



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PRIVATE OMNIBUS SERVICES
ACT, No. 44 OF 1983

[Certified on 26th October, 1983]

Printed on the Orders of Government

Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of October 28, 1983

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

Price : 90 cents

Postage : 50 cents

Private Omnibus Services

Act, No. 44 of 1983

[Certified on 26th October, 1983]

L.D.—O. 40/82

AN ACT TO PROVIDE FOR THE AUTHORIZATION OF THE USE BY PRIVATE OMNIBUS OPERATORS OF OMNIBUSES FOR REGULAR SERVICES, FOR THE ESTABLISHMENT OF DISTRICT PRIVATE OMNIBUS OPERATORS' ASSOCIATIONS AND A FEDERATION OF PRIVATE OMNIBUS OPERATORS' ASSOCIATIONS, FOR THE AMENDMENT OF THE MOTOR TRAFFIC ACT AND FOR CONNECTED MATTERS.

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

1. This Act may be cited as the Private Omnibus Services Act, No. 44 of 1983, and shall come into operation on such date (hereinafter referred to as the "appointed date") as may be appointed by the Minister by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) There shall be appointed a person to be or to act as the Director of Private Omnibus Transport (hereinafter referred to as "the Director"), who shall be in charge of the general administration of this Act.

Adminis-
tration of
this Act.

(2) There shall be appointed such number of Deputy Directors and Assistant Directors of Private Omnibus Transport and such other officers as may be required for the purpose of carrying out or giving effect to the provisions of this Act.

(3) Any power, duty or function of the Director under this Act may be exercised, performed or discharged by any Deputy Director or Assistant Director under the directions of the Director or other officer who is authorized so to do by writing under the hand of the Director.

3. No person, other than a Regional Transport Board as provided for in the Transport Board Law, No. 19 of 1978, shall use on or after the appointed date an omnibus for the purpose of a regular service for the carriage of passengers for fee or reward except under the authority of a stage carriage permit granted by the Director under this Act and for the time being in force.

Stage
carriage
permits for
regular
services.

4. A stage carriage permit issued under this Act shall entitle the holder thereof to use an omnibus of which he is the registered owner for the operation of a regular service for the carriage of persons on the route or routes specified in such permit in accordance with the conditions attached thereto.

Authorized
passenger
carriage by
omnibus.

Application
for a stage
carriage
permit.

5. (1) Every application for a stage carriage permit under this Act shall be made by the registered owner of the omnibus in respect of which the application is made to the Director in such form as may be prescribed.

(2) Every applicant for a stage carriage permit shall, together with his application made under subsection (1), submit a statement in such form as may be prescribed containing—

- (a) particulars of the route or routes on which it is proposed to use such omnibus for the carriage of passengers for fee or reward ; and
- (b) such other particulars as the Director may require for the purpose of exercising his discretion under section 6.

Disposal of
applications
for permits.

6. (1) Subject to the provisions of subsection (2), the Director shall have full power and discretion to either grant or refuse to grant a stage carriage permit or grant a renewal thereof.

(2) The Director, in exercising his discretion in regard to the grant or refusal to grant a stage carriage permit or to grant a renewal thereof and to the route or routes in respect of which permits may be granted, shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for the transport of passengers for fee or reward and shall, in particular, have regard in using such discretion, to the following matters :—

- (a) the extent to which the proposed carriage of passengers is necessary or desirable in the public interest ;
- (b) the suitability of the proposed route or routes ;
- (c) the extent, if any, to which the needs of the proposed route or routes or of any such route are already adequately served ;
- (d) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services) and the co-ordination of all forms of passenger transport, including transport by railway ;

- (e) the consideration that wherever any transportation facilities (including facilities provided by the railway) in any area or on any route are, in the opinion of the Director, satisfactory and efficient to meet at reasonable charge the transportation requirements of the public within that area or on that route, it is undesirable to grant a permit authorizing the carriage of passengers within substantially the same area or over substantially the same route in competition with the said transportation facilities.

7. (1) No stage carriage permit shall be issued by the Director to any person under this Act, except upon the payment by such person to him of such fee or fees as may be prescribed.

Duration &c.,
of stage
carriage
permits.

(2) Every stage carriage permit shall—

- (a) be in the prescribed form; and
(b) unless it is cancelled earlier, be in force for a period of twelve months from the date of its issue.

