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SRI LANKA**

Part II of August 23, 2024

SUPPLEMENT

(Issued on 28.08.2024)



**NATIONAL TRANSPORT COMMISSION
(AMENDMENT)**

A

BILL

to amend the National Transport Commission Act, No. 37 of 1991

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends the long title of the National Transport Commission Act, No. 37 of 1991 (hereinafter referred to as the "principal enactment") and such amendment is consequential to the amendment made by Part IIA by clause 16 and the legal effect of the section as amended is to broaden the scope of its functions to all transportation services and not to limit to omnibus services.

Clause 3: This clause amends the preamble of the principal enactment by specifying the scope of the Act, in terms of road transportation services and provides for the standards and criteria to improve road transportation.

Clause 4: This clause inserts a new section 1A to the principal enactment. The new section provides for the objects of the Act in relation to the services provided, the standards to be maintained and penal consequences to be imposed.

Clause 5: This clause amends section 8 of the principal enactment and the legal effect of the section as amended is to expand the scope of the functions of the Commission addressing the current requirements of public transportation and to provide for the upgrading of the service provided.

Clause 6: This clause amends section 9 of the principal enactment and is consequential to the insertion of new PART IIA by clause 16.

Clause 7: This clause amends section 17 of the principal enactment and is consequential to the insertion of new PART IIA by clause 16.

Clause 8: This clause amends section 19 of the principal enactment and the legal effect of the section as amended is –

- (1) to increase the time period of an appeal to the Commission against the decision of an Authorized Person in relation to matters pertaining to a passenger service permit; and
- (2) to substitute the marginal note to that section.

Clause 9: This clause amends section 20 of the principal enactment and the legal effect of the section as amended is to increase the time period of an appeal against the decision of the Commission.

Clause 10: This clause replaces section 24 of the principal enactment and the legal effect of the section as amended is to provide for a better evaluation criteria for issuing passenger service permits.

Clause 11: This clause inserts a new section 24A to the principal enactment. The new section provides for the issuing of a temporary permit.

Clause 12: This clause amends section 26 of the principal enactment and the legal effect of the section as amended is to provide for compliance with the minimum standards and to ensure the safety and convenience of the passengers.

Clause 13: This clause replaces section 28 of the principal enactment and the legal effect of the section as replaced is to provide for the transfer of a passenger service permit when the possession of the omnibus is transferred.

Clause 14: This clause amends section 30 of the principal enactment and the legal effect of this section as amended is to add further conditions subject to which the permit is renewed under this section.

Clause 15: This clause amends section 33 of the principal enactment and the legal effect of this section as amended is to increase the time period of an appeal to the Secretary to the Ministry of the Minister against the decision of the Commission refusing the grant of a passenger service permit, renewing the permit, cancelling a passenger service permit or imposing conditions subject to which a permit is granted and to repeal and substitute the marginal note to that section.

Clause 16: This clause inserts a new part to the principal enactment (PART IIA). This new Part provides for the regulation of transportation services operated interprovincially other than interprovincial omnibus services, and includes new section 34A (Declaration and registration of transportation services), section 34B (Categorization of transportation services and the issue of a certificate), section 34C (Certificate to be displayed on the windscreen) and section 34D (Appeals under PART IIA of the Act).

Clause 17: This clause amends section 35 of the principal enactment and the legal effect of the section as amended is to facilitate the payment into the Fund of the sums directed by a court, under any other written law or by a Magistrate.

Clause 18: This clause amends section 37 of the principal enactment and the legal effect of the section as amended is to make the provisions to audit the accounts of the Commission.

Clause 19: This clause inserts a new section 38A to the principal enactment. The new section provides for the computation of the transportation service fares.

Clause 20: This clause inserts new sections to the principal enactment. The new section 38B requires the Commission to monitor omnibus services and transportation services, section 38C provides for the establishment of a training centre and section 38D provides for codes of conduct.

