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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTHERN PROVINCE PROVINCIAL COUNCIL

Northern Province Road Passenger Transport Authority Statute No. 01 of 2016

NOTICE is hereby given that the Northern Province Provincial Council has adopted the Northern Province Road Passenger Transport Authority Statute No. 01 of 2016 on 14th June 2016 and that the Hon. Governor, Northern Province has given his Assent to it on 29th July 2016.

K. THEIVENDRAM,
Secretary,
Council Secretariat,
Northern Provincial Council.

Council Secretariat,
A 9 Road,
Kaithady,
04th August 2016.

NORTHERN PROVINCE PROVINCIAL COUNCIL

A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF A ROAD PASSENGERS TRANSPORT AUTHORITY OF THE NORTHERN PROVINCE FOR THE REGULATION OF ROAD PASSENGERS CARRIAGE SERVICES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

Be it enacted by the Northern Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows :-

1. This Statute may be cited as the Northern Province Road Passengers Transport Authority Statute, No. 01 of 2016 and shall come into force on such date as the Governor of the Northern Province may give his assent thereto.

Short title and
date of operation

2. The objects of this Statute shall be to-

Objects of the
Statute.

- (a) provide a safe and secure transport service for the residents of the Northern Province ;
- (b) ensure convenient, quality road transport services for passengers ;
- (c) provide a comfortable and pleasant travelling environment ;



- (d) extend the transport services to all parts of the Northern Province ;
- (e) upgrade the infrastructure facilities for passengers transport service ;
- (f) make the transport fully accessible for people with mobility impairments ; and
- (g) provide an efficient passengers service by providing fair competition between the National Transport Board and the private sector.

PART I

ESTABLISHMENT OF ROAD PASSENGERS TRANSPORT AUTHORITY

Establishment of
the Road
Passengers
Transport
Authority

3. (1) There shall be established for the purpose of this Statute, an Authority called the Road Passengers Transport Authority (hereinafter referred to as the “Authority”).

(2) The Authority shall, by the name assigned to it by this Section be a body Corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Constitution of
the Board of
Management of
the Authority

4. (1) The administration and management of the affairs of the Authority shall be vested in the Board of Management of the Authority (hereinafter referred to as “Board”) which shall consist of :-

(a) the following *ex-officio* members, namely :-

- (i) the Secretary to the Provincial Ministry of the Minister assigned the subject of Transport or his nominee who shall be not below the rank of Senior Assistant Secretary nominated by the Minister ;
- (ii) an Engineer of the Department of Motor Traffic nominated by the Minister ;
- (iii) a senior officer nominated by the Provincial Minister assigned the subject of Finance ;
- (iv) Commissioner of Local Government - Northern Province ;
- (v) the Commissioner of Motor Traffic ; and

(b) the following members to be appointed by the Minister assigned the subject of Transport (hereinafter referred to as “appointed members”) –

- (i) the President of the Union of the Private Omnibus Investment Companies or a member of the Board of Administration of such Union nominated by such Union ;
- (ii) two members who possess recognized qualifications in the fields of Law, Transport, Commerce, Engineering, Education, Finance or Administration ;
- (iii) a member who has contributed service to the regulation of traffic and traffic control ;
- (iv) a member not below the rank of Manager on the recommendation of the Chairman of the National Transport Commission established under the provisions of the National Transport Commission Act, No. 37 of 1991 ; and
- (v) a member not below the rank of Manager on the recommendation of the Chairman of the Sri Lanka Transport Board.

(2) The Chairman of the Board shall be appointed by the Minister from among the members of the Board.

(3) Every appointed member shall unless he vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of his appointment and shall unless he has been removed, be eligible for reappointment.

(4) The Minister may, if he considers it expedient to do so, remove from office any appointed member after assigning reasons therefor.

(5) Any appointed member may at any time resign his office by letter to that effect addressed to the Minister and sent by registered post.

(6) In the event of vacation of office by death, resignation or removal of any appointed member, the Minister may having regard to the provisions of paragraph (b) of subsection (1) appoint any other person to succeed such member. Any member so appointed shall hold office for the unexpired term of office of the member whom he succeeds.

(7) Where an appointed member, by reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, is temporarily unable to perform his duties, it shall be the duty of such member to inform the Minister in writing of such inability. The Minister may, upon receipt of such information, having regard to the provisions of paragraph (b) of subsection (1) appoint another person to act in his place.

