

PARLIAMENT OF CEYLON

3rd Session 1962-63



Motor Transport (Amendment) Act, No. 34 of 1962

Date of Assent : December 5, 1962

*Printed on the Orders of Government
and published as a Supplement to Ceylon Government
Gazette, Part II of December 14, 1962*

Printed at the GOVERNMENT PRESS, CEYLON. To be
purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40
(Foreign), payable to the SUPERINTENDENT, GOVERNMENT
PUBLICATIONS BUREAU, P. O. Box 500, Colombo 1, before 20th
December each year in respect of the year following. Late
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*Motor Transport (Amendment) Act,
No. 34 of 1962*

L. D.—O. 27/62.

AN ACT TO AMEND THE MOTOR TRANSPORT
ACT, NO. 48 OF 1957.

1958
Supplement
Vol. II,
Page 194.

[Date of Assent: December 5, 1962]

BE it enacted by the Queen'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 Transport (Amendment) Act, No. 34 of 1962. Short title.
2. Section 2 of the Motor Transport Act, No. 48 of 1957, hereinafter referred to as "the principal Act", is hereby amended in sub-section (1), in paragraph (a) thereof, by the substitution, for the word "administration," of the words "administration or labour relations,". Amendment of section 2 of Act No. 48 of 1957.
3. Section 38 of the principal Act, as amended by Act No. 22 of 1961, is hereby further amended in the proviso to sub-section (2) thereof, by the substitution, for the words "the date", of the words "such date". Amendment of section 38 of the principal Act.
4. Section 41A of the principal Act, inserted by Act No. 22 of 1961, is hereby amended in sub-section (1) thereof, by the substitution, in each of the paragraphs (b) and (c) of that sub-section, for the words "by any party to the dispute", of the words "by any party to the dispute or by the Board". Amendment of section 41A of the principal Act.
5. Section 47 of the principal Act, as amended by Act No. 22 of 1961, is hereby further amended in the second proviso to sub-section (1) thereof, by the substitution, for the words "five per centum of such cost", of the words "five per centum of such cost or, where such actual cost cannot be ascertained, the actual cost of any other second-hand omnibus reasonably comparable with the second-hand omnibus so vested, to the holder of a stage carriage permit increased by not more than five per centum of such cost". Amendment of section 47 of the principal Act.

Amendment of
section 52 of
the principal
Act.

6. Section 52 of the principal Act, as amended by Act No. 22 of 1961, is hereby amended as follows:—

(1) in paragraph (a) of sub-section (1) thereof—

(a) by the insertion, immediately after sub-paragraph (ii) of the following new sub-paragraph:—

“(iia) have been neither admitted nor denied by such person to be due from him under section 40, section 40A or section 40B, and are certified in writing by the Commissioner of Labour to the Ceylon Transport Board to have been neither so admitted nor so denied by such person and to be so due from such person; or ”;

(b) in sub-paragraph (iii), by the substitution, for the words “revenue licence for an omnibus by reason of the failure of such person to deliver such licence”, of the words “revenue licence or a certificate of registration for an omnibus or other motor vehicle by reason of the failure of such person to deliver such licence or certificate”;

(c) in sub-paragraph (viii), by the substitution, for the words “from such person as fees to a Liquidator”, of the words “to a Liquidator from such person as fees of, or expenses incurred by, such Liquidator”; and

(d) by the substitution, for the expression “sub-paragraph (ii)”, of the expression “sub-paragraph (ii) or sub-paragraph (iia)”;

(2) in sub-section (2)—

(a) by the substitution, for the words “The following provisions shall apply in any case where the compensation”, of the words “The following provisions shall apply in any case where the total compensation”;

(b) in paragraph (a) thereof, by the substitution, for the words "cannot be paid out of the compensation", of the words "cannot be paid out of the total compensation";

(c) in paragraph (b) thereof, by the substitution, for the word "compensation", of the words "total compensation"; and

(d) in paragraph (c) thereof, by the substitution, for the words "be paid out of the compensation" of the words "be paid out of the total compensation"; and

(3) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section:—

"(4) Any certificate issued by any person or authority under sub-section (1) of this section shall, for all purposes, be conclusive proof of the facts stated therein."

7. Section 52A of the principal Act, inserted by Act No. 22 of 1961, is hereby amended as follows:—

Amendment of
section 52A of
the principal
Act.

(1) by the substitution, for the words "Where the compensation", of the words "Where the total compensation"; and

(2) by the substitution, for the words "then, if that sum is payable to the Ceylon Transport Board, the Chairman of that Board, or, if that sum is payable to the Commissioner of Labour, such Commissioner," of the words "the Chairman of that Board".

8. Section 52B of the principal Act, inserted by Act No. 22 of 1961, is hereby amended in each of the sub-sections (1) and (2) thereof, by the substitution, for the words "Board or the Commissioner of Labour", of the word "Board".

Amendment of
section 52B of
the principal
Act.

Amendment of
section 84 of
the principal
Act.

9. Section 84 of the principal Act is hereby amended by the insertion, immediately after sub-section (1) thereof, of the following new sub-section:—

“(1A) Any passenger in any omnibus of the Ceylon Transport Board who—

(a) does not retain with him throughout the journey the ticket that is issued to him; or

(b) fails or refuses to show or surrender such ticket when called upon to do so by the conductor of that omnibus or by any other person authorised by the Board in that behalf,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees:

Provided that no prosecution shall be instituted or maintained against any such passenger if he pays to any officer of the Ceylon Transport Board authorised by the Board to receive such payment, a penalty of two rupees and fifty cents together with twice his fare.”.

Amendment of
Part II of the
Schedule to
the principal
Act.

10. Part II of the Schedule to the principal Act is hereby amended as follows:—

(1) by the renumbering of paragraphs 1, 2 and 3 as paragraphs 2, 3 and 4;

(2) by the insertion, immediately before the renumbered paragraph 2, of the following new paragraph:—

“ 1. Section 169 of the Motor Traffic Act shall not apply to or in relation to any omnibus or hiring car of the Ceylon Transport Board.”;

(3) in the renumbered paragraph 2, by the substitution, for the expression “ Sections 169,”, of the word “ Sections ”; and

(4) by the addition, at the end thereof, of the following new paragraph:—

“ 5. Sub-section (2) of section 186 of the Motor Traffic Act shall not apply to or in relation to any omnibus of the Ceylon Transport Board.”.

11. The amendments made in the principal Act by sections 3, 4, 5, 6, 7 and 8 of this Act shall be deemed for all purposes to have taken effect on the date on which the principal Act came into force.

Retrospective
effect of
certain
amendments