

PARLIAMENT OF CEYLON

5th Session 1952



Motor Traffic (Amendment) Act, No. 1 OF 1952

Date of Assent : January 16, 1952

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L. D.—O. 43/51

AN ACT TO AMEND THE MOTOR TRAFFIC ACT, NO. 14
OF 1951.

[Date of Assent: January 16, 1952.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 1 of 1952. Short title.

2. Section 17 of the Motor Traffic Act, No. 14 of 1951, (hereinafter referred to as the "principal enactment"), is hereby amended as follows:— Amendment of
section 17 of
Act No. 14 of
1951.

(i) by the re-numbering of that section as sub-section (1) of section 17; and

(ii) by the addition, immediately after re-numbered sub-section (1), of the following new sub-section:—

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

3. Section 81 of the principal enactment is hereby amended in sub-section (1) of that section as follows:—

Amendment of
section 81 of the
principal
enactment.

(i) in paragraph (c) of that sub-section, by the substitution, for the word "undertaking", of the words "undertaking; and"; and

(ii) by the addition, immediately after paragraph (c) of that sub-section, of the following new paragraph:—

" (d) for the carriage of goods of which he is the owner."

Amendment of
section 89 of the
principal
enactment.

4. Section 89 of the principal enactment is hereby amended as follows:—

- (i) in paragraph (b) of sub-section (1), by the substitution, for the words “ is a person who,”, of the words “ is, or is the successor of, a person who,”; and
- (ii) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“(1A) For the purposes of sub-section (1), the expression “ successor ”, in relation to a person who, immediately prior to December 31, 1949, was the holder of a licence authorising the use of a lorry or lorries for the purpose of any trade, business or undertaking (including an agricultural undertaking), means

- (a) any other person who, consequent on the death of such holder or on a valid transfer (whether voluntary or otherwise), is entitled to carry on such trade, business or undertaking; or
- (b) if such licence was granted to the holder thereof in his capacity as superintendent or manager of any such trade, business or undertaking, the owner thereof or the person who is the superintendent or manager for the time being of that trade, business or undertaking.”.

Amendment of
section 124 of
the principal
enactment.

5. Section 124 of the principal enactment is hereby amended in sub-section (1) of that section as follows:—

- (i) in paragraph (a) of that sub-section, by the substitution, for the word “ fee,” of the words “ fee; and ”;
- (ii) in paragraph (b) of that sub-section, by the substitution, for the words “ application; and ”, of the word “ application.”; and
- (iii) by the omission of paragraph (c) of that sub-section.

Amendment of
section 125 of
the principal
enactment.

6. Section 125 of the principal enactment is hereby amended by the repeal of sub-section (4) of that section.

7. Section 126 of the principal enactment is hereby amended by the substitution, for sub-section (1) of the following:—

Amendment of
section 126 of
the principal
enactment.

“(1) Subject to the provisions of sub-sections (2) and (3), every driving licence issued under this Part shall be effective without renewal during the lifetime of the holder thereof.”

8. Sections 127 and 128 of the principal enactment are hereby repealed.

Repeal of
sections 127
and 128 of
the principal
enactment.

9. Section 129 of the principal enactment is hereby amended by the omission of the words “or renew” occurring in that section and in the marginal note thereto.

Amendment of
section 129 of
the principal
enactment.

10. Section 131 of the principal enactment is hereby amended by the repeal of sub-section (3) of that section and the substitution therefor of the following new sub-section:—

Amendment of
section 131 of
the principal
enactment.

“(3) Where the Commissioner is satisfied that an applicant for, or the holder of, a driving licence is unfit to drive a hiring car, motor coach or lorry by reason of the fact that he habitually behaves in a riotous or disorderly manner or is habitually drunk or suffers from any disease of an infectious or contagious nature, or that such holder is unfit to drive any such vehicle by reason of the fact that he is a registered criminal within the meaning of the Prevention of Crimes Ordinance—

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(a) the Commissioner may make order refusing the application that the licence be expressed to be valid for hiring cars, motor coaches or lorries; or

(b) where the licence has, by entry made under sub-section (1), been expressed to be valid for hiring cars, motor coaches or lorries, the Commissioner may make order that such entry should be cancelled or suspended and accordingly such entry may be cancelled or suspended by the Commissioner by endorsement made on the licence under his hand:

Provided that any person who is dissatisfied with any such order shall have a right of appeal against

the order in accordance with the provisions in that behalf in Part X, but notwithstanding anything in section 212, the decision of a Tribunal of Appeal in the case of any such appeal shall be final and conclusive."

