



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2364/38 – 2023 දෙසැම්බර් මස 31 වැනි දින – 2023.12.31
No. 2364/38 – SUNDAY, DECEMBER 31, 2023

(Published by Authority)

PART IV (A) – PROVINCIAL COUNCILS

Provincial Council Notification

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

**North Western Provincial Road Passenger Transport Service Statute No. 07 of 2018 of the
North Western Provincial Council**

THE above mentioned Statute passed by the Provincial Council of the North Western Province on 02nd October, 2018 and assented by the Governor of the North Western Province on 16th November, 2023 is hereby published for the information of the public.

N.M. J. FERNANDO
Secretary,
Provincial Council,
North Western Province.

Council Office,
North Western Provincial Council,
Kurunegala.
28th December, 2023.



**Statute of Road Passenger Transport Service of the
North Western Province No. 07 of 2018**

Long Title

A statute to provide and regularize passenger transport services through the roads by motor vehicles within North Western Province and to provide and regularize road transport services and the provincial transport services linked with North Western Province to the extent to applicable to North Western Province, to establish North Western Province Road Passenger Transport Service Authority, to make provisions for matters connected there with or incidental thereto and to repeal the Road Passenger Transport Service Statute No.04 of 1955 of North Western Province.

Short Title

Provisions of Motor Traffic Act (Chapter 203) No.14 of 1951 amended from time to time and Provisions of Private Bus Service Act No. 44 of 1983 amended from time to time will be inconsistent only to the extent for which provisions are made in this Statute.

Be it enacted by North Western Provincial Council of Democratic Socialist Republic of Sri Lanka.

Effective Date

01. This statute shall be cited as the Statute of Road Passenger Transport Service No. 07 of 2018 of the North Western Provincial Council.

02. This Statute may take effect from a date which is approved by the Governor of North Western Province.

03. The objectives of this Statute are as follows:

Objectives of the Statute

- (1) Repealing the North Western Provincial Road Passenger Service Statute No. 04 of 1995.
- (2) Providing efficient and optimal transport service for passengers, school children, office workers, and factory workers by motor vehicles across roads in the North Western Province and regularizing and maintaining passenger transport service.
- (3) Providing and regularizing provincial transport services connected with the North Western Province to the extent that applicable to North Western Province.
- (4) Introducing new projects for the development of passengers as well as investors with a view to enhance the quality of the passenger transport service within the North Western Province.
- (5) Establishment of a Road Passenger Transport Service Authority in the Provincial Council of North Western Province

PART I

**Establishment of the Road Passenger Transport Service Authority in the
Provincial Council of North Western Province**

Establishment of the Road Passenger Authority

04. (1) "North Western Provincial Council Road Passenger Transport Service Authority" hereinafter referred to as the "Authority" is hereby established.
- (2) The Authority shall by the name assigned to it by the above Sub Section 4 (1) be a body corporate and shall have a perpetual succession and a common seal and may sue and be sued in that name.

05. (1) The Board of Directors of the Authority shall consist of nine members as follows:

*Board of Directors
of the Authority*

(2) The members appointed ex officio -

- (a) A Senior Executive Officer nominated by the Secretary to the Ministry in charge of the subject of North Western Provincial Road Passenger Transport.
- (b) A senior Executive Officer nominated by the Chief Secretary to the North Western Province.
- (c) Senior Deputy Inspector General of the Police of North Western Province or an officer not lower than the rank of Assistant Superintendent of Police nominated by him.
- (d) North Western Provincial Director of Education or a senior officer nominated by him.
- (e) Commissioner of Local Government in the North Western Province or a senior officer nominated by him.

(3) Members appointed by the Minister -

- (a) Four persons who have qualified in one or more subject fields of Transport, Law, Management, Commerce, Administration or Civil Engineering and who have a good experience and proficiency in those subjects to the satisfaction of the Minister in charge of the subject.

(4) All the members of the Board of Directors of the Authority shall be formally appointed by the Minister through letters issued under the signature of the Minister.

06. (1) From among the above members appointed under the aforesaid Sub Section 3 (a), one member shall be appointed as the Chairman of the Authority by the Minister.

*Chairman of the
Authority*

(2) The tenure of office of the chairman shall be the term of office of the membership of the Director board of the Authority or as far as the Minister's preference.

(3) In case the Chairman is unable to perform the duties of his office due to a certain reason specified in Section 11, the Minister may appoint another member to act as the chairman.

07. If any person -

*Disqualifications
for being a
member of the
Director Board
of the Authority*

- (1) is a Member of Parliament, a Member of any Provincial Council, or a Member of a Local Government Institute,
- (2) is not a citizen of Sri Lanka and not a permanent resident within the North Western Province,
- (3) has been determined as a person with a mental disorder by a recognized medical board or is totally disabled,
- (4) has been subject to a criminal penalty by any court of law in Sri Lanka for a period more than ten (10) years,

(5) Is disqualified to be appointed for the Board of Directors under Section 15 of this Statute,

Such a person shall be disqualified for being appointed as a member of the Board of Directors of the Authority and from continuing to act if so appointed.

