



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SRI LANKA TRANSPORT BOARD
ACT, No. 27 OF 2005**

[Certified on 15th September, 2005]

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Sri Lanka Transport Board Act, No. 27 of 2005

[Certified on 15th September, 2005]

L.D. —O. 31/2005.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA TRANSPORT BOARD; TO PROVIDE FOR THE REPEAL OF THE SRI LANKA TRANSPORT BOARD LAW, NO. 19 OF 1978 AND FOR CONSEQUENTIAL AMENDMENTS TO THE NATIONAL TRANSPORT COMMISSION ACT, NO. 37 OF 1991; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.”;

WHEREAS the Motor Transport Act, No. 48 of 1957, which established the Ceylon Transport Board, was repealed by the Sri Lanka Central Transport Board Law, No. 19 of 1978, which in turn established the Sri Lanka Central Transport Board and Nine Regional Transport Boards to whom the task of providing transport services was entrusted:

Preamble.

AND WHEREAS the National Transport Commission Act, No.37 of 1991 established the National Transport Commission which was charged with the task of regulating the transport services which were being provided by the Sri Lanka Central Transport Board and the Peoplised Companies which were formed by the conversion of certain Regional Transport Boards into companies in terms of section 2 of the Conversion of Public Corporations or Government Owned Business Undertakings into Public Companies Act, No. 23 of 1987:

AND WHEREAS consequent to the enactment of the National Transport Commission (Amendment) Act, No. 30 of 1996, the Vavuniya Peoplised Passenger Transport Services Ltd. and the Amalgamated Peoplised Bus Companies were formed in terms of section 46A of the National Transport Commission Act, No.37 of 1991 for the provision of transport services. The Northern Regional Transport Company Ltd. formed in terms of section 2 of the Conversion of Public Corporations or Government Owned Business Undertakings into Public Companies Act, No. 23 of 1987 was also mandated to provide transport services :

AND WHEREAS it has now become necessary to vest the Sri Lanka Transport Board established by this Act with all the assets and liabilities and rights and obligations of the aforesaid companies and to provide for the dissolution of the Sri Lanka Central Transport Board established under the Transport Board Law, No.19 of 1978 along with the dissolution of the Northern Regional Transport Board and such number of Regional Transport Boards established under the aforesaid law and which have not subsequently been converted into public companies:

AND WHEREAS it is also required to take steps for the winding up of the Vavuniya Peoples Passenger Transport Services Ltd. and the Amalgamated Peoples Bus Companies formed in terms of section 46A of the National Transport Commission Act, No.37 of 1991 and the Northern Transport Company Ltd. formed in terms of section 2 of the Conversion of Public Corporations or Government Owned Business undertakings into Public Companies Act, No. 23 of 1987 :

AND WHEREAS it has become necessary to make provision for transport services to be cost effective and efficient by the amalgamation of the various service providing organizations and thereby centralizing the provision of all the related services under one unit.

NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

Short title and
date of
operation.

1. This Act may be cited as the Sri Lanka Transport Board Act, No. 27 of 2005 and shall come into operation on such date (hereinafter referred to as the “appointed date”) as the Minister may, by Order published in the *Gazette*, appoint.

PART I

SRI LANKA TRANSPORT BOARD

2. (1) There shall be established a Board which shall be called the “Sri Lanka Transport Board”(hereinafter referred to as “the Board”) and which shall consist of the following members:—

Establishment of
the Sri Lanka
Transport
Board.

(a) three *ex-officio* members, namely—

(i) a representative of the Secretary to the Ministry of the Minister in charge of the subject of transport, not below the rank of Senior Assistant Secretary;

(ii) the Secretary to the Ministry of the Minister in charge of the subject of Provincial Councils; and

(iii) a Deputy Secretary to the Treasury ; and

(b) four members appointed as Directors by the Minister (hereinafter referred to as the “appointed members”) from among persons who are professionally qualified in the fields of transport, management, law, finance or engineering.

(2) The Minister shall from amongst the appointed members of the Board appoint a person to be the Chairman of the Board.

(3) Every appointed member shall hold office for a period of three years, unless he vacates, or is removed from, office earlier. An appointed member who vacates office by effluxion of time shall be eligible for reappointment.

(4) If any appointed member is temporarily unable to discharge the duties of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act as member in his place.

