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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Motor Traffic Statute of the Western Province Provincial Council

THE draft of the Statute of the Motor Traffic of Western Province Provincial Council is mentioned below.

KEJITAN LALITH WANIGARATHNE,
Minister of the Western Provincial Roads,
Transport, Co-operative Development and
Trade, Housing and Constructions, Estate
Infrastructure Facilities, Industry and
Rural Development.

At the Ministry of Western Provincial Roads, Transport,
Co-operative Development and Trade, Housing
and Constructions, Estate Infrastructure Facilities,
Industry and Rural Development,
No. 204, Denzil Kobbekaduwa Mawatha, Battaramulla.
08th of October, 2018.



Motor Traffic Statute of the Western Province Provincial Council

A Statute to issue licenses for the Motor vehicles within Western Province, levy license fees relevant thereto, repeal the Statute of Western Provincial Motor Traffic No. 07 of 1991 and to provide provision for the incidental matters thereto.

BE it enacted by the Western Province Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows:-

Short title and the date of operation.	1. This Statute may be cited as the Motor Traffic Statute of the Western Province, No. of 2018 and shall come into operation on receiving the assent of the Governor of the Western Province.
Constitution of the Departments.	2. For the function of this statute, Western Provincial Department of Motor traffic (Hereinafter referred to as the "Department") shall be constituted hereby.
Objectives of the Department.	3. The objective of the Department shall be acting to levy any fees of motor vehicles relevant to license within the limitations that might be directed by law in respect of the Western Provincial motor vehicles; subject to certain releases.
Head of the Department.	4. (1) Western Provincial Commissioner of Motor Traffic whom shall be appointed to operate and discharge the functions of the Department and whom shall be hereinafter referred to as the "Commissioner" shall be the Head of the Department. (2) For the functions mentioned in this statute, Western Provincial Deputy Commissioner of Motor Traffic, Western Provincial Assistant Commissioners of Motor Traffic, Motor Traffic Inspectors and other positions that might be needed shall be appointed from time to time. (3) In respect of the appointments made under this section, provision of the amended Provincial Council Act, No. 42 of 1987, amended from time to time shall be applied. (4) The Commissioner, shall act in subjection to the ordinary command and administration of the Secretary of the Ministry.
	5. The Commissioner could be able to delegate any powers vested upon the Commissioner under this statute to a public officer of the Department or to any other public officer.
	6. Powers and fuctions of the Commissioner shall be as undermentioned.
Powers and functions of the Commissioner.	(1) levying fee with adherence to the relevant amount and the procedure as directed by law; for a revenue license, vendor's license, a visitor's temporary license for a motor vehicle or any other motor vehicle license of a motor vehicle which is in possession or use of anybody whose residence is in the Western Province, issuing relevant licenses for the levied fees according to the provision mentioned in the relevant law and taking actions to levy any unpaid fees for a motor vehicle license adhering to the provision provided under this statute. (2) Where the powers owned by any authority mentioned in law regarding Motor vehicles; are delegated by the relevant authority as mentioned in the said law, executing the relevant powers with adherence to the extent of such delegation. (3) Taking administrative actions using modern technology necessary for engaging in above 6(1) and 6(2) shall be a function of the Commissioner.

