



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

**MOTOR TRAFFIC (AMENDMENT)
ACT, No. 40 OF 1984**

(Certified on 11th October, 1984)

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L.D.—O. 30/83

AN ACT TO AMEND THE MOTOR TRAFFIC ACT

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

1. This act may be cited as the Motor Traffic (Amendment) Act, No. 40 of 1984.

Short title.

2. Section 27 of the Motor Traffic Act (hereinafter referred to as the “principal enactment”) is hereby amended in the proviso to subsection (1) of that section by the substitution for the words “any motor vehicle, other than a motor coach, motor tricycle van or lorry,” of the words “any motor vehicle”.

Amendment of section 27 of Chapter 203.

3. Section 124 of the principal enactment is hereby amended as follows :—

Amendment of section 124 of the principal enactment.

(a) in subsection (1) of that section—

(i) by the relettering of paragraphs (a) and (b) of that subsection as paragraphs (b) and (c) respectively ; and

(ii) by the insertion, immediately before relettered paragraph (b) of that subsection, of the following new paragraph :—

“(a) a certificate from a medical practitioner registered under the Medical Ordinance to the effect that the applicant is physically fit to drive the class of vehicle in respect of which the application is made ;” ; and

(b) in subsection (2) of that section, by the substitution, in paragraph (d) of that subsection, for the words and figures “registered under section 32 of the Medical Ordinance ;”, of the words “registered under the Medical Ordinance ;”.

4. Section 125 of the principal enactment is hereby amended by the repeal of subsection (3) of that section.

Amendment of section 125 of the principal enactment.

5. Section 129 of the principal enactment is hereby amended in subsection (3) of that section by the substitution for the words “any disease of an infectious or contagious nature, or that such holder is unfit to drive any such vehicle

Amendment of section 129 of the principal enactment.

by reasons of the fact that he is a registered criminal within the meaning of the Prevention of Crimes Ordinance—”, of the words “any disease of an infectious or contagious nature.”.

Insertion
of new
Part VIIA
in the
principal
enact-
ment.

6. The following new Part is hereby inserted immediately after Part VII, and shall have effect as Part VIIA, of the principal enactment :—

‘Part VIIA

Licensing
of driving
instructors.

139A. (1) No person shall, on or after the relevant date, act as a driving instructor except under the authority, and in accordance with the terms and conditions, of a licence (hereinafter referred to as an “instructor’s licence”) issued in that behalf by the Commissioner under this Part and for the time being in force.

(2) Any person who is guilty of the offence of contravening the provisions of subsection (1) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees or to imprisonment of either description not exceeding six months or to both such fine and imprisonment.

Applica-
tion for
instruc-
tor’s
licence.

139B. (1) Every application for an instructor’s licence shall be made to the Commissioner in such form, and shall contain such particulars, and shall be accompanied by such application fee as may be prescribed.

(2) No instructor’s licence shall be issued to any person unless he—

- (a) is the holder of a valid driving licence ;
- and
- (b) possesses such suitable qualifications and experience as may be prescribed.

(3) An instructor’s licence shall be subject to such terms and conditions as the Commissioner may consider necessary to ensure

that high standards are maintained in the giving of instruction in the driving of motor vehicles.

(4) A driving instructor who fails to comply with any of the terms or conditions of his licence shall, in addition to his licence being liable to be cancelled or suspended under section 139E, be guilty of an offence under this Act.

Duration &c.
of ins-
tructor's
licence.

139c. (1) No instructor's licence shall be issued by the Commissioner to any person under this Part, except upon the payment by such person to him of such fee or fees as may be prescribed.

(2) Subject to the provisions of subsections (3) and (4), every instructor's licence issued under this Part shall be valid for a period of two years, and every usch licence may be renewed for a period of two years at a time upon payment of such fee as may be prescribed.

(3) An instructor's licence which is cancelled under the succeeding provisions of this Part shall cease to be effective on the date of cancellation thereof.

(4) An instructor's licence which is suspended for any period under the succeeding provisions of this Part shall not be effective during the period of such suspension.