*Financial
Connections and
relationships the
members*

08. (1) The Minister shall satisfy himself before the appointment of an individual as a Member of the Board of Directors to the effect that he has no any financial involvement or any other connection with the affairs of the Authority which could lead to any adverse effect to the functions of the Authority when he continues as a member of the director board.
- (2) The Minister shall ensure from time to time to the effect that no such involvement has been maintained by a person so appointed as a Member of the Board of Directors.
- (3) Any person appointed as a Member for the Board of Directors by the Minister shall provide any information deemed as necessary for the purpose of this Statute as required in any case by the Minister.
- (4) A member who is directly or indirectly interested in an agreement made or to be made by the Authority shall reveal the nature of his relationship in a meeting held by the Authority and it should be written in the recorded in the minutes of the meetings and the Member shall not be participated in any conference or any decision made by the Authority with regard to such agreement.

*Meetings of
Board
Directors*

9. (1) The Chairman of the Authority shall preside at every meeting of the Board of Directors. In the absence of the Chairman at any meeting a Member shall be elected as the Chairman from among the Members present at the meeting.
- (2) The quorum of the meeting of the Board of Directors of the Authority shall be three members.
- (3) Every matter to be considered by the Authority shall be decided at a meeting held for the Board of Directors of the Authority and those matters shall be approved by majority of members of the Board of Directors who cast the votes.
- (4) In case equal number of votes has been received for and against in respect of a certain proposal, a casting vote shall be entitled to the Chairman.
- (5) If there any fault has been revealed after a Member was selected for the Board of Directors of the Authority and he was found to be disqualified for the office, all the transactions done in the meeting of the Board of Directors he participated in shall be effective considering the person was qualified.
- (6) No act or proceeding of the meeting of the Board of Directors shall be deemed as invalid by reason only of having any vacancy of members of Board of Directors of the Authority.
- (7) The Board of Directors shall meet at least once a month. In case the Chairman of the Authority deems that a meeting should be convened or in case three members of the Board of Directors

- have made a written request to hold a meeting, the Chairman of the Board of Directors shall convene a meeting.
- (8) Rules could be made by the Board of Directors pertaining to the functional directive in respect of the meetings and the proceedings of such meetings of the Board of Directors subject to the provisions of this statute.
10. (1) Every member of the Board of Directors of the Authority shall hold their office for a period of three years unless any of them earlier resigns or is removed from the office by the Minister under Sections 12 or 13 of this Statute. *Term of office of the members of the Board of Directors*
- (2) Provided that, if a new member is appointed to fill any vacancy, he shall hold the office for the remaining period of the term of office of his predecessor.
11. Where any member is unable to perform the duties in his office by reason of illness or any other reason or absence from Sri Lanka temporarily, the Minister may appoint a person to act in his place for that period subjected to the provisions 5 and 7 of this Statute. *Appointment of acting members to the Board of Directors*
12. Any member of the Board of Directors at any time may resign from his office upon a written request made to the Minister. *Resignation*
13. (1) Minister may at any time remove any member of the Board of Directors appointed by the Minister under Sub-section 5 (4) of this Statute from his office without adducing the reasons. *Dismissal from the office*
- (2) If a member of the Board of Directors ex officio appointed under the aforesaid Sub-sections 5 (2) (a) to (e) in this Statute is removed, such officer may be removed from office by the Minister with the concurrence of the Head of the Institute by whom the member was recommended.
14. If any member of the Board of Directors is absent from three consecutive meetings of the Board of Directors without informing the Chairman the membership of the member of the Board of Directors shall be abolished. *Abolition the post*
15. Any member vacating his office upon the expiration of his term of office or a member who has been resigned from his office during the term of his office may be re-appointed. Provided that a member removed by the Minister under Section 13 or a member whose membership was abolished under Section 14 of this Statute shall not be eligible for re-appointment. *Reinstatement*
16. Remuneration and allowances specified by the Minister may be paid to the Members and the Chairman of the Board of Directors by the Fund of the Provincial Authority with the concurrence of Cabinet of Provincial Ministers. *Remuneration & Allowances for the members of the Director Board*
17. (1) There shall be a common official seal for the Provincial Authority. The official seal of the Provincial Authority shall be kept in the custody of the General Manager. *Common Seal of the Provincial Authority*
- (2) The seal of the Provincial Authority may be altered as may be decided by the Board of Directors of the Provincial Authority.

- (3) Stamping a document or an instrument by using the official seal shall be made before two members of the Director Board of Provincial Authority. One of them shall be the Chairman of the Board of Directors of the Provincial Authority. In witnesses where of both members shall set their hands to that document or the instrument.

