

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1834/28 - 2013 මකරවැසි මස 30 වැනි බදාදා - 2013.10.30
No. 1834/28 - WEDNESDAY, OCTOBER 30, 2013

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

**Rules under Sections 30 and 7(1) - (2) of the Western Province Provincial Road Passenger-Carriage Services
Enactment No. 1 of 1992 and Sections 5 and 6 of the Western Province Provincial Road Passenger-Carriage Services
(amendment) Enactment No. 3 of 1993**

ACCORDING to the authority and Provisions delegated to me by Sections 30 and 7(1) - (2) of the Western Province Provincial Road Passenger-Carriage Services Enactment No. 1 of 1992 and Sections 5 and 6 of the Western Province Provincial Road Passenger-Carriage Services (amendment) Enactment No. 3 of 1993, I notify that the regulations formulated for the private vehicles used for passenger carriage services and school children Transport Services within the Western Province are as follows.

H. M. UPALI KODIKARA,
Minister of Transport, Sports and Youth Affairs,
Art and Cultural Affairs, Co-operative Development,
Food Supply and Distribution and Rural Development.

10th October, 2013.

These regulations may be cited as the “School Children Carriage Services Regulations using Private Vehicles” and these regulations shall come into operation on 10th October, 2013 within the Western Province.

In order to achieve the aims of regularization of passenger carriage services in the Western Province and regularization of the other incidental activities under Sections 30 and 7(1) - (2) of the Western Province Provincial Road Passenger-Carriage Services Enactment No. 1 of 1992 and Section 5 and 6 of the Western Province Provincial Road Passenger-Carriage Services (amendment) Enactment No. 3 of 1993, implementation of the Western Province school service vehicles regulations based on the provision “any sort of vehicle that intends Passenger Transportation within the province based on a fee or a gain is termed as an authorized vehicle”.

- 01 (a) A permit should be taken annually from the Provincial Road Passenger Transport Authority, who use their buses or vans for transportation of school children within the Western Province. The prescribed application issued by the Provincial Road Passenger Transport Authority shall be submitted ;



(b) If a person who is not the owner of a bus or a van submits an application, the Authority should be satisfied with the legal permission taken from the owner of the vehicle for transportation of school children. (Charges of the permits are to be paid when receiving the permit) ;

(c) The Transport Authority has the powers to consider the transferring of the permit of a vehicle that is being sold by the owner of the vehicle with the permit to a second party.

While permits are issued solely to the owner of the vehicle, when such owner of the vehicle does not operate the School Service, he may authorize a second party to operate the service, and the Authority can transfer the permit to the authorized person who is operating the service.

(d) Charges for the permits are shown in the Schedule No. 1 ;

(e) The Transport Authority reserves all the rights and powers of issuing, renewing, amending and cancelling a permit issued empowering to maintain a school service ;

(f) The Authority may determine from time to time the requisite qualifications for an omnibus or a van of an owner of a school bus or van.

02. The Transport Service Authority shall have the powers to determine the annual school service permit fees. While the Authority reserves the right of amending such fees and enforcing regulations, it is suitable to discuss and come to an agreement with the School Van association during the process.

03. School children transport service permit issued under these regulations should be kept in the bus or in the van transporting the school children under the administration of the Transport Authority, and the Authority shall determine the particulars to be noted in such a permit. The permit should be produced to the Transport Authority or an authorized officer when requested.

04. An authorized officer from the Transport Authority has the power to take action under the Sections 32 and 33 of the Provincial Road Passenger Carriage Services Statute No. 01 of 1992, when maintaining school services without a school service permit or regarding complaints received in engagement of illegal activities on maintaining a school service within the Western Province.

05. The Authority has the power to make use of any grants receivable to the Authority in cash or in material to maintain and regulate the School Transport Service in the Western Province.

06. As this service is a public service, the minimum number of children to be transported in a vehicle with adequate seating capacity shall be 10, and the maximum number of children to be transported with adequate seating facilities should be limited to 30. In the instance of a complaint lodged against a School Bus or Van transporting children exceeding the specified limit of transportation, such a vehicle will be inspected by an authorized officer of the Authority, and if the complaint is proved, the Authority has the power to cancel the permit of the particular school bus or van.

