



SOUTHERN PROVINCIAL COUNCIL

SOUTHERN PROVINCE ROAD PASSENGER TRANSPORT AUTHORITY STATUTE No. 02 OF 1996

1. This Statute was sanctioned by the Hon. Governor of the Southern Province on 23rd day of December, 1996.
2. This was published in the *Gazette (Extraordinary)* No. 955/11 of 27th December, 1996 by the Hon. Minister of Highways, Cultural Affairs, Transport, Sports, Industries, Tourism, Employment, and Public Affairs of Southern Provincial Council; This Statute shall come into operation with effect from 1st day of January, 1997.

PRINTED AT THE DEPT. OF GOVT. PRINTING, SRI LANKA BY THE ORDER OF THE SOUTHERN PROVINCIAL COUNCIL

Price : Rs.

SOUTHERN PROVINCIAL COUNCIL

**SOUTHERN PROVINCE ROAD PASSENGER TRANSPORT
AUTHORITY STATUTE No. 02 OF 1996**

My No: SPC/CS/1/80

SOUTHERN PROVINCIAL COUNCIL

ROAD PASSENGER TRANSPORT AUTHORITY STATUTE

A STATUTE TO REGULATE THE ROAD PASSENGER CARRIAGE SERVICES ORIGINATING WITHIN THE PROVINCE AND TO PROVIDE FOR THE ESTABLISHMENT OF AN AUTHORITY FOR THE ABOVE PURPOSE AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO, AND TO REPEAL THE ROAD PASSENGER CARRIAGE SERVICES STATUTE, No. 01 OF 1992 OF THE SOUTHERN PROVINCIAL COUNCIL.

Be it passed by the Southern Province Provincial Council as follows:

Where as the policy of the Southern Provincial Council is –

Preamble.

- (a) to promote the relevant services by sufficient quantity and quality to meet the passenger transport needs of the public coming under the authority of the Southern Provincial Council and for the equitable distribution of such services throughout the Southern Province.
- (b) to ensure healthy competition prevailing among the providers of such services.
- (c) to regulate services maintained by the companies registered for passenger transport under the Companies Act, No. 17 of 1982 and the services maintained by private operators to ensure safety and comfort of the public.

1. This Statute may be cited as the Road Passenger Transport Authority Statute, No. 02 of 1996 of the Southern Province Provincial Council and shall come into operation on such date as the Minister may appoint by order published in the *Gazette*.

Short title
and date of
operation.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE ROAD PASSENGER TRANSPORT AUTHORITY OF THE SOUTHERN PROVINCE

2. (1) There shall be established a Provincial Authority which shall be called the Southern Provincial Road Passenger Transport Authority (hereinafter referred to as the Authority).

Establishment
of a Provincial
Road Passenger
Transport
Authority.

(2) The Authority shall by the name assigned to it by Sub-Section 2.1 be a body corporate shall have a perpetual succession and a common seal and may sue and be sued in that name.

(3) The Authority may with the prior approval of the Minister establish and maintain such number of branch offices as may be required from time to time.

Member of the
Authority.

3. (1) The Authority shall consist of –

(a) Three *ex-officio* members, namely –

(i) an officer of the Ministry not below the rank of a Deputy Secretary/Senior Assistant Secretary nominated by the Minister in charge of subject of finance of the Southern Provincial Council;

(ii) An Engineer nominated by the Minister in consultation with the Provincial Minister in-charge of the subject of Highways;

(iii) A Police Officer not below the rank of a Senior Superintendent of Police nominated by the Minister in consultation with the Provincial Minister in-charge of the subject of Law and Order; and

(b) Four other members appointed by the Minister from among persons who have had experience or who have qualifications or shown capacity in the fields of passenger transport, commerce, finance or administration. A member appointed under this sub-paragraph is hereinafter referred to as an appointed member.

(2) The Minister shall nominate one of the members to be the Chairman of the Authority.

(3) A person shall be disqualified from being appointed or from continuing as a member of the Authority if he is or becomes a Member of Parliament, a Member of a Provincial Council or a Member of a Local Authority.

(4) The Minister shall, before appointing a person to be a member of the Authority, satisfy himself that such person has no financial or other interest as is likely to affect prejudicially the performance and discharge by such person of his duties and functions as such member. Any person who is appointed by the Minister or whom the Minister proposes to appoint as a member of the Authority shall whenever requested by the Minister so to do, furnish to the Minister such information as the Minister considers necessary for the purposes of this Sub-section.

(5) Any appointed member of the Authority shall subject to the provisions of Sub-section (8), hold office for such term not exceeding three years reckoned from the date of his appointment as the Minister may at the time of making such appointment determine and unless he has been removed from office under Sub-section (8) be eligible for re-appointment:

Provided that a member appointed by the Minister to fill a vacancy in the office of an appointed member of the Authority shall, unless he vacates office earlier, hold office for the unexpired portion of the term of office of the member whom he succeeds.