PART II

**Powers and Functions of Provincial Road Passenger
Transport Service Authority**

*Powers
with regard
to
passenger
transport
service*

18. Ensuring a quality bus service that meet the need of the public within the North Western Province, preparing time tables, taking measures to ensure whether the drivers abide by the said time tables, approving the routes for which buses to be provided within the North Western Province, categorizing and making decisions for constructing bus halts at the roads other than the roads belong to Road Development Authority.

*Issuing Route
Permits*

19. (1) Issue of route permits authorizing to use buses, renew or amend, cancel and extend the validity period, regularize the ownership of those permits and prescribing fees for the issue of said permits in order to satisfy and regularize the requirements of passenger transport service within the province.
- (2) To implement the conditions under which passenger service permits are issued for authorizing to use busses for passenger transportation and to ensure whether those conditions are followed by the permit holders.
- (3) In case deploying busses for passenger transportation ensuring that a ticket should be necessarily issued by the conductor to every passenger travels in the bus.

*Standards of
the eligibility
and quality of
vehicles used
for passenger
transportation*

20. In case the requirements are stipulated by another law in respect of the quality and eligibility of a vehicle to be maintained by a permit holder of a motor vehicle deployed in passenger transport service within the province, making recommendations to Minister to implement standards of the required quality and eligibility required for passenger transport.

*Providing
information*

21. To order an individual who has obtained a permit for passenger transportation service within or across the North Western Province under this Statute or any other written law to provide information and records to the Authority which may be required for a certain purpose under this Statute.

*Transportation
Of School
Children*

22. To issue, amend, cancel, and extend the validity period, regularize the ownership of permits and to provide transport services under concessionary fees for transportation of students of schools, universities and other educational institutes for a fee, benefit or a gift within or across the province.

*Transportation
of office
workers and
factory workers*

23. To issue, amend, cancel, and extend the validity period, regularize the ownership of permits and to prescribe fees for those permits in order to regularize and maintain transport services for transportation of office workers and factory workers by buses or vans for a fee, benefit or a gift within the province.

*Inter provincial
transportation
services*

24. (1) To charge, control and regularize the service fees from motor vehicles entering in to the province from another province and transporting passengers within or across North Western Province for a fee, benefit or separate fare.

- (2) Granting recommendations appropriately in case the National Transport Commission or any other institutions seek for recommendation in respect of the issue of permits and not allowing busses to enter without a permit issued under the recommendation of this Authority and take legal actions in this regard.
25. Establishment of relevant sub committees with the concurrence of the minister in charge of the subject and the secretary to the ministry in charge of the subject with the approval of the Director Board to introduce and implement new projects for the development of passengers as well as the investors in order to improve the quality of passenger transport service within North Western Province. *Introducing new projects and establishing sub committees*
26. Prescribing scientific time tables with the combination of Ceylon Transport Board or as may be desired by the Authority for running busses to meet the general passenger requirements within the province, directing all the drivers to comply with the said time tables, and laying down spot fine and taking legal actions in respect of violators. *Prescribing Time tables*
27. Using trilingual name boards, symbols and codes for initiation and destination which should be displayed inside and outside a bus for which a permit has been issued by the Authority. *Initiation and Destination name boards etc.*
28. Registration, issuing identity cards, and levying charges for that, cancelation of registration, renewal and suspension of drivers, conductors, driver assistants who engage in passenger transportation under a permit issued by the Authority or another permit. *Registration of drivers, conductors and driver assistants*
29. Establishment, cause to establishment of emergency investigation squad and prescribing powers and functions of such squads in order to investigate, prevent and take measures against offensive actions committed under this Statute in respect of passenger transporting vehicles set out in this Statute, which run within and across the province. *Emergency investigation squads*
30. Identifying and categorizing routes which can be maintained transport services upon separate fees and to prescribe the type and standard of buses and other motor vehicles to be used for the purpose of passenger transport service along each route within the province. *To identify passenger transportation service routes and prescribing vehicles to be run*
31. Entering into agreements and contracts with an institution within Sri Lanka for the achievement of targets, aims and functions of the Authority subject to provisions of Constitution of Sri Lanka, rules and regulations of North Western Provincial Council and terms and conditions of any other law approved by the North Western Provincial Council and to join any other institution to achieve the aforesaid targets, aims and functions. *Agreements and Contracts*
32. Accepting financial or material or any other grants and donations, and use them to achieve the objectives of the authority subjected to provisions of this Statute. *Donations and Grants*
33. Initiation of driving training schools, conducting training courses approved by the Department of Motor Traffic for training drivers, conductors and driver assistants and following up. *To train drivers, conductors driver assistants*

*Administration,
management
other powers in
respect of bus
stands in the
province.*

34. The authority may have the power to implement the following powers in respect of bus terminals and bus halts within the province.