07. The permit holder should be engaged in the School Transport Service continuously. The period of such service shall be at least one year from the date of validity of the permit.

08. The Transport Authority should intervene to offer a full insurance scheme through a recognized Insurance Company for the vehicles engaged in the school transport service and for all the children.

09. The Transport Authority has the power to take legal measures under the Civil Law against the employees of the school vehicles who engage in child abuse, use of drugs or in any other illegal activities, and also the Authority has powers to terminate the permit for any such vehicle in any such instance.

10. Each Inter-provincial school bus or van transport service entering the Western Province should compulsorily obtain a permit issued by the Road Passenger Transport Service Authority of the Western Province.

11. The Transport Authority has the power to take legal action against an owner of a bus or a van who maintains a school transport service without a permit.

12. The private passenger transport omnibus service and school van service vehicles which have obtained permits from the Passenger Transport Service Authority of the Western Province shall operate separately. Those buses which have obtained a permanent road passenger transport service permits should not be engaged in School Transport.

13. The Transport Authority shall be satisfied in regard to the following facts about the condition of the vehicle when issuing a permit :-

- (a) Clearly indicated to be identified separately as a school transport service (stickers on the front and back glasses to confirm the registration) ;
- (b) Suitable running condition of the vehicle (to be decided during the inspection) ;
- (c) Space between the seats (ability to sit comfortably) ;
- (d) Condition of the tyres (to be inspected during the annual renewal of license and in garages where new license are given) ;
- (e) Nature of the brake system (to be inspected during the annual renewal of license, issuing of new license and sudden inspections.) ;
- (f) Safety features installed (first aid box, fire extinguisher *etc.*) ;
- (g) Ability to lock the doors (presence of a center lock if the passengers consist of only small children) ;
- (h) Condition of the electronic light signal system ;
- (i) Cleanliness of the van should be of high standard ;
- (j) Rear side glassess should provide ventilation (cut glass) ;
- (k) Ability to open the windows and doors in case of an emergency ;
- (l) More suitable if air conditioned ;
- (m) The names of the schools of the children who are being transported should be displayed ;
- (n) Number of children who can be transported (should be the specified numbers according to the vehicle class) ;

14. The parents, guardian or the class teacher should be informed if there is no specific parking spot for the vehicle :-

- (a) Maintaining a record of the childrens' attendance ;
- (b) Informing the parents and the school of all details about the drivers in all the vehicles, in the instance of transporting children by exchanging them from one vehicle to another.

15. Legal documents to be kept in the school service vehicle :-

- (a) A full insurance policy. (The Authority should provide the children with Insurance Policies under Section 8) ;
 - (b) Having a revenue license for the relevant year ;
 - (c) Certificate of registraion ;
- } Police
Responsibility

- (d) A road permit for school transportation service ;
- (e) An aptitude certificate obtained by a Regulatory Agency.

16. Standards for drivers :

- (a) Having a valid Driving License (According to the relevant vehicle class) ;
- (b) Being of minimum age of 25 years ;
- (c) Having at least 3 years of experience. (Relevant only for new entrants) ;
- (d) Having a Police Report of the relevant Police Station. (Regarding character and offences) ;
- (e) Having a Medical Certificate to confirm the physical and mental health condition.