(6) Subject to the provisions of Sub-section (8) the term of office of the Chairman shall be the period of his membership of the Authority.

(7) The Minister may by order published in the *Gazette* remove any appointed member from office.

(8) Any appointed member of the Authority in respect of whom an order is made under Sub-section (8) shall vacate his office on the date of publication of such order in the *Gazette*.

(9) Any appointed member of the Authority may at any time resign his office as such member by a letter in that behalf addressed to the Minister.

(10) Where any member of the Authority is temporarily unable to perform the duties of his office by reason of illness, infirmity, absence from Sri Lanka or any other cause the Minister may having regard to the provisions of Sub-section (1) appoint another person to act in his place.

(11) Where the Chairman of the Authority is temporarily unable to perform the duties of his office by reason of illness, infirmity, absence from Sri Lanka or any other cause the Minister appoint any other member to act in his place as Chairman.

(12) All or any of the members of the Provincial Authority may be paid such remuneration, allowance and other expenses out of the funds of the Provincial Authority, as may be determined by the Minister with the concurrence of the Provincial Minister in-charge of the subject of finance.

(13) In a situation where all the members of the Provincial Authority are removed from their respective offices, the Provincial Minister may appoint Competent Authority in order to activate full powers of the Authority.

Conduct of
the business
of the
Authority.

4. (1) The Chairman of the Authority shall preside at all the meetings of the Provincial Authority at which he is present. In the absence of the Chairman from any meeting of the Authority, the members present at this meeting shall elect from among themselves a Chairman for that meeting.

(2) The Authority shall meet whenever it considers it necessary.

(3) Where at a meeting of the Authority voting results in a tie, the person presiding at such meeting shall, in addition to his own vote, have a casting vote.

(4) The quorum for any meeting of the Authority shall be three.

(5) Subject to the provisions of this Statute the Provincial Authority may make rules for the procedure with regard to the meeting of the Provincial Authority and the transaction of business at such meetings.

The Authority
may act
despite a
vacancy.

5. No act or proceeding of the Authority shall be invalid by reason only of the existence of a vacancy among its members or any effect in the appointment or nomination of any of its members.

Seal of the
Provincial
Authority.

6. (1) The seal of the Authority shall be in the custody of the Chairman.

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

(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority, one of whom shall be the Chairman of the Authority, and both of whom shall sign such instrument or document in token of their presence.

PART II

POWERS OF THE AUTHORITY

7. (1) The Authority may exercise all or any of the following powers:-

Powers of the Authority.

- (a) to monitor the availability of omnibus services of an acceptable quality to meet the passenger transport needs within the Province and to draw up time tables and take necessary steps to ensure the compliance with such time tables by operators;
- (b) to issue or renew passenger service permits authorising the use of omnibuses for the carriage of passengers;
- (c) to ensure the compliance with the conditions subject to which passenger service permits are issued;
- (d) to require holders of passenger service permits to furnish such returns and information as may be necessary for the Authority to exercise its powers under this Statute;
- (e) to formulate and enforce regulations;
- (f) to provide advice and guidance to bus operators;
- (g) subject to the provisions of any other 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 purposes of the Authority under this Statute;
- (h) to appoint, dismiss and to exercise disciplinary control over the employees of the Authority;
- (i) to acquire, hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of any movable or immovable property;
- (j) to charge fees for any services provided by the Authority;
- (k) to accept gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for the purposes of the Authority subject to the other provisions of this Statute;
- (l) to do all such other things which, in the opinion of the Authority, is necessary in the exercise of the powers of the Authority under this Statute.

8. (1) The Minister may from time to time give the Authority, general or special directions as to the exercise of its powers and the Authority shall carry out any such direction.

Power of the Minister to issue directions.

(2) The Minister may from time to time direct in writing the Authority to furnish to him in such form as they may require, returns, accounts and other information with respect to the activities of the Authority and the Authority shall carry out any such direction.

9. The Authority may delegate in writing to the Chairman or any other officer of the Authority any of its powers under this Statute.

Delegation of powers by the Authority.

PART III

PASSENGER CARRIAGE SERVICE PERMITS FOR REGULAR SERVICES AND SPECIAL SERVICES

Passenger
Carriage Service
Permits for
Regular Services
and Special
Services.

10. (1) Subject to the provisions of Sub-section (2), no person shall use on or after the date on which this Statute comes into force an omnibus for the purpose of regular service or special service originating within the Province for the carriage of passengers for fee or reward except under the Authority of a Passenger Carriage Service Permit granted by the Authority under this Statute.

(2) A Stage Carriage Permit for Passenger Transport granted under the Road Passenger Carriage Service Statute, No. 01 of 1992 of the Southern Province Provincial Council or any document deemed to be a Stage Carriage Permit under said Statute and remaining in force immediately before the date on which this Statute comes into force shall be deemed to be a Passenger Carriage Service Permit granted under this Statute for the period of validity of the said permit unless revoked earlier under this Statute.