- (1) Constructing, maintaining, closing, managing, developing, altering, and legal acquisition of bus terminals and bus halts.
- (2) Prescribing management affairs and time tables of the bus stands, and employing staff of the Authority for the said management activities and issuing orders in respect of prescribing powers and functions of them, prescribing records, documents to be maintained and information included in those documents by the staff in bus stand of the Authority.
- (3) Taking decision and prescribing criteria in respect of joining external parties for administrative and transport service affairs in bus stands which are administrated and managed by the Authority.
- (4) Purchasing, leasing/renting out, disposing any movable or immovable property for the purpose of Authority subjected to approval of Secretary to the Ministry in charge of subject.
- (5) Executing other powers set out in the Statute which are deemed to be necessary for the implementation of the powers, functions and duties properly as per the timely need under this Statute.

PART III

Staff of the Provincial Transport Service Authority

*General
Manager the
Authority*

35. (1) A General Manager for the Authority shall be appointed by the Board of Directors with the written approval of the Minister in terms of the Scheme of recruitment approved by the Hon. Governor.
- (2) Manipulation of day today activities of Authority and administration of employees of the Authority shall be entrusted with the General Manager subjected to general provisions and administration of the Board of Directors and such powers shall be implemented by the General Manager under the guidance and direction of the Board of Directors.
- (3) Some of the powers and functions vested in the General Manager under this Statute, which may be considered from time to time as necessary to be entrusted to an employee by the General Manager may be entrusted to such employee upon the written approval of the Board of Directors of the Authority and so entrusted powers, duties and functions shall be implemented subject to general or special provisions of the General Manager.
- (4) In case the General Manager is dismissed from the post by the Board of Directors of the Authority, prior approval of the Minister shall be obtained.

*Staff
appointment
of the
Authority etc.*

36. (1) The Board of Directors of the Authority may,
 - (a) Appoint a staff which may be deemed necessary for the execution of the functions of the Authority and maintain the discipline control of the aforesaid staff.

- (b) Prescribe salaries, wages or any other remuneration of the staff.
- (c) Establish and regularize the Employees Provident Fund or schemes and pay subscription to such a fund or a scheme for the wellbeing of the staff of the Authority.
- (2) In case the Board of Directors decides that an officer of North Western Provincial Public Service is necessary to be appointed to a temporary or a permanent post in the Authority, the appointment may be made with the concurrence of the relevant officer/and the approval of the relevant appointing authority and the North Western Provincial Public Service Commission.
- (3) An officer employed in public sector could be permanently or temporarily appointed to the Authority by the Board of Directors to the staff of the Provincial Authority for a certain period with the concurrence of the officer, the Secretary to the Ministry of which he was employed, the Secretary to the Ministry of Public Administration and with the same consent of the Board of Directors, upon the request of the Authority.
- (4) In case a person has entered into an agreement to serve for the Government or a Provincial Council for a certain period, and once such person is employed in the Provincial Authority his period of service at the Authority shall be considered to be a service provided to the government or to such Provincial Council with a view to meet the requirements of the agreement.

PART IV

Finance

37. (1) A fund cited as "North Western Provincial Road Passenger Transport Service Fund" should be established in the Authority. *Fund of the Authority*
- (2) Finance shall be paid to the Provincial Transport Service Authority's fund as follows:
- (a) Fees charged for the issue and renewal of passenger transport service-permits and all money received to the Provincial Authority in the implementation and performing its powers, functions and duties.
- (b) All the money credited to Authority including financial provisions received by the North Western Provincial Council.
- (3) Administration and keeping accounts of this money is a responsibility of the General Manager. The General Manager may delegate powers to his staff for administration and keeping accounts.
- (4) Funds of the authority may be used by Provincial Authority to manage activities of the Provincial Authority, to pay remuneration to members and the employees of the Authority and to pay the expenses incurred in respect of execution of powers and performing functions and duties of the Authority and for other purposes authorized by the Board of Directors from time to time under this Statute and any other written law.

*Powers for
borrowing
money*

38. Under this Statute, finance required for the performance of the duties and functions of the North Western Provincial Road Passenger Transport Service Authority, in addition to the finance of the Fund, may be borrowed from the Provincial Council Fund or through a public bank draft upon the recommendation of the Secretary to the Ministry in Charge of the subject and the approval of the Secretary to the Ministry in Charge of subject of Finance or in accordance with a general permission or orders given by them.

*Accounts
of the
Provincial
Authority*

39. (1) Financial year of the Provincial Transport Service Authority should be the calendar year.
- (2) The Authority shall keep accounts properly in respect of income and expenditure, assets and liabilities and all the other transactions of the Provincial Authority.
- (3) An annual report of the functions executed by the Authority shall be prepared by the Authority.
- (4) The Minister shall table the annual report and the audit report of the Authority, before exceeding 06 months upon the expiration of the relevant financial year.
- (5) Article 154 of the Constitution shall be applied regarding funds and auditing accounts in terms of Section 23 of Provincial Council Act, No. 42 of 1987.