5. (1) the quorum for a meeting of the Board shall be six members.

Quorum and
meetings of the
Board.

(2) The Chairman shall preside at every meeting of the Board. In the absence of the Chairman from any meeting of the Board an *ex-officio* member elected by the members present shall preside at such meeting.

(3) All questions for decision at any meeting of the Board shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes, the Chairman shall, in addition to his vote have a casting vote.

(4) Subject to the preceding provisions of this Section, the Board may regulate the procedure in relation to the meetings of the Board and the transaction of business at such meetings.

6. No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member of the Board.

Acts or
proceedings of
the Board deemed
not to be invalid
by reason of any
vacancy.
Remuneration of
the members of
the Board.

7. The members of the Board shall, with the approval of the Provincial Council be remunerated in such manner and at such rates as may be determined by the Minister.

8. A person referred to in paragraph (b) of subsection (1) of section 4 shall be disqualified from being appointed or continuing as a member of the Board -

Disqualification
from being a
member of the
Board.

- (a) if he is or becomes a member of Parliament, any Provincial Council or any local authority ;
- (b) if he has been declared an insolvent or an undischarged bankrupt under any law in Sri Lanka or any other country ;
- (c) if he is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind ;
- (d) if he is convicted of an offence involving moral turpitude and punishable with imprisonment for a term not less than six months ;

- (e) if he is serving or has served a sentence of imprisonment imposed by a Court of Sri Lanka or any other country ;
- (f) if he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board ; or
- (g) if he uses sanctions in improper manner in the discharge of his functions as a member of the Board.

Seal of the
Authority

9. (1) The seal of the Authority shall be in the custody of such person as the Board may decide from time to time.

(2) The seal of the Authority may be altered in such manner as may be determined by the Board.

(3) The seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of two members of the Board who shall sign the instrument or document in token of their presence.

(4) The Board shall maintain a record of the instruments and documents to which the seal of the Authority has been affixed.

PART II

POWERS, FUNCTIONS AND DUTIES OF THE AUTHORITY

Powers, functions
and duties of the
Authority

10. The powers, functions and duties of the Authority shall be-

- (a) to monitor the availability of omnibus services of an acceptable quality to meet the passenger transport needs within the Northern Province and to draw up time tables and take necessary steps to ensure the compliance with such time tables by omnibus operators ;
- (b) to issue general and special directions to the omnibus operators for efficient and safe transport ;
- (c) to issue or renew passenger service permits authorizing the use of omnibuses for the carriage of passengers ;
- (d) to prescribe the conditions for the issuance of passenger service permits and registration of omnibus operators ;
- (e) to ensure the compliance with the conditions subject to which passenger service permits are issued ;
- (f) to recommend to certain institutions to issue fitness certificates to the omnibuses ;
- (g) to require holders of passenger service permits to furnish such returns and information as may be required by the Authority ;
- (h) to determine and revise from time to time, fees to be levied for issuing, renewing and amending passenger service permits and any other matter relating thereto.

- (i) to prescribe matters in respect of destination boards, plates and symbols that should be exhibited in an omnibus used for passenger carriage under the authority of a passenger carriage service permit issued under this Statute ;
- (j) to specify the documents to be maintained and the information to be recorded therein by the drivers and conductors of omnibuses ;
- (k) to prescribe matters in respect of standards of quality and condition of fitness to be maintained by the holder of a permit in an omnibus used for carriage of passengers ;
- (l) to determine the records to be maintained in respect of service operating turns of the omnibuses used for the carriage of passengers ;
- (m) to determine the records to be submitted to the Authority in respect of any person employed as a driver and conductor of an omnibus used for carriage of passengers and the time of commencement and cessation of services, intervals of rest allowed and wages, allowances or fees paid to such persons by the holder of a permit ;
- (n) subject to the provisions of any other written law, to enter into, perform and carry out whether directly or by way of a joint venture with any person in or outside Sri Lanka all such contracts or agreements as may be necessary for the achievement of the objects of the Statute ;
- (o) to take measures for the prevention of illegal activities in respect of passenger transportation, to establish squads for the purpose of preventing such illegal acts and to prescribe the powers and functions of such squads ;
- (p) to charge fees for any services rendered by the Authority ;
- (q) to establish training centres in collaboration with companies or organizations engaged with transport services ;
- (r) to conduct awareness programmes for the persons involved in transport services and issue certificates to the participants ;
- (s) to appoint, dismiss and to exercise disciplinary control over the employees of the Authority ;
- (t) to acquire, hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of any movable or immovable property ;
- (u) to accept gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for the purpose of achieving the objects of the Statute.

