1929.

Present: Drieberg J.

PILLAI *v.* MOSS.

293—P. C. Matale, 34,355.

Motor car—Licensed to Carry passengers—Employed to carry mails for hire—Breach of licence—Ordinance No. 20 of 1927, s. 80 (1).

Where a person employed a car, licensed to carry passengers other than for hire, for the purpose of carrying mails for hire,—

Held, that he was guilty of an offence under section 30 (1) of the Motor Car Ordinance, No. 20 of 1927.

A PPEAL from a conviction by the Police Magistrate of Matale.

E. H. T. Gunasekere, for accused, appellant.

June 11, 1929.   DRIEBERG J.—

The appellant has a contract with Government for the conveyance of mails, for which he is paid.   On the day in question he carried mail bags in car C 8670 to the Post Office.   This car belongs to his father and is licensed as a passenger car, other than a hiring car, for wholly or mainly carrying passengers.   The appellant was convicted under section 30 (1) of the Motor Car Ordinance, 1927, on a charge of using the car for a purpose not authorized by its licence, and he has appealed.

As the appellant received remuneration for the conveyance of the mails he must be regarded as having received hire for the use of the car on this day.

Counsel contended that even where a motor car is used for a purpose not authorized by its licence, no offence is committed under section 30 (1) unless such use is one for which a licence is required by the Ordinance: that the Ordinance makes no provision for the licensing of motor cars, other than lorries and tractors, for the carrying of goods for hire, a lorry being defined as a motor car constructed wholly or mainly for carrying goods or hauling another vehicle.

It is not necessary to consider whether a motor car not constructed for the carrying of goods can be used for the carrying of goods for hire without a licence for that purpose ; it is sufficient for the purposes of section 30 (1) that the car should have been used for a purpose other than for which it was licensed.

The appeal is dismissed.

Appeal dismissed.