Refusal to
issue or
renew
instructor's
licence to
be communi-
cated to
applicant
or holder.

139d. Where the Commissioner refuses the issue or renewal of an instructor's licence on the ground that the applicant therefor or the holder thereof, has failed to satisfy any of the requirements set out in or under subsection (2) or subsection (3) of section 139B the Commissioner shall serve or cause to be served on the applicant or the holder, as the case may be, a written statement to that effect. The statement shall set out the grounds of such refusal.

Cancellation
or suspension
of instruc-
tor's licence.

139E. (1) The Commissioner may cancel or suspend an instructor's licence if he is satisfied that the driving instructor—

(a) has improperly obtained his instructor's licence contrary to the provisions of this Part or any regulations made thereunder;

(b) is no longer a fit and proper person to continue to hold an instructor's licence by reason of his conduct or physical disability; or

(c) is contravening or has contravened any of the terms or conditions of his licence or any of the provisions of this Part or any regulations made thereunder.

(2) The Commissioner shall, before cancelling or suspending a licence under the provisions of subsection (1), give the driving instructor concerned notice in writing of his intention to do so specifying a date, not less than fourteen days after the date of the notice, upon which such cancellation or suspension shall be made and calling upon the driving instructor to show cause to the Commissioner why his licence should not be cancelled or suspended.

(3) Where the Commissioner has cancelled or suspended a licence under the provisions of subsection (1), he shall forthwith inform the driving instructor concerned by notice in writing of such cancellation or suspension.

(4) A driving instructor may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal in writing against such cancellation or suspension to the Secretary to the Ministry of the Minister whose decision shall be final.

(5) An order of cancellation or suspension shall not take effect until the expiration of a period of fourteen days after the Commissioner has informed the driving instructor concerned of the order.

(6) If within that period, the driving instructor concerned appeals to the Secretary of the Ministry of the Minister, the order shall not take effect until it is confirmed by the Secretary or the appeal is for any reason dismissed by the Secretary.

(7) Where an order of cancellation or of suspension becomes effective under subsection (5), the driving instructor concerned shall, as from the date when the order becomes effective, cease to give instruction to any person in the driving of a motor vehicle.

(8) A driving instructor whose instructor's licence has been cancelled under this section shall forthwith surrender it to the Commissioner.

Licensing of
driving
schools.

139F. (1) No person shall, on or after the relevant date, carry on the business of a driving school except under the authority, and in accordance with the terms and conditions, of a licence (hereinafter referred to as a "driving school licence") issued in that behalf by the Commissioner under this Part and for the time being in force.

(2) A person carries on the business of a driving school if that person engages or employs other persons or, agents to give instruction to persons in the driving of a motor vehicle.

(3) Any person who is guilty of the offence of contravening or failing to comply with the provisions of subsection (1) shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Application
for driving
school
licence.

139G. (1) Every application for a driving school licence shall be made to the Commissioner in such form, shall contain such particulars, and be accompanied by such application fee, as may be prescribed.

(2) No driving school licence shall be issued to any person unless he—

(a) possesses or has at his disposal the prescribed kind of motor vehicles to be used for driving instruction and driving tests in the driving school; and

(b) has the facilities to carry on the driving school in a proper or satisfactory manner and employ licensed driving instructors in that school.

(3) A driving school licence shall be subject to such terms and conditions as the Commissioner may consider necessary to ensure that high standards are maintained in the conduct of the activities of driving schools.

Duration
&c. of
driving
school
licence.

139H. (1) No driving school licence shall be issued by the Commissioner to any person under this Part, except upon the payment by such person to him of such fee or fees as may be prescribed.

(2) Subject to the provisions of subsection (3), every driving school licence issued under this Part shall be valid for a period of two years, and every such licence may be renewed for a period of two years at a time upon payment of such fee as may be prescribed.

(3) A driving school licence which is cancelled under the succeeding provisions of this Part shall cease to be effective on the date of cancellation thereof.

Refusal to
issue or
renew
driving
school
licence to be
communicated to
applicant
or holder.