(5) A member may resign from the Board by letter addressed to the Minister. The Minister may, if he thinks it expedient to do so, remove an appointed member from office for reason stated.

Quorum for and procedure at meeting of the Board.

3. The quorum for any meeting of the Board shall be four. An *ex-officio* member shall at all times be one of the four members comprising the quorum. Subject to the other provisions of this Act, the Board may regulate its procedure in regard to the meetings of the Board and the transaction of business at such meetings.

Vacancy among members not to invalidate acts of the Board.

4. Any act or proceeding of the Board shall not be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of any of its members.

Remuneration of members of the Board.

5. The members of the Board shall be remunerated in such manner and at such rates as the Minister may, in consultation with the Minister in charge of the subject of Finance, determine.

Seal of the Board.

6. (1) The common seal of the Board shall be in the custody of such person as the Board may decide from time to time.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The seal of the Board shall not be affixed to any instrument or document except in the presence of two members of the Board one of whom shall be an *ex-officio* member of the Board, both of whom shall sign the instrument or document in token of their presence.

(4) The Board shall maintain a register of the instruments or documents to which the seal of the Board is affixed.

7. (1) In the exercise, discharge and performance of its powers, functions and duties, the Board shall be subject to, and act in accordance with, such general or special directions as the Minister may from time to time issue in relation to any matter that appears to him to affect the national interest or efficient administration of the Board.

Minister's direction to the Board.

(2) The Minister may, from time to time, order all or any of the activities of the Board to be investigated and reported upon by such person or persons as he may specify and, upon such order being made, the Board shall afford all such facilities, and furnish all such information, as may be necessary to carry out the order.

(3) The Minister shall, in issuing directions under subsection (1) with regard to any matter affecting the functions assigned to any other Minister, act in consultation with that Minister.

8. (1) The Board may delegate to any member of the Board or to any employee of the Board any of its powers or duties other than those specified in paragraphs (a) and (b) of subsection (1) of section 10 and paragraphs (b), (j), (k) and (l) of subsection (1) of section 11.

Delegation of duties, functions and powers by the Board.

(2) Every person to whom any power or duty has been delegated under subsection (1) shall exercise or perform the power or duty so delegated to him subject to the general or special directions of the Board.

9. (1) There shall be established an Advisory Committee for the purpose of this Act.

Central Advisory Committee.

(2) The Advisory Committee shall consist of—

- (a) a Deputy Secretary to the Treasury nominated by the Secretary to the Treasury;
- (b) an Additional Secretary to the Ministry of the Minister in charge of the subject of Transport;

- (c) the following four representatives nominated by their respective Institutions—
 - (i) Institution of engineers, Sri Lanka;
 - (ii) Ceylon Chamber of Commerce;
 - (iii) Chartered Institute of Logistics & Transport;
 - (iv) National Transport Commission; and
 - (d) three other members to be appointed by the Minister in consultation with employees.
- (3) The functions of the Advisory Committee shall be—
- (a) to make recommendations to the Minister in charge of the subject of Transport on the appointment and removal of the appointed members;
 - (b) to advise the Board on all matters referred to it by the Minister or the Board which he or it considers necessary or expedient for the purpose of giving effect to the provisions of this act including on the Annual Plan referred to in section 10;
 - (c) to make recommendation to the Minister pertaining to the efficient administration of the Board.
- (4) The Advisory Committee shall regulate its own affairs.
- (5) The quorum of an Advisory Committee Meeting shall be three and the Advisory Committee shall elect one of its members as Chairman.
- (6) Every appointed member shall hold office for three years unless he earlier vacates office by resignation, removal or death. A member appointed to the Advisory Committee who vacates office by the expiration of his term of office shall be eligible for reappointment.

(7) A member appointed to the Advisory Committee may resign from office by a letter addressed to the Minister.

(8) Where a member appointed to the advisory Committee becomes by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another person to act in place in terms of subsection 2.

PART II

DUTIES AND POWERS OF THE BOARD

10. (1) It shall be the duty of the Board—

Duties of the Board.