Provided that, the Board shall obtain for prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Authority ; and

- (v) do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Statute.

PART III

ISSUE OF PASSENGER CARRIAGE PERMIT

Passenger
Carriage Service
Permits for
Regular Services
and Special
Services.

11. No person shall use an omnibus for the purpose of regular service or special service originating within the Northern Province for the carriage of passengers for fee or reward except under the authority of a Passenger Carriage Service Permit (hereinafter referred to as the “permit”) granted by the Authority.

Eligibility for an
applicant.

12. Every applicant under Section 11 shall be the registered owner of such omnibus and shall have the following -

(a) a valid revenue licence for such omnibus ; and

(b) a valid unlimited insurance against third party risks in his name in respect of such omnibus

Application for a
permit.

13. (1) Every application for a permit shall be made to the Authority under the hand of the registered owner of the omnibus in respect of which the application is made, in such form as may be prescribed, and shall be accompanied by a prescribed fee. The Authority may where necessary, require an applicant to furnish further information including a criminal record.

(2) Every applicant for a permit shall submit together with the application of the following :

(a) the registration number, seating capacity and the internal height of the omnibus to which the application relates ;

(b) a copy of the fitness certificate of the omnibus to which the application relates, issued by an approved institution.

(c) the place of origin, important intermediate place, destination, route number and the distance of the route ; and

(d) such other particulars as may be required.

(3) Every application submitted under subsection (1) shall contain complete and accurate information of all required particulars.

(4) An application found to contain false, misleading or incorrect information or particulars shall be rejected.

Calling for tenders
for transport
services.

14. (1) The Authority may, from time to time, call for tenders to conduct transport services. This opportunity shall be specified in a notice which shall be published at least in three local media or by such other means as are calculated to give best publicity thereto.

(2) The Authority shall, in the notice published under subsection (1) invite companies possessing such requirements specified in subsection (2) of section 13 to forward their tenders setting out their intention to conduct transport services.

(3) The applicant shall submit the completed tender in relation to a specified route or routes which shall be specified in the Notice published under subsection (1).

(4) The Authority shall open all tenders received by the closing date and evaluate the requirements, experience and financial and technical capacity of the applicant.

(5) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 shall *mutandis mutatis* apply to the applicant who submits a tender under this section.

15. (1) The Authority may recommend to certain institution to issue fitness certificates to the omnibus upon the relevant test and examination of such omnibuses. Fitness Certificate.

(2) Upon the recommendation under subsection (1), the Minister shall notify such institutions as approved institutions for the purpose of issuing fitness certificates.

(3) Every institution notified under this Section shall be registered with the Authority.

16. The Authority shall prior to the issue of permit, take into consideration of the following : Criteria for the issue of a permit.

- (a) the extent to which the proposed carriage of passengers is necessary or desirable in the public interest ;
- (b) the suitability of the proposed route or routes ;
- (c) the extent to which the needs of the proposed route or routes have already been served adequately ;
- (d) the needs of the area as a whole in relation to traffic including the provision of adequate, suitable and efficient transport services and the co-ordination of all forms of passenger transport, including transport by railway ;
- (e) the consideration that wherever any transportation facilities including facilities provided by the railway in any area or in any route are, in the opinion of the Authority, satisfactory and efficient to meet the transportation requirements of the public within that area or on that route, it is undesirable to grant a permit authorizing the carriage of passengers within the same area or over substantially the same route in competition with the said transportation facilities ; and
- (f) circumstances that create a reasonable belief in the Authority that granting another permit in respect of a route or routes to an applicant who is already a holder of one or more permits for the same route or routes may have any undesirable consequences.

17. Upon the satisfaction of the criteria under Section 16, the Authority may give preference to an applicant who resides in the area or district. Preference in issuing permits.

