

CHAPTER 534

VEHICLES

*Ordinances* AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO VEHICLES  
 Nos. 4 of 1916, OTHER THAN MOTOR VEHICLES.  
 13 of 1920,  
 29 of 1921,  
 20 of 1927,  
 17 of 1933,  
 22 of 1935,  
 61 of 1939,  
 38 of 1945,  
 3 of 1946,  
 29 of 1947,  
*Act*  
 No. 60 of 1961.

[1st January, 1917.]

CHAPTER I

PRELIMINARY

Short title. 1. This Ordinance may be cited as the Vehicles Ordinance.

Exclusion of mechanically propelled vehicles other than tram cars from certain provisions of the Ordinance. 2. Chapters II, III, VII and VIII of this Ordinance shall not apply to mechanically propelled vehicles other than tram cars.

property of the State, or of any Municipal Council, Urban Council, or Town Council.

4. On receipt of such application the proper authority shall satisfy himself that the said declaration is true, and that the vehicle in respect of which the licence is applied for is in good order and fit to be hired for the purpose intended, and thereafter shall issue to the owner of such vehicle a licence in one or other of such forms as may be prescribed. Proper authority to issue licence after inquiry.

CHAPTER II

LICENSING OF VEHICLES

Application for a licence. 3. The owner of every vehicle which shall be used for the purpose of conveying or transporting by land passengers, goods, produce, or merchandise from any place to any other place for hire or reward, shall subscribe and present to the proper authority of the province, district, town or village area within which such vehicle is ordinarily used or to be used a declaration of ownership in one or other of such forms as may be prescribed, and shall apply for a licence in one or other of such forms as may be prescribed authorizing such owner to use such vehicle for the purpose or purposes set out in the licence. Such declaration shall be exempt from stamp duty. This section shall not apply to any vehicle which is the

5. (1) Every such licence, or every renewal thereof, shall be made out in foil and counterfoil and on the counterfoil shall be affixed a stamp of such value as the Minister with the concurrence of the Minister in charge of the subject of Finance may, from time to time, direct by notification in the Gazette, such stamp to be supplied by the party applying for the licence; Licences to be made out in foil and counterfoil.

Provided that such value shall not exceed the rate applicable to such vehicle mentioned in the second column of the Schedule.

(2) Every such licence and every renewal thereof shall be in force until the thirty-first day of December of the year for which the same shall be granted ;

Provided that if on or before the thirty-first day of December in the year for which

[§ 30. 60 of 1961.]

the licence was granted the owner shall have applied for a new licence under section 13, the licence shall continue in force until the thirty-first day of March of the succeeding year, unless a licence for such succeeding year shall have been earlier issued ;

Provided further that if a new licence is issued before the expiration of the year of the existing licence, such existing licence shall cease to be in force, and the new licence shall be deemed to be in force from the date of its issue ;

Provided further that in the case of any vehicle licensed for the first time after the thirtieth day of June in any year, only half of the said annual stamp duty shall be payable in respect of such year.

(3) Each licence shall state the number of persons authorized to be carried, and in the case of carts the weight to be carried, and the number of animals to be carried therein.

6. The proper authority may, if to him it shall appear necessary, cause reference to be made to any grama seva niladhari or other person to ascertain the truth of any statement in any declaration of ownership, and to delay granting the licence until the result of such reference is ascertained.

7. The proper authority shall keep a book in which shall be registered all the particulars stated in the licences granted by him ; and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference. Any authenticated copy or extract from such register shall be deemed prima facie evidence of the facts therein stated.

8. (1) At the time when any vehicle is licensed or when the licence issued in respect thereof is renewed, the proper authority shall issue to the owner of that vehicle a plate to be fixed upon the vehicle as hereinafter provided. The plate shall have legibly painted or marked on it a number corresponding to the number mentioned in the licence of the vehicle ; and the year in which the licence is granted or renewed shall be indicated on the plate which shall be in a form to be approved by the Minister, by means of figures, letters, or colours of a size, form, or kind, also to be approved by the Minister. And no plate, figures, letters, or colours, not so approved, shall be used.

(2) The plate shall be fixed upon the vehicle in such a manner that the year indicated as in subsection (1) and the number shall be at all times plainly and distinctly visible.

