Sri Lanka Legislative Drafting Workshops

Seidman, Robert B.

http://hdl.handle.net/2144/22400

Boston University
A STATUTE TO REGULATE ROAD PASSENGER TRANSPORT SERVICES WITHIN THE WESTERN PROVINCE; TO PROVIDE FOR THE ESTABLISHMENT OF AN AUTHORITY WITHIN THE WESTERN PROVINCE TO ENSURE THE SAFEST FEASIBLE, COMFORTABLE AND EFFECTIVE ROAD PASSENGER TRANSPORT SERVICES; TO SPECIFY POWERS, DUTIES AND FUNCTIONS OF SUCH AUTHORITY; TO PROVIDE FOR MATTERS CONNECTED THEREWITH; AND TO REPEAL THE ROAD PASSENGER CARRIAGE SERVICES STATUTE OF THE WESTERN PROVINCE NO 1 OF 1992.

Be it enacted by the Western Provincial Council of the Democratic Socialist Republic of Srilanka as follows:-

Short title and Date of operation. 1. This statute may be cited as the Western Province Road Passenger Transport Services Statute No of 1998 and shall Come into operation on such date as the minister may by order Published in the gazette appoint. [herein after referred to as The appointed date]

Interpretation 2.(1) In this Act :-

"Authority" means the Western Province Provincial Transport Authority established by section 8; and

"Council" means the Western Provincial Council.

"Omni bus" means a motor coach registered as an omni bus under the Motor Traffic Act and shall be deemed to include a dual purpose vehicle;

[2] A person shall interpret this Act, and the Authority shall exercise its powers and perform its duties, to maximise all the following objectives-

(a) To provide the safest feasible bus passenger transport;

(b) To provide the least expensive bus passenger transport consistent with maintaining the capacity for raising capital by the bus service providers;
(c) To provide the most comfortable feasible bus passenger transport;

(d) To provide for passengers the most convenient feasible bus schedules;

(e) To provide regular bus passenger transport to as many inhabited portions of the Province as feasible;

(f) In decision making by the Authority and the Minister, to ensure the maximum feasible transparency, accountability and participation by stakeholders in the Passenger bus transport system.

PART 1
The owner and operator of an omnibus

Chapter 1
Duties Of An Owner Or Operator Of An Omni bus

3(1) In this Act,

“Owner” means a registered owner of an omni bus under the provisions of the Motor Traffic Statute of the Western Province No 7 of 1991.

“Owner permit holder” means an owner who pursuant to section 14 has obtained a passenger service permit for an omni bus.

“Operator” means a driver and conductor of an omni bus.

“Regular bus service” means a regular omni bus passenger service originating within the Province for a fee.

(2) Unless pursuant to section 14 the owner has obtained a passenger service permit neither the owner nor an operator may operate an omni bus in a regular bus service.

4. (1) When operating an omnibus in a regular bus service, an owner shall:

(a) maintain the omni bus in a serviceable, safe and
comfortable condition.
(b) ensure that the operators of the omni bus comply with the provisions of this statute.
(c) maintain records and submit periodic returns that the Authority may prescribe; and
(d) conform to the conditions of the owner’s passenger service permit and the requirements of the law
(e) display the permit in a prescribed form and manner conspicuously on the windscreen of the omni bus.

(2) An owner permit holder may not transfer to another person a passenger service permit issued to that owner.

(3) An owner permit holder shall conform to reasonable directions that the Authority may issue to him.

Changes in Circumstances After issuance of Permit.

5. Within thirty days after a change has occurred in the condition that appeared in an application for a permit, an owner permit holder or an applicant for a permit shall notify the Authority of that change.

Chapter 2

Duties Of An Operator Of An Omnibus

Permits and permit, Licenses Required by An operator.

6. Unless pursuant to section 14 the owner has obtained a passenger service an operator may not operate an omnibus in a regular bus service.

7. When operating an omni bus in a regular bus service, an operator shall-
(a) comply with a time table that pursuant to section 9 the Authority has promulgated;
(b) comply with the code of conduct that pursuant to

Duties of An operator. section 9 the Authority has promulgated;
(c) issue a ticket in the form that the Authority prescribes to a passenger who has paid the approved fee;
(d) carry in the omnibus no more passengers than the number permitted in the passenger service permit;
(e) except when the omni bus has come to a complete stop, keep its doors closed; and
(f) display the permit in a prescribed form and manner conspicuously on the windscreen of the omnibus.
PART II

The Western Province Provincial Road Passenger Transport Authority
Chapter 3
Establishment, Powers And Duties

Establishment
of the Authority

8.(1) This Act establishes the Authority.

