



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

**MOTOR TRAFFIC (AMENDMENT)
ACT, No. 8 OF 2009**

[Certified on 11th March, 2009]

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Motor Traffic (Amendment) Act, No. 8 of 2009

[Certified on 11th March, 2009]

L.D. —O. 1/2007.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT (CHAPTER 203)

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

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| <p>1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 8 of 2009.</p> | <p>Short Title.</p> |
| <p>2. The Motor Traffic Act (Chapter 203) (hereinafter referred to as “the principal enactment”) is hereby amended—</p> <p>(1) by the substitution for the word “Commissioner” wherever that word occurs in the principal enactment, of the word “Commissioner-General” ;</p> <p>(2) by the substitution for the words “demerit points” wherever these words occur in the principal enactment of the words “driver improvement points”;</p> <p>(3) by the substitution for the word “highway” wherever that word occurs in the principal enactment of the word “road” ; and</p> <p>(4) by the substitution for the word “lorry “ wherever that word occurs in the principal enactment, of the words “motor lorry”.</p> | <p>Amendment of Chapter 203.</p> |
| <p>3. The heading to Part I of the principal enactment is hereby repealed and the following heading substituted therefor :—</p> <p style="text-align: center;">“REGISTRATION, POSSESSION AND USE OF MOTOR VEHICLES”</p> | <p>Replacement of heading to Part I of the principal enactment.</p> |
| <p>4. Section 2 of the principal enactment is hereby amended as follows :—</p> <p>(1) by the repeal of subsections (2) and (2A) thereof</p> | <p>Amendment of Section 2 of the principal enactment.</p> |

and the substitution of the following subsection therefor:—

“(2) The possession by a dealer or a manufacturer of an unregistered motor vehicle for the purposes of sale shall be deemed not to be a contravention of subsection (1) so long as the vehicle remains unsold and is not used on any road except under the authority of a dealer’s licence or manufacturer’s licence as the case may be, issued under Part III and is identified by a distinctive number assigned for that purpose by the Commissioner-General.”.

- (2) by the repeal of subsection (5) of that section and the substitution therefor of the following subsection :—

“(5) The use of a motor vehicle which upon importation into Sri Lanka is used on a road only for the purpose of and in the course of removal from the Customs premises or for the purpose of installing any equipment or which is being driven to or from any place specified by the Commissioner-General for the purpose of testing or registration, shall be deemed not to be a contravention of subsection (1), provided it is used under the authority of a dealer’s licence or temporary permit issued for the purposes of this subsection by the Commissioner-General valid for a period of seven days.”;

- (3) by the repeal of subsection (6) thereof ;
- (4) by the addition immediately after subsection (9) thereof of the following subsection which shall have effect as subsection (10) thereof :—

“(10) A person who contravenes the provisions of subsections (1) or (5) of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand five hundred rupees and not exceeding five thousand rupees and

on a second conviction to a fine not less than five thousand rupees and not exceeding ten thousand rupees and on a third or subsequent conviction to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees.”.

5. The following new section is hereby inserted immediately after section 2 of the principal enactment and shall have effect as section 2A of that enactment :—

Insertion of new section 2A in the principal enactment.

“Motor vehicle fabricated unlawfully &... not to be used.

2A. (1) No person shall knowingly use a motor vehicle –

- (a) that has been manufactured, assembled, fabricated, innovated, adapted, modified, or the construction of which has been changed illegally or otherwise than in conformity with the prototype approved by the Commissioner-General;
- (b) that has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts ;
- (c) that is mechanically defective ;
- (d) that fails to comply with prescribed standards of safety ;
- (e) that is stolen ;
- (f) that has a false identity ;
- (g) the chassis number of which has been tampered with ; or
- (h) which has been manufactured, assembled, fabricated, adapted, modified, or the

construction of which has been changed in any manner, without the prior written approval of the Commissioner-General.

(2) A person who contravenes the provisions of section 2A shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees or to imprisonment of either description for a term of one month or to both such fine and imprisonment and on a second conviction to a fine not less than one hundred thousand rupees and not exceeding two hundred thousand rupees or to imprisonment for a term of two months or to both such fine and imprisonment and on a third or subsequent conviction to a fine not less than two hundred thousand rupees and not exceeding three hundred thousand rupees or to imprisonment for a term of six months or to both such fine and imprisonment and confiscation of the vehicle.”.

Amendment of section 3 of the principal enactment.

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

- (1) by the repeal of subsection (1) thereof and the substitution therefor the following subsection:—

“(1) No motor vehicle shall be registered unless that vehicle conforms to the provisions of this Act and regulations made hereunder in regard to the construction, weight, dimensions and equipment of motor vehicles of the class or description to which that vehicle belongs.”;

- (2) in subsection (2) thereof by the substitution for the words “exceeds two and a half metric tons” of the words “exceeds four thousand five hundred kilograms ; and

- (3) by the addition immediately after subsection (1) thereof of the following subsections which shall have effect as subsections (2), (3), (4) and (5) thereof:—

“(2) The Commissioner-General shall not register any motor vehicle —

(a) if he has reason to believe —

- (i) that it has been manufactured, assembled, fabricated, innovated, adapted, modified, or its construction changed, illegally or otherwise than in conformity with the prototype approved by the Commissioner-General ;
- (ii) that it has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;
- (iii) that it is mechanically defective;
- (iv) that it fails to comply with prescribed standards of safety;
- (v) that it is stolen ;
- (vi) that the identity of the vehicle is false or in doubt;
- (vii) that the chassis number has been tampered with;
- (viii) that the applicant for registration of the vehicle has failed to furnish particulars of a previous registration, if any;
- (ix) that the applicant has furnished inaccurate particulars in the application for registration of the vehicle; or

- (x) that the vehicle has been imported with forged documents or that the application for registration contains a forged signature or is accompanied by forged documents;
- (b) where the motor vehicle comprises features which —
 - (i) are not in accordance with the particulars contained in the application;
 - (ii) are not in his opinion roadworthy or are by reason of its design, construction or any condition thereof or any equipment thereof are not in compliance with the provisions of this Act;
 - (iii) require the prior written approval of the Commissioner-General for the import thereof and has been imported without obtaining such approval;
 - (iv) have been manufactured, assembled, fabricated, adapted, modified or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General.

(3) The decision of the Commissioner-General not to register a motor vehicle by reason of his findings under paragraphs (a) or (b) shall be final.

(4) No person under the age of eighteen years shall be registered as the owner of a motor vehicle:

Provided however, that a person under the age of eighteen years may be registered as the beneficial

owner of a motor vehicle in which event the parent or guardian of such person shall be registered as the owner thereof.

(5) Any person who submits an application for registration, which contains a forged signature or is accompanied by forged documents shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees. ”.

7. Section 4 of the principal enactment is hereby amended in paragraph (a) of subsection (1) thereof, by the substitution for the words “a passenger service permit”, of the words, “the holder of a passenger service permit.”

Amendment of section 4 of the principal enactment.

8. Section 5 of the principal enactment is hereby amended in subsection (2) of that section by the repeal of paragraph (a) thereof, and the substitution therefor of the following paragraph :—

Amendment of section 5 of the principal enactment.

“(a) which is a motor cycle, light motor cycle, motor car, dual purpose vehicle, motor tricycle, motor tricycle van, motor lorry, light motor lorry, heavy motor lorry, motor coach, light motor coach, heavy motor coach, land vehicle, hand tractor, special purpose vehicle, motor ambulance, motor hearse or invalid carriage as the case may be shall be registered as such ;”.

9. Section 10 of the principal enactment is hereby amended as follows :—

Amendment of section 10 of the principal enactment.

(1) by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

“(2) The registered owner of a motor vehicle shall –

(a) forthwith inform the Commissioner General in the specified form, of any circumstance or

event which affects the accuracy of any entry in the registers relating to the motor vehicle and shall at the same time forward or deliver to the Commissioner-General the Certificate of Registration of such motor vehicle accompanied by the prescribed fee ; and

(b) where he intends to effect such alteration in a motor vehicle as will change the class, overall measurements, external appearance , wheel base or seating capacity as specified in the Certificate of Registration, obtain the prior approval of the Commissioner-General to effect such changes.”;

(2) by the addition, immediately after subsection (2) of that section, of the following subsections which shall have effect as subsections (3) and (4) thereof :—

“(3) The registered owner of a motor vehicle shall forthwith inform the Commissioner-General in the specified form of any circumstance or event which affects the accuracy of any entry in the registers relating to himself and shall at the same time forward or deliver to the Commissioner-General the Certificate of Registration of the motor vehicle accompanied by the prescribed fee.

(4) The registered owner of a motor vehicle who contravenes or fails to comply with any of the provisions of the preceding subsections shall be guilty of an offence and shall, on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees.”.

10. The following new section is hereby inserted immediately after section 11 of the principal enactment and shall have effect as section 11 A of that enactment:—

Insertion of new section 11A in the principal enactment.

“Transfer to 11A. Where the registered owner of a motor vehicle wishes to transfer such vehicle he shall do so substantially in the prescribed Forms, A, A1, B, B1, C and C1.”.

11. Section 12 of the principal enactment is hereby amended as follows :—

Amendment of section 12 of the principal enactment.

- (1) by the repeal of subsections (2) and (3) of that section and the substitution therefor of the following subsections :—

“(2) On the change of possession of a motor vehicle upon a voluntary transfer made by the registered owner —

- (a) the registered owner shall, within fourteen days after such change of possession —
 - (i) transmit direct to the Commissioner General either by registered post or personal delivery, the duly perfected prescribed Form A ; and
 - (ii) shall deliver to the new owner the duly perfected prescribed Forms B, B1, C and C1, the Certificate of Registration relating to the motor vehicle or a duplicate thereof, and the revenue licence of that motor vehicle, and shall retain the duly perfected prescribed Form A1 as proof of change of possession ;
- (b) such motor vehicle shall not be used at any time after fourteen days of such change of

possession unless the new owner has applied for registration as the new owner thereof :

Provided that this subsection shall not apply in any case where the change of possession of a motor vehicle is consequent on a contract of hiring where the period of hiring does not exceed three months.

(3) (a) A registered owner who fails to inform the Commissioner-General of the change of possession within fourteen days shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees.

(b) The new owner of a motor vehicle who fails to apply within fourteen days after change of possession to be registered as the new owner shall be guilty of an offence and shall on conviction be liable to a fine not less than one hundred rupees for each day after the fourteenth day up to the forty fourth day of such failure.

(c) The new owner of a motor vehicle who fails to apply within forty four days after change of possession to be registered as the new owner shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(d) A registered owner or a new owner who submits any document which is forged or which contains a forged signature shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees, and not exceeding fifteen thousand rupees.

(e) A police officer may detain a motor vehicle, the possession of which has changed and which is in use on a road for such period as may reasonably

be necessary for the purpose of verification of ownership and shall release it to the new owner—

- (i) on confirmation by the Commissioner-General that such vehicle has been registered in the name of the new owner thereof; and
- (ii) on production of the Certificate of Registration thereof.”;

(2) in subsection (4) of that section—

- (a) by the substitution in paragraph (a) thereof, for the words “within seven days” of the words, “within fourteen days” ;
- (b) by the substitution in paragraph (b) thereof for the words “within fourteen days”, of the words “within sixteen days”;
- (c) by the repeal of paragraph (e) of that subsection and the substitution therefor of the following paragraph :—

“(e) the provisions of subsection (2)(b) shall apply to that motor vehicle in like manner as they would apply, if there was a change of possession of that vehicle consequent upon a voluntary transfer made by the registered owner .”.

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

Amendment of section 13 of the principal enactment.

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

“(1) Every application for the registration of a new owner upon any change of possession of any motor vehicle shall—

- (a) be made to the Commissioner General substantially in the prescribed Forms Band C;

(b) shall set out all particulars relating to that motor vehicle in respect of such of the matters specified in that form as may be applicable to that motor vehicle ;

and a receipt of acceptance shall be obtained from the Commissioner General.”;

- (2) by the renumbering of subsection (2) of that section as subsection (3) thereof ;
- (3) by the insertion immediately after subsection (1) of that section of the following subsection which shall have effect as subsection (2) thereof :—

“(2) (a) The new owner shall retain the duly completed prescribed Forms B1 and C1 .”.

Amendment
of section 18
of the
principal
enactment.

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

- (1) by the re-numbering of that section as subsection (1) thereof ;
- (2) in the re-numbered subsection (1) of that section by the substitution for all the words from “the Commissioner” to the end of that section, of the words “the owner shall report such fact to the Commissioner-General within fourteen days and shall also forward the Certificate of Registration to him and the Commissioner-General shall cancel the registration of such motor vehicle ;
- (3) by the repeal of the proviso to subsection(1) ;
- (4) by the insertion, immediately after subsection (1) of that section, of the following subsections which

shall have effect as subsections (2), (3), (4), (5) (6) and (7) thereof :—

“(2) The Commissioner-General may for reasons to be recorded, of his own motion, cancel the registration of a motor vehicle,—

(a) if he has reason to believe—

- (i) that it has been manufactured, assembled, fabricated, innovated, adapted, modified, or its construction changed, illegally or otherwise than in conformity with the prototype approved by the Commissioner-General ;
- (ii) that it has been assembled otherwise than with branded new parts or without the permission of the manufacturer of those parts;
- (iii) that it is mechanically defective;
- (iv) that it fails to comply with prescribed standards of safety;
- (v) that it is stolen ;
- (vi) that the identity of the vehicle is false;
- (vii) that the chassis number has been tampered with;
- (viii) that the applicant for registration of the vehicle has failed to furnish particulars of a previous registration if any;
- (ix) that the applicant has furnished inaccurate particulars in the application for registration of the vehicle; or

- (x) that the vehicle has been imported with forged documents or that the application for registration contains a forged signature or is accompanied by forged documents;
- (b) where the motor vehicle comprises features which—
 - (i) are not in accordance with the particulars contained in the application;
 - (ii) are not in his opinion roadworthy or which by reason of its design, construction or any condition thereof or any equipment thereof, are not in compliance with the provisions of this Act;
 - (iii) require the prior written approval of the Commissioner-General for the import thereof and has been imported without obtaining such approval;
 - (iv) have been manufactured, assembled, fabricated, adapted, modified or the construction of which has been changed in any manner, without the prior written approval of the Commissioner-General;
 - (v) the registered owner thereof is dead, or cannot be found or that such vehicle has ceased to be a motor vehicle ; or
- (c) the registration of such motor vehicle has been obtained on the basis of documents which were , or by representation of facts which was, false in any material particular,

or the engine number or the chassis number embossed thereon are different from such number entered in the Certificate of Registration,

after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post to his address entered in the Certificate of Registration).