Clause 21: This clause replaces section 39 of the principal enactment and the legal effect of the section as replaced enables directions to be issued to permit holders and the procedure for appeal relating to such directions.

Clause 22: This clause inserts a new section 39A to the principal enactment. The new section provides for the inclusion of penalties.

Clause 23: This clause amends section 40 of the principal enactment and the legal effect of the section as amended is to increase the minimum fine impose a maximum fine and decrease the period of imprisonment.

Clause 24: This clause amends section 44 of the principal enactment and the legal effect of the section as amended is to increase the matters for which regulations may be made.

Clause 25: This clause amends section 46H of the principal enactment and the legal effect of the section as amended is for improved facilities to be provided for certain routes to qualify for obtaining a passenger service permit.

Clause 26: This clause amends section 49 of the principal enactment by the insertion of the new definitions "prescribed", "Province", "Provincial Council", "transportation fares", "transportation services", "transportation vehicle" and "vehicle", and by amending the definition of "specified area".

National Transport Commission (Amendment)

L.D. – O. 9/2021

AN ACT TO AMEND THE NATIONAL TRANSPORT COMMISSION
ACT, No. 37 OF 1991

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

1. This Act may be cited as the National Transport Commission (Amendment) Act, No. of 2024. Short title

5 2. The long title of the National Transport Commission Act, No. 37 of 1991 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the words “PASSENGER TRANSPORTATION BY OMNIBUS” of the words “ROAD TRANSPORTATION”. Amendment of the long title of Act, No. 37 of 1991

10 3. The Preamble of the principal enactment is hereby amended as follows: - Amendment of the preamble of the principal enactment

(1) in paragraph (a) thereof by the substitution for the words “omnibus services” of the words “interprovincial omnibus services”;

15 (2) by the insertion immediately after paragraph (a) thereof of the following new paragraph: -

20 “(aa) to facilitate road transportation services interprovincially using omnibus services, office transport services, school transport services, three-wheeler services and any other interprovincial road transportation service, as may be declared by the Minister;”;

2 *National Transport Commission (Amendment)*

- (3) in paragraph (b) thereof by the substitution for the words "passenger transport by omnibus" of the words "road transportation";
- 5 (4) in paragraph (d) thereof by the substitution for the words "between providers of such services" of the words "in each mode of transportation"; and
- (5) by the repeal of paragraph (e) thereof and the substitution therefor of the following paragraphs: -
- 10 “(e) to ensure safe and comfortable road transportation; and
- (f) to determine the applicable standards and criteria to improve road transportation.”.

15 **4.** The following new section is hereby inserted immediately after section 1 of the principal enactment and shall have effect as section 1A of that enactment: -

Insertion of new section 1A in the principal enactment

"Objects of the Act

1A. The objects of the Act shall be –

- (a) to facilitate omnibus services and transportation services inter-provincially;
- 20 (b) to monitor omnibus services and transportation services and ensure that standards applicable to such services are met by the transportation service providers; and
- 25 (c) to stipulate offences that may be committed by the respective transportation service providers and

the penal sanctions that may be imposed by the Commission for such offences."

5 **5.** Section 8 of the principal enactment is hereby amended as follows: -

Amendment
of section
8 of the
principal
enactment

10 (1) by the substitution for the words "advise to the Government on the national policy relating to passenger transport services by omnibuses," of the words "advise the Government on the national policy relating to road transportation,";

15 (2) in paragraph (i) thereof by the substitution for the words "in the specified area;" of the words "in the specified area and to issue transportation service permits for transportation services other than omnibus services;"

(3) by the repeal of paragraph (k) thereof and the substitution therefor of the following paragraph:-

20 “(k) to enter into agreements with any person for the provision of omnibus services and transportation services and to issue passenger service permits and transportation service permits thereof;”;

(4) by the repeal of paragraph (m) thereof and the substitution therefor of the following paragraph: -