(3) No person shall use on or after the date on which this Statute comes into force any vehicle other than an omnibus for the purpose of a regular service for the carriage of passengers for a separate fare.

(4) The Authority or any person authorized by it for the purpose or any Police Officer may seize any vehicle used in contravention of the provisions of this Statute or the regulations made thereunder and shall produce or cause to be produced such vehicle without undue delay before the Magistrate's Court within the local limits of whose jurisdiction it was seized.

(5) Where any vehicle is produced before a Magistrate's Court under provisions of Sub-section (4), the Magistrate may make order detaining the said vehicle until the conclusion of the trial or make order releasing the said vehicle subject to such conditions as the Magistrate may impose in the circumstances of the case.

(6) Any person, being the driver, conductor owner or any other person in charge of the vehicle seized under Sub-section (4), who fails or refuses to comply with any directive given to him by the person seizing the vehicle for the purposes of such seizure shall be guilty of an offence under this Statute.

(7) If any omnibus which is being used for the purpose of regular passenger carriage service is used for any other special service outside the said service a special permit should be obtained for that purpose from the Provincial Authority. No omnibus or authorised vehicle shall be used within the Southern Province for the service outside regular passenger transport purposes without having such a special permit.

11. A Passenger Carriage Service Permit under this Statute (Hereinafter referred to as a permit) shall not be issued to any registered owner of an omnibus unless –

- (a) he has obtained a valid omnibus revenue licence; and
- (b) he furnishes proof of valid unlimited insurance against Third Party Risks in his name in respect of that omnibus.

An omnibus revenue licence and unlimited insurance to be obtained to receive a Passenger Carriage Service Permit.

12. (1) A permit shall entitle the holder thereof to use an omnibus of which he is the registered owner for the operation of a regular service for carriage of passengers on the route or routes specified in such permit in accordance with the conditions attached thereto.

(2) No permit shall be granted in respect of any omnibus to any person who is not the registered owner of such omnibus.

(3) No person shall obtain more than one permit for regular services under this Statute in respect of the same omnibus.

(4) The provisions of Sub-section (3) shall not apply where a permit obtained earlier has been revoked under this Statute.

(5) Any person who contravenes the provisions of Sub-section (3) shall be guilty of an offence under this Statute.

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.

Application for a permit.

(2) Every applicant for a permit shall submit together with the application under Sub-section (1) the following details :–

- (i) the registration number, seating capacity and the internal height of the omnibus to which the application relates ;
- (ii) the place of origin, important intermediate place, destination, route number and the distance of the route (approximately) on which the omnibus to which the application relates will be used for passenger carriage services at separate fares; and
- (iii) such other particulars as the Authority may require for the purpose of exercising its discretion under Section 14.

14. (1) Subject to the provisions of Sub-section (2) the Authority may either grant, renew or transfer from one route to another, or refuse to grant, renew or transfer from one route to another, a permit, as the case may be.

Disposal of applications for permits.

(2) The Authority in exercising its discretion in regard to the grant, renewal or transfer of a permit from one route to another or refusal to grant, renew or transfer from one route to another a permit under Sub-section (1) and in regard to the allocation of a route or routes in respect of which a permit or permits may be granted or transferred under this Statute shall have regard primarily to the interest of the public in general, including those of persons requiring, as well as persons providing, facilities for the transport of passengers for a separate fare and shall in particular, have regard, in exercising such discretion, to the following :-

- (i) the extent to which the proposed carriage of passengers is necessary or desirable in the public interest ;
- (ii) the suitability of the proposed route or routes ;
- (iii) the extent, if any, to which the needs of the proposed route or routes or of any such route have been already adequately served ;
- (iv) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services) and the co-ordination of all forms of passenger transport, including transport by railway ;
- (v) 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 at a reasonable charge the transportation requirements of the public within that area or on that route, it is undesirable to grant a permit authorising the carriage of passengers within the same area or over substantially the same route in competition with the said transportation facilities ;
- (vi) circumstances that create a reasonable belief in the Authority that granting another permit in respect of a route or routes by an applicant who is already a holder of one or more permits for the same route or routes may have any undesirable consequences.

Duration of
permit,
etc.

15. (1) No permit shall be issued by the Authority to any person under this Statute, except upon the payment by such person to the Authority of such fee or fees as may be prescribed and fulfilment by him of such conditions and requirements as may be prescribed by the Authority.

(2) Every permit shall -

- (i) be in the prescribed form ; and
- (ii) unless it is cancelled earlier, be in force for a period of twelve months from the date of its issue.

(3) Where the applicant for a permit is a Peoples Passenger Transport Services Company or a Co-operative Society the Authority shall have the discretion to grant or not to grant a permit for the use of an omnibus to serve more than one route.