(3) The Commissioner - General shall, on receiving evidence or information to the effect that a motor vehicle has not been issued a revenue license for two consecutive years and has not been issued a Certificate of Non-user issued by the Licensing Authority for that period, forthwith require the registered owner to produce a valid revenue license or such Certificate of Non-user issued by the Licensing Authority and surrender the Certificate of Registration within a period of one month. If the owner fails to produce the revenue license or such Certificate of Non-user referred to in this section, the Commissioner - General shall cancel the registration of such motor vehicle.

(4) The Commissioner - General may order the examination of any vehicle, and if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post to his address entered in the Certificate of Registration) he is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, he shall order that the vehicle be written off and shall cancel the registration of such motor vehicle.

(5) If a motor vehicle is declared unroadworthy consequent to an accident or other circumstance the Commissioner- General shall suspend the registration of such motor vehicle:

Provided however, that if on application made thereafter by the registered owner, in a prescribed form together with the prescribed fee, the Commissioner - General is satisfied that the vehicle has been made roadworthy and that it complies with the provisions of this Act and regulations made thereunder, he may remove the suspension.

(6) Where the registration of a motor vehicle has been cancelled under paragraph (b) of subsection (2) or where the identity of the vehicle or the identity of the owner of such vehicle is in question, such vehicle may be considered for re-registration under this Part, provided that—

- (a) the owner complies with the provisions of this Act and regulations made thereunder ; and
- (b) the vehicle is inspected by an officer authorized for the purpose by the Commissioner-General, and an endorsement to the effect that the owner has complied with the provisions of this Act is made on the Certificate of Registration.

(7) Upon the cancellation of the registration of a motor vehicle, the registered owner shall cease to use such vehicle and shall return the identification plate to the Commissioner - General within seven days from the date of being notified of such cancellation.

(8) (a) The Commissioner - General shall maintain a register of written off vehicles in accordance with the prescribed procedure, wherein

information regarding motor vehicles that are written off, is entered. Such register shall be made available for inspection by the public during office hours.

(b) Entries in the register of written off vehicles may be made, amended and removed only in accordance with regulations made hereunder.

(9) For the purposes of subsections (7) and (8) a motor vehicle shall be written off only if, –

- (a) the vehicle has been damaged by collision, fire, flood, accident, trespass or other event or circumstances ; and
- (b) the insurer of the vehicle or, if there is no insurer, the registered owner of the vehicle makes a determination that the extent of the damage is such that the vehicle's fair salvage value plus the cost of repairing it for use on a road or road related area would be more than its fair market value immediately before the event or circumstances that caused the damage.

(10) An insurer of a vehicle referred to in subsection (a) is taken to have made a determination under paragraph (b) of subsection (9) if the insurer—

- (a) allows a claim for the full insured value of the vehicle ; or
- (b) disposes of the vehicle to a third party.

(11) A registered owner of a vehicle referred to in subsection (9) (b) is taken to have made a determination under that section if the registered owner disposes of the vehicle to a motor wrecker.

(12) The Commissioner General shall ensure that a person who notifies the Commissioner General of a written-off vehicle, or who applies for an entry on the register of written-off vehicles to be amended or removed, is informed at the time of notification or application (as the case requires) that any information given or document submitted in connection with the notification or application, or a copy of such document, may be disclosed or used for investigation, law enforcement and allied purposes.

(13) The Minister may make regulations regarding the disposal of written off vehicles, and the records to be kept in that regard.

(14) Any person who contravenes any provision of this section shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and on a second or subsequent conviction to a fine not less than twenty thousand rupees and not exceeding thirty thousand rupees.”.

Insertion of new section 18B in the principal enactment.

14. The following new section is hereby inserted immediately after section 18A in the principal enactment and shall have effect as section 18B of that enactment :—

“Penalty for fraudulently using or mutilating etc. of certificate of registration.

18B. Any person who —

- (a) fraudulently uses or allows any other person to use ; or
- (b) imitates, alters, mutilates, defaces, or destroys a Certificate of Registration of a motor vehicle, shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees and on a second or

subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.”.

15. Section 19 of the principal enactment is hereby amended as follows :—

Amendment of section 19 of the principal enactment.

- (1) by the re-numbering of subsections (2) and (3) of that section as subsections (3) and (4) thereof;
- (2) by the insertion immediately after subsection (1) of that section of the following subsection which shall have effect as subsection (2) thereof:—

“(2) In particular and without prejudice to the generality of the foregoing provisions, the Minister may make regulations –

- (a) to regulate the width, height, wheel base, length and overhang of vehicles and trailers and the load carried thereon, the diameter of wheels and the width, nature and condition of tyres of such vehicles and trailers and to prohibit the use of any tyres likely to cause damage to the roads ;
- (b) to prohibit excessive noise from warning devices, noise emitted from engine exhaust and noise due to the design or condition of the motor vehicle or the loading thereof ;
- (c) to regulate the maximum unladen and laden weight of vehicles and trailers and the maximum axle load to be transmitted to the road or any specified area thereof by a motor vehicle of any class or description or by any

part or parts of such a vehicle in contact with the road and the conditions under which such weights may be required to be tested ;

- (d) to prescribe the particulars to be marked on vehicles and trailers ;
- (e) to specify the number and nature of springs and brakes on vehicles and trailers and to ensure that springs, brakes, silencers, emission, light, weight and steering gear shall be efficient and kept in proper working order and for empowering any person or classes of persons designated, named or described in such regulations to test and inspect any such springs, brakes, silencers, emission, light, weight and steering gear on a road or, subject to the consent of the occupier of any premises, on any such premises;
- (f) to regulate the appliances to be fitted for signalling the approach of a vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear or for intimating any intended change of speed or direction of a motor vehicle and to regulate or to prohibit the use of any such appliances and to ensure that they shall be kept efficient and in proper working order ;
- (g) to regulate the lights to be installed in vehicles and trailers whether in respect of the nature of such lights, the positions in which they shall be fixed and the periods during which they shall be kept lighted or otherwise ;
- (h) to prescribe the safety equipment to be installed in vehicles ;

- (i) to control, in connection with the use of a motor vehicle, the emission of smoke, oily substance, ashes, water, steam, visible vapour, noxious fumes, sparks, cinders, gas or grit ;
- (l) to regulate the towing or drawing of motor vehicles by motor vehicles and the manner of attachments used therefor ;
- (k) to prohibit in connection with the use of a motor vehicle the use of any appliances or the commission of any act which is likely to cause annoyance or danger to other users of the road or its vicinity ;
- (l) to regulate the number of trailers that may be attached in train to any motor vehicle, the manner of attachment and the manner in which trailers shall be kept under control and the maximum weight thereof ;
- (m) to prescribe the number of persons to be employed in driving or attending to motor vehicles or trailers and to regulate the duties and conduct of such persons ;
- (n) to prescribe a maximum speed for motor vehicles of any class or description and to provide for exemption in special cases ; and prescribe the procedure of ascertaining the speed by the use of radar detectors and laser speed guns and photographic detection devices ;

For the purposes of this paragraph different speeds may be prescribed as the maximum speed of a motor vehicle or class of motor vehicles in respect of a road or part of a road or a road in any area;

- (o) to regulate or prohibit either generally or in specified areas or roads and either at all times or between specified hours, the use of horns or other warning appliances, and different rules may be made in respect of different classes or description of motor vehicles or in respect of the same class or description of vehicles in different circumstances ;
- (p) to prescribe the degree of transmission of light into a motor vehicle and the procedure for determining the intensity of light penetration ;
- (q) to specify the standards of emission of air pollutants ;
- (r) to regulate the installation of catalytic converters in any prescribed class of vehicles ;
- (s) to regulate the transport of chemicals, gas or other dangerous goods ;
- (t) to prohibit any class or classes or types of motor vehicles using the expressway or any road ; and
- (u) to prescribe procedures for de-registering of motor vehicles (cancellation from the register) and the fees to be charged therefor.”.

Insertion of new sections 19A, 19B and 19C in the principal enactment.

16. The following new sections are hereby inserted immediately after section 19 of the principal enactment and shall have effect as sections 19A, 19B and 19C of that enactment:—

“No person to fabricate, manufacture & c., motor vehicle except with permission of Commissioner-General. 19A. (1) No person shall fabricate, manufacture, assemble, innovate, adapt, modify or change the construction of a motor vehicle in Sri Lanka except with the prior written approval of the Commissioner-General.

(2) The Commissioner - General may upon application made in the prescribed Form and on payment of the prescribed fee, grant approval to such applicant to manufacture, assemble, fabricate, innovate, adapt, modify or change the construction of a motor vehicle as the case may be, subject to compliance by the applicant with terms and conditions which the Commissioner-General may specify by notice in writing, prior to the grant of such approval.

(3) Terms and conditions specified by notice under subsection (2), may include a requirement that the applicant's facility for manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be shall conform to specifications set out in such notice.

(4) The Commissioner-General shall refuse to grant the written approval referred to in subsection (1), where he is satisfied that the applicant has not complied with any term or condition specified under subsection (2). Written notice of such refusal shall be given to the applicant.

(5) Any person aggrieved by the refusal of the Commissioner-General to grant written approval under this section may, within fourteen days of the receipt of the written notice of such refusal, appeal in writing to the Motor Traffic Appeals Tribunal constituted under section 213AA, whose decision thereon shall be final.

(6) The Commissioner-General may, by notice in writing, require a manufacturer, assembler, fabricator, innovator, adaptor,

modifier or person engaged in the business of changing the construction of a motor vehicle, to effect such additions, improvements, or modifications as he may specify in such notice, to an existing facility for manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle.

(7) The Commissioner-General shall cancel a written approval granted under subsection (2) where he is satisfied that the manufacturer, assembler, fabricator, innovator, adaptor, modifier or person engaged in the business of changing the construction of a motor vehicle—

- (a) has failed to comply with the requirements of a notice sent to him under subsection (6) ; or
- (b)
 - (i) has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle in an improper or unsatisfactory manner ;
 - (ii) has failed to comply with any of the terms and conditions subject to which such written approval was granted ; or
 - (iii) has been convicted of an offence under this Part or has contravened the provisions of any regulation made thereunder.

(8) The Commissioner - General shall before cancelling any written approval under

subsection (7), give notice in writing of his intention to do so, specifying a date, not less than fourteen days from the date of the notice, upon which such cancellation shall be made and calling upon such manufacturer, fabricator, assembler, innovator, adaptor, modifier or person changing the construction of a motor vehicle to show cause to the Commissioner-General as to why such written approval should not be cancelled.

(9) Where the Commissioner-General has cancelled any written approval granted to a person under the provisions of subsection (7), he shall forthwith inform such person of such cancellation by notice in writing.

(10) Any person aggrieved by the decision of the Commissioner General under subsection (7) may, within fourteen days of the receipt of the notice referred to in subsection (9), appeal in writing against such cancellation to the Motor Traffic Appeals Tribunal established under section 213AA, whose decision thereon shall be final.

(11) An order of cancellation shall not take effect until the expiration of a period of fourteen days from the date of receipt of the notice of cancellation under subsection (9).

(12) If within that period, the person aggrieved by such cancellation appeals to the Motor Traffic Appeals Tribunal established under section 213AA the order shall not take effect until such Tribunal confirms such order of cancellation or the appeal is dismissed.

(13) Where an order of cancellation becomes effective under subsections (7) or (11), the manufacturer, assembler, fabricator, innovator, adaptor, modifier or person changing the construction of a motor vehicle shall as from the date when such order becomes effective, cease to carry on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be.

(14) Where written approval has been granted to a manufacturer, assembler, fabricator, innovator, adaptor, modifier, or person changing the construction of a motor vehicle, for the carrying on of business in such capacity, and an order of cancellation has been made in respect of any such category of persons, such person shall, within seven days of the making of such order of cancellation, surrender to the Commissioner - General –

- (a) the letter of written approval issued to such person; and
- (b) the Certificate of Registration issued to him as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer, as the case may be,

(15) A manufacturer, assembler, fabricator, innovator, adapter, modifier, or person engaged in the business of changing the construction of a motor vehicle, the written approval for whose business has been cancelled under this section, may on satisfying the Commissioner - General that he has, since such cancellation—

- (a) complied with the requirements of a notice sent to him under subsection (6);

- (b) complied with the terms and conditions subject to which such written approval was previously granted ; and
- (c) is carrying on such business in a proper and satisfactory manner,

re-apply to the Commissioner-General-

- (i) for the grant of written approval for his business ; and
- (ii) for the issue of a Certificate of Registration as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be.

(16) Any person aggrieved by the refusal of the Commissioner-General to re-issue written approval or issue or renew the Certificate of Registration issued to such person as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be, may within fourteen days of the receipt of the written notice of refusal, appeal in writing to the Secretary of the Ministry of the Minister, whose decision thereon shall be final.

(17) A person who contravenes the provisions of subsections (1), (13) or (14) shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees and to the confiscation of such motor vehicle.

(18) The Minister may make regulations in respect of the procedure for the issue of a Certificate of Registration as a manufacturer, assembler, fabricator, innovator, adapter, modifier or construction changer as the case may be, including the conditions to be attached to such Certificate and the conduct of such certificate holders.

Prohibition
on assembly
of motor
vehicles
except
withbranded
newparts.

