

**ROAD TRAFFIC (AMENDMENT NO. 2) ACT 2003**

Act 11 of 2003 – 11 June 2003

ARRANGEMENT OF SECTIONS

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**ROAD TRAFFIC (AMENDMENT NO. 2) ACT 2003**

**1. Short title**

This Act may be cited as the Road Traffic (Amendment) Act 2003.

**2. Interpretation**

In this Act—

“principal Act” means the Road Traffic Act.

**3. Section 2 of principal Act amended**

Section 2 of the principal Act is amended—

- (a) by deleting the definition of “contract bus”;
- (b) by deleting the definitions of “bus”, “Minister” and “motor-car” and replacing them by the following new definitions—

“bus” has the meaning assigned to it by section 4;

“Minister” means the Minister to whom responsibility for land transport and road traffic is assigned;

“motor car” has the meaning assigned to it by section 4.

#### **4. Section 4 of principal Act amended**

Section 4 of the principal Act is amended in subsection (1) by deleting paragraphs (d) and (e) and replacing them by the following new paragraphs—

- (d) buses, that is to say, mechanically propelled vehicles which are constructed or adapted to carry not less than 9 persons, including the driver;
- (e) motor cars, that is to say, mechanically propelled vehicles which are constructed or adapted to carry not more than 8 persons, including the driver, and their effects not exceeding 100 kilograms, and having a gross weight not exceeding 3,500 kilograms.

#### **5. Sections 75, 76, 77, 80 and 81 of principal Act repealed and replaced**

Sections 75, 76, 77, 80 and 81 of the principal Act are repealed and replaced by the following sections—

##### **75. Classification of public service vehicles**

For the purpose of this Part and any regulations made under it, public service vehicles shall be divided into the following classes—

- (a) contract cars, that is to say motor cars let out for hire or reward under a contract for the use of each such vehicle as a whole;
- (b) school-owned buses, that is to say buses owned by a college, school or other educational institution and used solely for the conveyance of students and staff of the college, school or educational institution in connection with any of its activities;
- (c) employees' buses, that is to say buses used for the conveyance of employees and which are hired by the employer as a whole under a contract for a reward;
- (d) private buses, that is to say buses owned by any person and used for the conveyance of persons for, or in connection with, his trade or business, any charges made for the conveyance of such persons being such that no profit results therefrom;

- (e) school (hired) buses, that is to say buses used for the conveyance of—
  - (i) school children, students and teachers to and from schools, or for educational purposes, or in connection with a school activity; or
  - (ii) pensioners and disabled persons in connection with civic, educational, social or recreational activities;and are hired under a contract for a reward;
- (f) stage buses, that is to say, buses used on prescribed routes and conveying passengers at separate and prescribed fares;
- (g) taxis, that is to say motor cars carrying passengers and their effects for hire or reward whether under a contract for the use of each such vehicle as a whole or at separate fares;
- (h) tourist buses, that is to say, buses with such specifications as may be prescribed, let out for the conveyance of tourists for hire or reward under a contract and used as a whole.

**76. Prohibition of use of unlicensed public service vehicles**

(1) No person shall use a motor vehicle, or cause or permit a motor vehicle to be used as a public service vehicle unless there is in force, in respect of that vehicle, a licence issued under this Part authorising the use of the vehicle as such.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine of not less than 3,000 rupees nor more than 10,000 rupees or to imprisonment for a term not exceeding 6 months.

(3) A public service vehicle licence shall be in addition to any other licence issued under this Act.

**76A. Stage bus and taxi licences**

(1) Where the Authority considers that there is need to grant a stage bus licence or a taxi licence along any route or in any area, as the case may be, it shall cause a notice to be published in the *Gazette* and 2 daily newspapers inviting any person wishing to apply for a licence to submit an application in the prescribed manner.

(2) Before deciding on the need to grant a stage bus licence or a taxi licence, the Authority shall have regard to—

- (a) in the case of a stage bus licence—
  - (i) the suitability of the routes on which a service is to be provided under the licence;

- (ii) the extent to which a route or area in respect of which the invitation is made is already served by road transport;
  - (iii) the extent to which road transport might be adversely affected and any representations which may be made in that behalf;
  - (iv) the extent to which the proposed service is necessary or desirable in the public interest;
- (b) in the case of a taxi licence, the needs and interests of the public generally, including those of persons requiring a taxi service, as well as those providing facilities for the conveyance of passengers.
- (3) Where the application is in order, the Authority shall cause a notice of the application to be published in—
- (a) the *Gazette* and 2 daily newspapers; and
  - (b) such other manner as the Authority thinks fit,
- not less than 14 days before the public sitting at which the application is heard.
- (4) Notice of objections or other representations from—
- (a) persons already providing transport facilities along or near to the routes or in the area or any part of the area of which the application is made; or
  - (b) any local authority in whose area the services or any part thereof are to be provided;
  - (c) any member of the public within the area,
- stating the grounds on which they desire to object or make representations, shall be given in writing in accordance with such procedure as may be prescribed.
- (5) The Authority shall take into consideration any objections or other representations which may be made by—
- (a) persons who are already providing transport facilities, whether by means of road transport, or any other kind of transport along or near to the routes or in the area or any part of the area of which the application is made;
  - (b) any local authority in whose area the services or any part thereof are to be provided;
  - (c) any member of the public within the area.
- (6) The onus of proving that there are grounds for an objection shall lie on the objector.