8. Subject to the provisions of this Act and of any regulations made thereunder, every stage carriage permit issued under this Act shall have attached thereto all such conditions as may be determined by the Director, for securing the safety and convenience of the public, including conditions requiring—

Conditions
to be
attached
to permit

- (a) that the fares to be charged shall be such as may be specified by the Director;
- (b) that the omnibus used under the authority of the permit shall be operated on such route or routes specified in the permit;
- (c) that copies of the time-table (where required) and the fare-table shall be carried and kept exhibited in the omnibus used under the authority of the permit;
- (d) that the omnibus used under the authority of the permit shall be maintained at all times in a fit and serviceable condition;
- (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 driver and conductor of the omnibus used under the authority of the permit.

Specification of authorized omnibus in permits.

9. The Director may, at the time of the grant of a stage carriage permit under this Act, specify therein, by reference to its distinctive number and such other particulars as he may consider necessary, the omnibus the use of which is authorized by the permit.

Power of Director to issue directions.

10. The Director may issue to any person to whom a stage carriage permit has been granted under this Act, any such directions as he may think necessary for the purpose of making such person comply with the provisions of this Act or any regulations made thereunder, and the person to whom any such directions are issued shall comply with such directions within such time as shall be specified in such directions.

Permits not transferable.

11. No stage carriage permit issued under this Act to any person shall be transferable to any other person, and accordingly any such transfer shall be null and void.

Holders of permits to inform Director of any change of particulars.

12. The holder of a stage carriage permit shall, within thirty days of any change in the particulars stated in his application for a stage carriage permit, inform the Director in writing of such change.

Renewal of permit.

13. The Director may renew any stage carriage permit issued under this Act, for a period of one year, on application made to him by the holder of such permit from the date of expiry of the permit if—

- (a) the Director is satisfied that the holder of the stage carriage permit has observed the provisions of this Act or any regulation made thereunder or has not been convicted of any offence under this Act or any regulation made thereunder; and
- (b) the holder of the stage carriage permit pays the prescribed fee for the renewal of the permit.

Cancellation of a permit.

14. (1) The Director may cancel any stage carriage permit if he is satisfied that the holder of the permit—

- (a) has contravened any of the provisions of this Act or any regulation made thereunder;
- (b) has not complied with any direction issued to him under section 10; or

- (c) has furnished in any application or return or in any written information or written explanation sent by him under this Act, any particulars which to his knowledge are false or incorrect.

(2) The cancellation of a permit under subsection (1) shall not take effect until the time for appealing against the decision of the Director has expired or if an appeal has been made, until the appeal is disposed of.

15. Where the Director decides to refuse the grant or renewal of a stage carriage permit, or cancel a permit, he shall communicate in writing to the applicant or the holder of the permit, as the case may be, his decision together with the reasons therefor.

Director to communicate his decision to applicant or holder of permit together with his reasons therefor.

16. (1) The applicant for, or the holder of, a stage carriage permit who is aggrieved by a decision of the Director—

Appeals.

(a) refusing the grant or the renewal of a permit ; or

(b) cancelling the permit,

may appeal against the decision to the Secretary to the Ministry of the Minister within fourteen days of the date on which such decision is communicated to him.

(2) The Secretary may on any appeal under subsection (1)—

(a) allow the appeal and direct the Director to grant or renew the permit ; or

(b) disallow the appeal.

(3) The Director shall comply with any direction issued to him under subsection (2).

17. Every stage carriage permit issued under this Act shall be conspicuously displayed on the windscreen of the omnibus in respect of which the permit has been issued.

Permit to be displayed on windscreen.

18. The Director shall, in the exercise of his powers and the discharge of his duties under this Act, be subject to the general direction of the Minister.

Director to be subject to the general direction of the Minister.

19. The Director may give notice in writing to any person who is the holder of a stage carriage permit issued under this Act, requiring him to furnish within the time specified in such notice any return, information, or explanation as the Director may require for the purpose of

Returns &c.

exercising his powers and discharging his duties under this Act, and it shall be the duty of such person to comply with the requirements of such notice.

Constitution
of District
Private
Omnibus
Operators'
Associations.