19B. (1) No person shall assemble a motor vehicle except –

- (a) with branded new parts ; and
- (b) with the prior written permission of the manufacturer of such parts.

(2) Any person who assembles a motor vehicle otherwise than in accordance with the provisions of subsection (1), shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees.

Prohibition
on
importation
of certain
vehicles.

19C. (1) No person shall import a motor vehicle into Sri Lanka—

- (a) which is not in conformity with the prototype approved by the Commissioner-General; and
- (b) except under the authority of a permit issued in that behalf by the Commissioner-General.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than three hundred thousand rupees and not exceeding five hundred thousand rupees.”.

17. The following new section is hereby inserted immediately after section 24 of the principal enactment and shall have effect as section 24A of that enactment :—

Insertion of new section 24A in the principal enactment.

“Penalty for contravention of sections 21, 22, 23 and 24.

24A. A person who —

(a) contravenes the provisions of sections 21, 22, 23 and 24 of this Act ; or

(b) (i) fraudulently uses or allows any other person to use any identification plate, or

(ii) imitates, alters, mutilates, defaces or destroys any identification plate,

shall be guilty of an offence and shall on conviction be liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.”.

18. Section 29 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of section 29 of the principal enactment.

“Revenue licences for motor vehicles.

29. (1) (a) No revenue license for a motor lorry, light motor lorry, heavy motor lorry, motor coach, light motor coach, heavy motor coach, motor hearse or motor ambulance shall be issued by any licensing authority unless a Certificate of Fitness and an Emission Certificate issued in respect thereof under section 196, is produced.

(b) No revenue license for a motor cycle, light motor cycle, motor car, dual purpose vehicle, motor tricycle, motor tricycle van, land vehicle, hand tractor or special purpose vehicle shall be issued by any licensing authority unless an Emission Certificate issued in respect thereof under section 196, is produced.

(2) The Minister may make regulations—

- (a) providing for the amalgamation of the Certificate of Fitness and Emission Certificate if so required;
- (b) identifying new classes of vehicles in respect of which either the Certificate of Fitness or the Emission Certificate may be required.”.

Replacement
of section 44
of the
principal
enactment.

19. Section 44 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Visitor’s
temporary
licence .

44. (1) The Commissioner-General, may if he is satisfied upon application made in the prescribed form and accompanied by the prescribed fee and documents relating to the importation of a motor vehicle, that such motor vehicle has been imported into Sri Lanka—

- (a) for participation in a motor sports meet approved by the Minister in charge of the subjects of sports; or
- (b) for the purpose of being used by the owner of that vehicle during a visit to Sri Lanka ,

notwithstanding that no person has been registered as the owner of that vehicle, issue to

the owner a visitor's temporary licence in the prescribed form, authorizing the possession and use of the motor vehicle for a period not exceeding twelve months from the date of importation.

(2) The powers conferred on the Commissioner General by subsection (1) may in the case of motor vehicles imported through any Port in Sri Lanka, be exercised by the Government Agent or Divisional Secretary of the Administrative District within which the Port is situated or by the Superintendent of Customs of that Port.

(3) Every application made to, and a copy of every visitor's temporary licence issued by, any officer under subsection (2) shall be forwarded to the Commissioner-General within fourteen days from the date of issue.

(4) Every visitor's temporary licence shall specify the make, model, chassis number, engine number and colour of the motor vehicle and the details of distinctive plates issued under subsection (5).

(5) The Commissioner-General shall issue to such owner two plates bearing a distinctive number or numbers assigned for the purposes of this section.

(6) Such plates shall be displayed as prescribed and shall be returned to the Commissioner-General on the expiry of the licence.

(7) The owner of the visitor's temporary licence shall de-register the temporary registration of such vehicle prior to its exportation.”.

Amendment of
section 102 of
the principal
enactment.

20. Section 102 of the principal enactment is hereby amended in subsection (5) of that section by the substitution of that words “eighteen years”, of the words “seventeen years”.

Amendment of
section 106 of
the principal
enactment.

21. Section 106 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Liability of
insurer in
respect of
any decree.

106. (1) No sum shall be payable by an insurer under the provisions of section 105 in respect of any decree—

- (a) unless before or within seven days of the commencement of the action the plaintiff in the action in which such decree was entered has given notice of such action to such insurer; or
- (b) so long as execution of such decree is stayed pending appeal.

(2) Every notice given under subsection (1) shall—

- (a) specify the name of the court in which such action is instituted;
- (b) specify the number assigned to the action;
- (c) specify the names of, the parties to the action;
- (d) specify the number of the insurance policy in respect of which the action is instituted;
- (e) specify the nature of the action ; and

(f) require the insurer to answer the plaint before a date to be specified in such notice.

(3) Every notice shall be accompanied by a copy of the plaint filed in the action.

(4) An insurer to whom such notice is given shall be made a party to such action and shall be entitled to defend such action.”.

22. The following new section is hereby inserted immediately after section 112 of the principal enactment and shall have effect as section 112A of that enactment:—

Insertion of new section 112A of the principal enactment.

“Transfer of Certificate of Insurance. 112A. (1) Where a person in whose favour the Certificate of Insurance has been issued in accordance with the provisions of this Chapter transfers to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the Certificate of Insurance and the policy described in the Certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

Explanation – For the removal of doubts, it is hereby declared that such deemed transfer shall include the transfer of rights and liabilities of the said Certificate of Insurance and policy of insurance.

(2) The transferee shall apply within forty-four days from the date of transfer in the prescribed Form to the insurer for making

necessary changes in regard to the fact of transfer in the Certificate of Insurance and the insurer shall make the necessary changes in the Certificate and the policy of insurance in regard to the transfer of insurance.”.

Replacement
of section
122 of the
principal
enactment.

23. Section 122 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Classification
of driving
licences for
motor
vehicles.

122. (1) For the purposes of this Act, motor vehicles shall be divided into the classes specified in Columns 1, 2 and 5 of the Schedule to this section and a licence for the classes specified in Columns 1, 2 and 5 shall be deemed to authorize the holder thereof to drive a motor vehicle of a class specified in Columns 1, 2, 3 and 5 as defined in I.S.O. Standard No. I.S.O. / TEC/ FDIS-18013-1-2005(E) hereof.

(2) Notwithstanding the provisions of subsection (1), the Minister may in exceptional circumstances make regulations to the effect that a driving licence other than a licence specified in subsection (1) shall be deemed to authorize the holder thereof to drive a motor vehicle of a class specified in such regulations.

SCHEDULE

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
1	(i) Motor Cycles Motorcycles of which engine capacity exceeds 100CC	A	A1, G1		D
	(ii) Light Motor Cycles Motorcycle of which engine capacity does not exceed 100CC	A1	G1		D
2	Dual purpose Motor vehicle of which Gross Vehicle Weight does not exceed 3500 kilograms and the seating capacity does not exceed 9 seats inclusive of the driver's seat, which may be combined with a trailer of which maximum authorized tare does not exceed 750 kilograms; motor vehicles in this class include an invalid carriage. And all cars where the seating capacity does not exceed 9 seats inclusive of the Driver's seat.	B	G1		C, C1
3	Motor Tricycle / Motor Tricycle van. Motor tricycle or van of which the tare does not exceed	B1	G1		E,F

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
	500 KG and Gross vehicle weight does not exceed 1000 kilograms; motor vehicle in this class include an invalid carriage.				
4	(i) Motor Lorry – Motor Lorry of which Gross Vehicle Weight is more than 17000 kilograms; may be combined with a trailer having a maximum authorized tare which does not exceed 750 kilograms	C	C1, G1 B, B1, J, G		B
	(ii) Light Motor Lorry- Motor Lorry of which Gross Vehicle Weight exceeds 3500 and does not exceeds 17000 kilograms; motor vehicles in this class may be combined with a trailer having a maximum authorized tare which does not exceed 750 kilograms; motor vehicles of this class include a motor ambulance and motor hearse.	C 1	G, G1, B, B1		B

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
5	Heavy Motor Lorry Combination of motor lorry and trailer (s) including Articulated Vehicles and its trailer (s) of which maximum authorized tare of the trailer exceeds 750 kilograms and Gross vehicle weight exceeds 3500 kilograms	CE	C, C1, B,B1, G, G1, J		B
6	(i) Motor Coach-Motor Coach where the seating capacity does not exceed 33 seats inclusive of the driver's seat; motor vehicles in this class may be combined with a trailer having a maximum authorized tare which does not exceed 750 kilograms.	D	D1, C, C1, B, B1, G, G1, J		A
	(ii) Light Motor Coach-Motor vehicles used for the carriage of persons and having a seating capacity of not less than 9 seats and not more than 33 seats inclusive of the driver's seat; motor vehicles in this class may be combined with a trailer having a	D1	C1, B, B1, G, G1		A1

	Column 1	Column 2	Column 3	Column 4	Column 5
	<i>Description</i>	<i>New classess</i>	<i>Validity other classes</i>	<i>Pictograph</i>	<i>Present Class</i>
	maximum authorized tare which does not exceed 750 kilograms.				
7	Heavy Motor Coach-Combination of motor coach having a seating capacity of 33 seats inclusive of the driver's seat and its trailer having a maximum authorized tare exceeding 750 kilograms or a combination of two motor coaches	DE	D, D1, CE, C, C1, B, B1, G, G1, J		A
8	Land Vehicle-Agricultural Land Vehicle with or without a Trailer	G	G1		G,G1
9	Hand Tractors-Two Wheel Tractor with a Trailer	G1			
10	Special purpose Vehicle,Vehicle used for construction, loading &c.,. excluding motor lorries, light motor lorries and heavy motor lorries, equipped with construction equipment and equipment for loading and unloading goods	J	G1		B G

24. The following new section is hereby inserted immediately after section 122 of the principal enactment and shall have effect as section 122A thereof :—

Insertion of new section 122A in the principal enactment.

“Classes of driving licences.

122A. (1) For the purposes of this Act driving licences or permits as the case may be shall—

- (a) in the case of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3, and 8 of the Schedule to section 122, be of the following classes :—
 - (i) Learner’s Permit ; and
 - (ii) Regular Driving Licence for light vehicles ;
- (b) in the case of motor vehicles belonging to the classes specified in items 4(i), 4(ii), 5, 6 (i), 6 (ii), 7, 9 and 10 of the Schedule to section 122, be of the following classes :—
 - (i) Learner’s Permit ;
 - (ii) Regular Driving Licence for heavy vehicles.

(2) Every person who desires to obtain a driving licence under this Act for classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122 (heavy vehicles) shall at the time of applying therefor, possess a Regular Driving Licence for motor vehicles of the classes specified in items 2, 3 or 8 of such Schedule.”.

25. Section 123 of the principal enactment is hereby amended as follows :—

Amendment of section 123 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “effective driving licence” wherever those words appear in that section, of the words “regular driving licence subject to a probation period.”

- (2) by the repeal of subsection (2) thereof and the substitution therefor of the following subsection:—

“(2) (a) A person who does not hold a driving licence and who wishes to learn or to be permitted to drive a motor vehicle shall make application to the Commissioner-General for a Learner’s Permit—

- (i) in the prescribed form; and
- (ii) accompanied by the prescribed levy and the prescribed documents.

(b) The Commissioner-General shall conduct a theory examination for the purpose of ascertaining whether the applicant is competent to be granted a Learner’s Permit and if such applicant is successful at such examination, and satisfies the Commissioner-General in regard to the requirements specified in paragraph (c) of this subsection, issue him with a Learner’s Permit.

(c) Every applicant for a Learner’s Permit shall prove to the satisfaction of the Commissioner-General—

- (i) in the case of an application for a Learner’s Permit to drive light vehicles that he has completed the age of seventeen years; and in the case of an application for a Learner’s Permit to drive heavy vehicles that he has completed the age of twenty years ; and
- (ii) that he is physically fit to drive the class or classes of vehicles in respect of which the application is made.

(d) Every person who is successful at the theory examination referred to in paragraph (b) shall—

- (i) apply to the Commissioner-General in the prescribed form accompanied by the prescribed fee, for the ‘L’ plate which shall be

fixed and maintained on a motor vehicle in accordance with the succeeding provisions of this section ;

- (ii) obtain an insurance cover in accordance with the provisions of section 99.

(e) A holder of an 'L' plate shall not permit or cause the owner or any other person in charge of a motor vehicle who is not the holder of an 'L' plate to use that plate for the purpose of learning:

Provided that—

- (i) no person other than the holder of a Learner's Permit and the person instructing him shall travel in such motor vehicle; where the person so instructing such learner is a registered driving instructor, the maximum number of learners carried in a motor vehicle belonging to the class referred to in item 2 of the Schedule to section 122 shall not exceed three persons and in motor vehicles of a class referred to in items 6(i), 6(ii) and 7 of the Schedule to section 122 shall not exceed six persons;
- (ii) the holder of a Regular Driving Licence which is valid for motor vehicles of that class and who should be at least twenty one years of age, shall accompany him for the purpose of instructing him and shall be seated at his side :

Provided however that the requirements herein contained shall not apply to motor cycles and tractors ; and

- (iii) there is carried above each identification plate fixed on the vehicle, in such manner as not to obstruct any such identification plate, a white board or plate bearing the letter 'L' painted thereon in red the dimensions of such letter being at least twice the corresponding dimensions of any letter forming part of the distinctive number on the identification plate.

(f) The holder of a Learner's Permit may on completion of a period of three months from the date of issue of such Learner's Permit and if he has satisfied the requirements set out in section 125, apply to the Commissioner-General in the prescribed Form accompanied by the prescribed levy to convert his Learner's Permit into a Regular Driving Licence.

(g) Regulations may be made prescribing—

- (i) any other requirement or condition for the issue of a Learners' Permit ; and
- (ii) the shape, size, colour, details of display and the procedure for the issue of 'L' plate.”.

- (3) by the addition, immediately after subsection (2) of that section of the following subsections which shall have effect as subsections (3), (4) (5), (6) and (7) thereof :—

“(3) (a) A Regular Driving Licence shall be subject to a minimum probationary period of one year from the date of issue and a maximum probationary period of two years from the date of issue.