25 “(m) to arrange the transportation of goods inter-provincially by omnibus services and transportation services;” and

4 *National Transport Commission (Amendment)*

(5) by the addition immediately after paragraph (m) thereof of the following new paragraphs: -

"(n) to formulate a road transportation guideline at national level;

5 (o) to determine a formula to charge transportation fares after considering the written representations of the relevant stakeholders and to periodically assess the national policy relating to road transportation
10 and revise such formula when necessary;

(p) to promote and regulate the use of modern technological systems to upgrade the transportation system;

15 (q) to facilitate the provision of infrastructure facilities relating to transportation services;

(r) to maintain a national database for transportation services and to monitor the services provided by the transportation service providers;

20 (s) to establish a training centre to train transportation service providers;

(t) to issue directions to any person to whom a permit has been issued or renewed under this Act;

25 (u) to appoint sub-committees to assist in the activities of the Commission specified in the Act;

- (v) to review the national policy relating to road transportation annually and to advise the Government on legal, administrative or other matters relating to such policy;
- 5 (w) to consult the relevant Ministries, Provincial Councils, local authorities, District and Divisional Secretaries, public and private sector organizations and recommend such measures as may be necessary for the purpose
10 of preventing road accidents, and for upgrading the transportation services for protecting and safeguarding the interests of passengers;
- 15 (x) to receive complaints from the public relating to any contravention of the provisions of this Act or any regulation made thereunder; and
- 20 (y) to give wide publicity to matters regulated under section 44, as may be necessary for the convenience of any applicant, passenger, holder of a permit or certificate, or for the efficient administration of the Act."

6. Section 9 of the principal enactment is hereby amended by the repeal of paragraph *(h)* thereof and the substitution therefor of the following paragraph: -

Amendment
of section 9
of the
principal
enactment

- 25 “(h) to provide engineering, technical, legal, medical and financial assistance and advice to holders of passenger service permits and transportation service permits, to enable the
30 proper discharge, of their functions relating to the omnibus services and transportation services; and”.

6 *National Transport Commission (Amendment)*

7. Section 17 of the principal enactment is hereby amended by the substitution for the words "to furnish to the Commission," of the words "or a transportation service permit, as the case may be, to furnish to the Commission".

Amendment
of section 17
of the
principal
enactment

5 8. Section 19 of the principal enactment is hereby amended as follows:-

Amendment
of section 19
of the
principal
enactment

(1) in subsection (1) thereof by the substitution for the words "within fourteen days" of the words "within thirty days"; and

10 (2) by the repeal of the marginal note to that section and the substitution of the following marginal note therefor:-

"Appeals against any decision of an Authorized Person".

15 9. Section 20 of the principal enactment is hereby amended in subsection (2) thereof by the substitution for the words "fourteen days", of the words "thirty days".

Amendment
of section 20
of the
principal
enactment

10. Section 24 of the principal enactment is hereby repealed and the following section is substituted therefor: -

Replacement
of section 24
of the
principal
enactment

20 "Criteria for issuing passenger service permits 24. (1) Upon receipt of an application for a passenger service permit, the Commission shall consider the following criteria prior to granting or refusing passenger service permits:-

25 (a) the demand for omnibus services by the public on the route or routes applied for in the application;

(b) the capability of the applicant to provide an efficient service, subject

to such terms and conditions as may
be appropriate;

5 (c) suitability of the omnibus to
undertake the journeys on any
assignable route or routes;

10 (d) sustained financial competence of
the applicant, based on a bank
statement covering immediately
preceding six months, to maintain
the omnibus in the manner provided
in the Act and the regulations and
other written law; and

15 (e) suitability of the facilities afforded
to the driver, conductor and
passengers including space
allocated for goods or baggage.”.