16. Subject to the provisions of this Statute and of any regulations made thereunder, every permit shall have attached thereto all such conditions as may be determined by the Authority, for securing the safety and convenience of the public, including conditions requiring –

Conditions to be attached to the permit for the benefit of passenger, and other matters.

- (i) that the fares to be charged shall be such as may be specified by the Authority keeping with the general policy of the state and that the fares to be charged shall be stated in the application for a passenger service permit ;
- (ii) that the omnibus used under the authority of the permit shall be operated only on such route or routes specified in the permit ;
- (iii) that copies of the time table (where required) and the fare-table approved by the Authority shall be carried and kept exhibited in the omnibus use under the authority of the permit ;
- (iv) that the omnibus used under the authority of the permit shall be maintained at all times in a mechanically fit, roadworthy and serviceable condition ;
- (v) that the requirements of any written law with respect to the time during which drivers or conductors of an omnibus 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 and that such driver and conductor should have appropriate technical and physical fitness ;
- (vi) that the conductor engaged in the omnibus used under the authority of the permit or such other person performing the functions of the conductor shall deliver to each passenger a serially numbered ticket complete with clear indication of the fare charged and the starting point or destination of such person's journey (by name or by number of the fare stage) and bearing the registered number of the said omnibus ;
- (vii) that the omnibus used under the authority of the permit shall not carry at anytime more than the number of passengers permitted by the permit ;
- (viii) (1) The owner, driver or conductor of any omnibus –
 - (a) shall not demand or receive from any passenger, in respect of any journey on any route or highway, any fare in excess of the fare authorized in respect of that route or highway by any condition of the Passenger Carriage Permit under the authority of which such omnibus is used.
- (2) (a) No person shall be bound by any agreement entered into by him to pay in respect of any journey on an omnibus any fare in excess of the authorized fare

Prohibition against charging of excess fares for omnibuses.

Recovery of excess fare.

referred to in Section (viii), and any person who has paid any fare in excess of any such authorized fare as may be applicable to the case shall be entitled to recover the sum paid in excess from the person to whom such sum was paid ;

- (b) Where any person is convicted by any court of a contravention of the provisions of Section (viii) the court may, in addition to any other punishment which it may lawfully impose for that contravention, order the repayment of any sum paid to that person in excess of the highest authorized fare, or the authorized fare, or the fare agreed upon, as the case may be, and such sum shall be recoverable in like manner as a fine imposed by the court, notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose ;
 - (c) Any passenger in an omnibus who has duly paid the fare for any journey shall, if the omnibus fails to reach his destination owing to a breakdown of the omnibus or to any fault or neglect of the owner or of any servant of the owner, be entitled on demand to recover the fare for the balance journey ;
 - (d) Where a fare is recoverable under Sub-section 2 (c) the person who received the fare shall repay it on demand to the passenger who is entitled to recover it ;
 - (e) Where any person is convicted of a contravention of Sub-section 2 (d), the court may, in addition to any other punishment which it may lawfully impose for that contravention, order the repayment of the fare and such fare shall be recoverable in like manner as a fine imposed by the court notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose;
 - (f) Nothing in this Section shall affect any civil remedy for the recovery of any fare or part of a fare which may be recoverable under the provisions of this Section.
- (ix) 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 or situations as affecting the wellbeing or convenience of the passengers travelling in the omnibus ;
 - (x) that any directive concerning operation of a scheme of concessionary season tickets shall be compiled with ;

- (xi) 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 ;
- (xii) 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 passenger.

17. 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 he may consider necessary, the omnibus, the use of which is authorized by the permit.

Specification of authorized omnibus in the permit.

18. The Authority may issue direction to any person to whom a permit has been granted by Southern Provincial Council or National Transport Commission or any other Provincial Council, any such direction as he think necessary for the purpose of making such person comply with the Provisions of this Statute or any regulation made thereunder, and the person to whom any such direction are issued shall comply with such directions within such time as shall be specified therein.

Power of the Authority to issue directions.

19. No permit shall be transferable to any other person by its holder and accordingly any such transfer shall be null and void.

Permit not transferable.

20. Where any person who purposes to engage himself in a Passenger Carriage Service within the 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 on such omnibus :

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

- (i) Where an operator who has obtained a passenger service permit sells or alienates the omnibus owned by him he shall have the passenger service permit amended to another omnibus through the Provincial Authority within 60 days. If it is not so amended such permit shall be deemed to be cancelled.

21. 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:

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

- (i) Where an omnibus having for itself a valid passenger service permit is bought or assigned unto him by an operator and when a new passenger service permit is obtained, the operator is not entitled to any right specially of the route or of the time table given in the passenger service permit issued earlier to the same omnibus.

Renewal of a permit.