(b) Where the holder of a Regular Driving Licence has within the probationary period of one year accumulated the prescribed number of driver improvement points as would result in the cancellation or suspension of his driving licence under section 133A, or driver improvement points over and above such prescribed number, the Commissioner-General shall extend the period of probation for a further period of one year.

(c) If the Commissioner-General is satisfied that the holder of a Regular Driving Licence under paragraph (b), has during the extended probationary period of one year accumulated the prescribed number of driver improvement points which would result in the suspension or cancellation of a driving licence under section 133A or driver improvement points over and above such prescribed number, he shall forthwith cancel such probationary licence.

(4) (a) For the purposes of this Act, every driving licence, irrespective of whether it is a Regular Driving Licence subject to a probationary period or a Regular Driving Licence, shall be treated as a valid driving licence for the class or classes of motor vehicles referred to therein.

(b) All levies recovered by the Commissioner-General in respect of the issue of every such licence or permit referred to in subsection (1) of section 122 shall be deemed to have been validly recovered under the provisions of this Act.

(5) (a) A person who contravenes the provisions of paragraph (a) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees and on a second or subsequent conviction to a fine not less than six thousand rupees and not exceeding ten thousand rupees.

(b) A person who contravenes the provisions of paragraph (b) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than four thousand rupees and not exceeding eight thousand rupees and on a second or subsequent conviction to a fine not less than eight thousand rupees and not exceeding twelve thousand rupees.

(6) (a) A person who contravenes the provisions of paragraph (d) of subsection (2) shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

(b) A person who contravenes the provisions of paragraph (e) of subsection (2), shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.

(7) A person who contravenes the provisions of paragraph (a) of subsection (3) shall be guilty of an offence and shall on conviction, be liable to the penalty specified in section 224.”.

Replacement
section 124 of
the principal
enactment.

26. Section 124 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Application
for a
Learners
Permit and
Regular
Driving
Licence.

124. (1) Every application for a Learners Permit and Regular Driving Licence shall be made to the Commissioner-General in the prescribed Form, and shall be accompanied by—

(a) a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute Act, No. 25 of 1997 or a medical practitioner registered under the Medical Ordinance (Chapter 105) and duly

authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit to drive the class or classes of vehicles in respect of which the application is made ;

- (b) the prescribed levy ;
- (c) two copies of a photograph of the applicant of such size as may be prescribed and taken not earlier than six months prior to the date of the making of the application;
- (d) a declaration made by the applicant in the prescribed Form as to whether or not he is suffering from any disease or mental or physical disability as would be likely to cause his driving to be a source of danger to the public.

(2) Every applicant for a driving licence valid for motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122 shall prove to the satisfaction of the Commissioner-General—

- (a) that he has completed the age of eighteen years ; and
- (b) that he has been a learner driver for at least three months from the date he obtained 'L' plate from the Commissioner-General.

(3) Every applicant for a driving licence valid for motor vehicles belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii),

7, 9 and 10 of the Schedule to section 122 shall prove to the satisfaction of the Commissioner-General that he –

- (a) has completed the age of twenty-one years ;
- (b) has been a learner driver of the class of vehicles in respect of which the application is made for at least three months from the date he obtained ‘L’ plate from the Commissioner-General;
- (c) possesses an adequate practical knowledge of the mechanism of motor vehicles as may be prescribed ;
- (d) possesses such educational and other qualifications as may be prescribed ;
- (e) possesses such physical requirements as may be prescribed ;
- (f) has been in possession of a Regular Driving Licence valid for motor vehicles belonging to the classes specified in items 2 and 3 of the Schedule to section 122, for a period of not less than two years.”.

Insertion of new sections 124B, 124C and 124D in the principal enactment.

27. The following new sections are hereby inserted immediately after section 124A of the principal enactment and shall have effect as sections 124B, 124C and 124D of that enactment :—

“Motor
Traffic
Appeals
Board.

124B. (1) There shall be Motor Traffic Appeals Board (hereinafter in this Part referred to as “the Board”) consisting of the following members who shall be persons who have gained recognition or integrity:—

- (a) a nominee of the Secretary to the Ministry of the Minister in charge of the subject of Transport;

- (b) a retired examiner of Motor Traffic nominated by the Secretary to the Ministry of the Minister in charge of the subject of Transport; and
- (c) one person from the Police Department nominated by the Inspector General of Police.

(2) An applicant for a driving licence who has complied with the requirements set out in subsection (2) of section 123 and section 124, and who is aggrieved by the decision of the Commissioner-General refusing to issue him a driving licence may prefer an appeal to the Board against such decision.

(3) The Board shall within a period of thirty days from the date of preferring the appeal communicate its decision on such appeal to the applicant and the Commissioner-General, and the Commissioner-General shall give effect to such decision.

Medical
Committee.

124c. (1) The Minister shall appoint a Medical Committee comprising of –

- (a) the Commissioner-General of Motor Traffic or his nominee ;
- (b) the Director -General of Health Services or his nominee ;
- (c) Specialist/Medical Officer registered under the Medical Ordinance (Chapter.) who has specialized in the particular field; and
- (d) a representative of the Ministry of the Minister in charge of the subject of Transport :

(2) The duties of the Medical Committee shall be to hear appeals from persons aggrieved by the refusal to issue Medical Certificates by medical practitioners or the National Transport Medical Institute under section 124D.

(3) A medical practitioner who wilfully issues a Medical Certificate which is incorrect as regards the medical condition of an applicant or is incorrect in regard to any material particulars specified therein shall be guilty of the offence of fraudulent issue of a medical certificate and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and such practitioner shall also be reported to the Sri Lanka Medical Council.

Appeals to
Medical
Committee.

124D. (1) An applicant for a Learners Permit and Regular Driving Licence who is aggrieved by the refusal of a Medical Practitioner referred to in section 124 or the National Transport Medical Institute to issue him with a Medical Certificate may prefer an appeal against such refusal to the Medical Committee appointed under section 124C.

(2) Such Medical Committee shall within a period of seven days cause such applicant to be examined by a registered medical practitioner other than a medical practitioner referred to in paragraph (1) and shall if such medical practitioner certifies that the applicant is fit to be issued a driving licence, issue him a Medical Certificate and shall report such fact to the Sri Lanka Medical Council.

Amendment of
section 125 of
the principal
enactment.

28. Section 125 of the principal enactment is hereby amended as follows :—

- (1) in subsection (1) of that section, by the substitution for the words “licence which it accompanies.” of the words, “licence which it accompanies and any

endorsement made on such form shall be deemed to have been made upon such driving licence.”;

- (2) in subsection (4) of that section, by the substitution for the words “driving a motor vehicle in a safe and proper manner.” of the words “driving a motor vehicle in a safe or proper manner :

Provided that, the Commissioner-General may refuse to issue a driving licence in circumstances that appear to him to be detrimental to the interest of the public.”;

- (3) by the repeal of subsection (5) thereof and the substitution therefor of the following subsection:—

“(5) No Regular Driving Licence shall be issued—

- (a) in respect of motor vehicles belonging to the clauses specified in items 1(i), 1(ii), 2, 3 and 8 and of the Schedule to section 122 to any person who has not attained the age of eighteen years ; and
- (b) in respect of motor vehicles belonging to the clauses specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122 to any person who has not attained the age of twenty-one years,

and, a licence issued to any such person shall be of no force or effect in law.”.

29. Section 126 of the principal enactment is hereby amended as follows :—

Amendment of section 126 of the principal enactment.

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

“(1) Unless otherwise prescribed by the Minister and subject to the provisions of

subsections (2) and (3) of section 126A and section 126B, Learners Permit and Regular Driving Licence issued in respect of motor vehicles —

(a) belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122, shall be valid for a period of four years ;

(b) belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122, shall be valid for a period of eight years.”.

(2) by the addition, immediately after subsection (3) of that section, of the following subsections which shall have effect as subsections (4) and (5) thereof :—

“(4) A person who drives a motor vehicle on a road at any time during which his driving licence has been suspended or cancelled or where the period of validity of such licence has expired shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(5) The Minister may make regulations prescribing the period of validity of driving licences issued under this Act for any class or classes of vehicles specified under section 122”.

Insertion of new sections 126B and 126C in the principal enactment.

30. The following new sections are hereby inserted immediately after section 126A of the principal enactment and shall have effect as sections 126B and 126C thereof :—

“Renewal of driving licences.

126B. (1) Subject to the provisions of subsections (2) and (3) of section 126 and section 126A every driving licence may, on the

expiry of the period for which it is issued, be renewed in the case of motor vehicles of a class referred to in items 1(i), 1(ii), 2, 3, 8 and 10 of the Schedule to section 122 for further periods of eight years each at a time and in the case of motor vehicles of a class referred to in items 4(i), 4(ii), 5, 6(i), 6(ii), 7 and 9 of the Schedule to section 122 for further periods of four years each, at a time.

(2) Every application for the renewal of a driving licence shall be in the prescribed Form and shall be accompanied by—

- (a) (i) in the case of belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122 a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute Act, No. 25 of 1997 or from a medical practitioner registered under the Medical Ordinance (Chapter 105) or duly authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit to drive motor vehicles of the class or classes in respect of which such application is made ; and
- (ii) in the case of vehicles belonging to the classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the Schedule to section 122 a Medical Certificate from the National Transport Medical Institute established under the National Transport Medical Institute

Act, No. 25 of 1997 or by a Medical Practitioner registered under the Medical Ordinance (Chapter 105) duly authorized by the National Transport Medical Institute or authorized by the Commissioner-General, which certifies that the applicant is physically fit to drive motor vehicles of the class or classes in respect of which such application is made;

- (b) the prescribed levy ; and
- (c) two copies of a photograph of the applicant, of such size as may be prescribed, taken not earlier than six months prior to the date of the making of the application.

(3) Every application for the renewal of a driving licence shall be forwarded to the Commissioner-General three months prior to the expiry of a licence currently in force.

Amendment of section 128 of the principal enactment.

31. Section 128 of the principal enactment is hereby amended as follows:—

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

“(1) A driving licence, unless expressed to be valid for all classes of vehicles, shall be valid only for the class or classes of motor vehicles specified in Column 3 of the Schedule to section 122.”;

- (2) by the repeal of subsections (2) and (4);

32. The following new sections are hereby inserted immediately after section 128 of the principal enactment and shall have effect as sections 128A and 128B of that enactment :-

Insertion of new sections 128A and 128B in the principal enactment.

“Emergency service vehicles and public service vehicles.

128A. (1) No person, who is the holder of a driving licence valid for any class or classes of motor vehicles shall drive any emergency service vehicle or public service vehicle on any road unless he is specifically authorized to do so by a special endorsement of the Commissioner –General on his driving licence.

(2) A person wishing to drive an emergency service vehicle or a public service vehicle on any road shall make application to the Commissioner –General on the prescribed form accompanied by the prescribed levy.

(3) The Minister may make regulations prescribing the requirements, qualifications and tests to be conducted to qualify for an endorsement on a driving licence empowering a licence holder to drive an emergency service vehicle or public service vehicle as the case may be.

Special purpose vehicles.

128B. (1) A person wishing to drive a special purpose vehicle shall make application for a licence for that purpose to the Commissioner- General in the prescribed form accompanied by the prescribed levy.

(2) The Minister may make regulations prescribing the requirements to be satisfied, the qualifications necessary and the tests to be conducted for the purpose of determining whether a person qualifies to drive a special purpose vehicle.”.

Amendment of section 132 of the principal enactment.

33. Section 132 of the principal enactment is hereby amended as follows —

- (1) in subsection (1) of that section by the substitution for the words “not exceeding three months” of the words “not exceeding twelve months”; and
- (2) in subsection (5) of that section by the substitution, for the words “shall not apply to the issue of”, of the words “shall apply to the issue of”.

Insertion of new sections 132A and 132B in the principal enactment.

34. The following new sections are hereby inserted immediately after section 132 of the principal enactment and shall have effect as sections 132A and 132B thereof :—

“International Driving Permit.

132A. (1) Any person ordinarily resident in Sri Lanka, being the holder of a driving licence issued under Part VII of this Act, may on application made in the manner hereinafter provided, obtain an International Driving Permit authorizing him to drive a vehicle whilst abroad in any of the contracting States or Territories that have acceded to the Vienna Convention on Road Traffic of Eighth November, One Thousand Nine Hundred and Sixty Eight.

(2) An application for any such driving Permit shall be in the prescribed Form and be accompanied by the prescribed levy and may be submitted to the prescribed associations who shall forward the application to the Commissioner-General.

(3) Every applicant for an International Driving Permit shall be examined by an authorized officer appointed for the purpose by the Commissioner-General, prior to the issue of the said Permit.

(4) Such International Driving Permit shall be valid for a period of one year commencing from the date of issue.

(5) For the purpose of this section “prescribed association” means the Automobile Association of Ceylon or any other Association which is affiliated to the Alliance International de Tourism in Geneva, Switzerland, being the regulatory body for the issue of International Permits as may be prescribed by the Minister by Notification published in the *Gazette*.

Recognition
of
international
driving
permit or
certificate in
Sri Lanka.

132B. A person who is a *bonafide* visitor to Sri Lanka and who possesses a valid International Driving Permit issued by any of the Contracting States to, or the States or Territories that have acceded to the Vienna Convention of eighth November One Thousand Nine Hundred and Sixty Eight, shall be deemed to possess a driving licence issued under the provisions of this Act and to be authorized to drive the class or classes of vehicles specified in the driving permit:

Provided that—

- (a) the Permit is valid within the meaning of Article 41 of the Vienna Convention of 1968 ;
- (b) the holder carries such permit while driving in Sri Lanka and produces it on demand by a police officer or Examiner of Motor Vehicles for inspection ; and
- (c) the holder fulfils in all respects the conditions set out in Article 41 of the Vienna Convention of 1968.”.