17. Responsibilities of the permit holder :

- (a) Being registered in a relevant Regulatory Agency ;
- (b) Guaranteeing the safety of the school children ;
- (c) Employing a driver registered in the Regulatory Agency ;
- (d) Maintaining the nature and condition of the vehicle in relation to the conditions of the Regulatory Agency ;
- (e) Employing an assistant in vehicles transporting small children (less than 8 years of age) ;
- (f) Informing the Regulatory Agency of a motor accident within 1 day from the day of the accident ;
- (g) Aftermath of a serious or a fatal motor accident, the vehicle which faced with the accident should not transport school children until an Aptitude Certification obtained certifying that the vehicle is suitable to transport school children again ;
- (h) Avoid employment of a driver who faced a serious or fatal motor accident until he is inspected by the Regulatory Agency to be in good health and is issued with a certification to state his eligibility to continue the service ;
- (i) The driver and the assistant should abstain from consumption of alcohol, drugs and smoking during the period of their school transport service ;
- (j) The driver and the assistant should be constantly mindful of their discipline and restraint behaviour ;
- (k) The driver and the assistant should be donning a suitable dress code ;
- (l) Having all the details of the children who are being transported. (Address of the parents' or guardian, Contact number, Name of the school, Address, Contact Number, Contact Number of the Principal) ;
- (m) While it is allowed to employ a qualified temporary driver in the absence of the driver in service, the licence holder should account to the wrong doings of the temporary driver ;
- (n) Taking suitable action and informing the parents and the school in the instance of a technical defect in the vehicle ;
- (o) Providing guarantee that the children will not be detained in the vehicle, except during the time period of travelling from home to school and *vice versa* ;
- (p) Any breach of the regulations of the Regulatory Agency by the drivers will be considered as the breach committed by the permit holder ;
- (q) Every child should be provided with the facilities to be seated devoid of harm or discomfort;
- (r) Delivering the child to school on time and well before the commencement of school ;

- (s) Taking steps to ensure that the child travels to and fro from home to school with a positive mentality.
- (t) Ensuring that the child is never isolated in the vehicle ;
- (u) Taking steps to inform the 1929 Child Help Service or the closest Police Station if a child is known to have been harmed or abused ;
- (v) Informing the parents, guardian or the class teacher of the place of parking the vehicle ;
- (w) Maintaining a methodical record of the attendance of the children. Informing the parents and the school of all details about the drivers in all the vehicles in the instance of transporting children by exchanging them from one vehicle to another.

18. Responsibilities of the driver :-

- (a) Driving the vehicle in a manner ensuring the safety and comfort of all the children. (Should be very considerate when driving in high speed, taking bends and overtaking) ;
- (b) Not exceeding the transportation limit of children ;
- (c) Should be of good behaviour and character ;
- (d) Abstaining from the consumption of alcohol or drugs ;
- (e) Obtaining the registration and the training of the Regulatory Agency ;
- (f) Donning a decent attire as accepted by the Regulatory Agency ;
- (g) Never smoke inside the vehicle ;
- (h) Should be wearing the identity card issued by the Regulatory Agency ;
- (i) Informing the parents or a school teacher when a child misbehaves while refraining from chiding or punishing the child ;
- (j) Speaking to the child in a polite manner ;
- (k) Refraining from having, showing the children through mobile phones, making them listen to and displaying lewd and obscene visuals, songs or audios.

19. Responsibilities of the driver's assistant :-

- (a) Firmly guaranteeing the safety of the children during the period of employment in the school transport service ;
- (b) Abstaining from smoking and consuming of alcohol and drugs during the transportation ;
- (c) The parents or a teacher should be informed when a child misbehaves while refraining from punishing that child ;
- (d) The child should be talked to kindly and shown a decent behaviour ;
- (e) Refraining from having, showing the children through mobile phones, making them listen to and displaying lewd and obscene visuals, songs or audios ;
- (f) Obtaining a certification confirming the character and absence of any connection to offenses from the relevant Police Station ;
- (g) Being accountable for the children from home to school and *vice versa* ;
- (h) Having raincoats and umbrellas in the vehicle.

20. Responsibilities of the parents :-

- (a) Ensuring whether the vehicle is in a suitable condition to sent their children in and whether the vehicle is registered in a Regulatory Agency ;
- (b) Having all the details about the owner and the driver of the vehicle ;
- (c) Complaining to the Regulatory Agency when it is noted that the vehicle is not in a standard condition or that there is a problematic situation in the behavioral patten of the driver ;
- (d) Paying the service fees to the owner for the service received as agreed ;
- (e) Coming to an agreement with the vehicle owner when deciding the service charges ;
- (f) A child suffering with an infectious disease should not be sent in the vehicle until he/she is completely cured ;
- (g) Informing the driver or the owner of the vehicle when sending a sick child in it ;
- (h) Informing the class teacher of the information regarding the vehicle transporting one's child to school through the school principal in written form ;
- (i) Informing the relevant driver before hand about the instances when the child does not attend school or when a parent might want to retrieve the child before or after the school hours ;
- (j) Delivering the child to the vehicle on the spedified time without an unnecessary dealy.