20. (1) The Minister shall, as soon as may be after the appointed date, by Order published in the *Gazette*—

- (a) constitute a District Private Omnibus Operators' Association (hereinafter referred to as a "District Association") for each administrative district; and
- (b) assign a name to the District Association so constituted.

(2) Every District Association constituted under subsection (1) shall be a body corporate with perpetual succession and a common seal and may sue and be sued by such name as is assigned to it by the Order constituting such Association.

(3) Every person who is the holder of a stage carriage permit issued under this Act (hereinafter referred to as a "private omnibus operator") shall be a member of the District Association of the administrative district in which the place of origin of the route specified in the stage carriage permit, is situated.

Functions
of District
Association.

21. The functions of a District Association shall be—

- (a) to ensure that the regular omnibus services provided in the district by the members of the Association are such that they meet the transportation requirements of the public;
- (b) to lay down omnibus schedules and enforce their implementation;
- (c) to ensure the safety and comfort of passengers and the efficiency of the services provided;
- (d) to appoint stand keepers, checkers and other staff as are necessary and to handle all disciplinary matters relating to them;
- (e) to pay stand fees and other charges on behalf of members;
- (f) to make such levies as are necessary from members for the proper functioning of the Association;
- (g) to recommend to the Director through the Federation changes in route permits where necessary; and

- (h) to liaise and co-ordinate with other District Associations and the Federation with a view to ensure equitable return time schedules and loads.

22. (1) Every District Association shall elect from among themselves a Committee of Management consisting of the President, Secretary, Treasurer and five other members, to administer the affairs of the Association.

Management
of affairs of
a District
Association.

(2) Every District Association shall, after the election of the Committee of Management, elect one member from among the Committee of Management to be its nominee to the Federation of Private Omnibus Operators' Associations.

(3) The term of office of the Committee of Management of a District Association shall be one year.

23. (1) There shall be established a Federation which shall be called the Federation of Private Omnibus Operators' Associations (hereinafter referred to as "the Federation") consisting of the nominees of the District Associations.

Establish-
ment of the
Federation o
Private
Omnibus
Operators'
Associations.

(2) The Federation shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

(3) The seal of the Federation—

(a) shall be in the custody of the Executive Committee of the Federation;

(b) may be altered in such manner as may be determined by the Executive Committee of the Federation; and

(c) shall not be affixed to any instrument or document except with the sanction of the Executive Committee of the Federation and in the presence of at least two members of the Executive Committee who shall sign the instrument or document in token of their presence.

24. The Functions of the Federation shall be—

Functions
of the
Federation.

(a) to co-ordinate the activities of the District Associations;

(b) to resolve disputes and disagreements referred to the Federation by any District Association or Associations;

- (c) to recommend to the Director changes of route permits as are deemed to be necessary ;
- (d) to assess the transport needs of all areas in the country and to ensure that all areas are adequately served ; and
- (e) to make representations to the Minister and the Director on all matters relating to the private omnibus industry.

Management
of affairs of
the
Federation.

25. (1) The affairs of the Federation shall be administered by an Executive Committee of the Federation consisting of—

- (a) the President, Secretary, Treasurer and three other members elected in that behalf by the members of the Federation from among themselves ; and
- (b) a representative of the Department of Private Omnibus Transport nominated by the Director.

(2) The term of office of the Executive Committee of the Federation shall be one year.

General
powers of
District
Associations
and the
Federation.

26. Subject to the provisions of this Act and any other written law, the Committee of Management of a District Association or the Executive Committee of the Federation, shall, on behalf of a District Association or the Federation, have the power to do, perform and execute all such acts, matters and things whatsoever as are necessary or desirable for the performance of the functions of a District Association or the Federation, as the case may be.

Procedure
&c. of
District
Associations
and
Federation.

27. Regulations may be made under this Act in regard to the procedure for the election of the Committees of Management of District Associations and the Executive Committee of the Federation and in respect of the convening of meetings of District Associations and their Committees of Management, and the Federation and its Executive Committee, and the transaction of business thereat. Subject to any such regulations, the District Association, Federation or Committee may regulate its own procedure.

Public stands
for private
omnibuses.

28. (1) The local authority for any urban area may provide one or more public stands within that area for the exclusive use of private omnibuses.