18. On the receipt of an application under Section 13, the Authority shall authorize any officer of the Authority to carry out an inspection of the omnibus to which the application relates. Inspection

19. The officer authorized under Section 18 shall, upon completion of his inspection submit a report to the Authority, setting out all relevant details on the inspection carried out by him of the omnibus. The report shall include whether the omnibus is fit and proper to provide or to be involved in the provision of, transport service. Report

20. Upon the receipt of the report under Section 19, the Authority shall, on the consideration of the matters contained in the report and any recommendations, if any, either issue a permit or for reasons recorded by him reject a permit without issuing. Issuance of permit

21. A permit issued under Section 20, shall - Form and duration of permit

- (a) be in such form as the Authority may determine ;
- (b) be subject to such terms and conditions as specified in the permit ;
- (c) become operative from such date as shall be specified in the permit ; and
- (d) unless earlier revoked, be in force for the period as specified in the permit.

Renewal of a
permit

22. (1) An application shall be submitted in the prescribed form to the Authority not less than thirty days prior to the date of expiration of the permit issued under Section 20 for the renewal accompanied by the prescribed renewal fee.

(2) The Authority may renew a licence on receipt of an application under subsection (1), where-

- (a) the holder of a permit has not violated or done anything in contravention of the terms and conditions of the permit issued ;
- (b) the holder of a permit has not contravened any provisions of this Statute or any regulation or directions made or issued thereunder ; or
- (c) the holder of a permit has not contravened any provisions of any written law relating to transport.

Suspension or
cancellation of a
permit.

23. (1) A permit issued under Section 20 may be suspended or cancelled by the Authority, if -

- (a) it is found that the permit had been obtained by providing false, misleading or inaccurate information ;
- (b) the driver or conductor has contravened any provisions of this Statute or any regulation or directions made or issued thereunder ;
- (c) it becomes necessary in the best interests of the public ;
- (d) the omnibus becomes a danger to the safety of the passengers ;
- (e) the registered owner or driver or conductor has wilfully failed to comply with the directions.

(2) Where a permit issued is suspended or cancelled as the case may be, under this Section, it shall be the duty of the Authority to forthwith inform the holder of a permit of such suspension or cancellation, by a written communication sent under registered post to the address given by the holder of a permit.

Reasons to be
communicated

24. Where an application for the issue or renewal of a permit under Section 13 of Section 22, as the case may be, has been refused, reasons for such refusal shall be recorded by the Authority. It shall be the duty of the Authority to inform the person making such application, by a written communication sent under registered post to the address appearing in the application, of the reasons for such refusal.

Appeals

25. (1) Any person aggrieved by a decision refusing the issue or renewal, as the case may be, of a permit or the suspension or cancellation of a permit issued, may, within thirty days of the date of receipt of the written communication informing such person, of the refusal or the suspension or cancellation, as the case may be, appeal against such decision to the Minister.

(2) Upon the receipt of appeal under subsection (1) the Minister shall constitute a committee consisting of two officers of the Ministry of Transport and a person who shall be an Attorney-at-Law, nominated by the Minister and refer the appeal to the Committee.

(3) Where the Committee considers it appropriate, it may hold such inquiry, prior to arriving at any decision on any appeal made to it under subsection (2).

(4) The decision on any appeal submitted under subsection (2) shall be made within sixty days of the receipt of such appeal and the person making such appeal shall be informed of the decision made on it, forthwith and such decision shall be reported to the Minister.

(5) The Minister shall, upon the receipt of the report under subsection (4) take necessary steps to implement the decision.

(6) The decision of the Committee on any appeal made under this Section shall be final.

26. (1) Permit is non transferable. However any holder of a permit who desires to transfer the permit to another person or the route shall apply to the Authority.

Permit transferable.

(2) The Authority shall, upon being satisfied allow such transfer with or without conditions.

27. It shall be duty of the holder of a permit to notify the Authority of changes in circumstances relating to or affecting the provision of transport.

Duty of a holder of a permit.

28. Every permit granted under Section 20 shall have attached thereto all such conditions as may be determined by the Authority for securing the safety and convenience of the public. Such conditions may *inter alia* include conditions requiring.

Conditions to be attached to permits under Section 20.

