



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

MOTOR TRAFFIC (AMENDMENT)
ACT, No. 44 OF 1992

[Certified on 31st August, 1992]

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**Motor Traffic (Amendment)
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L. D.—O.27/91.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT.

WHEREAS it is the policy of the Government of Sri Lanka, Preamble.
that it is necessary in the interests of the safety of the
users of the highway to prescribe a minimum standard of
driver competence and vehicle fitness, to ensure that—

- (a) every vehicle permitted to be used on any highway;
and
- (b) every person permitted to drive or maintain control
over any such vehicle on such highway,

shall conform to or possess such minimum standard of competence or fitness as may be prescribed in that behalf by law:

NOW, therefore, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Motor Traffic Short title.
(Amendment) Act, No. 44 of 1992.

2. The following new section is hereby inserted immediately after section 124 of the Motor Traffic Act (Chapter 203) (hereinafter referred to as the "principal enactment") and shall have effect as section 214A of that Act:— Insertion
of new
section
124A in
Chapter 203.

'Driving
Licence
Fund.

124A. (1) There shall be established for the purposes of this Act, a fund to be called the "Driving Licence Fund" (hereinafter referred to as the "Fund").

(2) There shall be paid into the Fund such part of the prescribed fee recovered under section 124, 126A, 128 or 213, as may be determined by the Minister from time to time, as the cost of the issue of driving licence cards.

(3) There shall be paid out of the Fund, all such sums of money as may be required to be paid in connection with the issue of driving licence cards.

(4) Any surplus remaining in the Fund may be used for such purposes as may be

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determined by the Minister having regard to the need for the promotion of road safety and prevention of accidents.

(5) The Commissioner shall be responsible for the administration of the Fund.

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

Amendment
of section
125
of the
principal
enactment.

3. Section 125 of the principal enactment is hereby amended by the substitution for subsection (1) of that section, of the following subsection:—

"(1) Every driving licence shall be in the prescribed form. Where a driving licence has been issued in the form of a card, such licence shall be accompanied by an endorsement form of such description as may be prescribed. For the purposes of this Act such endorsement form shall constitute a part of the licence which it accompanies."

Amendment
of section
126
of the
principal
enactment.

4. Section 126 of the principal enactment is hereby amended by the substitution for the expression "subsections (3) and (3)", of the expression "subsections (2) and (3) and section 126A."

Insertion
of new
section
126A
in the
principal
enactment.

5. The following new section is hereby inserted immediately after section 126 of the principal enactment and shall have effect as section 126A of that enactment:—

"Replace-
ment of
driving
licences.

126A. (1) Notwithstanding anything to the contrary contained in this Act, the Minister may, by Order published in the Gazette, declare that every driving licence issued or deemed to be issued under this Act, bearing a serial number specified in the Order, shall be replaced with a driving licence in the form of a card in the prescribed form and fix such date as he may deem suitable for the invalidation of the first-mentioned licence, so issued, notwithstanding that such licence has been issued for a specified period or for the lifetime of the holder.

(2) Where an Order under subsection (1) is made, every person who holds a driving licence bearing a serial number specified in such Order, shall make an

application to the Commissioner for the replacement of such licence with a driving licence in the form of a card in the prescribed form on or before the date fixed for the invalidation of such licence.

(3) Every application made under subsection (2) shall be accompanied by—

- (a) the prescribed fee in respect of the replacement of the driving licence ;
- (b) two copies of a photograph of the applicant of such size as may be prescribed and taken not earlier than six months before the date of the application ; and
- (c) the driving licence sought to be replaced.

(4) Where an application is made for the replacement of a driving licence under this section, the Commissioner shall issue to every person who makes such application under subsection (2), a temporary driving licence in the prescribed form. Such temporary driving licence shall be valid until a driving licence in the form of a card is issued to such person under this section."

4. Section 128 of the principal enactment is hereby amended in subsection (1) of that section, by the addition at the end of that subsection, of the following proviso :—

Amendment
of section
128 of the
principal
enactment.

"Provided however that the extension of the validity of a driving licence to any other class or classes of motor vehicles shall be by way of issue of a new driving licence in the form of a card covering such class or classes of motor vehicles."

7. Section 129 of the principal enactment is hereby amended as follows :—

Amendment
of section
129 of the
principal
enactment

- (a) in subsection (1) of that section, by the substitution for the words "as the case may be.", of the words "as the case may be and in the case of a driving licence issued in the form of a card, unless such driving licence is issued to be valid for such motor coaches, lorries or motor tricycle vans, as the case may be ;"

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(b) in subsection (2) of that section, by the substitution for the words "be expressed to be valid for", of the words "be expressed or issued to be valid for";

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

(i) by the substitution in paragraph (a) thereof for the words "be expressed to be valid for", of the words "be expressed or issued to be valid, as the case may be, for";

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

"(b) where the licence has been expressed to be valid by entry made under subsection (1), or issued to be valid for motor coaches, lorries, or motor tricycle vans, the Commissioner may make order that such licence or entry shall, as the case may be, cancelled or suspended and accordingly such licence or entry may be cancelled or suspended by the Commissioner.";

(d) in subsection (5) of that section, by the substitution for the words "where any entry made" and "such cancellation", of the words "where any licence issued or any entry made" and "such cancellation, issue a new licence, or", respectively.

**Amendment
of section
133A of the
principal
enactment.**

8. Section 133A of the principal enactment is hereby amended in subsection (1) of that section, by the addition at the end of that subsection of the following proviso :—

"Provided however that in the case of a driving licence issued in the form of a card, 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".

**Amendment
of section
136 of the
principal
enactment.**

9. Section 136 of the principal enactment is hereby amended in subsection (5) of that section by the addition at the end of that subsection, of the following proviso :—

"Provided however that in the case of a driving licence issued in the form of a card, such endorsement may be made on the endorsement form prescribed under section

125 and an endorsement so made shall for the purposes of this Act, be deemed to have been made upon such driving licence."

10. Section 231 of the principal enactment is hereby amended in subsection (3) of that section, by the addition at the end of paragraph (b) of that subsection, of the following proviso :—

Amendment
of section
231 of the
principal
enactment.

"Provided that in the case of any duplicate driving licence issued in the form of a card, such endorsements or entries may be made by the Commissioner on the endorsement form prescribed under section 125."

11. (1) Notwithstanding anything to the contrary in any provision contained in the Motor Traffic Act—

Certain
licences to
be valid,

(a) every driving licence in the form of a card purported to be issued on or after May 1, 1989 and before April 4, 1990, under section 125 of the Motor Traffic Act; and

(b) every driving licence in the form of a card issued on or after May 1, 1989 and before July 13, 1990, in replacement of a driving licence issued under section 125 of the Motor Traffic Act,

shall be deemed not to have been, or to be invalid by reason only of the fact that such licence has not been issued in the prescribed form or that there was no written law empowering the replacement of such licence, and shall be deemed to be a driving licence duly issued or replaced under the provisions of the Motor Traffic Act.

(2) All fees recovered by the Commissioner in respect of the issue of every such licence referred to in subsection (1) shall be deemed to have been and to be validly recovered under the provisions of the Motor Traffic Act.

(3) Every holder of a driving licence issued in the form of a card under the Motor Traffic Act before the date of commencement of this Act, shall be issued with the endorsement form prescribed under section 125 of the Motor Traffic Act, if he has not been issued with an endorsement form.

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

Sinhala text
to prevail
in case of
incon-
sistency.

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