- (a) to provide in consultation with the National Transport Commission and relevant Provincial Transport Authorities an efficient regular omnibus service which is efficient and effective ensuring economic viability;”;
- (b) in order to achieve the above objective, the Board shall prepare an annual plan embodying its proposals identifying the manner in which implementation is to be carried out, along with the identification of the relevant stakeholders responsible for the different proposals and the likely time frames involved in the implementation of the entire plan. An annual budget in relation to the Annual Plan shall also be prepared accordingly;
- (c) to conduct the business of the Board in such a manner that the entire operations of the Board will be conducted and maintained in order to ensure viability of such operations to the maximum extent possible;
- (d) to implement any other scheme or service in the transport sector, that will enhance the quality of public transport.

(2) Nothing in this section shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which the Board would not otherwise be subject.

Powers of the Board.

11. (1) The Board may exercise all or any of the following powers :—

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge, and sell or otherwise dispose of, any movable or immovable property;
- (b) to employ such officers and servants as may be necessary for carrying out the work of the Board;
- (c) to do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated, including the provision by the Board and the assistance of the provision by others, of facilities for training persons required to carry out the work of the Board;
- (d) to provide welfare and recreational facilities, houses, hostels and other like accommodation for persons employed by the Board;
- (e) to construct, manufacture, purchase, maintain and repair such other equipment as may be required for the purpose of the business of the Board;
- (f) to provide for passengers transported by the Board such amenities as shelters or stations;
- (g) to undertake carriage of newspapers, mails, parcels or other postal articles for payment;
- (h) to endeavour to provide occasional omnibus services along routes considered by the Board to be impracticable or difficult;

- (i) to provide and maintain places at which omnibuses of the Board may be halted;
- (j) to enter into and perform all such contracts as may be necessary for the performance of the duties and the exercise of the powers of the Board;
- (k) to make rules in respect of the administration of the affairs of the Board; and
- (l) to do all other things which in the opinion of the Board are necessary to facilitate the proper carrying on of its business.

12. The Chairman of the Board shall be the Accounting Officer of the Board.

The Accounting Officer of the Board.

13. The Board shall appoint a person to be the Chief Executive Officer of the Board who shall be a full time officer charged with the responsibility of the management of the affairs of the Board and the proper administration of all matters relating to and arising out of the powers and duties of the Board. The Chief Executive Officer shall receive such remuneration and other benefits as may be determined by the Board.

Appointment of a Chief Executive Officer.

14. (1) At the request of the Board any officer in the public service may, with the consent of that officer and of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or with like consent be permanently appointed to such staff.

Appointment of Public Officers to the staff of the Board.

(2) Where any officer in the public service is temporarily appointed to the staff of the Board, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to, and in relation to, such officer.

(3) Where an officer in the public service is permanently appointed to the staff of the Board, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to, and in relation to, such officer.

(4) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, and any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations to such contract.

Officers and servants of the Board deemed to be public servants.

15. All officers and servants of the Board shall be deemed public servants within the meaning and for the purposes of the Penal Code.

Board to be a scheduled institution within the meaning of the Bribery Act.

16. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

Acquisition of immovable property under the Land Acquisition Act for the Board.

17. (1) Where any immovable property is required to be acquired for the purposes of the business of the Board, and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired compulsorily under the Land Acquisition Act and be transferred to the Board.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Board shall be paid by the Board.

18. (1) Where any immovable property of the State is required for the purpose of the business of the Board, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Board.

State property both movable and immovable to be made available to the Board.

(2) Where any movable property of the State is required for the purpose of the Board, the Minister may, by Order published in the Gazette, transfer to and vest in the Board the possession and use of that property.

19. (1) the Board may with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting its obligations or discharging its duties under this Act:

Borrowing powers of the Board.

Provided, that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Board under this subsection shall not at any time exceed such sums as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

(2) The Board may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money otherwise than by way of temporary loan under subsection (1) for all or any of the following purposes :—

- (a) the provision of working capital;
- (b) the provision of money for meeting any expenses incurred in connection with any permanent work or other thing the cost of which is properly chargeable to capital;
- (c) the provision of any money required for the purpose of paying any compensation under this Act which is payable in cash by the Board;

- (d) the redemption of any loan raised by the Board;
- (e) any other purpose for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under subsection (1).

(3) The Board may, with the consent of the Minister given with the concurrence of the Minister in charge of the subject of Finance, borrow money for any of the purposes mentioned in subsection (1) in any manner, as the Board considers fit in the circumstance.

Investment of funds of the Board.

20. Any funds of the Board which are not immediately required for the purpose of the business of the Board may be invested in such manner as the Board thinks proper.