- (a) that the omnibus used under the the Authority of a permit shall be operated on such route or routes as are specified in the permit, and in accordance with the time table specified therein ;
- (b) that copies of the time table and the fare table shall be carried and kept exhibited in the omnibus used under the authority of the permit ;
- (c) that the omnibuses shall travel on the route to which the permit relates ;
- (d) that the omnibus used under the authority of the permit shall be maintained at all time in a fit and serviceable condition ;
- (e) that the requirements of any written law with respect to the time for which drivers or conductors or omnibuses may remain continuously on duty and to their hours of work or rest and to their wages are complied with, in the case of the driver and conductor of the omnibus used under the authority of the permit ;
- (f) that the conductor shall issue a ticket to the passenger ;
- (g) that the conductor shall not allow the number of passengers exceeding the maximum number of passengers specified in the permit therefor ;
- (h) that the conductor shall not charge any fare exceeding the fare table ;

- (i) that in the case of breakdown of such omnibus, the conductor shall refund fare in *pro rata* basis ;
- (j) that the driver and the conductor engaged in the omnibus used under the authority of the permit shall at all times be attentive and take appropriate steps to avoid or prevent such circumstances as affecting the wellbeing or convenience of the passengers travelling in the omnibus ;
- (k) that any directive concerning operation of a scheme of concessionary season tickets shall be complied with ;
- (l) that where necessary, the holder of the permit shall sign an agreement with the Authority to ensure a satisfactory and efficient service to the passengers in accordance with the conditions stipulated ;
- (m) that the driver and the conductor engaged in the omnibus used under the authority of the permit shall at all times be kind and courteous towards the passengers ; and
- (n) that the driver and the conductor shall wear uniform.

Specification of authorized omnibus in the permit

29. The Authority may, at the time of the grant of the permit specify therein, by reference to its distinctive number and such other particulars as it may consider necessary, the omnibus, the use of which is authorized by the permit.

Power of the Authority to issue directions to others

30. The Authority may issue directions to any person to who has valid Passenger Carriage Service Permit and the person to whom any such directions are issued shall, within the Northern Province comply with such directions within such time as shall be specified therein.

New owner of an omnibus to inform the Authority of change of the ownership

31. (1) Where any person who intends to engage himself in a passenger carriage service within the Northern Province buys an omnibus in respect of which a permit has already been issued, he shall forthwith inform the Authority of the change of ownership of such omnibus and shall abide by any directive given by the Authority to him in respect of such omnibus.

(2) Where an operator who has obtained a permit sells or alienates the omnibus owned by him, he shall have the permit amended to another omnibus through the Authority within 60 days. It is not so amended, such permit shall be deemed to be cancelled.

Holder of a permit to inform the Authority of any change in particulars

32. (1) The holder of a permit shall, within fourteen days of any change in the particulars stated in his application for the permit, inform the Authority in writing of such change and obtain its decision in writing thereon.

(2) Where an omnibus having a valid permit is bought or assigned unto himself by an operator and a new passenger service permit is obtained, the operator shall not be entitled to any right especially of the route or of the time table given in the passenger service permit issued earlier to the same omnibus.

Permit to be displayed on the windscreen

33. It shall be the duty of the holder of a permit to display such permit conspicuously on the windscreen of the omnibus in respect of which the permit has been issued.

PART IV

STAFF OF THE AUTHORITY

34. (1) There shall be appointed by the Minister with the concurrence of the Board, a person to be the General Manager of the Authority, who shall be its Chief Executive Officer.

General Manager
of the Authority

(2) The General Manager shall be entitled to be present at all meetings of the Board and to speak at such meetings, but shall not be entitled to vote at any such meetings.

(3) The General Manager shall, subject to the general direction and control of the Board, be responsible for the conduct of all affairs of the Authority, including the administrative control of the officers and employees of the Authority.

(4) The General Manager shall be paid such remuneration as may be determined by the Board in consultation with the Minister.

(5) The Minister may with the concurrence of the Board and for reasons assigned therefore remove from office the General Manager appointed under subsection (1).

35. The General Manager may with the approval of the Board and whenever he considers it necessary to do so, delegate to any officer of the Authority, any function or duty imposed on or assigned to him by this Statute and such officer shall discharge and perform such function or duty, subject to the direction and control of the General Manager.

General Manager
may delegate his
functions.

36. Whenever the General Manager is by reason of illness or absence from Sri Lanka or for any other cause unable to discharge or perform any of his functions or duties, the Minister may with the concurrence of the Board, appoint any other senior officer of the Authority to act in his place during such absence.

Temporary
absence of the
General Manager

37. (1) The Board may with the concurrence of the General Manager or Secretary to the Ministry appoint such officers and other employees as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties under this Statute.