PART V

General Provisions

*Making
orders
under the
Statute*

40. (1) The Minister may impose orders in respect of all matters or one of them authorized under this Statute for the purpose of execution and enforcement of provisions of this Statute.
- (2) The Minister may make orders in respect of all matters or each of them given bellow without prejudice to the general nature of the powers vested under the aforesaid Sub section 40 (1).
- (a) All the matters prescribed or authorized to make orders under this Statute.
- (b) Issue, renewal, amendment, regularizing the ownership of license or other authorities and prescribing procedures to be followed and formats to be used in respect of incidental matters and laying down fees to be paid.
- (c) Prescribing motor vehicles to be used for passenger transport upon particular charges according to the eligibility and usage of the roads and prescribing standards to be met with the usage of such motor vehicles.
- (d) Documents to be carried by the driver, conductor, driver assistant or the in charge of the vehicle utilized under the authority of a permit and particulars to be entered in those documents.
- (e) Reports to be maintained in respect of turns of the busses utilized under the authority of a regular passenger transport service permit.

- (f) Standards to be met with by a person who uses a vehicle under the authority of a vehicle permit.
 - (g) Records to be kept by the permit holders in respect of the persons employed as drivers, conductors, driver assistants of the buses used under regular passenger transport permit and the time of commencement and ending of their service and intervals obtained by them.
 - (h) Securing the aforesaid records and submission of such reports when demand by a person authorized by the Authority for inspection.
 - (i) Making procedures in respect of the registration, renewal, cancelation and suspension of such registration of drivers, conductors and driver assistants employed in the Passenger Transport Service under the permits issued by the Authority.
 - (j) Management of powers, duties and functions of the Authority and in respect of minimum salaries, leave and privileges of all the employees engaged in passenger transport service.
 - (k) Prescribing uniforms/ badges to be dressed by the drivers, conductors and driver assistants employed in the motor vehicles used for regular passenger transport service under the authority of permits and stipulating disciplinary rules obeyed by the said drivers, conductors, and driver assistants while they are employed in the passenger transportation.
 - (l) Specially in respect of combining the running of busses and keeping time and Management of bus terminals, bus stands and bus halts for providing facilities fairly and properly.
 - (m) Stipulating, determining and amendment of fees to be levied on passenger transport services not covered under any other law for school vans, hired vehicles deployed under a passenger transport permit or any other authority within the province.
 - (n) Prescribing minimum qualifications of drivers, driver assistants and conductors deployed under the authority of regular passenger service permits and special passenger service permits and directing them for physical and mental eligibility tests from time to time.
 - (o) Stipulating regulations regarding measures to be followed and charging of fares in the transportation of passengers within North Western Province by busses which have inter provincial permits.
- (3) All the orders made under Sub section 40(1) hereto shall be published in the *Gazette* and the matters set out in such *Gazette* paper shall be effective from the date of publication of the order or a date prescribed in the order.
- (4) Any order made under Sub section (1) hereto shall be forwarded to the Provincial Council for approval immediately after the publication of such order in the *Gazette* and if any order was not approved that order shall be deemed as repealed from the date of approval without prejudice to the acts made earlier under such order.
- (5) The date on which any such order was deemed as repealed shall be published in the *Gazette*.

*Repeal of
Road Passenger
Transport
Statute*

41. North Western Provincial Road Passenger Transport Service Statute No. 04 of 1995 is repealed from the date on which this statute is executed.

PART VI

General Provisions

*Power vested in
the Minister to
issue orders*

42. (1) The Minister may issue general or special provisions from time to time to the Authority in respect of executing its powers and the Authority shall implement those provisions.
- (2) The Minister may from time to time order the Authority to provide periodical reports, accounts and other information with regard to the proceedings of the Authority in a format issued under his direction and the Authority shall comply with all such orders.

*Enter into
Vehicles and
Inspection*

43. A person authorized by the Authority may at any time and from any place within the North Western Province may
- (1) enter into a motor vehicle involving in passenger transport service and check whether the aforesaid vehicle has been authorized for such transportation under this Statute or any other institution and whether the driver, conductor or driver assistant or the person in charge of the vehicle has followed the terms and conditions set out in the permit and aforesaid Statute.
- (2) order the driver, conductor or driver assistant or the person in charge of the vehicle to forward the permit issued by the Authority in respect of the vehicle used for passenger transportation.
- (3) take in to the custody of the permit or other documents or photo copies of them.
- (4) inspect the Driving license issued by the Department of Motor Traffic, annual vehicle revenue license and other documents which may be considered to be applicable.