139J. Where the Commissioner refuses the issue or renewal of a driving school licence on the ground that the applicant therefor or the holder thereof, has failed to satisfy any of the requirements set out in or under subsection (2) or subsection (3) of section 139G, the Commissioner shall serve or cause to be served on the applicant or the holder, as the case may be, a written statement to that effect. The statement shall set out the grounds of such refusal.

Cancellation
of driving
school
licence.

139K. (1) The Commissioner may cancel a driving school licence if he is satisfied that the owner of the driving school—

(a) has carried on the driving school in an improper or unsatisfactory manner;

(b) has failed to comply with any of the terms or conditions upon which the driving school licence was issued; or

(c) has been convicted of an offence under this Act or any regulations made thereunder.

(2) The Commissioner shall, before cancelling a driving school licence under the provisions of subsection (1), give the owner of the driving school concerned notice in writing of his intention to do so specifying a date, not less than fourteen days after the date of the notice, upon which such cancellation shall be made and calling upon him to show cause to the Commissioner why his licence should not be cancelled.

(3) Where the Commissioner has cancelled a licence under the provisions of subsection (1), he shall forthwith inform the owner of the driving school concerned by notice in writing of such cancellation.

(4) Any person aggrieved by the decision of the Commissioner under subsection (1) may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal in writing against such cancellation to the Secretary to the Ministry of the Minister, whose decision shall be final.

(5) An order of cancellation shall not take effect until the expiration of a period of fourteen days after the Commissioner has informed the owner of the driving school concerned of the order.

(6) If within that period, the owner of the driving school concerned appeals to the Secretary to the Ministry of the Minister, the

order shall not take effect until it is confirmed by the Secretary or the appeal is for any reason dismissed by the Secretary.

(7) Where an order of cancellation becomes effective under subsection (5), the owner of the driving school concerned shall, as from the date when the order becomes effective, cease to carry on the business of the driving school.

(8) The owner of the driving school whose driving school licence has been cancelled under this section shall forthwith surrender it to the Commissioner.

Appeal
against
refusal
to issue
or renew
any
licence
under this
Part.

139L. Any person aggrieved by the refusal of the Commissioner to issue or renew any licence under this Part may, within fourteen days of the written notification of the refusal, appeal in writing to the Secretary of the Ministry of the Minister, whose decision shall be final.

Regulations
for the
purposes of
this Part.

139M. Regulations may be made for or in respect of all or any of the following matters:—

- (a) all matters stated or required in this Part to be prescribed;
- (b) prescribing the qualifications and experience necessary for eligibility to apply for an instructor's licence;
- (c) prescribing the kind of motor vehicles which may be used for driving instruction and driving tests and the conditions that must be complied with before such vehicles may be so used;
- (d) regulating the conduct of driving instructors when giving instruction;
- (e) regulating the activities of driving schools and prescribing the manner in which driving schools should be conducted; and

- (f) prescribing the form of records to be kept by driving instructors, driving schools and their particulars to be entered therein.

Interpre-
tation.

139N. In this Part—

“driving instructor” means a person who gives instruction in the driving of a motor vehicle for fee or reward, but does not include a person acting as a driving instructor in a Government Department or Public Corporation ;

“driving school” means an establishment where persons are given instruction in the driving of motor vehicles for fee or reward, but does not include a driving school maintained by a Government Department or Public Corporation ; and

“relevant date” means the date appointed as the relevant date for the purposes of this Part by the Minister by Order published in the *Gazette*.

Transitional
provisions.

139P. Notwithstanding anything contained in this Part a person who, immediately before the relevant date—

(a) was acting as a driving instructor shall be entitled to carry on as such without an instructor's licence ; or

(b) was carrying on the business of a driving school shall be entitled to carry on such business without a driving school licence,

for a period of three months commencing from the relevant date and, if before the expiration of that period such person applies for an instructor's licence or a driving school licence, as the case may be, until the license is granted or finally refused or the application is withdrawn.’

Amendment
of section
148 of the
principal
enactment.