11. 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

20 “Issuing of a
temporary
permit

25 24A. The Commission may, subject to
section 18, issue a temporary permit to
authorize the operation an omnibus on such
other route or routes and for such period of
time as may be determined in accordance with
section 24 in order to meet the actual
passenger demand and requirement, during a
festival season or holiday and having regard
to other social necessities.”.

12. Section 26 of the principal enactment is hereby amended in paragraph (c) thereof by the substitution for the words “shall be maintained at all times in a fit and serviceable condition;” of the words “shall be maintained in compliance with the minimum standards as may be prescribed with the recommendations of the Commission for securing the safety and convenience of the public.”.

Amendment
of section 26
of the
principal
enactment

13. Section 28 of the principal enactment is hereby repealed and the following section is substituted therefor: -

Replacement
of section 28
of the
principal
enactment

10 “Transfer of
the permit

28. (1) The holder of a valid passenger service permit may transfer such permit, with the prior approval of the Commission, for the balance period of time specified in such permit. The person to whom the transfer is to be effected shall make an application to the Commission, within one week of receiving possession of the omnibus, whether or not the permit has expired, in the form and manner as may be prescribed and on payment of the prescribed fees.

15

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(2) The Commission shall consider granting or refusing to grant a passenger service permit, subject to section 18 and the procedure and the terms and conditions provided under section 24, or any specific criteria prescribed thereon, prior to the grant or refusal to grant such permit.

25

(3) Any person who fails to comply with the provisions of this section or any regulation made thereunder shall be guilty of an offence under section 40.”.

30

14. Section 30 of the principal enactment is hereby amended as follows:-

Amendment
of section 30
of the
principal
enactment

5 (1) in subsection (1) thereof by the substitution for the words "for such period not less than one year and not more than three years calculated from the date of expiry of the permit.", of the words "for such period not less than one year and not more than three years calculated from the date of expiry of the permit, subject to the provisions under sections 24, 10 25(1) and 31(1) and having regard to the performance of such permit holder.";

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

15 “(1A) An application for renewal of a passenger service permit shall be made six months prior to the date of expiry of the permit.”;

(3) in subsection (2) thereof -

20 (a) by the substitution for the words “has not paid the prescribed fee for the renewal of the permit.” in paragraph (c) of the words "has not paid the prescribed fee for the renewal of the permit;";

25 (b) by the insertion immediately after paragraph (c) of that subsection of the following new paragraph: -

“(d) has not performed satisfactorily, in accordance with the performance criteria determined by the Commission and prescribed by regulation.”.

10 *National Transport Commission (Amendment)*

15 **15.** Section 33 of the principal enactment is hereby amended as follows:-

Amendment
of section 33
of the
principal
enactment

5 (1) in subsection (1) thereof by the substitution for the words "fourteen days", of the words "thirty days";
 and

 (2) by the repeal of the marginal note to that section and the substitution of the following marginal note therefor:-

10 "Appeals against
 any decision
 of the Commission".

15 **16.** The following new Part (sections 34A to 34D) is hereby inserted immediately after section 34 of the principal enactment and shall have effect as PART IIA of that enactment: -

Insertion of
new PART IIA
in the
principal
enactment

15 "PART IIA

REGULATION OF TRANSPORTATION SERVICES OPERATED
INTERPROVINCIALY OTHER THAN INTERPROVINCIAL OMNIBUS SERVICES

20 Declaration and registration of transportation services

25 34A. (1) Notwithstanding the operation of Part II pertaining to omnibus services, the Minister may, on the recommendation of the Commission, by Order published in the *Gazette* declare office transport services, school transport services and three-wheeler services to be the designated transportation services that could be operated interprovincially. The Minister may vary, amend or repeal any Order from time to time

to declare any other means of transportation as may be necessary to be a mode of service for the purposes of this Part to be operated interprovincially.

5 (2) (a) Every Order made under subsection (1) shall come into operation on the date of such publication or on such later date as may be specified in the Order.