(3) In the case of carts, the plate shall be fixed on the off or right side of the frame, opposite to and within the circumference of the wheel and in front of the axle, but the Minister may by regulation made under section 16 direct that in any specified part of Sri Lanka the plate may be fixed in some other position.

(4) The plate shall be kept and continued so fixed so long as the licence shall remain in force:

Provided that when any plate has during the period of the licence become indistinct or defaced by use or otherwise, the owner shall return the same to the proper authority, and shall be entitled, on making a payment of twenty-five cents, to receive a fresh plate, and the above provisions shall apply to such fresh plate. The proper authority may, on his being satisfied by affidavit that any plate has been lost or stolen, issue a fresh plate on the application of the owner of the vehicle and on payment by him of twenty-five cents, and the provisions of this section shall apply to such fresh plate.

(5) Any owner who fails to return as aforesaid any plate which has become indistinct or defaced shall be guilty of an offence, and shall be liable to the punishment prescribed by section 40 of this Ordinance.

9. The licence or any renewal thereof shall be retained by the owner of the vehicle. Custody of licence.

10. (1) In case any vehicle licensed as aforesaid shall be transferred to another by sale, gift, or otherwise, the transferor and transferee shall notify the same to the proper authority within fourteen days from the date of such transfer, in order that such transfer may be entered in the register and a new licence issued to the transferee, in exchange for the licence issued to the transferor. Notice of transfer to be given.

References to grama seva niladharis,

Register of licences.

Extract there from prima facie evidence.

Number plate to be issued at the time when any vehicle is licensed.

(2) Such new licence shall be on unstamped paper, and shall have the same duration as the licence issued to the transferor.

Notice to be given of vehicle destroyed or rendered unfit for use.

**11.** If any licensed vehicle shall be destroyed or rendered wholly unfit for use, the owner thereof shall within fourteen days notify the fact to the proper authority, in order that the number may be erased from the register, and shall at the same time return to the proper authority the licence issued for such vehicle, together with the plate placed and fixed upon such vehicle.

Proper authority may issue licence in place of one lost or destroyed.

**12.** The proper authority may, on his being satisfied by affidavit that any licence has been lost or destroyed by accident or otherwise, issue an exemption of the licence on the application of the owner of the vehicle.

New licence for the succeeding year.

**13.** (1) The owner of any licensed vehicle may apply to the proper authority on or before the thirty-first day of December of the year for which the licence was issued for the issue of a new licence for the following year, and when so applying shall return to the proper authority the licence held by him.

(2) On the receipt of such application the proper authority—

(a) shall issue a new licence and a plate in respect of such licence as provided for in section 8, and such plate shall be fixed on the vehicle as provided for in the said section; or

(b) if for any reason a new licence cannot be issued at once, shall deliver to the applicant a certificate in such form as may be ordered by the proper authority or prescribed by regulation under the Ordinance to the effect that a new licence has been applied for.

(3) On the issue of the new licence the owner shall return to the proper authority at the time of such issue the plate issued to him in respect of the expiring licence.

(4) If no such application shall have been made, the owner shall return to the proper authority the licence, together with the plate

issued to him in respect of such licence, within seven days after the expiration of the period for which the same were issued.

(5) The proper authority may dispense with the requirements of this section as to the return of the licence and the plate or either of them, if the non-return of such licence or the plate has been accounted for to his satisfaction.

**14.** No new licence shall be issued for any previously licensed vehicle under the provisions of this Ordinance unless and until the licence previously issued for such vehicle has been returned by the owner to the proper authority, or the non-return of such licence has been accounted for to the satisfaction of the proper authority.

New licence not to issue till previous licence has been returned.

**15.** (1) It shall be lawful for the proper authority to cancel, withdraw, or suspend the licence after the same shall have been issued, if the owner of any vehicle shall not keep the vehicle or the animals drawing it in good order and condition, or if such authority has reason to believe that the vehicle is out of repair and not fit to be used for the purpose for which it was licensed, or if the owner shall allow the same to be driven by any person not competent to drive by reason of want of skill or otherwise, or if such owner shall commit any breach of the provisions of this Ordinance or the regulations made thereunder.

Power to cancel, withdraw, or suspend licence.

(2) Whenever a licence is cancelled, withdrawn, or suspended under the provisions of this section, the owner of the vehicle shall return to the proper authority the licence and the plate issued to such owner within fourteen days from the date of such revocation.

