



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

**NATIONAL TRANSPORT COMMISSION (AMENDMENT)
ACT, No. 30 OF 1996**

[certified on 12th November, 1996]

Printed on the Order of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of November 15, 1996**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 1

Price : Rs. 1.05

Postage : Rs. 2.00

National Transport Commission (Amendment)
Act, No. 30 of 1996

[Certified on 12th November , 1996]

L.D—O. 54/95.

AN ACT TO AMEND THE 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 Commission (Amendment) Act, No. 30 of 1996 and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

Short title and
date of operation.

2. Section 26 of the National Transport Commission Act, No. 37 of 1991 (hereinafter referred to as the “principal enactment”) is hereby amended by the insertion, immediately after paragraph (c) of that section of the following paragraph :—

Amendment of
section 26 of Act
No. 37 of 1991

“(cc) in the case of a permit granted to a company referred to in section 46B, the minimum educational or professional qualifications to be held by the Managing Director, Director Finance, Director Operations and Director Engineering of such company, such qualifications being those prescribed by regulation ;”.

3. The following sections are hereby inserted immediately after section 46, and shall have effect as sections 46A, 46b, 46C, 46D, 46E, 46F, 46G and 46H respectively, of the principal enactment :—

Insertion of
sections 46a, 46b,
46C, 46D, 46E,
46F, 46G and 46H
in the principal
enactment.

* Minister may
issue directions
to amalgamate
peoplised
companies.

46A. Where the Minister considers it expedient, having regard to the national economy in general and the need to provide adequate omnibus transport services to the public in particular, that two or more of the peoplised companies specified in the Second Schedule to this Act should be amalgamated, the Minister may forward a Memorandum and Articles of Association to the Registrar of Companies, together with a direction to such Registrar to register a new company to carry on the business activities carried on by the peoplised companies referred to in such direction.

Functions of the Registrar of Companies upon receipt of a direction under section 46A.

46B. Notwithstanding any other provision of the Companies Act, No. 17 of 1982, on receipt of a direction from the Minister under section 46A, the Registrar of Companies shall—

- (a) register a company (such company is hereinafter referred to as a “new company”) in the name specified in such direction and issue a certificate of incorporation under section 15 (1) of that Act, in respect of that company ;
- (b) publish an Order in the Gazette that a public company has been incorporated under that Act, in the name specified in the Order to take over and carry on the business activities carried on by the peoplised companies referred to in the Order.

Allotment of shares in new companies.

46C. Upon the publication of an Order under section 46B in the Gazette, the Registrar of Companies shall allot to every shareholder of a peoplised company referred to in that Order, shares in the new company equivalent, as far as practicable, to the nominal vale of shares held by such shareholder in the peoplised company.

Effect of Order made under section 46B.

46D. With effect from the publication in the Gazette of an Order under section 46B—

- (a) every peoplised company referred to in such Order shall, notwithstanding anything in section 45 be deemed to have been liquidated under the Companies Act, No. 17 of 1982, and the Registrar of Companies shall take steps to delete the name of such company from the registers maintained by him ;
- (b) all property, movable or immovable, owned by a peoplised company referred to in such Order, on the day immediately preceding the date of such Order shall, with effect from the date of such Order, vest in the new company specified in such Order ;

- (c) all contracts and agreements entered into by a peoplised company referred to in such Order and subsisting on the day immediately preceding the date of such Order shall, with effect from the date of such Order, be deemed to be contracts and agreements entered into by the new company referred to in such Order ;
- (d) all liabilities of a peoplised company referred to in such Order and subsisting on the day immediately preceding the date of such Order shall, with effect from the date of such Order, be deemed to be the liabilities of the new company specified in such Order ;
- (e) all actions and proceedings instituted by or against a peoplised company referred to in such Order and pending on the day immediately preceding the date of such Order shall, with effect from the date of such Order, be deemed to be actions and proceedings instituted by or against the new company specified in such Order and may be continued accordingly ;
- (f) all decrees and awards entered or made by any Court or Tribunal in any action or proceeding instituted by or against a peoplised company referred to in such Order and remaining unsatisfied on the day preceding the date of such Order shall, with effect from the date of such Order, be deemed to be decrees or awards entered or made in favour or against, as the case may be, of the new company specified in such Order and may be enforced accordingly.