Amendment of
section 136 of
the principal
enactment.

11. Section 136 of the principal enactment is hereby amended in sub-section (1) of that section by the omission of the words and figures " which is valid for motor vehicles of any or every class referred to in paragraphs (e) to (g) of section 122 "

Amendment of
section 139 of
the principal
enactment.

12. Section 139 of the principal enactment is hereby amended in paragraph (b) of sub-section (1) by the omission of the words " renew that licence or "

Amendment of
section 166 of
the principal
enactment.

13. Section 166 of the principal enactment is hereby amended as follows:—

- (i) in sub-section (1), by the substitution, in paragraph (b), for the words " licensing authority of the area in which the highway is situated," of the words " local authority of any area in the case of a highway in charge of that local authority ";
- (ii) in sub-sections (4) and (5), by the substitution, for the words " licensing authority ", wherever those words occur collectively therein, of the words " local authority ";
- (iii) by the insertion, immediately after sub-section (6), of the following new sub-section:—

" (7) In this section, " local authority " includes a Village Committee. ";
and
- (iv) in the marginal note to that section, by the substitution, for the words " licensing authority ", of the words " local authority ".

Amendment of
section 170 of
the principal
enactment.

14. Section 170 of the principal enactment is hereby amended as follows:—

- (i) by the repeal of sub-section (2), and the substitution therefor of the following new sub-section:—

" (2) Notwithstanding anything in section 216 of this Act, the contravention

of any provision of the Highway Code prescribed by regulation under sub-section (1) shall not of itself be an offence within the meaning of this Act, but such contravention may, in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.”; and

- (ii) by the repeal of sub-sections (3) and (4) of that section.

15. Section 244 of the principal enactment is hereby amended by the repeal of sub-section (4) thereof.

Amendment of
section 244 of
the principal
enactment.

16. Section 245 of the principal enactment is hereby amended as follows:—

Amendment of
section 245 of
the principal
enactment.

- (i) by the repeal of sub-sections (3) and (4) and the insertion immediately after sub-section (2) of the following new sub-sections:—

“(3) No existing motor wagon shall be used on any highway at any time after such date as may be specified by the Minister by notice published in the *Gazette* as the date on which this sub-section shall come into force unless it has been registered under sub-section (2):

Provided, however, that nothing in the preceding provisions of this sub-section shall be construed to prevent the registration of any such wagon under sub-section (2) at any time prior to the publication of the notice referred to in this sub-section.

(4) An existing motor wagon shall, notwithstanding that it is adapted for the carriage of more than eight persons (including the driver) and notwithstanding that it is not registered under sub-section (2), be deemed until the date specified in the notice referred to in sub-section (3) to be for all the purposes of this Act a private car; and the provisions of this Act shall apply accordingly.”; and

- (ii) by the repeal of sub-section (8).

Amendment of
section 246 of
the principal
enactment.

17. Section 246 of the principal enactment is hereby amended by the addition at the end thereof of the following new sub-section:—

“(7) In any case where—

(a) a person who immediately prior to the appointed date was the holder of any road service licence or licences issued under Ordinance No. 47 of 1942, is a party to any appeal in relation to which sections 13 and 14 of that Ordinance are declared by sub-section (4) of this section to be applicable; and

(b) the Commissioner issues a certificate to the effect that a company has been formed for the purpose of carrying on the business previously carried on by such person under the authority of such licence or licences and that the company is one in respect of which the provisions of section 67 of this Act are complied with,

then (notwithstanding that the aforesaid section 67 may not be in operation) the company shall, on application made by the company or any party to the appeal to the tribunal or Court or Council before which the appeal is pending, be substituted for all purposes as a party in place of such person as aforesaid; and upon such substitution being made, the appeal shall proceed, and effect shall be given to the final determination thereon in all respects as though the company had originally been a party thereto in lieu of such person as aforesaid.”.