Appointment,
remuneration and
disciplinary
control of staff of
the Authority

(2) The officers and other employees appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service, as may be determined by the Board.

(3) The disciplinary control of the staff appointed under subsection (1) shall, subject to the term provided by the Board or provisions of Establishment Code be exercised by the General Manager or Secretary to the Ministry.

38. (1) At the request of the Board, any officer in the public service or Provincial Public Service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration or Governor of the Northern Province as the case may be, be temporarily appointed to the staff of the Authority for such period as may be determined by the Board or with like consent, be permanently appointed to such staff.

Appointment of
public officers to
the staff of the
Authority

(2) Where any officer in the public service or Provincial public service or Provincial public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis* apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of Section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis* apply to and in relation to him.

(4) Where any public officer is appointed to the Authority under subsections (1), (2) and (3) the provisions relating to the appointment to the service of government and province shall be considered.

(5) Where the Board employs any person who has agreed to serve the Government or Northern Province as the case may be, for a specified period under any agreement, any period of service to the Board by that person shall be regarded as service to the Government or Northern Province as the case may be, for the purpose of discharging the obligations of such agreement.

PART V

FUND

Fund of the
Authority

39. (1) The Authority shall have its own fund

(2) There shall be paid into such Fund -

(a) all such sums of money as may be voted upon from time to time by the Northern Provincial Council for the use of the Authority ;

(b) all such sums of money granted by the Government ;

(c) all such sums of money or revenue received by way of charges for services rendered by the Authority or on behalf of the Authority or by an authorized agent for any certificate issued or approval granted by the Authority as provided for in this Statute ; and

(d) all other sums otherwise accruing to the credit of the Fund of the Authority under this Statute or by any other written law.

(3) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the Authority in the exercise, discharge and performance of its powers, functions and duties.

Financial year

40. The financial year of the Authority shall be the calendar year.

Accounts and
audit

41. (1) The Board shall cause proper books of accounts to be kept of the assets and liabilities, income and expenditure and all other transactions of the Authority.

(2) The provisions of Article 154 of the Constitution and any financial rule in force for the time being shall apply to the audit of the accounts of the Authority.

Application of
Part II of the
Finance Act, No.
38 of 1971

42. The provisions of Part II of the Finance Act, No. 38 of 1971, shall *mutatis mutandis*, apply to and in respect of the financial control and accounts of the Authority.

PART VI

OFFENCES AND PENALTY

43. Any person who-

Offences

- (a) fails to comply with any direction issued to, or requirement imposed on, such person by the Board ;
- (b) resists or obstructs any person authorized in writing by the Authority in the exercise by such person of any powers conferred on him by this Statute ;
- (c) omits or refuses to furnish any return, information or written explanation when required to do so by the Authority ;
- (d) furnishes any return, information or written explanation to the Authority containing information which to his knowledge is false or incorrect ; or
- (e) acts in contravention of any of the provisions of this Statute or any regulation made thereunder ;

commits an offence under this Statute and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding ten thousand rupees or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

44. Any person who engages in passenger carriage without a valid permit issued for that purpose commits an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment for a period not exceeding six months or both such fine and imprisonment, commits same offence in the case of a second time to a fine not exceeding ten thousand rupees or to imprisonment for a period of not exceeding one year or both such fine and imprisonment, or in the case of a subsequent same offence, to a fine not exceeding fifteen thousand rupees or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

Engaging in passenger carriage without a valid permit

45. If a conductor of an omnibus charges excess fare from a passenger, he commits an offence under this Statute and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment for a period not exceeding three months or both such fine and imprisonment, in addition to imposing punishment, order him to refund such excess money charged from the passenger.

Refunding the excess charge.

46. Any conductor of an omnibus who-

Commission of an offence by conductor.

- (a) allows any passenger to get into or get down from any omnibus at any place other than a bus stand ;
- (b) shouts and makes a noise in a manner to cause nuisance ; or
- (c) fails or refuses to issue a ticket to the passenger having receipt of fare.

commits an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding three thousand rupees or to imprisonment for a period not exceeding six months or both such fine and imprisonment.

Commission of an
offence by
passenger

47. (1) Where a passenger -

- (a) fails to keep the ticket issued to him until the end of the journey ;
- (b) fails to produce such ticket whenever required to do so by a person authorized by the Board

he shall be liable to a penalty of five hundred rupees and in addition to that, shall also pay an amount double the value of the ticket for the distance to which he travelled to a person authorized by the Board.