CHAPTER III

REGULATIONS

**16.** (1) The Minister may, for any village area, town, place, district, or province of Sri Lanka, from time to time make, and when made revoke, amend, alter, or vary, such regulations as may seem necessary or expedient for the purpose of carrying out the provisions of this Ordinance.

The Minister may make regulations as to vehicles. [§ 30, 60 of 1961.]

(2) The regulations made under the last preceding subsection may provide among other things—

- (a) for regulating the number of persons to be carried in vehicles, and for the periodical inspection of the condition of such vehicles, animals, harness, and machinery used for drawing or propelling the same ;
- (b) for making from time to time marks on the hoof or otherwise of such animals as are to be used, and as are, in the opinion of the proper authority, fit to draw vehicles, and for the obliteration of any such marks in the case of animals ceasing, in the opinion of the proper authority or of any convicting court, to be fit to draw vehicles ;
- (c) for preventing the use of any animals not marked as aforesaid, or whose marks have been obliterated as aforesaid, to draw vehicles;
- (d) for regulating the weight of goods to be carried in vehicles, the limit of the height and width to which they can be loaded, and the space to be allowed for animals carried therein, and the overall width of vehicles;
- (e) for fixing public stands for vehicles, the distances to which such vehicles may be compelled to take passengers, and the persons to be in charge of such stands, the hours within which vehicles are to remain at the stands, and all other matters relating thereto;
- (f) for fixing the rates and fares for goods and passengers as well for time as distance to be paid for vehicles, and for securing the due publication of such fares;
- (g) for framing a table of distances for the purpose of any fare to be charged by distance;
- (h) for securing the safe custody and delivery of any property accidentally left in vehicles and fixing the charges to be paid in respect

thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a stated time;

- (i) for regulating the traffic in the roads and streets and for prohibiting vehicles being left or permitted to remain in any public road except for such time as shall be necessary only for loading and unloading goods and the taking up and setting down of passengers;
- (j) for regulating the manner in which notice may be given by the proper authority to any person under the provisions of this Ordinance ;
- (k) for licensing and registering the drivers of licensed vehicles;
- (l) for limiting the weight and speed of vehicles, and for preventing or restricting the use of vehicles upon any bridge, road, or street, or in any place where such may be attended with danger to the public, or may be likely to damage such bridge, road, or street;
- (m) for regulating the width of tyres of vehicles, and the nature and manner of use of the brakes on vehicles ;
- (n) for every other purpose which may be necessary or expedient for providing for the safety and comfort of passengers and of the public and for the safety of goods conveyed by licensed vehicles :

Provided always that nothing herein contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Minister by the last preceding subsection, but such powers shall extend to all matters, whether similar or not to those in this subsection mentioned, as to which it may be expedient to make regulations for the better carrying into effect of the objects of this Ordinance.

**17.** (1) The regulations when so made, altered, or amended shall be published in the Gazette, and shall thereupon become as legal, valid, binding, and effectual as if the

Regulations to be published in the Gazette.

same had been inserted in this Ordinance, and all courts, Judges, and Magistrates shall take judicial notice thereof.

(2) All such regulations shall be laid before Parliament if Parliament is in session within one month of such publication, and if not in session within one month of the commencement of the session next ensuing, and in either case they shall be on the table during four sittings at least of Parliament, and any regulation which has been disapproved by resolution of Parliament shall cease to have any force or effect.

Penalty for breach of regulations.

**\*18.** Any person committing a breach of any regulation made under section 16 shall be liable on summary conviction to a fine not exceeding twenty rupees for the first breach, and not exceeding fifty rupees for any subsequent breach, and in default of payment to simple or rigorous imprisonment not exceeding one month.

**CHAPTER IV**

**LIABILITIES OF OWNERS OF VEHICLES**

Liabilities of owners of vehicles.

**19.** The owner of every vehicle shall, in the absence of any special contract between him or the person in charge of such vehicle and any other party for the conveyance of goods, be liable for any loss of, or injury to, any goods, articles, or property whatsoever delivered to be carried therein for hire, which shall be occasioned by the neglect or misconduct of such owner, or of any driver, coachman, or other person or servant in his employ or in charge of any such vehicle, and such liability shall be deemed to continue in the person who, in the case of vehicles other than motor vehicles as defined by the Motor Traffic Act, shall have made the declaration of ownership hereto required unless and until he shall have given the notice of transfer required by section 10, or, in the case of motor vehicles as defined by the Motor Traffic Act, in the person registered as the owner of the motor vehicle under that Act, unless and until he shall have informed the Registrar of Motor Vehicles of the name and address of the new owner as required by that Act:

\* Primary Court has exclusive jurisdiction under Extraordinary No. 43/4 of 1979-07-02.

