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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Council Notifications

NOTIFICATION UNDER SECTION 123(1) OF PRADESHIYA SABHA ACT NO. 15 OF 1987, READ WITH
SECTION 2 OF PROVINCIAL COUNCILS (CONSEQUENTIAL PROVISIONS) ACT NO. 12 OF 1989

BY virtue of powers vested upon the Agalawatta Pradeshiya Sabha by Sub-section 122 of Pradeshiya Sabha Act No. 15 of 1987 read with Section 126(VII) h of the said Act, following By-law was made and passed by the decision of the General Meeting No. 7:9 of Agalawatta Pradeshiya Sabha held on 16th October 2009. It is hereby announced that, I, Prasanna Ranathunga, The Chief Minister and the Minister of Finance and Planning, Law and Order, Land, Education, Local Government and Provincial Administration, Power and Energy, Man Power and Employment, Economic Promotion and Trade of the Western Province Provincial Council approved the said By-law in terms of Section 123(1) of the said Pradeshiya Sabha, read with Section 2 of Provincial Councils (Consequential Provisions) Act, No. 12 of 1989.

PRASANNA RANATHUNGA,

The Chief Minister and the Minister of Finance and Planning, Law and Order,
Land, Education, Local Government and Provincial Administration,
Power and Energy, Man Power and Employment, Economic Promotion and
Trade of the Western Province Provincial Council.

Chief Ministry (Western Province),
Sravasthi Mandiraya,
Colombo 07,
26th February 2013.

Agalawatta Pradeshiya Sabha

THE DRAFT ON BY-LAWS ON PARKING OF THREE-WHEELERS

1. These By-laws may be cited as By-laws of the Agalawatta Pradeshiya Sabha relating to Parking of Three-wheelers.
2. These By-laws shall be enacted for regulating, controlling and levying charges for parking of Three-wheelers within the area of authority of Pradeshiya Sabha.
3. (1) The specified places for parking of Three-wheelers and the Maximum Number of Three-wheelers to be parked at each park shall be decided on a resolution passed by the Pradeshiya Sabha and such decisions shall come into operation from the date of publication of them in the *Gazette* or from a date specified therein.

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3. (2) If the Pradeshiya Sabha is of opinion that the places and the Number of Three-wheelers to be parked therein, decided under Section 3(1) above shall be amended, it may be done by a resolution passed by the Pradeshiya Sabha and such amendment shall come in to operation from the date of publication of them in the *Gazette* or from a date specified therein.

3. (3) The Pradeshiya Sabha shall seek recommendations of the Committee comprising of the members referred to in the Schedule one in order to decide places of the Three-wheeler parks and its rangers and the maximum number of Three-wheelers that can be parked in each park or to amend such decisions.

3. (4) A board shall be fixed at each park in order to identify the places to park Three-wheelers in terms of the Section 3(1) above and the code number of the relevant park shall be displayed in the board.

The maximum number of Three-wheelers that can be parked shall be displayed in the board in terms of Section 3(2).

3. (5) The Three-wheelers shall be properly parked and the manner in which they are to be parked shall be marked by an authorized Officer of the Pradeshiya Sabha with a white or yellow line of 4 inches in width.

4. It shall be legal to issue a license in the manner indicated in the Schedule Two of this By-law for parking Three-wheelers by the Chairman and to impose charges and collect charges for such purpose by the Pradeshiya Sabha.

5. When issuing licenses for Three-wheelers for the purpose of parking in a Three-wheeler park priority shall be given to the Three-wheelers owned by the residents in the closest proximity.

6. (1) For the purpose of parking a Three-wheeler in the Three-wheeler park nearest to the permanent residence, a license shall be obtained from the Pradeshiya Sabha making an application as per specimen application form mentioned in the Schedule Three and the application form shall be obtained from on payment of Rs. 30. This fee for the application may from time to time be amended on a resolution passed by the Pradeshiya Sabha.