22. Where an application is submitted to the Authority by a holder of a permit for renewal thereof, the Authority may renew such permit for a period of one year or less than one year from the date of its expiry, if it is satisfied that the holder of the permit —

- (i) has observed the provisions of this Statute or any regulations made thereunder;
- (ii) has not been convicted of any offence under this Statute of any regulations made thereunder; and
- (iii) has paid the prescribed fees for the renewal of the permit and fulfilled other related.

Cancellation, etc., of a permit.

23. If the Authority is satisfied that the holder of the permit —

- (i) has contravened any of the provisions of this Statute or any regulations made thereunder;
- (ii) has not complied with any directions, given to him under Section 18; or
- (iii) has furnished in any application or return or any written information or explanation sent by him under this Statute, any material particulars which to his knowledge are false or incorrect;
- (iv) has defaulted or neglected or failed to perform the services he is obliged to perform under the permit for a continuous period of thirty days,

then the Authority may, in respect of such permit, make an order imposing a surcharge not exceeding three times the fees payable for the permit or the suspending the permit for a period not exceeding three months or cancelling the permit, after affording an opportunity to him to make representations on the matter.

Authority to communicate his decision to applicant or holder of permit together with reasons therefor..

24. (1) Where the Authority decides to refuse the grant or renewal of a permit under Section 14 or makes an order under Section 23 it shall communicate in writing to the applicant or the holder of the permit, as the case may be, his decision or order, together with the reasons therefor.

(2) An order made by the Authority under Section 23 suspending or cancelling a permit or decisions the grant or renewal of a permit shall take effect, subject to the provisions of Section 25 on the day immediately after thirty days from the date of making such order or decision (inclusive of that date) for the purpose of this Sub-section, the date of despatch of the order or decision by the registered post, shall be deemed to be the date of making the order decision.

Appeals.

25. (1) The applicant or the holder of a permit, as the case may be, who is aggrieved by such decision or order of the Authority under Section 23 —

(i) refusing to grant or renew a permit; or
(ii) imposing a surcharge or suspending or cancelling a permit,
may appeal in writing against such decision or order within fourteen days
from the date of making such decision or order to the Governor of the
Province.

(2) Where the Authority has made an order imposing a surcharge or
suspending or cancelling a permit under Section 23 such order shall not
take effect until the time for appealing against the order has expired or, if
an appeal has been made within that time, unless the decision on the appeal
is not in favour of the holder of the permit.

(3) The Governor of the Province may on appeal under this Section —

- (a) allow the appeal and direct the Authority to grant or renew the
permit, as the case may be; or
- (b) allow the appeal and revoke the order imposing the surcharge
or suspending or cancelling the permit as the case may be ; or
- (c) disallow the appeal.

(4) The decision of the Governor of the Province taken on an appeal
under this section shall be final and conclusive.

(5) The Authority shall be promptly informed of the decision of the
Governor of the Province on such an appeal.

(6) The Authority shall abide by may decision of the Governor of the
Province made under Sub-section (3).

26. The permit shall be displayed conspicuously on the windscreen of
the omnibus in respect of which the permit has been issued.

Permit to be
displayed on the
windscreen.

27. The Authority may give notice in writing to any person who is the
holder of a permit requiring 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 person to comply with the requirement of such
notice.

Returns, etc.

28. (1) The Authority shall have the power to issue directives 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 Provincial Council in the interest of the
passengers.

Authority may
issue directions on
certain matters.

(2) The Authority 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 time table and to issue directives and instructions to such staff, Authority may issue directions on certain matters.

(3) The Authority may appoint, and exercise disciplinary control including the dismissal over the staff engaged in the management of time tables for the operation of omnibuses.

Recommendations
of the Minister.

29. The Minister may submit at appropriate times proposals and recommendations for approval by the Provincial Council to provide facilities, in keeping with the general policy of the State, for procurement of omnibuses and for tax concessions, purely for the benefit of the Passenger Transport Services.

Power to enter
any omnibus, etc.

30. 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 to whether the conditions attached to such permit or any directions issued under Section 18 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;
- (c) take into custody such log sheet or other document or obtain a copy thereof.

PART IV

STAFF OF THE AUTHORITY

Director-
General of
the Authority.

31. (1) The Authority may, with the approval in writing of the Minister, appoint a Director-General for the Authority.

(2) The Director-General shall, subject to the general directions and supervision of the Authority, be charged with the day to day administration of the Authority.

(3) The Authority may from time to time delegate to the Director-General any such powers of the Authority under this Statute as may be determined by the Authority for its efficient administration, and for the purpose of Sub-section (2) and the Director-General shall exercise such powers subject to the directions and control of the Authority.

(4) The Director-General may, with the approval in writing of the Authority, delegate from time to time in writing to any other employee of the Authority such of his powers delegated to him under Sub-section (3) as he may consider necessary for the efficient administration of the Authority and any employee to whom any such powers are so delegated shall exercise them subject to the general or special directions of the Director-General.