Provided, however, that nothing in this section contained shall be construed to limit or in anywise affect the liability of any such owner as a common carrier if he shall be such.

**20.** No such owner shall be liable for the loss of, or injury to, any article or articles or property of the descriptions following, that is to say, gold or silver coin of this or any other country, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or timepieces of any description, trinkets, bills of exchange, orders, promissory notes, or securities for payment of money, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, opium, silks in a manufactured or unmanufactured state, and whether or not wrought up into other materials, or lace, or any of them, contained in any parcel or package which shall have been delivered to be carried for hire, or to accompany the person of any passenger, when the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of fifty rupees, unless at the time of delivery thereof at the office, warehouse, or receiving house of such owner, or to such owner, or to his driver, coachman, book-keeper, or other servant, for the purpose of being carried or of accompanying the person of any passenger as aforesaid, the value and nature of such article or articles or property shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Not liable for loss of certain goods above fifty rupees unless delivered as such.

**21.** When any parcel or package containing any of the articles above specified shall be so delivered, and its value and contents declared as aforesaid, and such value shall exceed fifty rupees, it shall be lawful for the person receiving the same for carriage on hire to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse, or other receiving house

Increased rate of charges for such goods.

section 33 of the Judicature Act read with Gazette

where such parcels or packages are received for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering any such parcels or packages at any such office shall be bound by such notice without further proof of the same having come to their knowledge.

25. Where any such goods as are mentioned in section 20 shall have been delivered as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charge, if any, paid, and such goods shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover such increased charge so paid as aforesaid, in addition to the value of such goods.

Parties entitled to damages may also recover extra charges.

Carriers to give receipt.

22. Whenever any goods shall have been received for conveyance for hire by any such vehicle, whether the same be such goods as are mentioned in section 20 or other goods, the person receiving the same for carriage on hire shall, if thereto required when the rate of carriage shall have been paid, or an engagement to pay the same shall have been accepted, sign a receipt for the said goods setting out therein the name and residence of the owner; and if such receipt shall not be given when required, the person so receiving the same for carriage, in addition to any other liability which he may incur by such refusal, shall not have or be entitled to any benefit or advantage under section 20, and shall be liable to refund any increased rate of charge he may have received in respect of the goods specified therein, and shall further be liable to a fine not exceeding ten rupees.

26. Nothing in section 20 contained shall be deemed to protect the owner of any such vehicle from liability to answer for loss or injury to any goods or articles whatsoever arising from theft or fraudulent conduct of any coachman, driver, book-keeper, or other person or servant in his employ or in charge of any such vehicle, nor to protect any such coachman, driver, book-keeper, or other person or servant from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

Owner liable for thefts committed by his servants, &c.

Penalty in case of neglect.

27. No owner of any such vehicle shall be concluded as to the value of any goods whereof the value shall be declared in pursuance of section 20, but he shall in all cases be entitled to require from the party suing in respect of any loss or injury proof of the actual value of the said goods by the ordinary legal evidence; and such owner shall be liable to such damages only as shall be proved as aforesaid, not exceeding the declared value, together with the increased charges as aforesaid.

Owner liable to such damages only as proved.

No publication of notice to limit liability in respect of other goods to have effect.

23. No public notice or declaration by the owner of any such vehicle shall be deemed or construed to limit or in anywise affect his liability as aforesaid, for or in respect of any articles or goods to be carried and conveyed by him; but all and every such owner shall be liable to answer for the loss of, or any injury to, any articles and goods in respect whereof he may not be entitled to the benefits of section 20, any public notice or declaration by him made and given in anywise limiting such liability to the contrary notwithstanding.

Any owner may be sued

24. Any one or more of the owners of any such vehicle shall be liable to be sued by his or their name or names only; and no action or suit commenced to recover damages for loss or injury to any parcel, package, or person shall abate by reason of the non-joinder of any co-proprietor or co-partner in such vehicle.