Amendment of
section 135 of
the principal
enactment.

35. Section 133A of the principal enactment is hereby amended as follows :—

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

“(1) Where the holder of a Learner’s Permit and Regular Driving Licence is convicted of any offence prescribed by the Minister under this section and the court does not suspend or cancel the driving licence of such holder, the court may—

- (a) if the Learner’s Permit and Regular Driving Licence of such holder is available, enter or cause to be entered upon such licence; or
- (b) if the Learner’s Permit and Regular Driving Licence of such holder is not available, direct the Commissioner to enter upon such licence, such number of driver improvement points prescribed in respect of the offence in respect of which the holder of such driving licence was convicted:

Provided however, that in the case of a Learner’s Permit and Regular Driving Licence issued in the form of a card without the micro chip such entry may be made on the Endorsement Form prescribed under section 125 and an entry so made shall for the purposes of this Act, be deemed to have been made upon such driving licence.”:

- (2) by the insertion immediately after the proviso to subsection (1) thereof of the following subsection which shall have effect as subsection (1A) thereof:—

“(1A) Where the holder of a Learner’s Permit and Regular Driving Licence on detection by a police officer admits liability for the contravention of any section prescribed by the Minister under

this section and makes, in lieu of prosecution for such contravention, payment of the fine prescribed in respect of that offence any police officer of the rank of sergeant or above shall enter such fine on the prescribed form under the subsection and forward a copy of the entry made thereon to the Commissioner-General for the purpose of record and on receipt of such record, the Commissioner-General shall enter upon such Learners Permit and Regular Driving Licence the number of driver improvement points prescribed in respect of such offence under this section.”;

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

“(3) Where any court enters or causes to be entered driver improvement points on any driving licence under subsection (1), the court shall forward to the Commissioner-General a copy of the entry made on the licence.

For the purpose of this section the Inspector General of Police shall notify the Commissioner General of the commission of any offence under this section.”;

- (4) by the addition immediately after subsection (4) of that section, of the following subsection which shall have effect as subsection (5) thereof:—

“(5) The Minister may make regulations identifying the offences and the number of driver improvement points which shall be entered on a driving licence or assigned by the Commissioner-General on the commission of such offences.”.

36. Section 135 of the principal enactment is hereby amended as follows :—

- (1) in the proviso to subsection (1) of that section, by the substitution for the words, “extension of its

Amendment of section 133A of the principal enactment.

validity,” of the words “extension of its validity, replacement, renewal or additional endorsement,”.

- (2) by the insertion, immediately after subsection (1), of the following new subsections which shall have effect as subsections (1A), (1B), (1C) and (1D) thereof :—

“(1A) Any person who fails to carry a valid Learner’s Permit and Regular Driving Licence including the endorsement form while driving a motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than two thousand five hundred rupees and not exceeding five thousand rupees.

(1B) Where a driver of a motor vehicle does not possess a valid Learner’s Permit and Regular Driving Licence a police officer may detain such driver of the motor vehicle until such driver produces a valid Learner’s Permit and Regular Driving Licence. Where it is found that such driver does not hold a valid Learner’s Permit and Regular Driving Licence, such driver and owner of the motor vehicle shall be guilty of an offence and shall be liable to a fine not less than three thousand rupees and not exceeding six thousand rupees and to imprisonment of either description for a term of six months:

Provided however that the owner of such motor vehicle shall not be deemed to be guilty of an offence if he proves to the satisfaction of the Court that the vehicle was removed by such driver without his knowledge.

(1C) (a) Where the driver of a motor vehicle wilfully refuses to produce the Learner’s Permit and Regular Driving Licence on demand by a police officer, such police officer may take such driver and the vehicle into custody and produce such driver at the nearest police station for the purpose of investigation.

(b) Any person who wilfully refuses to produce the learner's permit or regular driving licence or endorsement form on demand by a police officer shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees:

Provided however, that no person shall be deemed to be guilty of an offence under this section, if he proves to the satisfaction of the court that his learner's permit or regular driving licence had at the time of the alleged contravention, been forwarded to the Commissioner-General for an additional endorsement or for an extension of its validity, or for replacement or renewal.

(1D) (a) No person shall drive a motor vehicle carrying or possessing a learner's permit or regular driving licence which is faded, defaced, damaged, or obscure.

(b) Any person who contravenes the provisions of paragraph (a) shall be guilty of an offence under this Act and shall on conviction be liable to the penalty specified in section 224;" ; and

- (3) in subsection (5) of that section, by the substitution for the words, "charged, may specify by endorsement" of the words, "charged, may cause to be specified by endorsement."

37. Section 138 of the principal enactment is hereby amended by the insertion, immediately after subsection (1) thereof of the following subsection which shall have effect as subsection (1A) thereof :—

Amendment of section 138 of the principal enactment.

"(1A) (a) If any person whose Learner's Permit and Regular Driving Licence is in the custody of the police or any court in connection with the commission of an offence under this Act or the commission of an offence related to the driving of a motor vehicle under any other written law, applies for a new Learner's Permit and Regular Driving Licence or a

duplicate Learner's Permit and Regular Driving Licence that person shall be guilty of an offence and any licence so obtained shall be of no effect.

(b) Any person who is guilty of an offence under paragraph (a) of this subsection shall on conviction be liable to a fine not less than five thousand rupees and not more than ten thousand rupees and on a second or subsequent conviction to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees and to the cancellation of his driving licence.

(c) If any person shall possess more than one driving licence issued by the Commissioner-General at any one time, or is in possession of the driving licence of another person without lawful authority he shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees and to the confiscation of such licence. ”.

Insertion of new section 138A of the principal enactment.

38. The following new section is hereby inserted immediately after section 138 of the principal enactment and shall have effect as section 138A thereof :—

“Commissioner General to be notified of change of residence.

138A. (1) Every holder of a driving licence shall notify the Commissioner-General either by registered post or personal delivery, of any changes in his residence and postal address within thirty days of such change and the Commissioner General shall endorse such changes in the respective endorsement form and record them in the appropriate registers.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act and shall on conviction be liable to the penalty specified in section 224.”.

Insertion of heading to Part VIIA.

39. The following new heading is hereby inserted immediately after Part VIIA of the principal enactment:—

“LICENCING OF DRIVING SCHOOLS AND INSTRUCTORS”.

40. Section 139 A of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor of the following subsection:—

Amendment of section 139A of the principal enactment.

“(2) Any person who contravenes the provisions of subsection(1) shall be guilty of an offence and shall, on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and on a second or subsequent conviction to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.”.

41. Section 139B of the principal enactment is hereby amended by the repeal of subsection (2)of that section and the substitution therefor of the following subsection:—

Amendment of section 139B of the principal enactment.

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

- (a) is the holder of a valid driving licence of a class which is specified under section 139BB to make him eligible to be issued an instructor’s licence of such class as is specified in that section ; and
- (b) possesses such suitable qualifications and experience as may be prescribed.”.

42. The following new section is hereby inserted immediately after section 139 B of the principal enactment and shall have effect as section 139BB thereof:—

Insertion of new section 139BB of the principal enactment.

“Instructor’s Licence and assistant instructor’s licence.

139BB. (1) An instructor’s licence issued under this Part shall be divided into three classes, namely Class A, Class B and Class C.

(2) An Assistant Instructor's Licence shall be of Class C.

(3) An Instructor or Assistant Instructor shall be eligible to be issued a Class C licence if he has been the holder of a valid Regular Driving Licence stated to be valid for a motor vehicle belonging to the classes specified in items 1(i), 2 and 3 of the Schedule to section 122, for a minimum period of five years immediately prior to the application. Such instructor's licence or Assistant instructor's licence shall authorize him to instruct learners of classes of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3 and 8 of the Schedule to section 122.

(4) A person shall be eligible to be issued an Instructor's Licence of Class B, if he has been the holder of a valid Regular Licence stated to be valid for Motor Vehicles belonging to the classes specified in items 1(i) and 6 of the Schedule to section 122, for a minimum period of five years immediately prior to the application. Such instructor's licence shall authorize him to instruct learners of Motor Vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3, 4(i), 4(ii), 6(i), 6(ii), 8 and 10 the Schedule to section 122.

(5) A person shall be eligible to be issued an Instructor's Licence of Class A, if he has been the holder of a valid regular licence expressed to be valid for motor vehicles belonging to the classes specified in items 1(i), 5 and 7 of the Schedule to section 122, together with emergency service vehicle and public service vehicle endorsements valid for a minimum period of five years immediately prior to the application. Such instructor's

licence shall authorize him to instruct learners of motor vehicles belonging to the classes specified in items 1(i), 1(ii), 2, 3, 4(i), 4(ii), 5, 6(i), 6(ii), 7, 8, 9 and 10 of the Schedule to section 122.”.

43. Section 139^E of the principal enactment is hereby amended as follows :—

Amendment of section 139^E of the principal enactment.

- (1) in subsection (1) of that section—
 - (a) by the omission in paragraph (b) thereof of the word “or”;
 - (b) by the substitution in paragraph (c) of that subsection for the words, “regulations made thereunder.” of the words, “regulations made thereunder; or” ; and
 - (c) by the insertion immediately after paragraph (c) thereof, of the following new paragraph which shall have effect as paragraph (d) thereof :—

“(d) has accumulated more than the specified number of driver improvement points.”;
- (2) in subsection (4) of that section, by the substitution for the words “Secretary to the Ministry” of the words “Secretary to the Ministry of the Minister”;
- (3) in subsection (6) of that section, by the substitution for the words “Secretary to the Ministry” of the words “Secretary to the Ministry of the Minister” ; and
- (4) in subsection (8) of that section, by the substitution for the words “shall forthwith surrender it to the Commissioner”, of the words, “shall surrender such licence to the Commissioner - General within seven days of such cancellation.”.

Amendment of
section 139F of
the principal
enactment.

44. Section 139F of the principal enactment is hereby amended in subsection (3) of that section by the substitution for the words “to a fine not less than five hundred rupees” of the words “to a fine not less than seven thousand five hundred rupees and not exceeding fifteen thousand rupees.”.

Amendment of
section 139N of
the principal
enactment.

45. Section 139N of the principal enactment is hereby amended by the repeal of the definition of the expression “driving instructor”.

Replacement of
section 145 of
the principal
enactment.

46. Section 145 of the principal enactment is hereby repealed and the following section substituted therefor:—

“Condition
of motor
vehicles.

145. (1) No motor vehicle shall be used on a road unless it is in all respects in such a condition that it will not cause or be likely to cause—

(a) danger, discomfort, annoyance or harm to any person in the vehicle or any person using the road ;

(b) danger to any vehicle on the road ; or

(c) damage to any property on or adjoining the road.

(2) Where a driver of a motor vehicle contravenes any provision of subsection (1) such driver, and registered owner of such motor vehicle shall be guilty of an offence and shall on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees.

(3) Where a driver of a motor vehicle contravenes the provisions of subsection (1) and thereby causes injury to any person such driver, and registered owner of such motor vehicle shall be guilty of an offence and shall

on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding two months or to both such fine and imprisonment and to the suspension of his driving licence for a period of six months.

(4) Where a driver of a motor vehicle contravenes any provision of sub-section (1) and thereby causes grievous injury to any person, such driver and registered owner of such motor vehicle shall be guilty of an offence, and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding thirty five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and to the suspension of his driving licence for a period of six months.

(5) Where a driver of a motor vehicle contravenes any provision of sub-section (1) and thereby causes the death of any person, such driver and registered owner of such motor vehicle shall be guilty of an offence, and shall on conviction be liable to a fine not less than fifty thousand rupees and not exceeding seventy five thousand rupees or imprisonment for a term not exceeding one year or to both such fine and imprisonment and to the suspension of his driving licence for a period of twelve months. ”.

47. Section 155 of the principal enactment is hereby amended as follows :—

Amendment
of section 155
of the principal
enactment.

- (1) in subsection (1) of that section, by the substitution for the words “efficient instrument” of the words “efficient warning instrument”;

- (2) by the re-numbering of subsections (2), (3) and (4) of that section as subsections (4), (5) and (6) thereof ;
- (3) by the insertion, immediately after subsection (1) thereof, of the following subsections which shall have effect as subsections (2) and (3) thereof :—

“(2) (a) Notwithstanding the provisions of subsection (1), the driver of a motor vehicle shall not use, or cause or permit to be used the warning instrument of such vehicle except —

- (i) when necessary as a traffic warning to avoid an accident ; or
- (ii) as an indication of his intention to overtake another vehicle, provided however, that at night, such driver may flash the head lights for such purpose and also sound a warning instrument .

(3) No person shall use a motor vehicle that has been equipped with a multi-tone horn sounding a succession of different notes, or with any other sound producing device giving a harsh, shrill, loud or alarming noise :

Provided that such a multi-tone horn or other sound producing device may be fitted or used —

- (a) on a vehicle used by the fire brigade ;
- (b) on a vehicle used by members of the police or armed services ; or
- (c) on an ambulance responding to an emergency call. ”;

- (4) in the renumbered subsection (4) thereof, by the substitution for the words “ highway within the limits of an urban area.” of the word “road.”.
- (5) by the repeal of the renumbered subsection (5) of that section and the substitution of the following subsection therefor :—

“(5) Regulations may be made—

- (a) prohibiting or restricting for the purposes of this section the use of all warning instruments or any specified instrument in any area or part thereof during any specified hours of the day ;
 - (b) prescribing the maximum noise level that may emanate from a vehicle whether from the engine, the exhaust device or the horn;
 - (c) prescribing the maximum noise level that is permissible for any class or classes of vehicles with regard to a warning device or reverse warning device or any amplifying devices fitted on such class or classes of vehicles.”;
- (6) in the re-numbered subsection (6) of that section by the substitution, for the word and figure “subsection (3),” of the word and figure “subsection (5).”;
- (7) by the insertion, immediately after the re-numbered subsection (6) of that section, of the following subsection which shall have effect as subsection (7) thereof:—

“(7) Any person who contravenes the provisions of this section shall be guilty of an offence and

shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees and to the confiscation of such instruments.”.