(2) Such passenger who fails to pay such amount mentioned in subsection (1) commits an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand five hundred rupees in addition to the payment for the double the value of he ticket to the destination to which he travelled.

Offences by
bodies of persons

48. When an offence under this Statute is committed by a body of persons, then-

- (a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body corporate ; or
- (b) if that body of persons is a firm, every person who at the time of the commission of the offence was a partner of that firm,

shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and all the circumstances.

PART VII

GENERAL PROVISIONS

Restriction on the
holder of a permit

49. Where a permit is issued to an omnibus to provide transport services on a route, under the provisions of this Statute, the holder of the permit of such omnibus shall not use such omnibus for any transport service other than specified in the permit.

One permit for a
omnibus

50. The Authority shall not issue another permit to the omnibus to which a permit has been already issued to provide transport service on a route.

Returns, etc.,

51. The Authority may give notice in writing to the holder of a permit and require him to furnish, within the time specified in such notice, any such return, information or explanation the Authority may require for, the purpose of exercising its powers under this Statute and it shall be the duty of such holder of a permit to comply with the requirement of such notice.

Recommendations
of the Minister

52. The Minister may submit at appropriate times proposals and recommendations for approval by the Northern Provincial Council to provide facilities, in keeping with the general policy of the State, for procurement of omnibuses and for tax concessions, for the benefit of the passenger transport services.

Power to enter
any omnibus etc.,

53. Any person authorized in writing in that behalf by the Authority may at any time-

- (a) enter any omnibus used for carrying passengers for the purpose of ascertaining whether the use of such omnibus is authorized by a permit or whether the conditions attached

to such permit or any directions issued are being complied with or whether the other provisions of this Statute are being complied with ;

(b) require the production by the driver of such omnibus of the permit issued in respect of that omnibus or the log sheet or any other document relevant to the omnibus ; and

(c) take into custody such log sheet or other document or obtain a copy thereof ;

54. (1) The Board shall have the power to issue directions and make arrangements through the relevant local authority or by such other means as considered appropriate to establish, remove maintain, improve or change, in any manner, the location of the bus-stands and bus halting places within the limits of the Northern Province in the interest of the passengers.

Board may issue directions on certain matters

(2) The Board shall have the power to enforce the time tables for the operation of omnibuses from bus-stands or halting places and to supervise or to make appropriate arrangements to supervise the staff engaged in the management of the time table and to issue directives and instructions to such staff.

(3) The General Manager or Secretary to the Ministry may, with the concurrence of the Board appoint, and exercise disciplinary control including the dismissal, over the staff engaged in the management of time tables for the operation of omnibuses.

(4) The Board may issue directions for the transport service to school children and rural areas.

55 (1) The Board may subject to such conditions as may be specified in writing, delegate to the Chairman or member of the Board any of its powers, functions or duties under this Statute, and the Chairman or such member shall exercise, perform or discharge such power, function or duty subject to any special or general directions issued by the Board.

Delegation of powers, functions and duties of the Authority

(2) Notwithstanding any delegation made under subsection (1), the Board may exercise, perform or discharge any such power, function or duty so delegated.

56. The Minister may, from time to time issue such general or special directions to the Board relating to the exercise, performance and discharge of the powers, functions and duties under this Statute and it shall be the duty of the Board to comply with such directions.

Directions of the Minister

57. (1) The Board shall prepare and submit to the Minister in every year a detailed report of the activities relating to the previous year.

Annual report

(2) The report under subsection (1) shall be forwarded to the Minister on or before the thirtieth of June every year.

(3) The Minister shall present such report to the Northern Provincial Council.

58. All members of the Board and officers, servants and agents of the Authority shall be deemed to be public officers within the meaning and for the purpose of the Penal Code (Chapter 19).

All members of the Board and Authority deemed to be public officers

59. The Authority shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act, (Chapter 26) and the provisions of that Act shall be construed accordingly.

Authority deemed to be a Scheduled institution

Expenses to be
paid out of the
Fund of the
Authority

60. (1) All expenses incurred by the Board in any suit or prosecution brought by or against it before any court, shall be paid out of the Fund of the Authority and only costs paid to or recovered by the Board in any such suit or prosecution, shall be credited to the Fund of the Authority.