(5) The Director-General may not be removed from office without the prior approval of the Minister.

32. (1) The Authority may -

- (a) appoint such number of other employees as may be necessary for carrying out of the affairs of the Authority;
- (b) fix wages, salaries or other remuneration of such employees;
- (c) determine the terms and conditions of the service of such employees;
- (d) establish and regulate provident funds for schemes for the benefit of such employees and make contributions to any such funds, or;
- (e) exercise disciplinary control over such employees.

Other
Employees
of the
Authority.

33. (1) At the request of the Authority, any officer in the Provincial Public Service may, with the consent of that officer, and of the Secretary to the Ministry of under which that officer is employed and the Chief Secretary be temporarily appointed to the staff of the Authority for such period which may be determined by the Authority with the like consent, or with the like consent, be permanently appointed to such staff.

Appointment
of Public
officers to
the staff of
the Provincial
Authority.

(2) Where any public officer is temporarily appointed to the staff of the Authority -

- (a) if, at the time of his temporary appointment to the staff of the Authority, his substantive post in the Provincial Public Service was a post declared to be pensionable under the Minutes on Pensions -
 - (i) he shall while in the employ of the Authority be deemed to have been absent from duty in the Provincial Public Service on leave granted without salary on grounds of public policy and accordingly Section 10(1) of those Minutes shall apply to him; and
 - (ii) the Authority shall in respect of him pay out of the funds of the Authority to the provincial fund for every complete month during which he is in the employment of the Provincial Authority, such sum not exceeding twenty-five per centum of the salary payable to him in his substantive post in the

Provincial Public Service as may be determined by the Minister in-charge of the subject of finance in the Provincial Board of Ministers ; and

- (b) if, at the time of his temporary appointment to the staff of the Authority, he was a contributor to the Public Service Provident Fund established under the Public Service Provident Fund Ordinance, his services to the Authority shall, for the purpose of that Ordinance, be deemed to be service to the Government, and accordingly he shall, while he is in the employ of the Authority, continue to pay to the Public Service Provident Fund such contributions as he may be liable under that Ordinance to pay, and in respect of him the Authority shall pay at the close of each financial year out of the funds of the Authority to the Deputy Secretary to the Treasury to be credited to the appropriate account in the Public Service Provident Fund a sum equivalent to such contribution as the Government is liable to pay to the Public Service Provident Fund in respect of him.

(3) Where any public officer is permanently appointed to the Staff of the Authority –

- (a) he shall be deemed to have left the Provincial Public Service;
- (b) if, at the time of his permanent appointment to the staff of the Authority, his substantive post in the Provincial Public Service was a post declared to be pensionable under the Minutes on Pensions –
 - (i) he shall be eligible for such an award under those Minutes as might have been made to him if he had been retired from the Provincial Public Service on the date of his permanent appointment to the staff of the Authority;
 - (ii) the amount of any such award made under those Minutes shall not be paid to him unless his employment on the staff of the Authority is terminated by retirement on account of age or ill health or by the abolition of the post held by him in such staff or on any other ground approved by the Governor of the Province;
 - (iii) in the event of his death while in the employ of the Provincial Authority such an award as might have been made in respect of him; and
- (c) if, at the time of his permanent appointment to the staff of the Provincial Authority, he was contributor to the Public Service Provident Fund established by the Public Service Provident Fund Ordinance, he shall for the purpose of that Ordinance be deemed to have left the service of the Provincial Council upon the determination of his contract with the consent of the Provincial Council otherwise than by dismissal.

(4) Where the Authority employs a person who has entered in to a contract with the Government or Provincial Council by which he has agreed to serve the Government or that Provincial Council for a specified period, any period of service to the Authority by that person shall be regarded as service to the Government or that Provincial Council for that purpose of discharging the obligations of such contract.

(5) All employees of the Authority shall be deemed to be public servants within the meaning, and for the purposes, of the Penal Code.

Employees of the Authority deemed to be public servants.

(6) The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

Authority to be a scheduled institution within the meaning of the Bribery Act..

PART V

FINANCE

34. (1) For the purposes of this Statute there shall be maintained and operated a separate Account of the Provincial Fund of the Province called the Provincial Passenger Service Account (hereinafter referred to as the Account).

Provincial Passenger Service Account.

(2) Following receipts of the Account shall first be payable to the Provincial Fund and thereafter be transferred to the Account :-

- (a) all such sums of money as may be received by the Authority in the exercise of its powers under this Statute, other then those collected on the issue and the renewal of the permits;
- (b) grants and advances made by the Provincial Council for the purposes of this Statute;
- (c) sums of money received by way of gifts of individual donors and non - governmental organizations for the purposes of this Statute; and
- (d) all such sums of money as may be realized by sale, lease or mortgage or otherwise of movable or immovable property and rent of buildings of the Authority under this Statute.