PART III

FINANCE

Reserves.

21. (1) The Board shall in Order to ensure the financial stability of the undertakings of the Board establish and maintain —

- (a) a depreciation reserve to cover the depreciation of movable and immovable property of the Board; and
- (b) a general reserve.

(2) The sums to be carried from time to time to the credit of each of the reserves specified in subsection (1) shall be as the Board may determine.

(3) The application of the moneys comprised in the reserves of the Board shall be as that Board may determine.

22. (1) The revenue of the Board shall be applied in defraying the following charges and shall be so applied in the order of priority set out hereunder :—

Application of the revenue of the Board.

- (a) the working and establishment expenses (including where applicable, allocation to the depreciation reserve), in connection with the exercise and performance of the powers and duties chargeable to revenue account of the Board;
- (b) the interest on any temporary loan raised by the Board;
- (c) the sum required to be transferred to any sinking fund or redemption fund; and
- (d) the interest on and the repayment of the principal of any Government loan.

(2) The surplus of the revenue of the Board in any year, which remains after the charges mentioned in subsection (1) have been satisfied, shall be allocated to the general reserve of the Board.

23. The Financial year of the Board shall be the calendar year.

Financial year.

24. The provisions of Article 154 of the Constitution shall apply to the audit of the accounts of the Board.

Audit.

25. Unless otherwise specially provided for by this Act, the provisions of Part II of the Finance Act, No. 38 of 1971, shall, *mutatis mutandis*, apply to the financial control and accounts of the Board.

Application of the provisions of the Finance Act, No. 38 of 1971.

PART IV

OFFENCES

Offences.

- 26.** (1) Any passenger in any omnibus of the Board—
- (a) who evades the payment of the fare due from him;
 - (b) who wilfully refuses or neglects on arriving at his destination, to quit that omnibus, hiring car or ferry;
 - (c) who uses or makes any obscene, indecent or offensive language or gesture or behaves in any manner likely to annoy or insult any person;
 - (d) who wilfully spoils any part of, such omnibus;
 - (e) who smokes or carries any lighted pipe, cigar, cigarette or article for smoking in any part of such omnibus in which a notice prohibiting smoking is exhibited; or
 - (f) who throws out of such omnibus any bottle, liquid or other article or thing likely to annoy persons or to cause damage or injury to any person or property,

shall be guilty of an offence and shall, on conviction by a Magistrate be liable to a fine not less than two hundred and fifty rupees and not exceeding one thousand rupees:

Provided that a prosecution shall not be instituted against any person in respect of an offence under paragraph (a) if such person pays to any officer of the Board, authorized by the Board to receive such payments, a penalty of two hundred rupees together with double the fare due from him.

- (2) Any passenger in any omnibus of the Board who—
- (a) does not retain with him throughout the journey the ticket that is issued to him for that journey; or

- (b) fails or refuses to show or surrender such ticket when called upon to do so by the conductor of that omnibus or by any other person authorized by the Board in that behalf,

shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not less than two hundred and fifty rupees and not exceeding one thousand rupees:

Provided that a prosecution shall not be instituted or maintained in respect of an offence under this subsection against any such passenger if he pays to an officer of the Board authorized by the Board to receive such payment, a penalty of two hundred rupees together with twice the fare due from him for that journey.

(3) Any person—

- (a) who fraudulently uses or allows any other person to use any ticket issued by or under the authority of the Board;
- (b) who fraudulently imitates, alters, mutilates, defaces or destroys any such ticket;
- (c) who, without authority from the Board, sells, supplies or distributes, offers for sale or supply or distribution, any such ticket;
- (d) who without such authority prints what purports to be, or is capable of being used as, any such ticket;
- (e) who wilfully damages or defaces any omnibus, hiring car or ferry of the Board or any part of its equipment; or
- (f) who wilfully does or causes to be done with regard to any part of such omnibus or its equipment

anything which is calculated to obstruct or interfere with the working of the omnibus or causes any injury or discomfort to any person,

shall be guilty of an offence and shall on conviction by a Magistrate, be liable to a fine not less than two hundred and fifty rupees and not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(4) Any officer or servant of the Board who, without authority from the Board—

- (a) opens or otherwise tampers or interferes with any machine for the issue of tickets belonging to the Board; or
- (b) alters or tampers with any bill or receipt issued by the Board,

shall be guilty of an offence and shall on conviction by a Magistrate be liable to a fine not less than two hundred and fifty rupees and not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(5) Any person who travels as a passenger in any omnibus, hiring car or ferry of the Board without having a pass in his possession issued by the Board or without having purchased a ticket, shall be guilty of an offence and shall, on conviction by a Magistrate be liable to a fine not less than two hundred and fifty rupees and not exceeding one thousand rupees:

Provided that a prosecution shall not be instituted or maintained against any person in respect of an offence under this subsection if that person pays to any officer of the Board authorized in that behalf by the Board to receive such payments a penalty of two hundred rupees together with twice the fare due from him.