28. Every box, basket, package, parcel, or other thing whatsoever, not exceeding fifty pounds weight, brought to any coach office or other place, and accepted by the owner of any coach, or by any other person in his employ for the purpose of being carried by any such coach, shall be despatched on the day and by the coach agreed upon, and every such box, basket, package, parcel, or other thing brought to any coach office or other place by any coach for the purpose of delivery at any place within four miles of such coach

Time within which parcels brought by coaches should be delivered.

CHAPTER V

DELIVERY OF GOODS

office or other place (except where the same shall be directed to be left till called for), shall be delivered according to the direction thereof within six hours after the arrival of any such box, basket, package, parcel, or other thing at such coach office or other place, unless such arrival shall be between the hours of five in the evening and seven in the morning; and in that case every such delivery shall be made within six hours after such hour in the morning, and in default thereof the owner of such coach shall for every such offence be liable to a fine not exceeding ten rupees.

**29.** Every box, basket, package, parcel, or other thing deliverable at places beyond four miles of such office or other place shall be delivered within forty-eight hours after the arrival of such coach, and in default thereof the owner of such coach shall for every such offence be liable to a fine not exceeding ten rupees.

**30.** Every such box, basket, package, parcel, or other thing brought to such coach office or other place, which shall be directed to be left till called for, shall, upon the demand of the person duly authorized to receive the same, be delivered to such person without any charge or demand whatsoever, other than what is justly due for the carriage thereof and the additional sum of eight cents for the warehouse room thereof; and if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, every keeper of such coach office or other place shall for every such offence be liable to a fine not exceeding ten rupees;

Provided, nevertheless, that if such box, basket, package, parcel, or other thing so directed to be left till called for be not called for from such coach office or other place before the end of one week after the same is brought to such coach office or other place, it shall be lawful to and for the keeper of such coach office or other place to charge and receive the further sum of twelve cents for the warehouse room thereof, and so in like manner if the same be not sent for before the end of the second or any subsequent week, to charge the further sum of twelve cents weekly.

**31.** If any such box, basket, package, parcel, or other thing brought to such coach office or other place as aforesaid which is not directed to be left till called for shall, before the same is sent for delivery from such coach office or other place, be demanded by any person duly authorized to receive the same, such box, basket, package, parcel, or other thing shall be thereupon delivered to such person demanding the same, and it shall in such case be lawful to and for the keeper of such coach office or other place to charge and take the sum justly due for the carriage thereof, and also the sum of eight cents for the warehouse room thereof, but if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, the keeper of such coach office or other place shall for every such offence be liable to a fine not exceeding ten rupees.

**32.** The keeper of any coach office or other place to whom any box, basket, package, parcel, or other thing whatsoever not exceeding fifty pounds weight is brought by any licensed coach or any labourer or other person employed by the keeper of any such coach office or other place as aforesaid in the delivery of any such box, basket, package, parcel, or other thing as aforesaid, shall be entitled to ask, demand, receive, and take in respect of such delivery, the sums hereinafter mentioned, that is to say—

- (a) for any distance not exceeding one mile the sum of sixteen cents;
- (b) for any distance exceeding one mile, but not exceeding two miles, the sum of twenty-five cents ;
- (c) for any distance exceeding two miles, but not exceeding three miles, the sum of thirty-seven cents;

and so in like manner the additional sum of twelve cents for every further distance not exceeding a mile.

**\*33.** If any labourer or other person employed in the delivery of such boxes, baskets, packages, parcels, or other things

Parcels not directed to be left till called for.

Rate of labourer's hire for parcels not exceeding fifty pounds.

Penalty on taking more than the above rates.

\* Primary Court has exclusive jurisdiction under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.

Parcels, &c., to be delivered within forty-eight hours if distance be beyond four miles.

Parcels directed to be left till called for.

as aforesaid shall ask or demand of or from any person or persons in respect of such delivery any greater sum or sums than the rates or prices hereinbefore fixed in that behalf, such labourer or other person shall for every such offence be liable to a fine not exceeding five rupees.

Goods sent by carts to be delivered within twenty-four hours.

\* 34. All goods and merchandise sent by any cart for the purpose of delivery at any place within Sri Lanka, shall, in the absence of any special contract to the contrary, be delivered according to the direction thereof within twenty-four hours after the arrival of any such cart at the place of delivery; and in default thereof the owner of such cart shall forfeit and pay for every such offence any sum not exceeding ten rupees.

CHAPTER VI

GENERAL

Lighting of vehicles.