6. (2) In case where the driver is the owner the photo copies of the following documents of such person and in case where the driver is a hired person, photocopies of such documents of both hired driver and the owner shall be accompanied with the application. Such application shall be in the manner mentioned in the Schedule Three.

(i) The National Identity Card and the Valid Driving License of the owner ;

(ii) Certificate of Registration of the Three-wheeler ;

(iii) The National Identity Card and the Valid License of the hired driver.

6. (3) A register shall be maintained in respect of Three-wheelers which have been obtained licenses issued by the Pradeshiya Sabha, and when cancelled such license it should be recorded with red ink.

6. (4) The Pradeshiya Sabha may issue licenses on a monthly, quarterly or annual basis for the purpose of parking Three-wheelers.

6. (5) A photo copy of the valid license shall be displayed on the windscreen of the Three-wheeler which can be seen clearly.

6. (6) The right side of the Three-wheeler shall be blocked to prevent the passengers from entering or alighting from that side.

6. (7) The license shall be issued in the name of the registered owner of the Three-wheeler.

6. (8) The Three-wheeler owner shall renew the license two weeks before the expiry of such license.

6. (9) In terms of Subsection 6(4) above license fee imposed on the monthly, quarterly or annual basis shall be decided by the Pradeshiya Sabha and such fee shall be charged with effect from the date when such decision is published in the *Gazette* or such a date specified therein.

6. (10) In terms of By-law 4 Three-wheelers shall not be parked or entered into a Three-wheeler park unless the Three-wheeler possesses a valid license issued by the Pradeshiya Sabha.

6. (11) Notwithstanding the possession of a valid license issued, a Police Officer or the Chairman or an Officer who has been authorized to by him may order that a Three-wheeler be removed temporarily from the park, and this license shall not be an obstruction to such order.

7. No other vehicle shall enter or kept parked in a Three-wheeler park.

8. Neither Three-wheeler nor any other vehicle shall be parked in the manner of blocking the entrance and the exit of the Three-wheeler Park.

9. No any other repairs shall be done in the Three-wheeler Park other than the repairs relating to removal of the Three-wheeler.

10. No Three-wheeler shall be parked in any other place awaiting hires other than the relevant parking place for which the license has been obtained.

11. At the time licensed Three-wheelers have been parked in an Three-wheeler park the drivers shall not call and allow outsiders to come into the park and loiter in the park.

12. No person shall use drugs or conduct immorality or commit any oppressive act in a Three-wheeler park and it is a responsibility of the persons authorized to use the park, not to allow any person to commit such acts.

13. If there are any complaints from the public regarding any misbehaving at Three-wheeler parks by any person who possesses a license, the Pradeshiya Sabha reserves the authority to inquire into those complaints and to cancel his license if found guilty for the charges.

14. The driver or the owner of the Three-wheeler shall produce the original copy of the valid license on demand by the Chairman or an Officer authorized for this purpose by him or a Police Officer.

15. Violation of any Provision stipulated in the By-laws in an offence and after being convicted by a competent court shall be liable of a fine not exceeding a sum of Rupees Seven Hundred and Fifty (Rs. 750.) In an occasion of repeating such violation after being convicted by a competent court or after being handed over a written notice drawing the attention of the offence of such violation by the Chairman or an Officer authorized for this purpose by him, shall be liable of an additional fine not exceeding a sum of Rupees Two Hundred and Fifty (Rs. 250) for each and every day of committing such offence repeatedly.

16. Notwithstanding anything mentioned contrary in these By-laws by a resolution passed by the Pradeshiya Sabha, these By-laws may be amended, repeal by enacting new By-laws or enact additional By-laws.

17. Interpretation.

“Pradeshiya Sabha” means, Agalawatta Pradeshiya Sabha.

“Chairman” means, the Chairman of the Agalawatta Pradeshiya Sabha.

“An Officer Authorized for the purpose” means, any Officer of the Pradeshiya Sabha who has been authorized by the Chairman.