7. Section 148 of the principal enactment is hereby amended by the addition at the end of that section, of the following new subsection :—

“(14) A motor vehicle proceeding from any place to a highway shall stop, before entering such highway where stop-lines are painted.”.

8. Section 151 of the principal enactment is hereby amended as follows :—

(a) by the substitution in subsection (1A) of that section for the words “hiring car or any other vehicle”, of the words “or any other motor vehicle”;

(b) in subsection (1c) of that section—

(i) by the substitution, in paragraph (a) of that subsection, for the words “a breath test for alcohol and that person shall comply with such requirement.”, of the words “a breath test for alcohol or an examination by a Government medical officer in order to ascertain whether such person has consumed alcohol and that person shall comply with any such requirement, as the case may be.”;

(ii) by the substitution for paragraph (b) of that subsection, of the following paragraph :—

“(b) Where a breath test for alcohol or an examination by a Government medical officer reveals that such person has consumed alcohol or where such person refuses to submit himself to any such test or examination it shall be presumed that such person has consumed alcohol unless evidence to the contrary has been adduced.”;

(iii) by the substitution for paragraph (d) of that subsection, of the following paragraph :—

“(d) The report of a Government medical officer to the effect that the driver of a motor vehicle on a highway has consumed alcohol or any drug shall be sufficient evidence of the fact that such person has consumed alcohol or any drug unless evidence to the contrary has been adduced.”; and

(iv) by the substitution, in paragraph (e) of that subsection, for the words "consumption of drugs", of the words "consumption of alcohol or drugs";

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

"(1cc) Where a police officer has reasonable grounds for believing that any person has committed an offence under this section, he may arrest such person without warrant."; and

(d) in subsection (1d) of that section, by the substitution in paragraph (iii) thereof, for the words "consumed any drug;", of the words "consumed alcohol or any drug;".

9. Section 158 of the principal enactment is hereby amended by the addition at the end of that section of the following new subsection:—

Amendment of section 158 of the principal enactment.

"(3) Where the driver of a motor cycle carries on his motor cycle any other person who does not wear a protective helmet of a type approved by the Minister under subsection (2), both such driver and such person shall be guilty of an offence under this Act."

10. The following new section is hereby inserted immediately after section 160, and shall have effect as section 160A, of the principal enactment:—

Insertion of new section 160A in the principal enactment.

"Warning signs to be displayed whenever road repair are being done.

160A. Whenever repairs are being made to a road, it shall be the duty of the person effecting such repairs or causing such repairs to be made, to cause to be displayed for the safety of road users warning signs and lights at night."

11. Section 163 of the principal enactment is hereby amended by the substitution for the words "stop the car", of the words "stop such motor vehicle".

Amendment of section 163 of the principal enactment.

12. Section 164 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for paragraph (a) of that subsection, of the following paragraph:—

Amendment of section 164 of the principal enactment.

"(a) by order of a police officer not below the rank of Assistant Superintendent, for the purposes of any regulation of traffic; or"

Amendment
of section
167 of the
principal
enactment.

13. Section 167 of the principal enactment is hereby amended as follows:—

- (1) by the substitution, in subsection (2) of that section, for the words "leave the car unattended", of the words "leave the motor vehicle unattended"; and
- (2) by the addition, at the end of that section, of the following new subsections:—

" (4) Where in the opinion of a police officer any obstruction is caused to traffic on any highway or public sidewalk by a motor vehicle halted, or parked on a highway, or by any object, thing or material, such police officer may cause the motor vehicle causing such obstruction or such other object, thing or material to be removed and charge the cost of such removal to the owner.

(5) No police officer shall be held liable in damage for any damage caused in good faith in the course of the removal of a motor vehicle, object, thing or material under subsection (4)."

Amendment
of section
188 of the
principal
enactment.