35. No person shall ride, drive, or lead, any vehicle along any public road, street, or thoroughfare between quarter of an hour after sunset and quarter of an hour before sunrise, unless there shall be attached to such vehicle, in the case of a bicycle, tricycle, wheelbarrow, or other like vehicle, one lamp. and in the case of all other vehicles two lamps, which shall be—

- (a) so constructed as to throw a white light in the direction in which the vehicle is proceeding and a red light in the opposite direction ;
- (b) so placed, in the case of vehicles to which two lamps are required to be attached, one on each side of the vehicle, as to show the width of the vehicle;
- (c) lighted and kept alight so as to afford adequate means of indicating the movement and position of the vehicle:

Provided, however, that the provisions of this section shall not apply to mechanically propelled vehicles.

Warning of the approach or position of vehicle to be given.

36. Audible and sufficient warning of the approach or position of every vehicle shall be given, whenever necessary for safety, by sounding an efficient instrument,

\* Primary Court has exclusive jurisdiction under Extraordinary No. 43/4 of 1979-07-02.

but such instrument shall not be unnecessarily sounded so as to be a nuisance to any person.

37. No person under the age of seventeen shall ride, drive, or lead any vehicle other than a bicycle or tricycle not mechanically propelled, or a wheelbarrow, along the public road, and the burden of proving that he is seventeen shall lie on the person charged under this section. Persons under seventeen not to drive.

38. (1) In this section, unless the context otherwise requires, " traffic " includes bicycles, tricycles, motor vehicles, tram cars, vehicles of every description, processions, and bodies of troops, and all animals being ridden, driven, or led, and " overtaking " includes passing or attempting to pass any other vehicle proceeding in the same direction. Rules of the road.

(2) Traffic meeting or being overtaken by other traffic shall be kept to the left or near side of the road. Traffic overtaking other traffic shall be kept on the right or off side of such other traffic :

Provided that a tram car or an animal being led or driven may be passed or overtaken on whichever side is the safer.

(3) Traffic being overtaken by other traffic shall be moved so as to allow such other traffic to pass.

(4) Traffic shall not be moved alongside of, overlapping, or so as to overtake other traffic proceeding in the same direction, if by so doing it obstructs any traffic proceeding in the opposite direction.

(5) Traffic shall not be moved so as to cross or commence to cross or be turned in a highway if by so doing it obstructs any traffic.

(6) Traffic proceeding from one highway to another highway shall not be moved so as to obstruct any traffic on such other highway.



(7) Traffic proceeding from a place which is not a highway into a highway, or from a highway into a place which is not a highway, shall not be moved so as to obstruct any traffic on the highway.

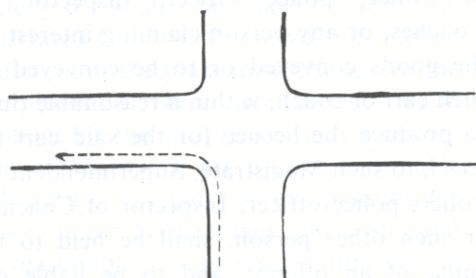
(8) Where two or more highways intersect, regulations may declare which highway is to be considered the main road, and in such case traffic turning into or crossing the main road shall not be moved so as to obstruct any traffic on the main road :

Provided that the prescribed form of warning notice shall always be exhibited.

(9) Traffic shall not be moved so as to overtake other traffic, unless there is a clear and unobstructed view of the road ahead.

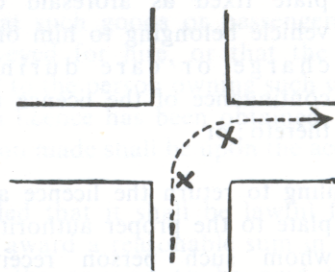
(10) For the purposes of this section traffic obstructs other traffic if it causes risk of accident thereto.

(11) Unless otherwise directed by a police officer on duty, traffic turning into another highway to the left shall be kept close to the left hand side of the road, thus :



(12) Unless otherwise directed by a police officer on duty, traffic turning into another highway to the right shall where practicable

be moved as indicated in the following diagram :



(13) Notwithstanding anything contained in this section, it shall be the duty of a person in charge of any traffic to take such action as may be necessary to avoid an accident, and the breach by a person in charge of any traffic of any provision of this section shall not exonerate any other person in charge of any traffic from the duty imposed on him by this subsection.