- (4) Providing transport services to carry passengers *via* the roads of Western Province by motor vehicles, regularizing the goods transportation and providing transport facilities via interprovincial roads.
- (5) Powers and functions of the Commissioner, any decision or decisions made by above law and actions, shall not be in subjection to the personal liability.
- 7. (1) Every application for any license, temporary license for a provincial motor vehicle shall be applied adhering to the provision mentioned in the relevant written law. Applying for a license, Issuing of licenses.
- (2) Every application for a license shall be processed having paid the due license fee either to the commissioner or to the License Issuing Authority for whom the power has been delegated specifically for it by the commissioner.
- (3) No license shall be issued by the commissioner or the license issuing Authority, if the due fee, which is for the license, has not been paid or the applicant has not duly fulfilled the relevant provision thereto.
- (4) Levying license fee under this statute and issuing relevant licenses shall be in subjection within the limitations and releases directed by law. Paying license fees
- 8. (1) As directed by law, any vehicle that belongs to Western Province under any motor vehicle license or temporary license, the relevant license obtained by duly paying the license fee shall not be kept in possession and shall not be used by anybody in an occasion where the relevant license in non-enforceable.
- (2) Registrar of Motor Traffic, Commissioner of Motor Traffic, Government Agents of Gampaha, Colombo and Kaluthara districts or a vehicle that belongs to the Western Province shall be considered as the Authority of registering a motor vehicle for the function of this section.
- (3) However mentioned in 7(3), at particular circumstances, a departmental committee appointed by the Secretary of the Ministry could decide on the levying or non-levying of fees.
- 9. (1) In case of not paying license fees for the motor vehicle license or temporary license which shall be obtained for a vehicle that belongs to Western Province under this statute, the relevant person who has the ownership of the vehicle or the person who is keeping the vehicle in possession should be informed by sending a written notice certified by the commissioner or the officer for whom the power has been specifically delegated; mentioning the license fee, surcharge levied based on the non-payment and total amount of the fee including the last date given for making the payment.

The maximum period of time provided for making the payment under the above subsection, shall be a date that does not exceed a time period of 30 days from the date of issuing the notice.

- (2) Where the amounts of fee as stated by a notice mentioned under the section (1) of this section in not paid by a person as mentioned in the notice, a certificate that is consisted with; total amount of fee to be levied, name of the relevant person, registered ownership of the vehicle or the residence and the business address depending on the situation shall be presented by the commissioner or the officer for whom the power has been specifically delegated; to the Magistrate Court at the jurisdiction of the relevant address mentioned in the certificate. Subsequently, that person shall be summoned by the Magistrate to show cause before him. Further, if that person fails to present satisfying *causae* thereto, the amount of fee mentioned in the certificate shall be levied from the defaulter as the penalty, as a fine prescribed by orders and the fine shall be credited to the provincial council fund.

Power of making regulations

10. (1) Regulations shall be made by the Minister regarding any factors that are for operating the objectives of the Department under this statute including deciding the relevant procedures to operate the provision mentioned in 7th, 8th and 9th sections of this statute.
- (2) Every regulation made by the Minister shall be published in the Gazette and shall have an effect either on the date of publishing it or on a coming date mentioned in the *Gazette*.
- (3) After publishing the regulations made by the Minister in the *Gazette*, that should be sent to the Provincial Council immediately for the approval, Provincial Council shall approve those rules and it shall be notified by gazette notification.

In case of non-approving, that shall also be notified by a *gazette* notification and since that day onwards, those regulations shall be considered as repealed without causing any prejudice to the actions taken so far thereunder.

Interim Provisions

11. (1) Since the date of receiving the approval of the Governor of Western Province for this statute, Western Provincial Motor Traffic Statute No. 07 of 1991 of Western Province Provincial Council shall be repealed hereby
- (2) However, (a) All movable and immovable properties;
(b) All assets and liabilities;
(c) All responsibilities and engagements;

Which were possessed by the Department of Motor Traffic of Western Province established under the Western Provincial Motor Traffic Statute No. 07 of 1991 shall be considered as the movable and immovable properties, assets and liabilities, responsibilities and engagements of the Department under this statute.

- (3) Shall be considered as the functions performed under the Western Provincial Motor Traffic Statute No. 07 of 1991.
- (4) Every case filed by the Department or filed against the Department under the Western Provincial Motor Traffic Statute No. 07 of 1991 shall be considered as the cases filed under this statute.

Interpretation

12. In this statute, Unless the Context otherwise requires-

“Governor” means the Governor of the Western Province,

“The Minister” means the minister in - charge of the Motor Traffic Subject,

“Secretary of the Ministry” means the Secretary to the Ministry under which the Western Provincial Motor Traffic Subject Comes,

“Motor Vehicles” means the same interpretation given in Motor Traffic Act,

“Law means the Motor Traffic Act No. 14 of 1951 which was amended from time to time and any Act Passed by the parliament for the function of the said Act or relevant incidentals.

Sinhala Text to Prevail in case of inconsistency

13. In the event of any inconsistency in the sinhala and Tamil text, Sinhala text shall prevail.