(2) Regulations may be made empowering the Director in any case where he is satisfied that the provision for public stands made by the local authority under subsection

(1) for any urban area is unsatisfactory to make, with the approval of the local authority and in consultation with the Commissioner of Motor Traffic, such provision as he may deem necessary for the establishment and maintenance of public stands within that area in accordance with regulations so made.

29. (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :—

- (a) the plates and marks to be carried on omnibuses used under the authority of stage carriage permits issued under this Act ;
- (b) the documents to be carried by drivers or conductors of omnibuses used under the authority of stage carriage permits issued under this Act, and the particulars to be entered thereon ;
- (c) the standards to be observed by any person using an omnibus used under the authority of a stage carriage permit issued under this Act and the prohibition of acts or omissions in contravention of such standards ;
- (d) the records to be kept in respect of journeys performed by an omnibus used under the authority of a stage carriage permit issued under this Act ;
- (e) the records to be kept by holders of stage carriage permits issued under this Act in respect of the persons employed by such holders as drivers or conductors of the omnibuses used under the authority of such permits and to the times of the commencement and cessation of work by such persons and the intervals of rest taken by them ;
- (f) the preservation of records kept under this Act, 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 such authority ;

- (g) the procedure for the conduct of business of, and the procedure for the discharge of the functions by, District Associations and the Federation.

(3) Every regulation made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made under subsection (1) shall as soon as convenient after its 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.

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

Offences.

30. Any person who acts in contravention of any provision of this Act or any regulation made thereunder, or furnishes any return, written information or written explanation containing any particulars which to his knowledge are false or incorrect, shall be guilty of an offence under this Act.

Penalties.

31. Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a period not exceeding one year, or to both such fine and imprisonment.

Liability of certain persons in respect of offences committed by bodies of persons.

32. Where an offence under this Act is committed by a body of persons, then—

- (a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body corporate; or
- (b) if that body of persons is a firm, every person who at the time of the commission of the offence was a partner of the firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and all the circumstances.

33. The Motor Traffic Act is hereby amended as follows:—

Amendment
of Chapter
203.

- (1) in section 28 thereof, by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection:—

“ (1) No omnibus licence shall be issued under this Part except for an omnibus the registered owner of which is—

- (a) the Sri Lanka Central Transport Board or any Regional Transport Board established under the Transport Board Law, No. 19 of 1978 ; or
(b) the holder of a certificate of eligibility for stage carriage permits for occasional omnibus services ; or
(c) the holder of a stage carriage permit for a regular omnibus services granted under the Private Omnibus Services Act, 1983.” ;

- (2) in section 46 thereof, by the repeal of subsection (1) and the substitution therefor, of the following subsection:—

“ (1) No omnibus shall, on or after the appointed date, be used on any highway except under the authority of a stage carriage permit granted by the Commissioner under this Part or the Director of Private Omnibus under the Private Omnibus Transport Services Act, 1983, and for the time being in force.” ; and

- (3) by the repeal of section 239B thereof, and the substitution therefor, of the following section:—

“Prohibition
of grant of
stage
carriage
permits for
regular
omnibus
services.

239B. Notwithstanding anything to the contrary in any other provisions of this Act, a stage carriage permit for a regular omnibus service shall not be granted under this Act to any person.”.

34. (1) Notwithstanding the provisions of this Act or any other written law, every permit authorizing the use by any person of an omnibus for the purpose of the operation of a regular omnibus service for the carriage of passengers for fee or reward, issued prior to the appointed date by the Secretary to the Ministry of the Minister in charge of the

Validation of
permits
issued
prior to the
appointed
date.

subject of Private Omnibus Transport shall be deemed to have been, and to be, lawfully and validly issued, and accordingly, any act or thing done in pursuance of any such permit shall be deemed to have been, and to be, lawfully done.

(2) Where any such permit as is referred to in subsection (1) is due to expire on any date after the appointed date, such permit shall, unless it is cancelled earlier, be deemed for the purposes of this Act to be a stage carriage permit issued under this Act by the Director of Private Omnibus Transport and shall be valid until the date of expiry specified in the permit.

**Interpreta-
tion.**

35. In this Act, unless the context otherwise requires—
“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;

“omnibus” shall have the same meaning as in the Motor Traffic Act;

“passenger” shall have the same meaning as in the Motor Traffic Act;

“prescribed” means prescribed by regulation made under this Act.