“An Authorized Officer who has been delegated by the Chairman for the purpose” means, any Officer hold a permanent post of the Pradeshiya Sabha who has been authorized by the Chairman in writing.

“Area of Authority” means, limits of Agalawatta Pradeshiya Sabha constituted under the Pradeshiya Sabha Act, No. 15 of 1987.

“Three-wheeler” means, the Three-wheeler parked with the expectation for a hire.

“Hired Driver” means, the owner who drives the Three-wheeler or the person employed for driving by the owner of the Three-wheeler.

“Parking place” means, Three-wheeler Park determined on a resolution passed by the Agalawatta Pradeshiya Sabha.

“Monthly” means each month starting from 1st consisting 28, 30 or 31 days as applicable.

“Quarterly” means, successive three months starting from 1st of January up to 31st of December consisting of the number of days as defined in “Monthly”.

“Annually” means, a calendar year starting from 1st of January and ending on 31st of December.

“Police Officer” means, the same interpretation as defined under Section 104 in chapter 53 of the Police Ordinance No. 16 of 1865.

“Other Vehicles” means, the same interpretation as defined in the Motor Vehicle Ordinance.

“Registered Owner” means, the same interpretation as defined in the Motor Vehicle Ordinance.

“Act of Nuisance” means, the same interpretation as defined in the Nuisance Ordinance.

18. If there is an inconsistency between Sinhala and Tamil texts of these By-laws, the Sinhala text shall prevail.

THE FIRST SCHEDULE

By-law No. 3.3

The Road Committee to be appointed shall consist of the member mentioned below.

1. The Chairman of the Committee shall the Chairman of the Pradeshiya Sabha and the Secretary shall be the Revenue Inspector of the Pradeshiya Sabha.
2. The Secretary and the Technical Officer of the Pradeshiya Sabha.
3. The Executive Engineer of the Road Development Authority or a representative nominated by him.
4. The Chairman of the Provincial Road Development Authority or a representative nominated by him.
5. The Chairman of the Road Passenger Transport Authority, Kalutara or a representative nominated by him.
6. The Chairman of the Sri Lanka Transport Board or a representative nominated by him.
7. The Officer in Charge of the Traffic in the Police Stations coming under the jurisdiction of the Pradeshiya Sabha or a representative from each station nominated by them.

8. A representative from each Three-wheeler Drivers' Union within the jurisdiction of the Pradeshiya Sabha.

THE SECOND SCHEDULE

BY-LAW NO. 4



A circle with a diameter of 13 centie metre.

A sticker with brown colour background with the emblem of Pradeshiya Sabha as specified in the model.

The Third Schedule

By-law No. 6 (2)

Application to obtain a Three-wheeler Park Licence

1. (i) Applicant's Name : _____.
- (ii) Permanent residential address : _____.
- (iii) Revenue No. : _____.
- (iv) The Local Authority relevant to Permanent address : _____.
- (v) National Identity Card No. : _____.
2. (i) Registered number of the Three Wheeler : _____.
- (ii) Whether driven by the owner or the hired driver : _____.

(1) If by the owner, No. of the valid driving licence : _____.

(2) If by a hired driver ; _____.

(a) Driver's name : _____.

(b) Permanent residential Address : _____.

(c) National Identity Card No. : _____.

(d) Valid Driving Licence No. : _____.

3. The Three-wheeler park in respect of which the licence is applied for : _____.

4. Period of duration required : _____.

One month/Three months/One Year

I, hereby declare that the particulars mentioned by me above are correct and my licence is liable to be revoked without prior notice, if the details provided above by any reason are found to be incorrect and agree to abide by the Sub-rules made by the Pradeshiya Sabha relevant to parking of Three Wheelers.

Date :

.....

Applicant's signature.

I approve the granting of parking licence to Mr./Mrs.to park the Three-wheeler
No. in the Park for a period of

.....

Chairman,
Agalawatta Pradeshiya Sabha.