10 (b) Every order made under subsection (1) shall, within three months of its publication in the *Gazette* be brought before Parliament for approval and any Order which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without
15 prejudice to anything previously done thereunder.

(c) The date on which any Order is deemed to be so rescinded shall be published in the *Gazette*.

20 (3) (a) Every transportation service provider shall be registered with the Commission and a permit (hereinafter referred to as the "transportation service permit") be
25 issued to such service provider by the Commission.

(b) A Register shall be maintained by the Commission for each transportation service and the Commission shall simultaneously update the database by entering the relevant
30 registration details in the official website of the Commission. The details of the registered

12 *National Transport Commission (Amendment)*

transportation service providers shall be declared by notification published by the Commission in the *Gazette* from time to time.

5 (c) The procedure for registration and the manner of issuing transportation service permit shall be as prescribed.

10 (4) Any transportation service provider shall not provide transportation services as provided in subsection (1) unless registered with the Commission in terms of this section.

15 (5) The transportation service permit shall be issued or shall not be issued, as the case may be, subject to the terms and conditions of the respective transportation service and the standards of such service to be maintained by the said permit holder, as may be prescribed from time to time.

(6) Any transportation service provider who –

20 (a) alters the transportation service permit;

(b) produces false documents; or

25 (c) provides any transportation service through a vehicle which has not been registered under subsection (3),

5 shall be guilty of an offence under this Act and the Commission shall publish in the website the names and details of such persons upon conviction for public awareness, until the penalty for the offence has been settled in full and the transportation service provider has been registered in the manner provided in this section.

10 Categorization of transportation services and the issue of a certificate 34B. (1) The Minister may, on the advice of the Commission, categorize classes of the transportation services and from time to time prescribe the standards to be maintained by any such service.

15 (2) Where the Minister has categorized classes of the transportation services, the Commission shall issue a certificate to the holder of a transportation service permit according to such categorization.

20 Certificate to be displayed on the windscreen 34C. (1) The holder of a transportation service permit shall cause the certificate to be displayed on the windscreen of the vehicle to which it relates in such manner that it is clearly visible to any person boarding such transportation vehicle.

25 (2) Any person who fails to comply with the provisions of subsection (1) or who displays a representation so nearly representing the certificate in such a manner as to mislead or confuse a third party, shall be
30 guilty of an offence under this Act.

14 *National Transport Commission (Amendment)*

Appeals
under
PART IIA of
the Act

5

34D. (1) Any person who is aggrieved by a decision of the Commission under PART IIA of this Act may appeal against such decision to the Secretary to the Ministry of the Minister within thirty days from the date on which such decision is communicated to such aggrieved person.

10

(2) The provisions of section 33 of this Act shall, *mutatis mutandis*, apply to any appeal under subsection (1).".

17. Section 35 of the principal enactment is hereby amended in subsection (2) thereof as follows:-

Amendment
of section 35
of the
principal
enactment

(1) in paragraph (b) thereof by the substitution for the word "Act." of the word "Act;"; and

15

(2) by the addition immediately after paragraph (b) thereof of the following new paragraph: -

"(c) all sums directed to be paid thereto by a court or under any other written law or by a Magistrate in his discretion.".

20

18. Section 37 of the principal enactment is hereby amended by the substitution for the words and figures "The provisions of Article 154 of the Constitution" of the words and figures "The provisions of Article 154 of the Constitution and the National Audit Act, No. 19 of 2018".

Amendment
of section 37
of the
principal
enactment

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

Insertion of
new section
38A in the
principal
enactment

"Computation
of the fare
5
10
38A. (1) The transportation service fares pertaining to the transportation services including omnibus services shall be computed by the Commission in accordance with the formula determined by the Commission from time to time adhering to the national policy relating to transportation fares approved by Parliament, and specified by Order published in the *Gazette*.