*Safety by
prosecution*

44. (1) (a) No any civil action be constituted against the Authority in respect of any action or any deed committed or alleged to have been committed by the Authority under this Statute or
- (b) Against a member, officer or an employee of the authority in respect of committing any action under this Statute by the said member, officer or the employee.
- (2) In case a civil case was filed against the authority and if the expenses regarding the case have to be made by the Authority, it shall be incurred by the Authority's fund. Compensation or any amount recovered in respect of such a case by the Authority such amount shall be credited to Authority's fund. If the concerned officer of the case has violated any laws /regulations of the Statute or Authority he/she shall be personally responsible for that and the Board of Directors shall have the power to make decisions in respect of whether payment is paid or not for the case by Authority's fund.

*Spot service
Charges*

45. (1) Where any of the prescribed provisions of this statute has been violated by an officer authorized by the Authority or in respect of a motor vehicle deployed in passenger transport authorized by a permit issued under this Statute, in case the responsibility of such a violation is voluntarily

accepted, in lieu of litigation, such a person may be determined to a service charge subject to maximum spot service charge valid at the time. The authorized officer in that regard or the aforesaid officer shall appropriately inform the Authority with the route and the number of the motor vehicle.

- (2) Such spot service charge shall be paid in favor of the credit of Authority's fund or to a fund of a sub office and the receipt shall be forwarded within 2 weeks from the date of such disclosure of the offence to verify the said payment.
46. Every permit issued under this Statute shall be secured in the motor vehicle for which the permit is issued and a photocopy of the permit shall be conspicuously displayed at the front windscreen of the relevant vehicle. *Permit shall be displayed*
47. The Authority may issue recommendations in respect of granting facilities and tax concessionaries to purchase buses, for the mere enhancement of passenger transport Service, complying with public policies at appropriate circumstances. *Recommendations for purchasing buses*

PART VII

Offences and Penalties

48. (1) A passenger, who travels in a bus running for the purpose of transporting passengers in the North Western Province under the Authority of a Passenger Transport Service permit issued by the Authority or any other institute, *Offences and Penalties*
- (a) Defaults payment of bus fare to be paid by him or,
- (b) Deliberately denies or evades to getting down at the destination of one's journey or,
- (c) Uses obscene, uncivilized, or aggressive language or gesture or behaves in such manner which is harassing and insulting to an individual, is an offence under this Statute and the passenger who commits that offence shall pay double of the bus fare and a spot fine of Thousand Rupees (Rs.1000.00).
- (2) (a) A passenger, who travels without any travel permit of a ticket on a bus running under a permit issued by the authority or another institute,
- (b) does not keep his ticket in his possession until the destination of his entire journey,
- (c) refuses or evades to show or forward the ticket at the request of the conductor of that bus or any other authorized officer for that purpose authorized by the Authority, commits an offence under this Statute and he shall pay double of the bus fare and an on the spot fine of Thousand Rupees (Rs.1000.00) to an authorized officer of the Authority.
- (3) (a) Any individual who uses a permit or a ticket fraudulently issued upon the permission of the Authority or allows anyone else to do so,

- (b) Any individual who reproduces, deforms, or alters the nature of such a ticket,
- (c) Any individual who sells, supplies or distributes such a ticket or a permit without the permission of the Authority,
- (d) An individual who prints a ticket or a permit without permission or uses such a printed ticket,
- (e) Any conductor who evades or denies issuing a ticket to a passenger who travels in the bus.
- (f) A driver or a conductor of a bus who uses obscene, uncivilized, or aggressive language or gesture or behaves in such manner which is harassing and insulting to a passenger who travels in such bus with a valid ticket,
- (g) In case a driver, conductor or a permit holder of a passenger transporting bus exceeds the sound level of their internal sound systems or equipment, prescribed by the Authority,
- (h) A driver, conductor or a driver assistant who has not been duly registered in the Authority or, any person involves in passenger transportation under a permit issued by the Authority, in an instance where its resignation has been cancelled,
- (i) A person who displays advertisements by exhibiting notices, sticking notices or writing letters, texts or words or drawing pictures or photos or other symbols at a building or passenger shelter situated in a bus stand or another place belong to the Authority and a person deliberately besmears the said places without the permission of the Authority,

shall be a guilty for an offence under this Statute and when he is found guilty of that offence before a magistrate, he shall be punished with either description of a fine not less than an amount of One Thousand Rupees (Rs.1000.00) and not exceeding an amount of Twenty Five Thousand Rupees (Rs.25000.00) or imprisonment for a term not exceeding six months or both such fine and imprisonment.