39. The driver or owner of a motor vehicle shall not be prosecuted for the contravention of any provision of this Chapter with respect to a motor vehicle.

Exclusion of motor vehicles from this Chapter.

## CHAPTER VII

### OFFENCES

\* 40. Any person committing a breach of sections 36, 37, or 38, or—

Penalties for commission of certain acts.

- (1) wilfully making a false declaration of ownership under section 3 ; or
- (2) using or permitting or suffering to be used any vehicle required to be licensed under this Ordinance without having obtained a licence therefor, or for any purpose or purposes not set out in such licence or after the period during which such licence shall be in force ;
- (3) neglecting or omitting to fix the plate issued under section 8 in such manner that the number thereon shall at all times be plainly and distinctly visible, and in the case of

\* Primary Court has exclusive jurisdiction—See Section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.

carts, in the position prescribed by section 8 or by any regulation under section 16; or failing to keep such plate fixed as aforesaid on any vehicle belonging to him or in his charge or care during the continuance of the licence relating thereto; or

(4) failing to return the licence and the plate to the proper authority from whom such person received it within the time specified in section 13, or within seven days after such person has ceased to be the owner of the vehicle in respect of which the same were issued ; or

(5) suffering the plate issued under section 8 to remain fixed on any vehicle after the licence with which such plate was issued shall cease to be in force; or

(6) failing to give notice or wilfully giving a false notice of transfer to another of any licensed vehicle, or of such vehicle having been destroyed or rendered wholly unfit for use, or to return the licence and the plate to the proper authority as required by section 11; or

(7) using between quarter of an hour after sunset and quarter of an hour before sunrise any vehicle without having affixed thereto the lighted lamp or lamps as required by section 35,

shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment not exceeding six months.

Further penalties in case of licensed vehicle.

**41.** Any owner or person having the charge or care of any licensed vehicle committing any of the following acts shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees:—

(a) permitting or suffering more passengers to enter a licensed vehicle than such vehicle is

authorized by its licence to carry, or permitting or suffering a greater weight or more animals to be carried than such vehicle is authorized by its licence to carry;

(b) employing or suffering or permitting to be employed any incompetent person to drive a licensed vehicle.

**42.** Any owner or person having the charge or care of any licensed vehicle committing any of the following acts shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees:—

Further penalty in case of licensed vehicle.

(a) refusing without reasonable cause (the proof of which shall rest on him) to let such vehicle to any person desirous of hiring the same for the legal fare allowed by any regulations issued under the authority of this Ordinance ; or

(b) exacting or demanding for the hire thereof more than the proper fare allowed by such regulations.

**43.** Any owner or person having the charge or care of any licensed cart or coach refusing or neglecting, after being thereunto required by any Magistrate, Superintendent of Police, police officer, Inspector of Coaches, or any person claiming interest in the goods conveyed or to be conveyed in such cart or coach, within a reasonable time to produce the licence for the said cart or coach to such Magistrate, Superintendent of Police, police officer, Inspector of Coaches or such other person, shall be held to be guilty of an offence, and to be liable on conviction to a fine not exceeding fifty rupees for the first offence, and for the second and every other offence to a fine not exceeding one hundred rupees, and the said cart or coach, and every ox, horse, or other animal used for drawing the same, shall in every such case of a second or subsequent offence be forfeited, if the court before which such conviction shall take place shall so adjudge.

Further penalties in respect of licensed carts or coaches.

Misbehaviour of person in charge of vehicle.

\* 44. If any person having the charge or care of any vehicle—

(a) shall drive the same on any public thoroughfare, street, or road recklessly or negligently, or at a speed or in a manner which is likely to endanger human life, or to cause hurt or injury to any person or animal or damage to any vehicle or to goods or persons earned thereon, or which would be otherwise than reasonable and proper having regard to all the circumstances of the case, including the nature and use of the public thoroughfare, street, or road, and to the amount of traffic which is actually on it at the time, or which may reasonably be expected on it;

(b) shall be in a state of intoxication while driving such vehicle, or while in charge of it on a public thoroughfare, street, or road,

he shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding fifty rupees, or to imprisonment, simple or rigorous, for any period not exceeding three months.

Penalty on person refusing to pay hire or defacing or injuring any vehicle.