(6) Any person who contravenes or fails to comply with any provision of this Act or any regulation made thereunder for which no other punishment is expressly provided in this Act or the regulations, shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine not less than five hundred rupees and not exceeding one thousand five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(7) Where any person is prosecuted for an offence under this Act or any regulation made thereunder the burden of proving, where relevant, that he had purchased a ticket or that he had a valid pass in his possession shall lie on him.

(8) Any person who attempts to commit an offence under this Act or any regulation made thereunder shall be guilty of that offence.

27. Any person who commits any offence punishable under section 26 may be lawfully arrested, without any warrant or written authority, by any officer of the Board not below the rank of an inspector of the Board, or by any other person whom such officer may call to his aid or by any police officer, notwithstanding anything to the contrary in the Code of Criminal Procedure Act, and every person so arrested shall forthwith —

Arrest of
offenders.

- (a) be produced before a Magistrate to be dealt with according to law; or
- (b) where it is impracticable so to do, be handed over to the officer in charge of the nearest police station to be dealt with according to law:

Provided that an officer of the Board, not below the rank of an officer in charge of a depot or omnibus station of the Board may release that person on his executing a bond, with or without a surety as that officer may direct, to appear before a Magistrate's Court if and when he is so required to do.

PART V

GENERAL

Power of companies to enter into contracts with the Board

28. Any Company or other body of persons may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform all such contracts other than those relating to any handing over of transport services, with the Board necessary for the performance of the duties and the exercise of the powers of the Board.

Protection for action taken under this Act or on the direction of the Board

29. (1) No suit or prosecution shall lie —

(a) against the Board for any act which in good faith is done or purported to be done under this Act by the Board; or

(b) against any member, officer, servant or agent of the Board for any act which in good faith is done or purported to be done by him under the Act or on the direction of such Board.

(2) Any expense incurred by the Board in any suit or prosecution brought against the Board before any Court shall be paid out of the funds of the Board. Any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the funds of the Board.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any Court in respect of any act done or purported to be done by him under this Act or on the direction of the Board, shall, if the Court holds that the act was so done or purported to be done in good faith, be paid out of the funds of the Board unless such expense is recovered by him in such suit or prosecution.

30. No writ against person or property shall be issued against a member of the Board in any action brought against the Board.

No writ to issue against person or property of a member of the Board.

31. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of the following matters:-

- (a) any matter in respect of which regulations are authorized or required by this Act to be made;
- (b) guidelines and procedures for recruitment of officers and employees to various positions including the minimum qualifications;
- (c) matters to be included in the annual budget and the annual corporate plan; and
- (d) guidelines and procedures for procurement and disposal of assets.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of the publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation is so deemed to be rescinded shall be published in the *Gazette*.

PART VI

REPEAL AND TRANSITIONAL

Repeal. **32.** The Sri Lanka Transport Board Law, No. 19 of 1978 is hereby repealed.

Transitional provisions relating to employees property, contracts, rights, obligations and liabilities of, pending actions and application by or against, and unsatisfied decrees or awards in favour of or against, the Board.