(7) The Minister may, either of his own motion or at the request of any person interested or affected, at any time by regulations lay down or vary fixed rates and fares for any service on any route or in any area, or fix or vary the maximum or minimum rates and fares for any service.

**76B. Contract car, school-owned bus, employees' bus, private bus, school (hired) bus and tourist bus licences**

(1) Any person applying for a contract car, a school-owned bus, an employees' bus, a private bus, a school (hired) bus or a tourist bus licence shall submit to the Authority on a form to be approved by the Commissioner the following particulars as appropriate—

- (a) particulars of the number and type of vehicle to be used;
- (b) address from which it is intended to operate the vehicle in respect of which the application is made;
- (c) the hiring rates to be charged; and
- (d) a detailed feasibility of the project.

(2) The applicant specified in subsection (1) shall, together with his application, submit—

- (a) a certificate of morality;
- (b) such other document or information as the Authority may require.

**76C. Issue of public service vehicle licences**

(1) In deciding whether to grant or refuse a public service vehicle licence following an application made under section 76A or 76B, the Authority shall have regard to—

- (a) the reliability and financial stability of the applicant;
- (b) any previous convictions of the applicant for any offence under this Act;
- (c) the character generally of the applicant;
- (d) whether the applicant's main source of livelihood is or is intended to be derived from the business of operating public service vehicles;
- (e) where a person who holds or has held a public service vehicle licence, the manner in which he has operated the service authorised by the licence;
- (f) the number of vehicles in possession of the applicant.

(2) Subject to sections 76A and 76B and to regulations made by the Minister, the Authority may attach to a public service vehicle licence such conditions as it thinks fit—

- (a) with regard to matters to which it is required to take into consideration under section 76A (5) and, in particular, for ensuring that—
  - (i) fares charged do not exceed the prescribed fares;
  - (ii) copies of the fare table are carried and made available for inspection in vehicles;
  - (iii) wages, conditions of service and hours of employment are in accordance with particulars attached to the licence;
  - (iv) arrangements are made for the systematic complete maintenance of the vehicle;
  - (v) the authorised vehicle is used only in a specified district or between specified places or from a specified base or on specified roads;
- (b) to impose in the public interest or with a view to preventing uneconomic competition.

(3) Any person who uses, or causes or permits to be used on a road, a public service vehicle otherwise than under and in accordance with or fails to comply with the terms and conditions attached to the public service vehicle licence issued in respect of that vehicle shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 10,000 rupees.

#### **76D. Variation of licences**

The Authority may—

- (a) vary a public service vehicle licence on the application of its holder or of any person of a class of objector or on its own motion;
- (b) on its own motion, or otherwise at any time cancel a public service vehicle licence where it is satisfied that its holder is not providing an adequate or satisfactory service;
- (c) cancel or vary any of the conditions attached to a public service vehicle licence.

**76E. Suspension or revocation of public service vehicle licences**

(1) A public service vehicle licence may be refused or where it has already been granted, be suspended or revoked by the Authority if, having regard to—

- (a) the character or conduct of the applicant or the holder of the licence; or
- (b) the manner in which the vehicle is being or has been used,

it appears to the Authority that the applicant or the holder of the licence is not a fit and proper person to hold the licence.

(2) The Authority shall not issue a public service vehicle licence in respect of any vehicle or where such licence has already been issued, the Authority may suspend or revoke the licence if the vehicle does not comply with such conditions as to construction, fitness and equipment or otherwise as may be prescribed.

(3) Where a public service vehicle licence is suspended or revoked under subsection (1) or (2), the Commissioner shall cause seals to be affixed to the motor vehicle in case of revocation or during the period of suspension at such place as the registered owner or person in charge of the vehicle may indicate.

(4) Any unauthorised person who breaks the seals affixed under subsection (3), or causes, or permits, the seals to be broken shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 10,000 rupees.

**76F. Implementation of licences**

(1) Where, upon an application for a public service vehicle licence, the Authority grants the application, the applicant shall, not later than 6 months from the date on which the application was granted, take out a licence to operate the public service vehicle, subject matter of the application.

(2) Where an applicant fails to comply with subsection (1), the Authority may rescind its decision, unless the applicant has, on or before the expiry of the period of 6 months, applied to the Authority for an extension of time by giving reasonable grounds for his inability to operate the public service vehicle within the specified period.

(3) Where the Authority grants an application for an extension of time under subsection (2), the applicant shall operate the public service vehicle within a period fixed by the Authority

but not exceeding 6 months, failing which the Authority shall rescind its decision and no further request for an extension of the period shall be entertained.