- (4) Any person who fails or defaults to act in comply with the provisions of this Statute or orders made thereunder, except the situations mentioned in Sub Sections (1), (2), (3) of this Statute shall be a guilty for an offence under this Statute and when he is found guilty of that offence before a Magistrate, he shall be punished with either description for a term not exceeding six months or with a fine not less than an amount of One Thousand Five Hundred Rupees (Rs.1500.00) and a fine not exceeding an amount of Twenty Five Thousand Rupees (Rs.25000.00) or both such fine and imprisonment.

*Arresting
offenders*

- 49. Any person commits an offence punishable under Sub Sections (1), (2), (3), (4) of this Statute may be taken into custody lawfully by a Police Officer and he shall be forthwith forwarded before the Magistrate for taking legal actions against him.

*Forwarding
incorrect
reports*

- 50. A person forwarding a fraudulent or incorrect report, a written information or a written explanation knowing them to be fraudulent or incorrect, has committed an offence under this Statute, and when

he is found to be a guilty of that offence at a trial before a Magistrate, he shall be punished with either description of a fine not less than an amount of Five Thousand Rupees (Rs.5000.00) and not exceeding an amount of Fifty Thousand Rupees (Rs.50,000.00) or imprisonment for a term not exceeding one year or both such fine and imprisonment.

51. A person who defaults, contravenes or fails to comply with paying a spot fine imposed in respect of provisions of this Statute or an order, directive or requirement issued thereunder shall be a guilty of an offence and when he is found to be guilty of that offence at a trial before a Magistrate, he shall be punished with either description of a fine not less than an amount of One Thousand and five Hundred Rupees (Rs.1500.00) and not exceeding an amount of Five Thousand Rupees (Rs.5000.00) or imprisonment for a term not exceeding three months or both such fine and imprisonment. *Punishments for defaulting Spot fines*
52. An officer or an employee authorized in writing by the Authority for the purpose of suing in respect of offences committed under this Statute shall be considered as an officer of the Authority. *Authorizing for Suing*
53. Loading passengers into buses from bus halts or bus stands without permission, assisting for collecting crowd by shouting loudly and obstructing the duty of the officers of Authority at such places is a punishable offence. In such a case Police Officers or officers of the Authority may prosecute at the Magistrate Court and if the relevant person is found to be a guilty of an offence he shall be punished with imprisonment of either description for a term not exceeding one year or with a fine not less than Two Thousand Rupees (Rs.2000.00) and not exceeding Fifty Thousand Rupees (Rs.50000.00) or both such fine and imprisonment. *Unauthorized loading passengers from bus stands or bus halts*
54. School children shall not be transported without obtaining a permit issued by the Authority and it is a punishable offence under this Statute. The person who commits such an offence shall pay a spot fine of Five Thousand Rupees (Rs. 5000.00) to any officer authorized by the Authority. In case such fine is not paid by the said person an action may be instituted against him by Police officers or officers of the Authority at the Magistrate Court and if the person is found to be guilty of that offence at the trial he shall be punished with imprisonment of either description for a term not exceeding one year or with a fine not less than Two Thousand Rupees (Rs.2000.00) and not exceeding Fifty Thousand Rupees (Rs.50000.00) or both such fine and imprisonment. *Transporting school children without permits*
55. Factory workers shall not be transported without a permit issued by the Authority and doing so is a punishable offence under this Statute. The person who commits that offence shall pay double of the annual permit fee for the relevant year and a spot fine of Five Thousand Rupees (Rs.5000.00) to an authorized officer of the Authority. In case such fine is not paid by the said person an action may be instituted against him by Police Officers or officers of the Authority at the Magistrate Court and if the person is found to be guilty of that offence he shall be punished with imprisonment of either description for a term not less than one year or with a fine not less than Two Thousand Rupees (Rs. 2000.00) and not exceeding Fifty Thousand Rupees (Rs.50000.00) or both such fine and imprisonment. *Supplying other public transport service without permits*
56. Any person who illegally obstructs, intrudes, opposes or influence or subsequently resists or trying to do so in case executing powers, functions and duties vested in the Authority under this Statute by an authorized officer by the Authority becomes a guilty of an offence and if he is found to be guilty of that offence at a summery trial conducted by the Magistrate, he shall be punished with imprisonment *Obstructing, influencing to the Authority*

of either description for a term not exceeding one year or with a fine not less than Two Thousand Rupees (Rs.2000.00) and a fine not exceeding Fifty Thousand Rupees (Rs.50000.00) or both such fine and imprisonment.

PART VIII

Dismissal and Interim Provisions

*Regulations
(orders) made
under
repealed
Statute*

57. All the persons who have been holding the posts of Directors of the North Western Provincial Road Passenger Transport Service Authority under the North Western Provincial Road Passenger Transport Service Statute No. 04 of 1995 as at the date immediate prior to the effective date of this statute shall be deemed as the Directors of the Authority appointed under this Statute until the Directors of the Authority are appointed by the Minister under Sub Section 5 (1) of this Statute.