- 33.** On the appointed date—
- (1) all officers and other employees in the employment of the Sri Lanka Central Transport Board, the Northern Regional Transport Board, the Regional Transport Boards, the Vavuniya Peoples Passenger Transport Services Ltd., the Amalgamated Peoples Bus Companies and the Northern Transport Company Ltd. on the day immediately preceding the appointed date shall be deemed to be employees in the service of the Board subject to terms and conditions not less favourable than the terms and conditions attaching to their employment under their respective institutions. The services of such employees shall not be terminated otherwise than in terms of their conditions of employment or through a Voluntary Retirement Scheme or on a disciplinary reason;
 - (2) all the movable and immovable property of the Sri Lanka Central Transport Board, the Northern Regional Transport Board, the Regional Transport Boards, the Vavuniya Peoples Passenger Transport Services Ltd., the Amalgamated Peoples Bus Companies and the Northern Transport Company Ltd. on the day immediately prior to the appointed date (including money in the funds of the respective institutions) shall vest in, and be the property of, the Board ;
 - (3) all such shares issued by the Vavuniya Peoples Passenger Transport Services Ltd., the Amalgamated Peoples Bus Companies and the Northern

Transport Company Ltd. in their respective institutions, for no consideration, to their employees or ex-employees and held by them on the day immediately prior to the appointed date shall vest in and be the property of Board established by section 2 of this Act, and such employees and ex-employees or any other person presently holding such shares, shall be compensated in respect of each such share at its par value, notwithstanding the fact that such share is presently below the par value;

- (4) all the contracts and agreements of the Sri Lanka Central Transport Board, Regional Transport Boards, the Vavuniya Peoples Passenger Transport Services Ltd., the Amalgamated Peoples Bus Companies and the Northern Transport Company Ltd. on the day immediately prior to the appointed date shall be deemed to be the contracts and agreements of the Board, and all subsisting rights, liabilities, including all Employees Provident Fund, Employees Trust Fund and gratuity liabilities, and obligations of the above entities under such contracts and agreements shall be deemed to be the rights, liabilities and obligations of the Board;
- (5) any action, application or appeal instituted or made by or against the Sri Lanka Central Transport Board, Regional Transport Boards, the Vavuniya Peoples Passenger Transport Services Ltd., the Amalgamated Peoples Bus Companies and the Northern Transport Company Ltd. in any Court or tribunal and pending on the day immediately prior to the appointed date shall be deemed to be an action, application or appeal instituted or made by or against the Board;
- (6) any decree or award entered or made by a Court or tribunal in any action, application or appeal instituted or made by or against the Sri Lanka Central Transport Board, Regional Transport Boards, the Vavuniya Peoples Passenger Transport Services

Ltd., the Amalgamated Peoples Bus Companies and the Northern Transport Company Ltd. and remaining unsatisfied in whole or in part on the day immediately prior to the appointed date shall be deemed to be a decree or award in favour of or against the Board, as the case may be, and may, subject to the provisions of the Civil Procedure Code, or any other enactment, in relation to the execution of a decree or award, be enforced by or against the Board.

Sinhala text to prevail in case of inconsistency

34. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation.

35. In this Act, unless the context otherwise requires—

“common time table” means a time table where the operating schedules of all buses on a given route are shown in a single panel;”;

“immovable property” means land and includes land covered with water, house, buildings and parts of houses and buildings; and

“omnibus” has the same meaning as in the Motor traffic Act.

PART VII

AMENDMENTS TO THE NATIONAL TRANSPORT COMMISSION ACT, NO. 37 OF 1991

Amendment of the preamble to Act, No.37 of 1991.

36. The National Transport Commission Act, No.37 of 1991 (hereinafter in this Part referred to as the “principal enactment”) is hereby amended in its Preamble as follows:-

(1) by the repeal of paragraph (a) and the substitution of the following paragraph therefor:-

“(a) to procure from competent State sector or private sector omnibus services to meet the

actual passenger demand on a scientifically determined common time table;” ;

- (2) by the substitution in paragraph (c) thereof, for the words “unremunerative routes;” of the words “non-remunerative routes, services and trips;”;
- (3) by the repeal of paragraph (d) and the substitution of the following paragraph therefor:-

“(d) to ensure healthy competition between providers of such services and to prevent unfair and unproductive competition;”;

- (4) by the addition after paragraph (d) the following new paragraph :—

“(e) to ensure safe and comfortable transportation by omnibus to the public.”.

37. Section 18 of the principal enactment is hereby repealed and the following new section is substituted therefor:—

Repeal and substitution of section 18 of the principal enactment.

“Registration on grant of passenger service permits.

18. (1) No person shall use an omnibus for carriage of passengers for a fee or reward or separate fare except under the authority of passenger service permit for the time being in force issued by the Commission or by a person authorized in that behalf.

(2) For the purpose of this section, the power to issue a permit to operate omnibus for the carriage of passengers between two or more Provinces shall be vested with the Commission.”.

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