(3) The Director-General shall be responsible for the proper maintenance and operation of the Account.

(4) The maintenance and operation of the Account shall be subject to the provisions of this Statute and to the provisions of Chapter III of the Provincial Councils Act, No. 42 of 1987 relating to the Provincial Fund.

Payment out of
the Account.

35. Where, in the opinion of the Director-General, any sum of money is required for the purpose of—

- (a) any expenditure incurred in the exercise of the powers of the Authority under this Statute;
- (b) the payment of remuneration of the members and the employees of the Authority under this Statute;
- (c) meeting such other expenses as may be required to be made under the provisions of this Statute or authorized by Minister for any purpose of this Statute,

such sum of money may, on the recommendation of the Minister, be paid out of the Account for that purpose.

Borrowing power
of the Authority.

36. The Authority, with the consent of the Minister of Transport or in accordance with the terms of any General Authority given by him, borrow temporarily by way of overdraft or otherwise such sums of money as the Authority may require for meeting its obligations under this Statute;

Provided that the aggregate of the amounts outstanding in respect of any temporary loan raised by the Authority under this section shall not at any time exceed such sum as may be determined by the Provincial Minister in-charge of the subject of Finance.

Financial Year
of the Account.

37. The financial year of the Account shall be the calendar year.

Audit of the
Account.

38. (1) The assets and liabilities of the Account in respect of each financial year shall be submitted to the Auditor-General for audit before the lapse of six months from the end of that financial year. For the purpose of assisting him in the audit, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in auditing the Account, the Auditor-General shall be paid from the funds of the Authority. Such remuneration as the Director-General may determine. Any remuneration received from the Authority by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the Consolidated Fund of Sri Lanka.

(3) The Auditor-General and any person assisting him in the audit of the Account shall have access to all the books, Deeds, contracts, accounts, vouchers and other documents relating to the Account as the Auditor-General may consider necessary for the purpose of the audit, and the Authority or its officers shall furnish them with such information within their knowledge as may be required for such purpose.

- (4) For the purpose of this Section, the "qualified auditor" means –
- (a) an individual who being a Member of the Institute of Chartered Accountants of Sri Lanka, or any other Institute established by Law possesses a certificate to practise as an Accountant issued by the Council of such Institute;
 - (b) a firm of Accountants each of the resident partners of which being a Member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law possesses a certificate to practise as an Accountant issued by the Council of such Institute.

39. (1) the Auditor-General shall examine the assets and liabilities of the Account and furnish a report–

Auditor-General's report.

- (a) stating whether he has or has not obtained all the information and explanation required by him;
- (b) stating whether the particulars referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Account; and
- (c) drawing attention to any item in such particulars which in his opinion may be of interest to the Provincial Council and any examination of the assets and liabilities of the Accounts.

(2) The Auditor-General shall transmit his report to the Director-General together with the audited accounts.

40. The Chairman shall, on the receipt of the audited accounts of the assets and liabilities of the Account and the Auditor-General's report each year, transmit such report and such audited accounts of assets and liabilities, together with the statement of the annual activities of the Authority to the Minister in-charge of the subject of transport who shall cause copies thereof to be laid before the Provincial Council within twelve months of the close of the financial year of the Account to which they relate.

Auditor-General's report and the audited accounts and the report of the annual activities of the Authority to be transmitted to the Minister of Transport.

PART VI

GENERAL

41. (1) The Minister may make regulations in respect of any matter required by this Statute to be prescribed or in respect of which regulations are authorized by this Statute to be made.

Regulations.

(2) In particulars and without prejudice to the generality of the powers conferred by Sub-section (1), the Minister may make regulations in respect of all or any of the following matters:–

- (i) the procedure to be followed, forms to be used and fees to be paid in obtaining, renewing, transferring or amending a permit;
- (ii) the plates and marks to be carried on omnibuses used under the Authority of a permit;
- (iii) 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;
- (iv) 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;
- (v) the records to be kept in respect of journeys performed by an omnibus used under the Authority of a permit;
- (vi) 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;
- (vii) the preservation of records kept under this Statute, the inspection of such records by any Authority appointed by the Authority and the production for the purpose of such inspection of such records on demand made by such Authority;
- (viii) the procedure for the conduct of business of, and the procedure for the discharge of the functions by, any Association, Society or Federation of the holders of permits or passengers which have interests in the Passenger Transport Service;
- (ix) consultation with such Association, Societies or Passengers and holders of permits;
- (x) 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;
- (xi) determination of qualifications and periodical checks of physical fitness of drivers and conductors engaged in omnibuses under the Authority of a permit;
- (xii) 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 in the Province;
- (xiii) formation of advisory bodies or committees or appointment of members thereto and their powers and functions, for the purposes of advising him on regulating or improving efficiency in the Passenger Transport Services within the Province, initiation of new services, fares, fees and charges to be levied from passengers

and permit holders, regulation of the number of omnibuses on different routes, ensuring equitable economic viability in maintaining services by the permit holders and any other relevant matters;

(xiv) procedures relating to issue of inter-provincial permits, where necessary;

(xv) to formulate and enforce regulations to ensure the safety, convenience and comfort of passengers specially in respect of all or any of the following matters.