14. Section 188 of the principal enactment is hereby further amended as follows:—

- (1) by the renumbering of that section as subsection (1) of that section; and
- (2) by the addition, immediately after renumbered subsection (1), of the following new subsection:—

" (2) Where in the opinion of a police officer, any lorry or motor tricycle van on a highway carries goods the weight of which exceeds the maximum load specified on the revenue licence for that lorry or motor tricycle van, or carries goods loaded thereon in such a manner as is in the opinion of such police officer dangerous to any user of the highway such police officer may detain the lorry or motor tricycle van, and—

(a) in any case where he is of the opinion that the lorry or motor tricycle van carries goods the weight of which exceeds the maximum load specified on the revenue licence for that lorry or motor tricycle van, remove or cause to be removed any such

excess goods or part thereof and take all such necessary steps to ensure the safe custody of such goods until they are returned to the owner of the lorry or motor tricycle van or the owner of the goods ; or

- (b) in any case where the lorry or motor tricycle van carries goods loaded thereon in such a manner as is dangerous to any user of the highway cause the goods to be re-loaded in such a manner as is not dangerous to the users of the highway.”.

15. The following new section is hereby inserted immediately after section 189, and shall have effect as section 189A, of the principal enactment:—

Insertion
of new
section 189A
in the
principal
enactment.

“Distinctive
number of
trailer.

189A. Where any motor vehicle is used on any highway with a trailer attached to such vehicle, the trailer shall, in addition to the distinctive number of the trailer, also display the distinctive number of the motor vehicle to which it is attached.”.

16. Section 193 of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for paragraph (a) of that subsection, of the following paragraph :—

Amendment
of section 193
of the
principal
enactment.

- (a) may stop a motor vehicle on a highway if he has reasonable grounds for believing that the vehicle or any tyre fitted thereon is not in a fit condition ; and may—

(i) by written order direct the driver of the vehicle to produce the vehicle for examination at any suitable place reasonably convenient to the driver and specified in the order ; or

(ii) detain the vehicle for the purpose of such examination ; and”.

Insertion
of new
section 215B
in the
principal
enactment.

17. The following new section is hereby inserted immediately after section 215A, and shall have effect as section 215B, of the principal enactment.

"Penalty for
contravention
of subsection
(4) of section
137 of the
principal
enactment.

215B. Any person who contravenes the provisions of subsection (4) of section 137 of this Act, by driving a motor vehicle on a highway at any time while an order suspending or cancelling his driving licence or declaring him to be disqualified for obtaining a licence, is in force, shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months."

Amendment
of section 217
of the
principal
enactment.

18. Section 217 of the principal enactment is hereby amended as follows:—

(a) in subsection (1) of that section, by the substitution for all the words from "to a fine" to "such fine and imprisonment" of the following:—

"to a fine not less than seven hundred and fifty rupees, and on a second conviction to a fine not less than one thousand rupees and the suspension of his driving licence, and on a third or subsequent conviction, to a fine not more than one thousand five hundred rupees and the cancellation of his driving licence or to rigorous imprisonment for a term not exceeding six months to both such fine and imprisonment."

(b) in subsection (2) of that section, by the substitution for the words "not exceeding five hundred rupees", of the words "not less than five hundred rupees, and on a second conviction to a fine not less than one thousand rupees and on a third or subsequent conviction to a fine not more than one thousand five hundred rupees and the suspension of his driving licence for a period of six months."

19. Section 218 of the principal enactment is hereby amended by the substitution for the words "not exceeding five hundred rupees", of the words "not less than five hundred rupees."

Amendment
of section 218
of the
principal
enactment.

20. Section 219 of the principal enactment is hereby amended by the substitution for the words "not exceeding one thousand rupees," of the words "not less than one thousand rupees,".

Amendment
of section 219
of the
principal
enactment.

21. Section 220 of the principal enactment is hereby further amended as follows:—

Amendment
of section 220
of the
principal
enactment.

(a) in subsection (1) of that section, by the substitution, for the words "not exceeding five hundred rupees", of the words "not less than one thousand rupees" and for a second or subsequent conviction to a fine not more than one thousand five hundred rupees."

(b) in subsection (2) of that section, by the substitution for the words "not exceeding one thousand rupees", of the words "not less than one thousand rupees"; and

(c) in subsection (3) of that section, by the substitution for the words "not exceeding one thousand rupees", of the words "not less than one thousand rupees".