*Employees of
the Authority*

58. All the officers and other employees employed under North Western Provincial Road Passenger Transport Service Statute No. 04 of 1995 as at the immediate date prior to the effective date of the Statute shall be deemed as the employees employed in the service of the Authority abiding by the terms and conditions of the service employment under the said Passenger Transport Service Statute. The service of those employees shall not be terminated on any reason other than the lawful matters pertinent to their service employment.

*Provisions
for agreements,
rights, obligations,
liabilities and
sues filed and
pending*

59. (1) All movable and immovable property including all funds owned by the said Authority established under the North Western Provincial Passenger Transport Service Statute No.04 of 1995 as at the immediate date prior to the effective date of this Statute shall be transferred to the Authority and it shall be considered as a property of the Authority.
- (2) All obligations, responsibilities, contracts and agreements including all obligations and liabilities regarding Employment Provident Fund and Employees Trust Fund and remuneration, entered into by North Western Provincial Transport Service Authority established under the North Western Provincial Transport Service Statute No.04 of 1995 which is in force on the immediate date prior to the implementation of this Statute shall be considered as contracts and agreements of the Authority.
- (3) An action constituted, by or against the North Western Provincial Passenger Transport Service Authority No.04 of 1995 in a court or a tribunal, on the date immediately prior to the effective date of this Statute shall be considered to be a request or an appeal of the authority and they may be maintained or terminated.
- (4) In an action a request or an appeal constituted or forwarded by or against the Road Passenger Transport Authority of the North Western Province established under the North Western Provincial Passenger Transport Service Statute No.04 of 1995, or a decree, grant reported or

granted by any court or a tribunal on the date immediately prior to the due date shall be considered as decree or a grant reported for the advantage of the Authority or against the Authority as the case may be and the Authority may execute decree or a grant subject to another statute relevant to the implementation of a decree, grant or provisions of Civil Procedure Code.

- (5) A permit or any other document which have been issued under the North Western Provincial Road Passenger Transport Service Statute No.04 of 1995 or considered to be a permit under the said Statute and valid to the date immediately prior to the effective date of this Statute shall be considered as a permit which have been issued within its validity period under this Statute unless it is cancelled so far.

60. In the event of any inconsistency between the Sinhala and Tamil and English text in this Statute the Sinhala text shall prevail.

PART IX

Definition

61. Unless a definition regarding the terms of this statute is required,

- "Province" means the North Western Province.
- "Council" means the North Western Provincial Council.
- "Governor" means the person who holds the office of Governor to the North Western Provincial Council.
- "Cabinet" means the cabinet of the North Western Provincial Council.
- "Minister" means the Minister in charge of the subject of transport in the cabinet of the North Western Provincial Council.
- "Senior Officer" means an officer holding an office not lower than the rank of Assistant Secretary of Sri Lanka Administrative Service or a person bearing an office equal to the rank of parallel services.
- "Officer" means all employees including the members of the Board of Directors employed at the Authority
- "Permit" means, a permit issued under any name out of the names "passenger transport service permit", "special services permit", "route permit", "regular transport service permit", "school service permit", "factory transport service permit" issued granting authority for freight transport and passenger transport upon a gift, a benefit, or upon separate fares under this Statute or under any other written law.

- "Bus stand" means the bus passenger terminals situated within the North Western province and gazetted bus parking places, bus stands, and the bus halts situated at the either sides of the roads within the North Western Province owned by the Authority shall also be included.
- "Gazette Paper" means the *Gazette* paper of the Democratic Socialist Republic of Sri Lanka.
- "Local Government Institutes" means a Municipal Council, an Urban Council or a Pradeshiya Sabha.
- "Bus" means a motor coach registered as a Bus and it shall be considered as it includes a dual purpose vehicle too.
- "Passenger" means a person who travels in a hired vehicle or a bus, school service bus or a van, a factory bus by making a payment.
- "Fare" means a payment made by a person entitling him to be carried as a passenger on a bus.
- "Motor Vehicle" means a motor vehicle interpreted in the Motor Traffic Act.
- "Motor Car" means a motor vehicle interpreted in the Motor Traffic Act
- "Passenger Transport Service" means every vehicle transporting passengers, school children, office workers, factory workers along the highways by levying a fee.
- "Scheme of Recruitment" means the recruitment procedure approved by the Hon. Governor of the North Western Province.
- "Driver" means a person who drives any vehicle set out in this Statute with a valid driving license eligible for driving the particular vehicle.
- "Conductor" means a person who possesses an identity permit issued by the Authority entitling him to issue tickets, and provide facilities and protection and passenger welfare to every passenger travels in the vehicles set out in this Statute.
- "Driver Assistant" means a person who is allotted to assist the driver of any vehicle deployed for transportation under this Statute and a person to whom a permit has been issued and training has been given by the Authority.