15
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(2) The Commission shall publish the lists of the transportation service fares pertaining to the respective transportation services in the official website of the Commission and each transportation service provider shall prepare a list of the transportation service fares applicable to his service in accordance with such lists published in such website and shall cause such list to be displayed at any conspicuous place of the transportation vehicle.

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(3) The Commission may, from time to time, in accordance with the provisions of subsection (2) of section 39, inspect whether the transportation service providers are in compliance with the preceding provisions of this section, and any person who fails to comply with the provisions of this section shall be guilty of an offence under section 40."

20. The following new sections are hereby inserted immediately after the heading "PART IV GENERAL" of the principal enactment and shall have effect as sections 38B, 38C and 38D of that enactment: -

Insertion of
new sections
38B, 38C and
38D in the
principal
enactment

5 "Commission to monitor omnibus services and transportation services - 38B.(1) The Commission shall monitor omnibus services and transportation services -

(a) to ensure a safe, efficient and effective interprovincial transportation with the assistance of the relevant Government agencies and may call for reports from the said Government agencies of the said monitoring activities and of any remedial measures taken by the said service providers; and

(b) to assess the effect of sound pollution and other emissions from transportation vehicles with the assistance of the Central Environmental Authority and assist in adhering to the standards specified under the National Environmental Act, No. 47 of 1980.

(2) Every permit holder who fails to maintain the transportation vehicle adhering to the standards specified under the National Environmental Act, No. 47 of 1980 shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred thousand rupees.

(3) The manner of monitoring by the

Commission under this section shall be as prescribed.

<p>Establishment of a training centre</p>	<p>38c. (1) There shall be established a training centre for the upliftment of transportation services under the Commission. The purpose of the Centre shall be to enhance the overall capacity of the transportation service providers by affording training opportunities in mechanical skills, road safety emergency measures and road etiquette.</p>
<p></p>	<p>(2) The management of the Centre including the maintenance of records, reporting, financial accountability and monitoring, shall be undertaken by the Commission, in the manner as prescribed.</p>
<p>Powers of the Minister to prescribe codes of conduct</p>	<p>38d. (1) The Minister shall prescribe codes of conduct which shall be applicable in respect of interprovincial omnibus services and all or any of the transportation services provided in subsection (1) of section 34A.</p>
<p></p>	<p>(2) The regulations under subsection (1) shall be made only on the advice of the Commission and after having obtained the approval of Parliament.</p>
<p></p>	<p>(3) (a) Where any transportation service provider has contravened or fails to comply with or there is a reasonable likelihood of such contravention of non-compliance with any matter set out in any code of conduct prescribed in terms of section (1), the Commission may conduct an inquiry in accordance with the procedure as may be prescribed.</p>

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5 (b) The Commission may, after giving the
respective transportation service provider an
opportunity to be heard at the inquiry under,
paragraph (a), issue a directive to such
transportation service provider within such
time as may be prescribed –

- (i) to cease and refrain from doing an act
or omitting to do an Act related to the
respective code of conduct;
- 10 (ii) to perform such acts as in the opinion of
the Commission are necessary to rectify
the situation; or
- (iii) to make a payment of such sum of
money as compensation as determined
by the Commission to an aggrieved
15 person who has suffered harm, loss or
damage as a result of any
contravention by a transportation
service provider under paragraph (a).

20 (c) Every directive issued under paragraph
(b) shall be in writing and be communicated
to the transportation service provider to whom
it is directed by registered post, electronic
communication or other similar means
25 determined by the Commission, and such
directive shall be binding on such
transportation service provider, who shall
comply with such directive from the date of
such communication."

30 **21.** Section 39 of the principal enactment is hereby Replacement
repealed and the following section is substituted therefor: - of section 39
of the

 "Power of
Commission
to issue
35 directions to
permit
holders

 39. (1) The Commission may issue to any
person to whom a permit has been issued or
renewed under this Act, such general or
special directions as it may consider necessary
for the purpose of making such person comply

principal
enactment

5 with the provisions of this Act or any regulations made thereunder or with any condition attached to such permit and it shall be the duty of such person to whom such directions are issued to comply with such directions within such time as shall be specified in such directions.