46E. Nothing in section 18 shall be deemed to prohibit the grant, by an authorized person or the Commission, of a passenger service permit in respect of an omnibus, the registered owner of which is a new company.

Section 18 not to
apply to new
companies.

4 *National Transport Commission (Amendment)*
Act, No. 30 of 1996

Commission
may give
directions to a
new company.

46F. The Commission may give to any new company, such general or special directions as may be necessary to ensure compliance by such company with time tables for operating omnibuses. It shall be the duty of every new company to comply with a direction given to it under this section.

Government
guarantee.

46G. (1) The Minister in charge of the subject of Finance may with the concurrence of the Cabinet of Ministers, guarantee any sum due on a loan, overdraft or other accommodation, granted to a new company or on debentures issued by such new company.

(2) Any sum required for the fulfilment of a guarantee provided in subsection (1) shall be paid out of the Consolidated Fund.

(3) Any sum paid out of the Consolidated Fund in fulfilment of a guarantee provided under subsection (1) shall be repaid with interest thereon at such rate as the Minister in charge of the subject of Finance may determine, by the new company in such manner and over such period as such Minister may determine.

(4) Immediately after a guarantee is provided under subsection (1), the Minister in charge of the subject of Finance, shall lay a statement of the guarantee before Parliament.

(5) Where any sum is paid out of the Consolidated Fund in fulfilment of a guarantee provided under subsection (1), the Minister in charge of the subject of Finance shall forthwith lay before Parliament a statement that such sum has been paid.

Restriction on
issue of
passenger
service permits.

46H. (1) From and after such date as the Minister may appoint by Order published in the Gazette, a passenger service permit authorizing the use of an omnibus for the carriage of passengers shall except in the

case of omnibuses operating on such routes or classes of routes as may be prescribed, be issued by an authorized person or the Commission, only in respect of an omnibus the capacity of which is not less than forty seats.

(2) The making of an Order under subsection (1) shall be deemed not to prohibit, the renewal, after the date of such Order, of a passenger service permit authorizing the use of an omnibus for the carriage of passengers, issued prior to the date of such Order, in respect of an omnibus designed to carry less than the prescribed number of passengers.

(3) After the expiration of five years from such date, as the Minister may appoint by Order published in the Gazette, a passenger service permit authorizing the use of an omnibus for the carriage of passengers shall except in the case of a permit issued in respect of such route or classes of routes as may be prescribed be issued by an authorized person or the Commission, only to a person or body of persons who owns and operates at least fifty omnibuses.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary in this Act, or any other written law authorizing the issue of a passenger service permit or similar authority authorizing the use of an omnibus for the carriage of passengers.

4. Section 47 of the principal enactment is hereby amended, by the substitution, for the words "the Schedule to this Act", of the words "the First Schedule to this Act".

Amendment of section 47 of the principal enactment

5. The Schedule to the principal enactment is hereby amended by the repeal of the heading to the Schedule and the substitution therefor of the following heading :—

Amendment of Schedule to the principal enactment.

"FIRST SCHEDULE"

Insertion of new Schedule in the principal enactment.

6. The principal enactment is hereby amended by the addition of the end thereof of the following :

6 *National Transport Commission (Amendment)*
Act, No. 30 of 1996

Sinhala text to
prevail in
case of any
inconsistency.

7. In the event of any inconsistency
between the Sinhala and Tamil texts of this
Act, the Sinhala text shall prevail.

"SECOND SCHEDULE [section 46A]

Negombo Passenger Transport Services Limited.
Ratmalana Passenger Transport Services Limited.
Seemasahitha Mahanuwara Dakuna Janatha Santhaka
Pravahana Sevaya.
Avissawella Peoples Passenger Transport Services
Limited.
Seemasahitha Kurunegala Dakuna Janatha Santhaka
Pravahana Sevaya.
Seemasahitha Mahanuwara Uthura Janatha Santhaka
Pravahana Sevaya.
Seemasahitha Kataragama Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Nittambuwa Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Kappetipola Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Balangoda Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Horana Janatha Santhaka Pravahana Sevaya.
Seemasahitha Wariyapola Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Galgamuwa Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Alawwa Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Kurunegala Uthura Janatha Santhaka
Pravahana Sevaya.
Seemasahitha Giriulla Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Wennappuwa Janatha Santhaka Pravahana
Sevaya.
Seemasahitha Nikaweratiya Janatha Santhaka Pravahana
Sevaya.

