less than two hundred and fifty thousand 30 rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding five years.".

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| 5 | *National Transport Commission (Amendment)* | 23 | Amendment of section 44 of the  principal |
| **24.** Section 44 of the principal enactment is hereby | |
| amended in subsection (1) thereof as follows: - | |
| (1) in paragraph (*f*) thereof by the substitution for the | |
| enactment |
| word "authorized." of the word "authorized;"; and | |
| (2) by the addition immediately after paragraph (*f*) | |

thereof of the following new paragraphs: -

''(*g*) registration of the transportation services;

(*h*) the procedure, terms and conditions relating to the issue, validation, transfer, renewal, 10 extension of any certificate, permit or other document issued under this Act or any change made to any certificate, permit or other document;

(*i*) the selection criteria and selection process of

15 applicants to be granted a route permit;

(*j*) the fees and charges to be levied under this   
 Act;

(*k*) categorization of classes of the transportation

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| 20 | services, service standard, to be maintained by the transportation service providers and |

the manner and conditions of determining   
the different fares of the respective   
transportation vehicles;

(*l*) the guidelines for the effective 25 implementation of any database to be maintained by the Commission to facilitate a secure, efficient and up to date transport service;

(*m*) the procurement of new services, including 30 standards and conditions relating to the use

24 *National Transport Commission (Amendment)*

of electronic means to charge fares and the   
Global Positioning System (GPS);

(*n*) management of the Training Centre;

(*o*) the standards of service to be maintained by 5 a holder of a permit and monitoring of such standards by the Commission;

(*p*) codes of conduct applicable in respect of   
transportation services and the procedure of   
the inquiry conducted by the Commission in

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| 10 | the event of any contravention of any such code of conduct; |

(*q*) conditions relating to the inspection of   
permits and certificates issued; and

(*r*) mode and manner of reservation of seats in

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| 15 | respect of omnibus services and transportation | Amendment of section  46H of the  principal  enactment |
| services.". |
| **25.** Section 46H of the principal enactment is hereby |
| 20 |
| amended in subsection (1) thereof by the substitution for |
| the words "only in respect of an omnibus the capacity of |
| which is not less than forty seats" of the words "only in |
| respect of an omnibus the capacity of which is not less than |

forty seats and in respect of an air-conditioned bus the capacity of which is not less than twenty seats".

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| 25 | **26.** Section 49 of the principal enactment is hereby | Amendment of section 49 of the  principal  enactment |
| amended as follows:- |
| (1) by the insertion immediately after the definition of |
| the expression "Peoplised Company", of the |

following new definitions: -

''"prescribed" means prescribed by regulations;

*National Transport Commission (Amendment)* 25

"Province" means a Province specified in the   
Eighth Schedule to the Constitution of   
the Democratic Socialist Republic of   
Sri Lanka;

5 "Provincial Council" means a Provincial Council established by Article 154A of the Constitution of the Democratic Socialist Republic of Sri Lanka;";

(2) by the substitution in the definition of the 10 expression "specified area", for the words "for the carriage of passengers." of the words "for the carriage of passengers;"; and

(3) by the addition immediately after the definition of the expression "specified area", of the following 15 new definitions: -

''"transportation fares" includes a fee or hire   
charged to provide transportation services;

"transportation services" means providing   
travelling facilities by charging a fare for

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| 20 | passengers commuting interprovincially using office transport services, school |

transport services, three-wheeler services   
including a call-up service or a freelance   
service involving any other motorized or

|  |  |
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| 25 | non-motorized form of transportation service, and for the carriage of goods |

inter-provincially;

"transportation vehicle" means any vehicle constructed for carriage of passengers and 30 goods utilizing interprovincial road transportation services and includes an omnibus;

26 *National Transport Commission (Amendment)*

"vehicle" shall have the same meaning as

assigned to it under the Motor Traffic Act

(Chapter 203).".

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| 5 | **27.** In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |
| inconsistency |

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| *National Transport Commission (Amendment)* | 27 |

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