21. Responsibilities of the school :-

- (a) While the shcool should have the details pertaining to the vehicles children arrive to school in, a satisfactory leve of provisions should be provided to handover the children safely to the relevant Transport Service ;
- (b) The entrance and exit of students from the gate should be monitored closely ;
- (c) Necessary steps should be taken by inquiring about the children who come to school by vehicle after the school commences ;
- (d) When encountered with problematic conditions in such children, their parents should be called in for a meeting and informed about them ;
- (e) Steps must be taken to complain to the relevant Regulatory Agency when a problematic situation arises.

22. Responsibilities of the Regulatory Agency :-

- (a) Providing registration as a school transport service if the relevant basic needs are found to be fulfilled after inspection ;
- (b) The drivers should be registered ;
- (c) Arranging training programs for drivers ;
- (d) Preparing a methodology to issue the aptitude certification for transportation of school children by any state registered institution ;
- (e) Preparing stickers as a method for eacy identification as a school service, and introducing them to the general public ;
- (f) Organizing awareness programs for licence holders ;
- (g) Organizing training programs for vehicle assistants ;
- (h) Arranging parking slots with facilities in connection with the relevant Local Government bodies ;

- (i) Inquiring on the complaints received and fulfilling justice ;
- (j) Preparing a method to inspect the vehicles that engage in school transport service only in their parking places according to the arising opportunities ;
- (k) The Regulatory Agency should maintain a close link with the Child Protection Authority in order to minimize child abuses during the transportation of school children ;
- (l) The Regulatory Agency has the authority to take necessary actions to prepare a regulated methodology for the amendment of charges in accordance with the decisions made by discussing with the School Bus Owners' Association ;
 - * It should be in accordance with a regulated charging scheme and the Regulatory Agency should intervene in the amendment of charges
- (m) Introducing an identity card for the drivers ;
- (n) Introducing an insurance policy for vehicles used in school children transport service and organizing the relevant steps to operate those activities ;
- (o) Owners of the school service vehicle should contribute to a social security pension system which is recommended by the Transport Authority, Western Province.

Anyone who violates, neglects or disregards these regulations becomes a person who breaches the relevant agreement.

The Regulatory Agency has the Authority to take necessary actions by discussing with the Associations in the instance of the violation of the conditions accepted, during the inspection done by officers or an inspection team authorized by the Regulatory Agency. However the Transport Authority has the ability to discuss with the School Bus Owners' Association about the decisions made by the relevant Regulatory Agency.

If there is any contradiction between the Sinhala and Tamil versions of these regulations, the Sinhala version will be considered as the effective version.

Definitions :

- (i) Under the above enactment the Authority refers to the Western Provincial Road Passenger Transport Authority ;
- (ii) Associations registered under the Office of the Registrar of Companies (Western Province) and recognized by the Transport Authority are referred to as Association ;
- (iii) School service transportation refers to all the school children transportations inclusive of the transportation of toddlers.

SCHEDULE ONE

	<i>Rs. cts.</i>
01. Application fee for a passenger transport service permit	50.00
02. Regular passenger transport services permit fee	500.00
03. Transferring fee of a passenger transport services permit	500.00
04. For the label	30.00

SCHEDULE TWO

	<i>Rs. cts.</i>
01. Failure to possess a valid passenger transport service permit	100.00
02. Not displaying the permit label accordingly	100.00
03. None adherence to the instructions given by an accredited official	100.00
04. Not displaying the label on the windscreen	100.00
05. Driver's failure to possess the driver identity card issued by the Authority	100.00
06. Failing to tender the documents, reports and details requested by the Authority on the permit holding vehicle	100.00
07. Employing a driver for passenger transport who is not registered under the Authority	100.00