(2) Any expenses incurred by a member of the Board, General Manager, any officer or other employee of the Authority, in any suit or prosecution brought by or against such person before any court in respect of any Act which is done or purported to be done by such person under the Statute shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expenses are recovered by him in such suit or prosecution.

Guidelines

61. The Board may from time to time issue guidelines to provide a safe efficient and secured transport service for the residents of the Northern Province and incomers including.

- (a) the formation and registration of association of owners of private omnibuses, of owners of three wheelers, of owners of light vehicles, of owners of heavy vehicles and of owners of goods carriers ;
- (b) the formation and monitoring the federation of vehicle owners ; and
- (c) the assistance to formulate their constitution and rules subject to the provisions of this Statute.

Regulations

62. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Statute, in particular in respect of all or any of the following matters :-

- (a) the procedure to be followed, forms to be used and fees to be paid in obtaining, renewing, transferring or amending a permit ;
- (b) the plates and marks to be carried on omnibuses used under the authority of a permit ;
- (c) the documents to be carried by drivers and conductors of omnibuses used under the authority of a permit and the particulars to be entered thereon ;
- (d) the standards to be observed by any person using an omnibus under the authority of a permit and the prohibition of acts or omissions in contravention of such standards ;
- (e) the records to be kept in respect of journeys performed by an omnibus used under the authority of a permit ;
- (f) the records to be kept by a holder of a permit in respect of the persons employed by such holder as drivers or conductors of the omnibuses used under the authority of such permit and the times of the commencement and cessation of work by such persons and the intervals of rest taken by them ;
- (g) the preservation of records kept under this Statute, the inspection of such records by any officer authorized by the Authority and the production for the purpose of such inspection of such records on demand made by such Authority.
- (h) the procedure for the conduct of business of, and the procedure for the discharge of the function by, the holders of permits in the interests of passenger transport service ;
- (i) a scheme of concessionary tickets or season tickets formulated in consultation with holders of permits ;

- (j) the organization and management of bus-stands and bus halting places, particularly for the co-ordination and scheduling of bus operations, time-keeping and orderly and equitable use of facilities.
- (k) determination of qualifications and periodical checks of physical fitness of drivers and conductors engaged in omnibuses under the authority of a permit ;
- (l) measures to be taken in emergency or critical situations or when it is deemed that a serious break-down is imminent in passenger transport services in any area or on any route within the Northern Province ;
- (m) formation of advisory bodies or committees or appointment of members thereto and their powers and function for the purposes of advising the Authority on regulating or improving efficiency in the passenger transport services within the Northern Province, initiation of new services, fares, fees and charges to be levied from passengers and holders of permits, regulation of the number of omnibuses on different routes, ensuring equitable economic viability in maintaining services by the holders of permits and any other relevant matters ; and
- (n) to formulate and enforce regulations to ensure the safety, convenience and comfort of passengers including students, ladies, infants, disables and elders.

(2) Every regulation made by the Minister under subsection (1), shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister under subsection (1) shall within a period of three months from the date of its publication in the *Gazette* be brought before the Northern Provincial Council for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation shall be deemed to be rescinded, shall be published in the *Gazette*.

63. Every permit issued under Section 24 of the National Transport Commission Act, No. 37 of 1991 within the Northern Province on the day preceding the date of operation of this Statute, shall, with effect from the date of operation of the Statute be deemed to be issued under Section 20 of this Statute. Savings

64. Notwithstanding the provisions of this Statute, until the establishment of Authority under Section 3, Minister shall exercise and discharge the powers and functions of the Authority. Transitional provisions

65. In this Statute, unless the context otherwise requires ; Interpretation

“local authority” shall mean a Municipal Council, Urban Council or Pradeshiya Sabha ;

“Minister” means the Minister to whom the subject of Northern Province Transport is assigned ;

“omnibus” means a motor coach registered as an omnibus under the Motor Traffic Act and shall be deemed to include a dual-purpose vehicle ;

“passenger” means a person carried in a hiring car or omnibus but does not include the driver or in the case of an omnibus, the conductor ;

“prescribed” means prescribed by regulations made under this Statute.

Tamil text to
prevail in the case
of inconsistency

66. In the event of any inconsistency between the Tamil and Sinhala text of this Statute, the Tamil text shall prevail.