Insertion of new section 155A in the principal enactment.

48. The following new section is hereby inserted immediately after section 155 of the principal enactment and shall have effect as section 155A thereof :—

“Emission in certain instances to be an offence

155A. (1) A person who drives or uses a motor vehicle that emits smoke, visible vapour, grit, sparks, ashes, cinder, grease or oily substances, which is likely to –

- (a) constitute a health hazard or cause annoyance or injury to any person ;
- (b) obscure the visibility of any other road user ; or
- (c) cause damage to any road or other public place or property,

shall be guilty of an offence, and shall on conviction be liable to a fine not less than two thousand rupees and not exceeding five thousand rupees and on a second or subsequent conviction, to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(2) An examiner or a police officer authorized by the Inspector -General of Police who has reason to believe that an offence under subsection (1) is being committed in respect of a motor vehicle which is on a road or other public place -

- (a) may stop and examine the vehicle and may measure or cause to be measured by

means of a prescribed apparatus, the emission of smoke or visible vapour from the vehicle ; or

- (b) may by notice in writing served on the owner of the vehicle either personally or by post require the production of such vehicle at a vehicle examination centre or police station on such date and at such time as may be specified in the notice for the purpose of—
 - (i) measuring the emission of smoke or visible vapour by means of a prescribed apparatus ; or
 - (ii) examining the vehicle to ascertain whether its condition is such that its use results in the commission of an offence under this section.

(3) An owner of a vehicle who is served with a notice under subsection (2) and who fails without reasonable cause to produce such vehicle on the date, time and place specified in such notice shall be guilty of an offence and shall on conviction, be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.

(4) (a) The Minister may prescribe the standard of emission which shall be applicable in respect of motor vehicles.

(b) Such regulations may provide different standards in respect of different classes of motor vehicles.

(5) For the purposes of this section, “examiner” means an examiner of motor under this Act, or a person authorized in that behalf

by the Commissioner-General or by the Inspector General of Police.”.

Insertion of new section 157A in the principal enactment.

49. The following new section is hereby inserted immediately after section 157 of the principal enactment and shall have effect as section 157A of that enactment —

“Use of seat belts.

157A. (1) No person shall travel in a prescribed seat in a vehicle of a prescribed class or description unless he uses a seat belt of a type prescribed by the Minister.

(2) Regulations may be made prescribing:—

- (a) the seats to which the requirement applies ;
- (b) the class or description of vehicles ; and
- (c) the type or description of seat belts for the purposes of subsection (1).

(3) No person shall sell or offer for sale or have in his possession for sale any seat belt, which is not of a type prescribed by the Minister.

(4) Any person who contravenes the provisions of subsection (1) or (3) or any regulation made under this section shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.”.

Amendment of section 160 of the principal enactment.

50. Section 160 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Noise.

160. (1) The driver of a vehicle which is in motion or stationary shall not use or permit any person to use, and no person in the vehicle

shall use, any amplifying equipment with loudspeaker fitted to or carried on the vehicle :

Provided, however, that an amplifying equipment may be used in a motor vehicle, if the volume of the sound emanating from such equipment is so regulated as to ensure that it is confined within the vehicle and intended for the hearing only of the occupants thereof.

(2) All motor vehicles which have an internal combustion engine shall be equipped with an efficient silencing device through which all exhaust from the engine is projected and which prevents the creation of undue noise.

(3) An examiner, or a police officer authorized in that behalf by the Inspector General of Police may direct a driver of any vehicle to sound the warning device for the purpose of making a noise level reading.

(4) Regulations may be made prescribing—

- (a) the maximum noise levels that may emanate from engine exhaust device ;
and
- (b) the maximum noise level permissible for different class or classes of vehicles with regard to horn, warning device or reverse warning device and amplifying devices fitted on such class or classes of vehicles.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees.

(6) For the purposes of this section “examiner” means an Examiner of Motor Vehicles appointed or deemed to be appointed under this Act and includes a person authorized in that behalf by the Inspector General of Police.”.

Amendment of section 161 of the principal enactment.

51. Section 161 of the principal enactment is hereby amended as follows:—

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

(a) by the insertion, immediately after sub-paragraph (iv) of paragraph (a), of the following sub-paragraph which shall have effect as sub-paragraph (v) of that paragraph:—

“(v) a driver who fails to report such accident forthwith to the officer-in-charge of the nearest police station shall on conviction be liable to a fine not less than three thousand rupees and not exceeding five thousand rupees. ”;

(b) by the addition, immediately after paragraph (c) of that subsection, of the following paragraph which shall have effect as paragraph (d) thereof:-

“(d) The insurer to whom a claim for insurance is made in connection with such accident shall inform the officer-in-charge of the nearest police station of such accident, for the purpose of compiling statistical records relating to accidents giving—

(i) details relating to such accident ;
and

- (ii) the names and addresses of the parties involved in such accident, as informed to him by the person making the claim.;

- (2) in subsection (2) of that section, by the omission of the words “or of security”;
- (3) by the insertion, immediately after subsection (2) thereof, of the following subsection which shall have effect as subsection (3) thereof:—

“(3) A person who contravenes the provisions of paragraph (d) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees.”.

52. Section 194 of the principal enactment is hereby amended in subsection (5) of that section by the repeal of all the words from “to a fine not exceeding one thousand rupees” to the end of that subsection and the substitution of the words “to a fine not less than three thousand rupees and not exceeding five thousand rupees and on a second or subsequent conviction to a fine not less than five thousand rupees and not exceeding ten thousand rupees.”.

Amendment of section 194 of the principal enactment.

53. Section 195 of the principal enactment is hereby repealed and the following new section substituted therefor :—

Replacement of section 195 of the principal enactment.

“Approved garages, approved inspection and testing centres and certifying officers.

195. (1) The Commissioner-General may, upon application made in that behalf in the prescribed form by the registered owner of a garage or inspection and testing centre and upon payment of the prescribed levy and service charge, by Order declare—

- (a) that the garage or inspection or testing centre specified in such order shall be an

approved garage or approved inspection or testing centre for the annual examination and certification of vehicles for the purposes of section 29; and

- (b) that such registered owner, and the other person or persons employed at such approved garage or approved inspection or testing centre and specified in the order, shall each be an approved certifying officer for the purpose of such examination and certification of motor vehicles at such approved garage or approved inspection or testing centre.

(2) Where the Commissioner-General makes an order under subsection (1), he shall issue to each approved certifying officer a letter of authority stipulating therein, the conditions subject to which such letter of authority is issued.

(3) The Commissioner-General may revoke or alter any order made under subsection (1) if there is a contravention of any condition specified in the letter of authority issued to any approved certifying officer of such approved garage or such approved inspection or testing centre in respect of which such order was made.

(4) The Commissioner-General may specify, in relation to each approved garage and approved inspection or testing centre the maximum number of motor vehicles which may be examined and certified at that approved garage or approved inspection or testing centre during the course of a day.

(5) Where the Commissioner-General rejects an application referred to in subsection (1), he shall state his reasons therefor in writing.

(6) The Minister may make regulations prescribing—

- (a) the equipment and facilities that should be made available at an approved garage or approved inspection or testing centre;
- (b) the qualifications required of an approved certifying officer;
- (c) the frequency of mandatory inspection for different classes or descriptions of motor vehicles ;
- (d) the amount of any deposit to be made by an approved garage or approved inspection or testing centre.”.

54. Section 196 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Issue of
Emission
Certificate
and
Certificate of
Fitness.

196. (1) Upon the production of a motor vehicle before an examiner or an approved certifying officer referred to in section 195 and upon payment of the prescribed levy or service charge, for the purpose of obtaining an Emission Certificate and a Certificate of Fitness as is referred to in section 29, an examiner or approved certifying officer shall on such criteria as may be prescribed, examine such vehicle and shall certify whether or not such Certificates may be issued in terms of this Act.

(2) An Emission Certificate and Certificate of Fitness issued in respect of a motor vehicle

Replacement of
section 196 of
the principal
enactment.

shall remain in force for one year from the date of issue or such shorter period not less than three months as may be specified in such certificate.

(3) Where an examiner or approved certifying officer certifies that a motor vehicle is unfit for use, he shall state his reasons therefor.

(4) The registered owner of a motor vehicle which is certified after examination under the preceding provisions of this section to be unfit for use, may, appeal to the Commissioner - General against the issue of such Certificate and the decision of the Commissioner - General on such appeal shall be final.

(5) The Emission Certificate and Certificate of Fitness issued in respect of a motor vehicle under this section shall be—

(a) carried in that vehicle at all times;

(b) made available for inspection on demand by a police officer, Grama Niladhari or Examiner or authorized officer appointed under this Act, or by any person authorized in writing by the Commissioner - General :

Provided however, that such certificate shall be produced when required, before a Court, the Commissioner - General or a Licensing Authority.

(6) The registered owner of an approved garage or approved inspection or testing centre shall forward in the prescribed form to the

Commissioner General before the tenth day of the following month. a monthly summary of the Emission Certificates and Certificates of Fitness issued by him during each month.

(7) (a) If the registered owner of an approved garage or approved inspection or testing centre fails to send the monthly summary referred to in subsection (6) before the tenth day of each month, the Commissioner General shall, in the first instance, issue him with a warning that the order made under section 195 in respect of such garage may be revoked if such monthly summary is not sent within the time specified under subsection (6).

(b) If the registered owner of such approved garage or approved inspection or testing centre fails to send such monthly summary for three consecutive months the Commissioner General shall revoke the order made under section 195 in respect of that approved garage or approved inspection or testing centre.

(c) A person who contravenes the provisions of subsection (6) shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees and on a second or subsequent conviction to a fine not less than ten thousand and not exceeding fifteen thousand rupees.

(8) Regulations may be made providing for the procedures for the examination of motor vehicles for the purpose of the issue of an Emission Certificates and Certificates of Fitness .”.

Insertion of new section 196B in the principal enactment.

55. The following new section is hereby inserted immediately after section 196A of the principal enactment and shall have effect as section 196B thereof :-

Effect of issue of a fraudulent Emission Certificate and Certificate of fitness.

196B. (1) Where any person issues a fraudulent Emission Certificate and Certificate of Fitness, or where there is a contravention of any one or more of the conditions specified in the letter of authority issued to an approved certifying officer, the Commissioner-General or any other Authority shall—

- (a) appropriate the full deposit made by such approved garage ;
- (b) revoke the authority given to such garage and to such approved certifying officer of such garage ; and
- (c) cancel any permit, licence or certificate obtained on the basis of the fraudulent Emission Certificate and Certificate of Fitness.

(2) Any approved certifying officer who issues a fraudulent Emission Certificate and Certificate of Fitness or contravenes any condition specified in a letter of authority issued to such approved certifying officer shall be guilty of an offence and shall, on conviction be liable to a fine not less than twenty thousand rupees and not exceeding twenty five thousand rupees.”.

Amendment of section 198 of the principal enactment.

56. Section 198 of the principal enactment is hereby amended as follows :—

- (1) by the substitution for the words “lorry or motor tricycle van” wherever those words occur in that section of the words “any motor vehicle”;

- (2) by the substitution for subsection (10) of that section of the following subsection:—

“(10) Any person who contravenes the provisions of subsection (9) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate be liable in the case of a first offence to a fine not less than five thousand rupees and not exceeding ten thousand rupees and in the case of a second or subsequent offence, to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.”.

- 57.** Section 199 of the principal enactment is hereby repealed.

Repeal of section 199 of the principal enactment.

- 58.** Section 200 of the principal enactment is hereby amended by the addition, immediately after subsection (2) of that section of the following subsection which shall have effect as subsection (3) thereof:—

Amendment of section 200 of the principal enactment.

“(3) Any person who commits an offence under subsection (1) shall be liable, on conviction to a fine not less than three thousand rupees and not exceeding five thousand rupees.”.

- 59.** Section 201 of the principal enactment is hereby repealed.

Repeal of section 201 of the principal enactment.

- 60.** The following new section is hereby inserted immediately after section 213A of the principal enactment and shall have effect as section 213AA of that enactment:—

Insertion of new section 213AA in the principal enactment.

“Motor Traffic Appeals Tribunal. 213AA. (1) There shall be a Motor Traffic Appeals Tribunal (hereinafter referred to as “the Tribunal”) consisting of the following members

who shall be persons of integrity, and eminence in their respective fields :—

- (a) one person from the Institute of Automotive Engineers established under the Institute of Automotive Engineers' of Sri Lanka (Incorporation) Act No. 48 of 1992 nominated by the Minister in charge of the subject of Science and Technology ;
- (b) one person having recognition in the field of law, nominated by the Minister in charge of the subject of Justice ; and
- (c) one person from the Ministry of Transport, nominated by the Minister in charge of the subject of Transport.

(2) The Minister shall appoint one member as the Chairman of the Tribunal.

(3) Every member of the Tribunal shall, unless he vacates office earlier by death or resignation by letter in that behalf addressed to the Minister or unless he is removed from office by the Minister under subsection (4) hold office for a period not exceeding three years as may be specified by the Minister in his letter of appointment. Any member vacating office by effluxion of time shall be eligible for reappointment.

(4) The Minister may remove from office any member of the Tribunal for reasons assigned.

(5) In the event of the vacation of office of any member the Minister shall appoint another person to succeed such member and the member so appointed shall hold such office for the unexpired period of the term of office of his predecessor.

(6) The Chairman of the Tribunal may summon meetings of such Tribunal whenever he deems it necessary :

Provided however, that such Chairman shall summon a meeting of such Tribunal, whenever he is requested in writing to do so by two members, of such Tribunal

(7) The quorum for any meeting of the Tribunal shall be two members.

(8) Regulations may be made providing for the conduct of business of the Tribunal and prescribing the procedure to be followed at meetings of such Tribunal. Subject to such regulations, and the provisions of subsection (6), the Tribunal may regulate its own procedure.