**76G. Renewal of licences**

(1) A licence issued under section 76F may be renewed on application made by the holder of the licence 1 month prior to the date of expiry of the licence.

(2) Where an application for renewal is made after the expiry of the licence but within a delay of 15 days after the expiry, the Authority may renew the licence upon the payment by the holder of the licence of a surcharge of 50 per cent in addition to the renewal fee.

(3) A licence shall lapse if an application for its renewal is not made within the delay of 15 days of the expiry of the licence.

(4) Upon reasonable grounds shown to its satisfaction, the Authority may dispense the holder of a licence from renewing the licence for such period, not exceeding 6 months, as the Authority may determine.

**76H. Return of licences on change of ownership**

(1) Where during the currency of a licence in respect of a public service vehicle, the holder thereof ceases to be the owner of the vehicle to which it relates, he shall notify the Authority and return the licence to the Authority within 5 days for—

- (a) re-issue in case he intends to replace the vehicle by another one; or
- (b) cancellation in case he intends to stop providing the service authorised by the licence.

(2) Where a licence is returned to the Authority for re-issue under subsection (1) (a), the holder shall apply for re-issue within a period of 1 month of the date on which the licence was returned to the Authority failing which it shall lapse.

(3) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

**76J. Duty to return licence**

(1) Where a licence in respect of a public service vehicle, is suspended or revoked, the holder of the licence shall, within 5 days of the date of the communication of the notice of the suspension or the revocation, return the licence to the Authority for



retention or cancellation as the case may be, unless the holder has appealed to the Minister against its suspension or revocation.

(2) A notice under subsection (1) shall be delivered to the holder personally or addressed to him by registered post at his last or usual place of abode.

(3) The Authority shall, at the end of the period of suspension, return the licence to the holder unless the licence has expired.

#### **76K. Identification of public service vehicles**

(1) Every owner of a public service vehicle shall cause to be conspicuously displayed on the side panels of the vehicle such plates or markings as may be prescribed for the purpose of identifying the vehicle as a public service vehicle of the particular class it is licensed under this Part.

(2) Any person who contravenes subsection (1) shall commit an offence.

(3) Any person who falsely displays a plate or marking referred to in subsection (1) on any vehicle in respect of which the appropriate public service vehicle licence is not in force shall commit an offence.

(4) Any person committing an offence under subsection (1) or (2) shall, on conviction, be liable to a fine of not less than 2,000 rupees nor more than 5,000 rupees.

#### **76L. Special bus licence**

(1) The holder of a school-owned bus licence, an employees' bus licence, a private bus licence, a school (hired) bus licence, a stage bus licence or a tourist bus licence may apply to the Authority for a licence to use a bus for a purpose, other than those specified in section 75, for a specified journey and period.

(2) An application specified in subsection (1) shall, except in respect of a special bus licence for a funeral, be made at least 3 clear days before the licence is to be operative.

(3) The Authority may, after consideration, issue a special bus licence under this section subject to such conditions and to the payment of such fees, as may be prescribed.

### **6. Section 77A of principal Act amended**

Section 77A of the principal Act is amended in section (2), by deleting the words "section 77" and replacing them by the words "sections 76A, 76C, 76D and 76E".

**7. Section 77C of principal Act amended**

Section 77C of the principal Act is amended in section (2), by deleting the words "section 77" and replacing them by the words "sections 76A, 76C, 76D and 76E".

**8. Section 92 of principal Act amended**

Section 92 of the principal Act is amended in paragraph (a) by deleting the words ", road service licence".

**9. Section 95 of principal Act amended**

Section 95 of the principal Act is amended in—

- (a) paragraph (a), by deleting the words "road service licences, taxi licences, contract car licences and public carrier's licences" and replacing them by the words "stage bus licences and taxi licences";
- (b) paragraph (b), by deleting the words "road service licences, taxi licences, contract car licences" and replacing them by the words "public service vehicle licences".

**10. Section 96 of principal Act amended**

Section 96 of the principal Act is amended in subsection (1), in paragraph (a) by deleting the words "a road service licence".

**11. Section 96A of principal Act amended**

The principal Act is amended in subsection (1) by deleting the words "sections 76 (2) and (3)" and replacing them by the words "section 76E (1) and (2)".

**12. Section 143 of principal Act amended**

Section 143 of the principal Act is amended by adding after subsection (2), the following new subsection—

(3) In any proceeding under this section, the Court shall, besides the penalty provided under section 76, order that the driver be disqualified from holding or obtaining a driving licence for a vehicle of the same class for a period of not less than 6 months.

**13. – 14.** Amendments have been incorporated into Act 22 of 1963.

**15. Principal Act amended**

The principal Act is amended by deleting the words "road service licence" wherever they appear and replacing them by the words "stage bus licence".

**16. Transitional provisions**

Notwithstanding the provisions of this Act, any licence issued under a repealed section of the principal Act which has not expired prior to or on the date on which this Act comes into operation shall remain valid until the date of expiry of the licence.

**17. Commencement**

(1) This Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation for different sections of this Act.

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