45. If any person shall refuse or omit to pay to the proprietor or other person authorized to recover the same the sum justly due for the hire of a vehicle, or shall deface or in any manner injure any such vehicle, it shall be lawful for the Magistrate's Court or Primary Court having jurisdiction in the place in which any of the acts aforesaid were committed, upon complaint of the proprietor and summary proof of the facts, to award reasonable satisfaction to the party so complaining for his fare or for his damages and costs, and also reasonable compensation for loss of time in attending to make and establish such complaint; and upon the neglect or refusal of such defaulter or offender to pay the same it shall be recovered as if it were a fine imposed by such court.

Proof of licence to be on the accused.

46. If in any prosecution or proceeding under this Ordinance any question shall arise as to whether a licence has been obtained,

or whether any vehicle has been used for the conveyance of any goods or passengers for hire without a licence, or as to whether any declaration of ownership has been made, the proof that such goods or passengers were not conveyed for hire, or that the goods belonged to the person owning such vehicle, or that a licence has been obtained, or the declaration made shall be upon the accused :

Provided that it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused to be paid by any person who may have made a vexatious complaint, and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

47. The court before which the prosecution or proceeding is taken may award any share of the fines actually recovered and realized not exceeding one-half to be paid to the informer.

Informer's share of penalty.

48. No prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by a Magistrate's Court or Primary Court, unless the same shall be commenced within three months from the time of the commission of such offence.

Limitation of prosecution.

## CHAPTER VIII

### APPROPRIATION OF STAMP DUTY OR TAX AND INTERPRETATION

49. (1) Where any vehicle in respect of which stamp duty or tax is payable under this Ordinance is ordinarily used or to be used within any of the limits enumerated in the schedule to this section, such stamp duty or tax shall be payable and shall be disposed of in accordance with the said schedule :

Appropriation of stamp duty or tax.

Provided that no owner of a vehicle shall be required to pay any stamp duty or tax more than once in respect of any one year for the same vehicle.

(2) In case any question shall arise as to the authority to which the said stamp duty

\* Primary Court has exclusive jurisdiction — See section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.

or tax is payable, such question shall be referred to the Minister for decision, and the decision of the Minister shall be final.

(3) Any provision for the disposal of such stamp duty or tax contained in any enactment relating to the powers and duties of any local authority which is inconsistent with any of the provisions of this section is hereby repealed.

SCHEDULE

Limits	Authority to whom Stamp Duty or Tax is payable	Funds to which Stamp Duty or Tax is to be credited
Municipal town	Mayor of the Municipal Council	Municipal Fund.
Urban Council	Chairman of the Urban Council	Local fund.
Town Council	Chairman of the Town Council	Local fund.
Any other Limits	The Government Agent	The Consolidated Fund.

Interpretation. **50.** In this Ordinance, unless the context otherwise requires—

"carriage" means every vehicle other than a cart,

"cart" means every vehicle drawn by a bullock or bullocks;

"coach" means any vehicle which plies for hire in any public street, road, or place in which the passengers or any of them are charged and pay separate and distinct, or at the rate of separate and distinct, fares for their respective places or seats therein, and include mail coaches whether mechanically propelled or not, and tram cars;

"highway" includes every place over which the public have a right of way or to which the public or any part of the public are granted access, and every place where the traffic thereon is regulated by a police officer;

"proper authority" shall mean within any administrative district the Government Agent thereof, or any officer authorized in writing by the Government Agent to act as such within such district, but in any town or village area where a Municipal Council, Urban Council, Town Council or Village Council has been established, or may hereafter be established, the Mayor or Chairman of such Council; [§ 30, 60 of 1961.]

"vehicle" includes carriages, carts, coaches, tram cars and mechanically propelled vehicles, and every artificial contrivance used or capable of being used as a means of transportation on land.

[Section 5.]

SCHEDULE

STAMP DUTY

1. For vehicles other than those mechanically propelled :-

	Rs. c.
For every carriage drawn by a horse or horses	15 0
For every cart drawn by two bullocks	5 0
For every cart drawn by one bullock	3 0
For every jinricksha	6 0
For every coach, Rs. 2 for each passenger it is licensed to convey.	

2. For every tram car, Re. 1 for each passenger whom it is licensed to convey.

3. For every vehicle not enumerated above, such rate as the Minister with the concurrence of the Minister in charge of the subject of Finance may fix by regulation.