(9) No act or proceeding of the Tribunal shall be invalid by reason only of the existence of any vacancy therein or any defect in the appointment of any member thereof.

(10) The functions of the Tribunal shall be to hear appeals from persons aggrieved by -

- (a) the refusal of the Commissioner-General to grant written approval under subsection (4) of section 19A; and

(b) the cancellation under subsection (7) of section 19A of any written approval granted by the Commissioner-General,

for the manufacture, assembly, fabrication, innovation, adaptation, modification or change of construction of a motor vehicle.”.

Insertion of new sections 213C, 213D and 213E in the principal enactment.

61. The following new sections are hereby inserted immediately after section 213B of the principal enactment and shall have effect as sections 213C, 213D and 213E thereof :—

“One Half of the fines to be credited to the Police Reward Fund.

213C. One half of all fines, other than fines imposed by Courts, recovered under the provisions of this Act other than monies specified under paragraph (b) of subsection (2) of section 213D shall be credited to the Consolidated Fund and the other half shall be credited to the Police Reward Fund, established under section 73 of the Police Ordinance (Chapter 53).

Motor Traffic Reward and Incentive Fund.

213D. (1) There shall be established for the purposes of this Act, a fund to be called the Motor Traffic Reward Fund (hereafter referred to as “the Reward and Incentive Fund .”)

(2) There shall be paid into the Reward and Incentive Fund—

(a) all sums directed to be paid thereto under section 213E or by the Director General of Customs or under any other written law ;

(b) one half of the fines, other than fines imposed by Court, recovered under court actions instituted by the Department of Motor Traffic ;

- (c) one *percent* of the fees, levies and surcharges, charged under this Act.

(3) There shall be paid out of the Reward and Incentive Fund—

- (a) all payments given as rewards to officers engaged in the regulation, supervision, inspection, investigation, detection and control of vehicles in accordance with regulations made hereunder ;
- (b) the expenses incurred in the administration of the Fund ; and
- (c) prescribed payments.

(4) Regulations may be made –

- (a) prescribing the manner in which the Fund is to be administered ;
- (b) in respect of matters connected with the Fund which are required by this Act to be prescribed ;
- (c) in respect of all matters incidental to or connected with the establishment and administration of the Fund.

(5) The accounts of the Fund shall be audited by the Auditor General.

Surcharge
for
modification
and alteration
of vehicles.

213E. (1) Where a vehicle is modified, altered or changed as regards its construction, and identity or any changes are effected to its mechanical components, the Commissioner General shall have the power to impose such surcharges in accordance with the provisions of regulations made hereunder and such imposition shall be final and conclusive.

(2) The amount of the surcharges imposed by the Commissioner under the provisions of sub-section (1) shall be credited to the Motor Traffic Reward fund established under section 213D.”

Amendment of section 215B of the principal enactment.

62. Section 215B of the principal enactment is hereby amended by the substitution for all the words from , “be liable to imprisonment” to the end of that section, of the words “be liable to a fine not less than five thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months.”.

Replacement of section 218 of the principal enactment.

63. Section 218 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Penalty for driving without certificate of insurance or certificate of fitness or emission certificate. 218. A person who contravenes the provisions of section 99 or subsection (5) or (6) of section 196 shall be guilty of an offence and shall on conviction be liable to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Amendment of section 219 of the principal enactment.

64. Section 219 of the principal enactment is hereby amended by the substitution for all the words from “shall be liable to a fine not less than” to the end of that section, of the words “shall be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment and the documents issued or registered shall be deemed to be invalid from the date of such issue or registration.”.

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

Amendment of
section 220 of
the principal
enactment.

- (1) by the insertion, immediately after subsection (1) thereof, of the following subsection which shall have effect as subsection (1A) thereof :—

“(1A) Any person who fraudulently issues a driving licence shall be guilty of an offence and shall on conviction be liable to a fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees and on a second or subsequent conviction to a fine not less than fifty thousand rupees and not exceeding one hundred thousand rupees.”.

- (2) in subsection (2) of that section —

- (a) by the omission in paragraph (a) thereof, of the words, “or certificate of security” ;
- (b) by the omission, in paragraph (b) thereof, of the words, “or security” ;
- (c) by the omission, in paragraph (c) thereof, of the words, “or a certificate of security” ;
- (d) by the substitution, for all the words from “be liable to a fine not less than one thousand rupees” to the end of that section, of the words “be liable to a fine not less than fifteen thousand rupees and not exceeding fifty thousand rupees and to imprisonment of either description for a term not exceeding three months and the documents issued or registered shall be deemed to be invalid from the date of such issue or registration.”.

(3) in subsection (3) of that section —

- (a) by the omission, of the words “or a certificate of security ; and
- (b) by the substitution, for all the words from “liable to a fine not less than one thousand rupees” to the end of that section, of the words., “liable to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees or to imprisonment of either description for a term not exceeding two months or to both such fine and imprisonment.”.

Amendment of section 223 of the principal enactment.

66. Section 223 of the principal enactment is hereby amended by the substitution for all the words from “gives any information respecting the offence” to the end of that section, of the words “gives any information or makes any statement respecting the offence which he knows or believes to be false, shall where that offence is not an offence within the meaning of sections 38 (3) and 198 of the Penal Code, be guilty of an offence under this Act, and shall, on conviction be liable to a fine not less than ten thousand rupees and not exceeding twenty thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.”.

Replacement of section 224 of the principal enactment.

67. Section 224 of the principal enactment is hereby repealed and the following section substituted therefor:—

“General
Penalty.

224. Any person guilty of any offence, for which no other punishment is expressly provided for in this Act, shall, on conviction after summary trial be liable to a fine not less than one thousand rupees and not exceeding two thousand rupees and on a second conviction to a fine not less than two thousand rupees and not exceeding three thousand

rupees and on a third or subsequent conviction to a fine not less than three thousand five hundred rupees and in addition to the cancellation of his driving license”.

68. The following new sections are hereby inserted immediately after section 232A of the principal enactment and shall have effect as sections 232B, 232C, 232D, 232E and 232F thereof:—

Insertion of new sections 232B, 232C, 232D, 232E and 232F in the principal enactment.

“Seizure and forfeiture of vehicles.

232B. (1) An Examiner of Motor Vehicles, an authorized officer or a police officer may, if he has reason to believe that a motor vehicle which has been fabricated, manufactured, assembled, innovated, adapted, modified or the construction of which has been changed in contravention of the provisions of section 19A has been used for the commission of or in connection with the commission of an offence under any law in force for the time being seize and detain such motor vehicle for such time as may be necessary for the purposes of any inquiry.

(2) Where any authorized officer seizes any motor vehicle under subsection (1), such motor vehicle shall be kept in the custody and control of the Commissioner-General pending inquiry.

(3) Where after due inquiry by an Examiner of Motor Vehicles or an authorized officer or a police officer, such examiner of Motor Vehicles authorized officer or police officer is satisfied that any motor vehicle seized -

(a) has been fabricated, manufactured, assembled, innovated, adapted, modified or its construction changed in contravention of the provisions of section 19A ; and

- (b) was used for the commission of or in connection with the commission of an offence under any law in force for the time being,

such officer shall submit a report of the facts elicited in the course of such inquiry to the Commissioner General of Motor Traffic and shall institute proceedings against the driver of such vehicle in a court of competent jurisdiction under section 2A and such other law.

(4) The Commissioner General of Motor Traffic shall, if he is satisfied in regard to the genuineness of the facts contained in the report give instructions for the forfeiture of such vehicle and such vehicle shall thereupon be forfeited.

(5) Any motor vehicle forfeited under subsection (4) shall upon forfeiture vest absolutely in the State. Such vesting shall take effect—

- (a) after the expiration of the period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture ; or
- (b) where an appeal has been preferred to the Court of Appeal against the order of forfeiture upon the determination of such appeal confirming or up holding the order of forfeiture.

(6) In the application the aggrieved person shall be described as the plaintiff and the

Examiner, authorized officer or police officer as the case may be, as the defendant. The application shall contain—

- (a) the name of the Court of Appeal and the date of making of the application to the court ;
- (b) the name and address of the Examiner of Motor Vehicles, authorized officer or police officer; and
- (c) a plain and concise statement of the matter which has to be determined by the court, namely, that the seizure and forfeiture of the motor vehicle, which is the subject matter of the application was unlawful and that the court shall determine—
 - (i) that such seizure and forfeiture was unlawful ; and
 - (ii) that such vehicle shall be forthwith returned to the plaintiff.

(7) In any proceedings in the Court of Appeal on any application made to it in respect of the seizure and forfeiture of any motor vehicle the burden of proving that such seizure and forfeiture under that subsection was unlawful, shall lie on the plaintiff.

(8) The Minister may make regulations specifying the procedure for the disposal of vehicles that have been forfeited under this section.

Reduction of
disqualification
period.

232c. (1) Where a person is convicted of an offence under this Act and the Court makes order disqualifying him from driving for any period not less than twelve months, such period of disqualification may be reduced by the Court if by a date specified in the Order under this section such person successfully completes a course approved by the Minister for the purpose of this section and designated by a Court.

(2) The reduction made by an order under this section in a period of disqualification imposed by the Court shall be a period specified in the order of not less than three months and not more than one quarter of the unreduced period and accordingly, where the period imposed is twelve months the reduced period shall be nine months, and where the period imposed by the order is six months, the reduced period shall be three months.

(3) The Court shall not make an Order under this section unless—

- (a) it is satisfied that a place on the course specified in the order is available for the offender ;
- (b) the Court has explained the effect of the order to the offender and has informed him of the amount of the fees for the course and the requirement that he must pay them before the commencement of the course ; and
- (c) the offender has agreed that the order should be made.

(4) The date specified in an order as the latest date for completion of a course must be at least two months before the last day of the period of disqualification as reduced by the order.

(5) On the successful completion of the course, a Certificate shall be issued by the officer who conducted the course to the Registrar of the Court which made the order. If the Certificate referred to is received by the Registrar of the Court before the end of the period of disqualification imposed but after the end of the period as it would have been reduced by the order, the order shall have effect as if the reduced period ended on the day on which the certificate is received by the Court.

(6) Where the course is not completed before the end of the period of disqualification as reduced by the Court, the Court may order the convicted person to remain disqualified until the approved course is completed successfully.

Protection
of action.

232D. (1) No suit or prosecution shall be instituted against any officer for any act which in good faith is done or purported to be done by such officer under this Act.

(2) Any expense incurred by such officer as is referred to in subsection (1) in any suit or prosecution brought against him before any Court in respect of any act which is done or purported to be done by him under this Act shall, if the Court holds that such act was done in good faith, be paid by the State.

Detention of
drivers.

232E. A police officer may detain, for such time as is reasonably necessary for purposes of inquiry and investigation, the driver of a motor vehicle at a police station—

- (a) who, on being requested to give his name and address refuses or fails to do so, or gives a name and address which the police officer reasonably suspects to be false;
- (b) who is involved in an accident resulting in death or grievous injury;
- (c) who, he reasonably suspects has consumed alcohol or drugs;
- (d) who, in his opinion is in possession of false or forged documents or false identification number plates;
- (e) who, in his opinion is in possession of a motor vehicle with a forged or altered chassis and engine number; or
- (f) whom he reasonably suspects is in possession of a stolen vehicle.

Detention of
vehicles.

232F. (1) An Examiner of Motor Vehicles or a police officer who has reason to believe that the provisions of this Act or regulations made thereunder in regard to construction, equipment and use have not been complied with in respect of any vehicle, may require the driver of such vehicle to drive it to the nearest police station and may if necessary detain it for such time as may be reasonably necessary for the purpose of inspection and investigation.

(2) A police officer may also detain a motor vehicle at any police station, if -

- (a) the driver is unable to produce a valid policy of insurance under section 99 ;
- (b) the driver does not possess a valid driving licence; or
- (c) the vehicle belongs to a dealer, repairer or manufacturer who does not hold a Dealer's Registration Certificate, Repairer's Registration Certificate or Manufacturer's Registration Certificate.

(3) An Examiner of Motor Vehicles or a Police officer may also detain a motor vehicle at any police station or at any premises of the Department of Motor Traffic if he has reasonable grounds to believe that,—

- (a) the documents submitted for registration of such vehicle are false or forged documents;
- (b) the vehicle has a forged, tampered or altered chassis or engine number;
- (c) the vehicle is mechanically defective;
- (d) the vehicle is stolen or if he reasonably suspects it to be stolen; or
- (e) the vehicle is fitted with false or forged identification plates.”.

Insertion of new sections 239D and 239E in the principal enactment.

69. The following new sections are inserted immediately after section 239C and shall have effect as sections 239D and 239E thereof :—

“Offences to be cognizable 239D. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No 15 of 1979, every offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Code of Criminal Procedure Act.

Offences triable by Magistrate’s Court. 239E. All offences under this Act shall be triable by a Magistrate’s Court.”.

Sinhala text to prevail in case of inconsistency.

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

Amendment of section 240 of the principal enactment.