Seemasahitha Puttalama Janatha Santhaka Pravahana Sevaya.

Seemasahitha Halawatha Janatha Santhaka Pravahana Sevaya.

Seemasahitha Mahawa Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kuliyaipitiya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Bandarawela Janatha Santhaka Pravahana Sevaya.

Seemasahitha Wellawaya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Moneragala Janatha Santhaka Pravahana Sevaya.

Seemasahitha Bibile Janatha Santhaka Pravahana Sevaya.

Seemasahitha Badulla Janatha Santhaka Pravahana Sevaya.

Seemasahitha Mahiyanganaya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Anuradhapura Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kekirawa Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kahatagasdigiliya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kebithigollawa Janatha Santhaka Pravahana Sevaya.

Seemasahitha Polonnaruwa Janatha Santhaka Pravahana Sevaya.

Seemasahitha Galle Janatha Santhaka Pravahana Sevaya.

Seemasahitha Matara Janatha Santhaka Pravahana Sevaya.

Seemasahitha Elpitiya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Akuressa Janatha Santhaka Pravahana Sevaya.

Seemasahitha Tangalla Janatha Santhaka Pravahana Sevaya.

Seemasahitha Ambalangoda Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kalawana Janatha Santhaka Pravahana Sevaya.

- Seemasahitha Embilipitiya Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Godakawela Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Ratnapura Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Deraniyagala Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Kegalle Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Mawanella Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Rambukkana Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Wattegama Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Yatinuwara Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Gampola Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Hanguranketa Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Walapane Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Dambulle Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Matale Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Hatton Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Nuwara-Eliya Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Nawalapitiya Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Panadura Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Kalutara Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Moratuwa Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Homagama Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Kesbewa Janatha Santhaka Pravahana Sevaya.
- Seemasahitha Maharagama Janatha Santhaka Pravahana Sevaya.

Seemasahitha Udahamulla Janatha Santhaka Pravahana Sevaya.

Seemasahitha Matugama Janatha Santhaka Pravahana Sevaya.

Seemasahitha Alutgama Janatha Santhaka Pravahana Sevaya.

Seemasahitha Hakmana Janatha Santhaka Pravahana Sevaya.

Seemasahitha Meetotamulla Janatha Santhaka Pravahana Sevaya.

Seemasahitha Welisara Janatha Santhaka Pravahana Sevaya.

Seemasahitha Mattakkuliya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Divulapitiya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Ja-Ela Janatha Santhaka Pravahana Sevaya.

Seemasahitha Talangama Janatha Santhaka Pravahana Sevaya.

Seemasahitha Gampaha Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kelaniya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kirindiwala Janatha Santhaka Pravahana Sevaya.

Seemasahitha Angoda Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kadawata Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kantale Janatha Santhaka Pravahana Sevaya.

Seemasahitha Ampara Janatha Santhaka Pravahana Sevaya.

Seemasahitha Udadumbara Janatha Santhaka Pravahana Sevaya.

Seemasahitha Akkaraipattuwa Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kalmunai Janatha Santhaka Pravahana Sevaya.

Seemasahitha Ambalantota Janatha Santhaka Pravahana Sevaya.

Seemasahitha Vavuniyava Janatha Santhaka Pravahana Sevaya.

Seemasahitha Trikunamalaya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Udugama Janatha Santhaka Pravahana Sevaya.

10 *National Transport Commission (Amendment)*

Act, No. 30 of 1996

Seemasahitha Teldeniya Janatha Santhaka Pravahana Sevaya.

Seemasahitha Kotmale Janatha Santhaka Pravahana Sevaya.

Seemasahitha Katubedde Janatha Santhaka Pravahana Sevaya.

**Seemasahitha Valachchena Janatha Santhaka Pravahana
Sevaya.**

**Seemasahitha Madakalapuwa Janatha Santhaka Pravahana
Sevaya.**

**Seemasahitha Muttur Janatha Santhaka Pravahana
Sevaya. ”.**