22. Section 221 of the principal enactment is hereby amended as follows:—

Amendment
of section 221
of the
principal
enactment.

(a) by the substitution for the words and figure "provision of Part III;", of the words and figure, "provision of Part IV;". and

(b) by the substitution for the words "not exceeding two hundred and fifty rupees," of the words "not less than two hundred and fifty rupees,".

23. Section 223 of the principal enactment is hereby amended by the substitution for the words "not exceeding one thousand rupees", of the words "not less than one thousand rupees".

Amendment
of section 223
of the
principal
enactment.

Amendment
of section 224
of the
principal
enactment.

24. Section 224 of the principal enactment is hereby further amended by the substitution for all the words from "to a fine" to the end of that section, of the following:—

"to a fine not less than two hundred and fifty rupees and on a second conviction to a fine not less than five hundred rupees and on a third or subsequent conviction to a fine not less than seven hundred and fifty rupees and the cancellation of his driving licence."

Insertion
of new
section 224B
in the
principal
enactment.

25. The following new section is hereby inserted immediately after section 224A, and shall have effect as section 224B, of the principal enactment:—

"Suspension
of driving
licences by
operation of
law.

224B. Where the driver of a motor vehicle—

(a) is prosecuted for—

(i) rash and negligent driving; or

(ii) driving at an excessive speed;
or

(iii) causing an accident resulting in
loss of life or grievous injury;
or

(b) is involved in an accident resulting in
the loss of life and the matter has
been referred to a Magistrate for
inquiry,

the Magistrate may, upon an application made by the police to have the licence of the driver of such vehicle suspended, in his discretion order the licence to be so suspended until the determination of the proceedings or inquiry."

Amendment
of section 240
of the
principal
enactment.

26. Section 240 of the principal enactment is hereby amended by the substitution for the definition of "urban area", of the following definition:—

"urban area" means—

(a) any area comprised within the limits of any Municipal Council or Urban Council; or

(b) any other area declared by regulation to be an urban area for the purposes of this Act."

27. The Second Schedule to the principal enactment is hereby repealed and the following Schedule is substituted therefor:—

Replacement
of the
second
Schedule
to the
principal
enactment.

“SECOND SCHEDULE

I Section of Act	II Provisions	III Amount of fine Rs. c.
21	.. Identification plates ..	.. 100 0
22	.. Shape of identification plates ..	.. 100 0
38	.. Revenue licence to be carried on motor vehicles and produced when required ..	.. 100 0
45	.. Restrictions on use of motor vehicles in contravention of revenue licence ..	.. 50 0
123 (1) (a)	.. Prohibition of driving without driving licence ..	.. 150 0
123 (1) (b)	.. Employing person without driving licence ..	.. 150 0
123 (2)	.. Driver under the age of 18 years old ..	.. 150 0
140	.. Speeding ..	.. 200 0
148	.. Rules of the road ..	.. 100 0
152	.. Position of driver when driving motor vehicle ..	.. 100 0
153	.. Signals by drivers when driving & o. ..	.. 100 0
154	.. Reversing of motor vehicles ..	.. 20 0
155	.. Sound or light warnings ..	.. 100 0
156	.. The riding or permitting the riding on running boards &c. of motor vehicles ..	.. 100 0
157	.. Number of persons in front seats of motor cars ..	.. 100 0
158 (2)	.. Failure to wear protective helmet ..	.. 100 0
159	.. Distribution of advertisements ..	.. 100 0
162	.. Traffic direction and Signals of police officers ..	.. 150 0
165	.. Precautions to be taken when motor vehicle is taken into tank ..	.. 20 0
166	.. Halting or parking of motor vehicles on highway ..	.. 150 0
167	.. Precautions to be taken when motor vehicle is halted or left, unattended or disabled on a highway ..	.. 150 0
178	.. Carriage of passengers in excess 150 0
189	.. Persons who may be carried in a lorry 150 0

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