42. Any person who contravenes or fails to comply with any provisions of this Statute or any regulation, order, directive, requirement, made, issued or given thereunder or furnishes any return, information or explanation, written or otherwise, containing any material particulars which to his knowledge, are false or incorrect shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding One Thousand and Five Hundred Rupees or to simple imprisonment for a period not exceeding One year or to both such fine and imprisonment.

Offences and penalties.

43. (1) A conductor who has defaulted in the issue of tickets shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding Rs. 1500.

(2) A passenger who travels in an omnibus used under the Authority of a Passenger Carriage Service Permit issued under this Statute—

(a) when he defaults or refuses to obtain a ticket for the journey from the conductor shall be guilty of an offence and shall, on conviction by a magistrate be liable to fine not exceeding Rs. 500;

(b) he does not retain with him throughout the journey the ticket that is issued to him for that journey shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not exceeding Rs. 100;

(c) when he is requested by the conductor of the bus, or by any person of Provincial Authority who is authorized on that behalf or by a police officer to show or produce the ticket and where he fails to do so or refuses to do so shall be guilty of an offence and shall, on conviction by a Magistrate be liable to fine not exceeding Rs. 500.

(3) Provided however that where such passenger agrees to pay double the fare due to be paid by him together with a surcharge of Rs. 100 he shall not be guilty of an offence under the Sub-section 43 (2) (a).

(4) Provided that a prosecution shall not be instituted or maintained in respect of an offence under 43 (2) (b) Sub-section against any such passenger if he agrees to pay to an officer of the Provincial Authority

authorized by the Provincial Authority to receive such payment, a surcharge of Rs. 25 together with twice the fare due from him for that journey.

Liability of certain persons in respect of committed by a body of person.

44. Where an offence under this Statute is committed by a body of persons –

- (a) if that body of person 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 the firm commits an offence under the Statute unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such due 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.

Repeals.

45. (1) The Road Passenger Carriage Services Statute, No. 01 of 1992 the Provincial Council is hereby repealed with effect from the day immediately preceding, the date on which this Statute comes into force.

(2) Notwithstanding the provisions of Sub-section (1) the regulation made under the said Road Passenger Carriage Services Statute, No. 01 of 1992 shall be deemed to be the regulations made under this Statute until they are repealed by or replaced with regulations made under this Statute.

(3) Any Passenger Carriage Services Permit issued under the Road Passenger Carriage Service Statute, No. 01 of 1992 shall be deemed to be a permit issued under this Statute during the period of its validity.

(4) Any action filed under the Road Passenger Carriage Service Statute, No. 01 of 1992 and any order or judgement given in any such action shall be deemed to an action plead under this Statute and an order or a judgement given in an action filed under this Statute.

Protection of action.

46. (1) No action or prosecution shall be instituted –

- (a) against the Authority, for any act, which in good faith is done or purported to be done by the Authority under this Act; or
- (b) against any member, officer or servant of the Authority for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Authority.

(2) Any expenses incurred by any such person as his referred to in Subsection (1). in any action or prosecution instituted against him in respect of any act which is done or purported to be done by him under this Act or on the direction of the Authority, shall be paid out of the Fund of the Authority, if the Court holds that such act was done in good faith.

47. The Provisions of this Statute shall be subject to the National Transport Commission Act, No. 37 of 1991 and accordingly wherever any provisions of this Statute are inconsistent with the provisions of that Act, the latter shall prevail.

Provisions of this Statute to be subject to the National Transport Commission Act, No. 37 of 1991.

48. In this Statute, unless the context otherwise requires –

Interpretation.

“Local Authority” means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any Authority created and established by or under any law to exercise, perform and discharge powers, functions and such duties exercised, performed and discharged by any such Council or Sabha ;

“dual-purpose vehicle” means a vehicle designed to carry both passengers and goods ;

“hiring car” means a motor car registered as a hiring car ;

“Minister” means the Minister of the Board of Ministers of the Southern Provincial Council in-charge of the subject of transport ;

“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 ;

“Province” means the Southern Province of the Democratic Socialist Republic of Sri Lanka ;

“Governor” means the Governor of the Southern Province ;

“Provincial Council” means the Southern Provincial Council ; and

“Provincial Fund” means the Provincial Fund of the Southern Province, created under the Section 19 of the Provincial Council Act, No. 42 of 1987 ;

“Separate fare” means a payment made by a person entitling him to be carried as a passenger on an omnibus.

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

Sinhala text to prevail in case of inconsistency.