10 (2) For the purposes of subsection (1), an officer authorized by the Commission in writing may at any time –

15 (a) enter into any transportation vehicle to ascertain whether such vehicle is used for the purposes authorized by the permit or renewed permit, as may be applicable, any conditions specified therein or any directions issued under any code of conduct, or whether the provisions of this Act have not being complied with;

20 (b) require the production by the driver of such vehicle, of the certificate issued under section 34 or section 34B, as the case may be, or of any other document granted in respect
25 of that vehicle; or

(c) take into custody such certificate, other document or copy thereof.

30 (3) Any person who is aggrieved by any direction, order or decision of any officer authorized by the Commission in terms of subsection (2) may prefer an appeal to the

Secretary to the Ministry of the Minister within thirty days from the date on which such direction, order or decision is communicated to such aggrieved person.

5 (4) The provisions of section 33 of this Act shall, *mutatis mutandis*, apply to any appeal under subsection (3).".

22. The following new section is hereby inserted immediately after section 39 of the principal enactment and
10 shall have effect as section 39A of the principal enactment:-

Insertion of new section 39A in the principal enactment

"Imposition of penalties

39A. (1) Where any transportation service provider fails to comply with the provisions of subsection (3) of section 38D, the Commission shall, after taking into consideration the impact on passengers and the nature and extent of the relevant non-compliance, issue a notice to inform the transportation service provider the penalty to be imposed specifying the reasons for such imposition. The Commission shall afford an opportunity for such service provider to make representations in person or in writing within a duration of twenty-one days from the date of receipt of the notice.

25 (2) Upon the expiry of the time duration specified in subsection (1), the Commission shall make a decision and communicate it to the transportation service provider by issuing a certificate under his hand. Such certificate
35 may specify a penalty, which shall not exceed a sum of rupees one hundred thousand for each non-compliance, or exempt such service provider from the penalty, as the case may be.

5 (3) Where a transportation service provider has been subjected to a penalty on a previous occasion, subsequently fails to conform to a directive issued under the provisions of subsection (3) of section 38D, such person shall in addition to the penalty which may be imposed under subsection (2) be liable to the payment of an additional penalty consisting of twice the amount imposed as a penalty for the second and subsequent occasions of non-compliance.

15 (4) The Commission shall be responsible for the collection of a penalty imposed under this section and the money so collected shall be credited to the Fund of the Commission after deducting such sum of money collected as compensation, if any, payable to the aggrieved person affected by reason of the non-compliance of the provisions of subparagraph (iii) of paragraph (b) of subsection (3) of section 38D.

25 (5) (a) If a transportation service provider becomes liable to a penalty in terms of subsection (1) or (2) fails to pay such penalty, within such period as may be specified in such notice, the Commission may make an *ex parte* application to the Magistrate Court of Colombo for an order requiring the payment of the penalty to be recovered in a like manner as a fine imposed by such court notwithstanding such sum may exceed the amount of fine which that court may, in the exercise of its ordinary jurisdiction impose.

35 (b) If a transportation service provider becomes liable to a penalty for three or more occasions within a period of six calendar

22 *National Transport Commission (Amendment)*

months, the Magistrate may order the suspension of his permit issued or renewed under this Act for a period not exceeding three months.

5 (6) The imposition of a penalty under this section shall not preclude a relevant regulatory or statutory body from taking any other regulatory measures including, but not limited to, the suspension of such
10 transportation service provider from carrying on the respective transportation service or the cancellation of the license granted for carrying on such service.

15 (7) (a) Any transportation service provider who is aggrieved by the imposition of an administrative penalty under this section, may prefer an appeal to the Secretary to the Ministry of the Minister within thirty days from the date on which such administrative
20 penalty was communicated to such aggrieved person.