71. Section 240 of the principal enactment is hereby amended as follows :—

- (1) by the insertion, immediately before the definition of the expression “animal” of the following new definitions:—

“accident” means an accident—

- (a) which occurs or originates on a road, street or any other place open to public traffic ;
- (b) which results in one or more persons being killed or injured or causes damage to property ; and
- (c) in which at least one moving vehicle was involved, and includes collisions between vehicles, between vehicles and pedestrians

and between vehicles and animals or fixed objects and includes accidents in which one vehicle alone is involved.;

“Act” means the Motor Traffic Act, (Chapter 203);

“anchor fitting” means the terminal part of a seat belt designed to be attached to a vehicle or seat;”;

“approved certifying officer” means a certifying officer referred to in section 195 who examines a motor vehicle for the purpose of issuing a certificate of fitness under section 196 ;

“approved garage” means a garage declared by the Commissioner-General or by the Provincial Commissioner of Motor Traffic to be an approved garage by order under section 195 for the purpose of the examination and certification of fitness of motor vehicles prior to the issue of annual revenue licences ;

- (2) by the insertion, immediately after the definition of the expression “animal” of the following definition :—

“assembled illegally” means the assembling of a motor vehicle—

- (a) otherwise than with branded new parts ;
- (b) without the prior written permission of the manufacturer of those parts ; or
- (c) without the prior written approval of the Commissioner-General.”;

- (3) by the substitution for the definition of the expression ‘articulated vehicle’ of the following definition:—

“articulated vehicle” means a motor vehicle comprising a Prime Mover and a Semi Trailer;”;

- (4) by the insertion immediately after the definition of the expression “ at night” of the following definition :—

“branded” means branded with the trade name of a manufacturer registered with the Registrar of Trade Marks or with the equivalent authority of the foreign country from which the branded parts originated and includes parts branded by a manufacturer who has entered into an agreement with the original manufacturer of such parts;

“buckle component” means each one of the two parts of the buckle assembly designed to be latched to each other to complete the buckle assembly;”;

“Certificate of Fitness” means the Certificate issued under section 196 of this Act, and which includes a statement on the mechanical condition of the vehicle;

- (5) by the insertion, immediately after the definition of the expression “Certificate of Insurance” of the following definitions:—

“Certificate of Registration” means a Certificate issued by the Commissioner General to the effect that a motor vehicle has been duly registered under the provisions of this Act ;”;

- (6) by the substitution for the definition of the expression “Commissioner” of the following definition:—

“ “Commissioner-General” means the Commissioner General of Motor Traffic appointed under section 204 of this Act” ;

- (7) by the insertion, immediately after the definition of the expression “Commissioner General” of the following definitions :—

“ “dealer” means a person who is engaged in the business of hypothecation, sale, importation, leasing or hire purchase of motor vehicles in an approved garage and includes an importer;”;

“death” means the death of any person who was killed outright or who died within thirty days of a motor accident as a result of that accident”;

- (8) by the repeal of the definition of the expression; “driving instructor” and the substitution therefor of the following definition:—

“driving instructor or assistant driving instructor” means a person who possesses a valid instructor’s licence and is employed in a driving school and who gives instructions in the driving of a motor vehicle for a fee or reward, as approved by the Commissioner - General;

“driving licence” means a licence issued under Part VII of this Act ;

“driving school” means an establishment where persons are given instruction in the driving

of motor vehicles for fee or reward and registered under the provisions of this Act;

“dual purpose vehicle” means a motor vehicle designed and constructed for the purpose of carrying both persons and goods contemporaneously, provided that the number of persons being carried (including the driver) does not exceed nine in number, and the gross vehicle weight does not exceed three thousand five hundred kilograms”;

“emergency service vehicle” means –

(a) a vehicle used by the Fire Brigade or Police or an ambulance, responding to an emergency call and identified :—

(i) in the case of the Fire Brigade, by the use of a red light ;

(ii) in the case of a vehicle used by the Police by the use of a red and blue light; and

(iii) in the case of an ambulance, by the use of a red light; and

(b) any other vehicle responding to an emergency using blinking blue light or blinking amber light with the approval of the Commissioner-General of Motor Traffic ;”;

“Emission Certificate” means the Certificate containing a statement to the effect that the emission of smoke, visible vapour, grit, sparks, ashes, cinder, greases or oily substance emanating from the vehicle is within the permitted limit.

- (9) by the substitution for the definition of the expression “examiner” of the following definition :—

‘ “examiner” means an examiner of motor vehicles appointed or deemed to be appointed under this Act and includes a Chief Examiner and Deputy Chief Examiner ;”;

- (10) by the insertion immediately after the definition of the expression “examiner” of the following definition:—

“ “fabricated illegally” means the fabrication carried out on a chassis or a part of a chassis or body or part of a body of a motor vehicle, which causes changes to its prototype without the prior written approval of the Commissioner-General.”.

“fatal accident” means an accident involving a single moving vehicle or several moving vehicles in which one or more persons are killed within thirty days of such accident;

“goods” includes livestock and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except a living person but does not include baggage or personal effects carried in a motor car or in a trailer attached to a motor vehicle or the personal baggage of passengers travelling in the vehicle;”;

- (11) by the insertion, immediately after the definition of the expression “Grama Seva Niladhari” of the following definitions :—

‘ “grievous injury” means an injury resulting in one or more of the kinds of hurt enumerated in section 311 of the Penal Code (Chapter (19) ;

“gross vehicle weight” means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

- (12) by the insertion, immediately after the definition of the expression “hand tractor” of the following definition:—

“ “heavy motor coach” means a combination of a motor coach having a seating capacity of not more than thirty three seats inclusive of the driver’s seat and its trailer and having a maximum authorized tare weight exceeding seven hundred and fifty kilograms or a combination of two motor coaches ;

“heavy motor lorry” means a combination of a motor lorry and trailer, or trailer or an articulated vehicle and its trailer and such trailer having an authorized tare weight in excess of seven hundred and fifty kilograms and such motor lorry and trailer or trailers or articulated vehicle and trailer or trailers having a gross vehicle weight in excess of three hundred and fifty kilograms;”;

- (13) by the repeal of the definition of “highway”;

- (14) by the insertion, immediately after the definition of “heavy motor lorry” of the following definitions:—

“ “Inspection Certificate” means a Certificate granted by an officer authorized by the Commissioner-General where, after an examination of a motor vehicle, he is

satisfied that the body, engine and the chassis of the vehicle conforms to the provisions of this Act and regulations made thereunder ;

“inspection and testing centre” means an inspection and testing centre approved by the Commissioner - General under section 195;

“instructor” includes an assistant instructor ; and

“instructor’s licence” includes an assistant instructor’s licence;

- (15) by the substitution for the definition of the expression “land vehicle” of the following definition:—

“ “land vehicle” means a mechanically or electrically propelled vehicle or a vehicle propelled by solar energy or a vehicle propelled by liquid petroleum gas, including a vehicle including a trailer the gross vehicle weight of which does not exceed three thousand five hundred kilograms and which is constructed wholly or mainly for use on land in connection with an agricultural purpose or the carriage of construction material and garbage;”;

- (16) by the insertion, immediately after the definition of the expression “land vehicle” of the following definitions :—

“lap belt” means a seat belt designed to provide pelvic restraint only ;

“lap-sash seat belt” means a seat belt combining a lap strap designed to provide pelvic restraint and the torso strap designed to provide upper torso restraint;”;

- (17) by the repeal of the definition of the expression “Licencing Authority” and the substitution of the following definition therefor:—

“Licencing Authority” means the authority empowered to issue revenue licences under the Constitution of the Democratic Socialist Republic of Sri Lanka;

- (18) by the insertion, immediately after the definition of the expression “Licensing Authority” of the following definition:—

“light motor coach” means a motor vehicle not being a motor ambulance or motor hearse having a seating capacity of ten or more persons and less than thirty four persons, including of the driver’s seat and their effects and includes a trailer so constructed or adapted of which the authorized tare does not exceed seven hundred and fifty kilograms ;

“light motor lorry” means a motor lorry the gross vehicle weight of which exceeds 3500 kilograms and does not exceed 17000 kilograms and which may be combined with a trailer having a minimum authorized tare which does not exceed 750 kilograms, and includes a motor hearse and ambulance;”;

- (19) by the repeal of the definition of “lorry” ;

- (20) by the insertion, immediately after the definition of “local authority” of the following definition :—

“ “manufacturer” means a person who is engaged in the business of building bodies for attachment to chassis in an approved factory ;”;

“ “manufactured, innovated, adapted , modified or the construction of which has been changed illegally” means the manufacture, innovation, adaptation, modification or the change of construction of a motor vehicle without the prior written approval of the Commissioner-General, under subsection (2) of section 19A”;

- (21) by the substitution for the definition of the expression “moped” of the following definition:—

“ “moped” means a motor cycle with an internal combustion engine having a cylinder capacity not exceeding fifty cubic centimetres and which is equipped with pedals by means of which it can be propelled;”;

- (22) by the repeal of the definition of “motor coach” and the substitution of the following definitions therefor :—

“motor coach” means a motor vehicle not being a motor ambulance or motor hearse having a seating capacity of more than thirty three persons (including the driver) and their effects and includes a trailer so constructed or adapted which does not exceed seven hundred and fifty kilograms;

“motor cycle” means a motor vehicle, including a moped other than a motor tricycle or a motor tricycle van designed to travel on not more than three wheels, and having a tare which together with the tare of any side car attached thereto, does not exceed two hundred and fifty kilograms ;”;

- (23) by the insertion, immediately after the definition of the expression “Motor hearse” of the following definition:—

“motor lorry” means a motor vehicle constructed or adapted wholly or mainly for the carriage of goods the gross vehicle weight of which is more than 17000 kilograms and which may be combined with a trailer so constructed or adapted having a maximum authorized tare which does not exceed 750 kilograms;”;

- (24) by the repeal of the definition of “motor tricycle” and “motor tricycle van” and the substitution of the following definitions therefor:—

“motor tricycle” means a motor vehicle designed to travel on three wheels and having a tare which does not exceed 500 kilograms and which is constructed wholly or mainly for the carriage of passengers;

“motor tricycle van” means a motor vehicle which is designed to travel on three wheels and having a tare which does not exceed 500 kilograms the gross vehicle weight of which does not exceed 1000 kilograms and which is constructed or adapted wholly or partly for the carriage of goods;”;

- (25) by the repeal of the definition of “motor vehicle” and the substitution therefor of the following definition :—

“motor vehicle” means—

- (a) any mechanically and/or electrically, and/or solar energy propelled vehicle or vehicle propelled by liquid petroleum gas or vehicle propelled by alternative fuel including a tractor or trailer which is intended or adapted for use on roads but does not include a road-roller ;
- (b) any mechanically and/or electrically and/or solar energy propelled vehicle, or vehicle propelled by liquied petroleum gas or vehicle propelled for altenative fuel or intended for use on land in connection with an agricultural or constructional purpose such as leveling dredging, earthmoving, forestry or any similar operation but does not include a road-roller;” ;

- (26) by the substitution for the definition of the expression “owner” of the following new definition :—

“owner” in relation to a motor vehicle means a person in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor and in relation to a motor vehicle which is the subject of a hire purchase agreement or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;”;

- (27) by the insertion, immediately after the definition of the expression “passenger” of the following definition:—

“ “permit” means a permit issued by the Commissioner-General” ;

- (28) by the insertion, immediately after the definition of the expression “private coach” of the following definitions :—

“public place” means a road, street, way or other place, whether a thoroughfare or not to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by an omnibus ;

“public service vehicle” means any motor vehicle used or adapted to be used or kept for the carriage of passengers for a fee or reward ;”;

- (29) by the insertion immediately after the definition of the expression “register” of the following definition :-

“registered owner” in relation to a motor vehicle or a trailer means a person in whose name such motor vehicle or trailer is registered;”;

- (30) by the insertion, immediately after the definition of “repealed Ordinance” of the following definitions :-

“road” means the entirety of any public way or any other road to which the public has access and includes a national highway, express way and restricted access highway and any bridge or culvert over which such road passes ;

“sash guide” means a system of one or more devices which locate the torso strap of a lap-sash seat belt;

“seat belt” means an arrangement of straps, anchor fittings securing buckle, adjusting devices, and at least one sash guide device designed to restrain a motor vehicle occupant in the event of an impact or accident ;

“special purpose vehicle” means a mechanically propelled vehicle specially constructed for purposes of agriculture, construction or loading and unloading of goods ;

“stopping place” means a place set out under any law as a place at which omnibuses may be halted for the purpose of picking up or setting down passengers ;

“strap” means a part of a seat belt designed with flexure to facilitate correct and comfortable wearing;”;

- (31) by the insertion, immediately after the definition of the expression “trailer” of the following definition :—

“vehicle” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn and includes a bicycle or other peddle powered vehicle and trailer carriage, cart, coach, tram car and mechanically propelled and/or electrically and/or solar energy propelled vehicle or vehicle propelled by liquid petroleum gas or vehicle propelled by alternative fuel and any artificial contrivance used or capable of being used as a means of transportation on land but does not include a railway locomotive .”.

Amendment of
section 241 of
the principal
enactment.

72. Section 241 of the principal enactment is hereby amended by the addition immediately after subsection (2) thereof of the following subsections which shall have effect as subsections (3), (4), (5), (6) and (7) thereof :—

“(3) A person who on the date of the commencement of this Act, carries on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be, shall within three months from the date of commencement of this Act, apply in the prescribed Form to the Commissioner - General, accompanied by the prescribed fee, and obtain the written approval of the Commissioner - General for such business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be.

(4) A person who, before the date of commencement of this Act, has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle as the case may be, and who has not registered any motor vehicle so manufactured, assembled, fabricated, innovated, adapted, modified, or the construction of which has been changed, shall apply in the prescribed Form to the Commissioner - General, accompanied by the prescribed fee, and obtain the written approval of the Commissioner - General for such manufacture, assembly, fabrication, innovation, adaptation, modification, or change of construction of a motor vehicle as the case may be, of which has been changed,

(5) The Commissioner - General, may upon an application made in the prescribed Form under section 3 or 4 and on payment of the prescribed fee, grant approval for the manufacture, assembly, fabrication, innovation, adaptation, modification, or change of construction of a motor vehicle as the case may be.

(6) The Commissioner - General shall, where he is satisfied that the applicant has carried on the business of manufacturing, assembling, fabricating, innovating, adapting, modifying or changing the construction of a motor vehicle—

- (a) in an improper or unsatisfactory manner;
- (b) in such manner as is not in conformity with the provisions of this Act or any regulations made thereunder, or in regard to the standard of safety, design, construction, or any conditions or equipment thereof; or
- (c) in such manner as is likely to endanger road safety or the environment,

refuse to grant the written approval referred to in subsection (1) and subsection (2) by notice in writing.

(7) Any person aggrieved by the decision of the Commissioner - General in refusing to grant written approval under this section may, within fourteen days of the receipt by him of such notice of refusal, appeal in writing to the Tribunal, whose decision thereon shall be final.”.

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