(b) The provisions of section 33 of this Act shall, *mutatis mutandis*, apply to any appeal under paragraph (a).

25 **23.** Section 40 of the principal enactment is hereby amended by the repeal of all the words from "to a fine not exceeding two hundred thousand rupees" to the end of that section and the substitution therefor of the following words:-
Amendment of section 40 of the principal enactment

30 "to a fine not less than two hundred and fifty thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding five years."

24. Section 44 of the principal enactment is hereby amended in subsection (1) thereof as follows: -

Amendment
of section 44
of the
principal
enactment

(1) in paragraph (f) thereof by the substitution for the word "authorized." of the word "authorized;"; and

5 (2) by the addition immediately after paragraph (f) thereof of the following new paragraphs: -

"(g) registration of the transportation services;

10 (h) the procedure, terms and conditions relating to the issue, validation, transfer, renewal, extension of any certificate, permit or other document issued under this Act or any change made to any certificate, permit or other document;

15 (i) the selection criteria and selection process of applicants to be granted a route permit;

(j) the fees and charges to be levied under this Act;

20 (k) categorization of classes of the transportation services, service standard, to be maintained by the transportation service providers and the manner and conditions of determining the different fares of the respective transportation vehicles;

25 (l) the guidelines for the effective implementation of any database to be maintained by the Commission to facilitate a secure, efficient and up to date transport service;

30 (m) the procurement of new services, including standards and conditions relating to the use

24 *National Transport Commission (Amendment)*

of electronic means to charge fares and the
Global Positioning System (GPS);

(n) management of the Training Centre;

5 (o) the standards of service to be maintained by
a holder of a permit and monitoring of such
standards by the Commission;

10 (p) codes of conduct applicable in respect of
transportation services and the procedure of
the inquiry conducted by the Commission in
the event of any contravention of any such
code of conduct;

(q) conditions relating to the inspection of
permits and certificates issued; and

15 (r) mode and manner of reservation of seats in
respect of omnibus services and transportation
services.".

20 **25.** Section 46H of the principal enactment is hereby
amended in subsection (1) thereof by the substitution for
the words "only in respect of an omnibus the capacity of
which is not less than forty seats" of the words "only in
respect of an omnibus the capacity of which is not less than
forty seats and in respect of an air-conditioned bus the
capacity of which is not less than twenty seats".

Amendment
of section
46H of the
principal
enactment

25 **26.** Section 49 of the principal enactment is hereby
amended as follows:-

Amendment
of section 49
of the
principal
enactment

(1) by the insertion immediately after the definition of
the expression "Peoplised Company", of the
following new definitions: -

""prescribed" means prescribed by regulations;

"Province" means a Province specified in the Eighth Schedule to the Constitution of the Democratic Socialist Republic of Sri Lanka;

5 "Provincial Council" means a Provincial Council established by Article 154A of the Constitution of the Democratic Socialist Republic of Sri Lanka;;

10 (2) by the substitution in the definition of the expression "specified area", for the words "for the carriage of passengers." of the words "for the carriage of passengers;;" and

15 (3) by the addition immediately after the definition of the expression "specified area", of the following new definitions: -

""transportation fares" includes a fee or hire charged to provide transportation services;

20 "transportation services" means providing travelling facilities by charging a fare for passengers commuting interprovincially using office transport services, school transport services, three-wheeler services including a call-up service or a freelance service involving any other motorized or
25 non-motorized form of transportation service, and for the carriage of goods inter-provincially;

30 "transportation vehicle" means any vehicle constructed for carriage of passengers and goods utilizing interprovincial road transportation services and includes an omnibus;

26 *National Transport Commission (Amendment)*

"vehicle" shall have the same meaning as assigned to it under the Motor Traffic Act (Chapter 203).".

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

Sinhala text
to prevail in
case of
inconsistency