(2) The appointment of members, terms of office, structure and process of the Authority shall conform to Schedule 1.

Powers and
duties of the
Authority.

9.(1) subject to section 11 the Authority shall-
(a) not later than one month after the appointed date, make and promulgate time tables for the several regular bus services, and regulations to ensure that an owner permit holder and an operator complies with the schedule.

(b) not later than two months after the appointed date, make and promulgate a code of conduct for an owner permit holder or operator of regular bus service, and regulation to ensure compliance by an owner permit holder and operator.

(c) not later than two months after the appointed date make and promulgate regulations to ensure compliance with this Act and the conditions of an owner permit holders passenger service permit by an owner permit holder and an operator.

[2] The Authority may -
(a) Pursuant to section 14 issue a passenger service permit to an applicant;

(b) enter into a contract with the person in or outside Sri Lanka for the purpose of carrying out the powers, duties and functions of the provincial Authority;

(c) acquire and hold any movable or immovable property acquired or held by it;

(d) charge fees for any services provided by the Provincial Authority;
(e) accept gifts, grants or subsidiaries whether in cash or otherwise and to apply them for carrying out the objects of the Provincial Authority;

(f) provide training for the staff of the Authority, owner, and operator of an omni bus for the efficient and effective implementation of road passenger transport service;

(g) issue to an owner permit holder or operator a direction as it may think necessary for the purpose of making the owner permit holder comply with the provisions of this statute or regulations made under it; and

(h) upon notification of a change in a condition appearing in application for an owner permit, the Authority may require the owner permit holder to show cause before the secretary why the permit should not be amended or canceled.

10 Appointment, powers and duties of Bus Inspectors

(1) The Authority shall appoint bus inspectors in the number and at the salary grade that the Public Service Commission and the Council determine.

(2) A bus inspector shall report to the Authority a violation of this Act.

11. Rewards for reporting corruption

If a person reports to the Authority that an employee of the Authority has received a bribe, and if after investigation the Authority or a court in a suitable proceeding finds that the employee complained about did in fact receive a bribe, the Authority shall:

(a) Pay to the person reporting the bribe one-half of any sum recovered by the Authority from a party to the bribe; and

(b) if the Authority employs the person reporting the bribe, take no disciplinary action connected with the bribe against that person.

CHAPTER 4. APPLICATION FOR AND ISSUANCE OF A PASSENGER SERVICE PERMIT
12. **Grant of a non-exclusive omnibus passenger permit for an omnibus route**

(1) When the Authority grants an omnibus passenger service permit, it shall specify the route or routes over which the owner permit holder may operate an omnibus.

(2) The Authority may grant an exclusive or a non-exclusive passenger service permit for an omnibus.

(3) The Authority may grant a passenger service permit for an omnibus only after advertisement and submission of bids pursuant to section 13 to the person selected pursuant to section 13, and, if over a route where an existing exclusive owner permit holder for that route exists, with the written consent of that owner.

13. **Grant of a franchise for an omnibus route without a franchised owner permit holder**

(1) If the Authority determines that:

(a) a specific potential omnibus route presently has no owner permit holder operating a bus on the route; and

(b) that that route ought to have an owner permit holder or an additional owner permit holder operating on that route

the Authority shall advertise for bids for that route in a Sinhalese, a Tamil and an English language newspaper, including a date not less than one month after the date of the advertisement after which the Authority will not consider a bid., and setting a time and place for a public consideration of the bids.

(2) In determining the route mentioned in subsection (1), the Authority may conjoin a potentially profitable bus route with a potentially less profitable bus route as a single bus route.

(3) A person who bids on a bus route advertised pursuant to subsection (1) shall complete and send to the Authority an application completed pursuant to section 14.

(4) At the time and place appointed in the advertisement mentioned in subsection (1), the Authority shall hold a public hearing, and shall publicly examine the bids made for the bus route in question, and award the passenger service permit for an omnibus for that route to the most suitable candidate, taking into account the matters mentioned in section 14.
(5) At the public hearing mentioned in subsection (4), a stakeholder may appear and submit oral or written evidence and argument concerning the granting or denial of the proposed permit to a specific applicant.

(6) The Authority shall not award a non-exclusive permit for a bus route that already has an owner permit holder if the award of the new permit would bring into question the viability of an existing or prospective owner permit holder on that route.

(7) In awarding a permit pursuant to subsection (4), the Authority shall between candidates otherwise substantially equal in suitability grant the permit to a company composed of a group of omnibus owners.

Application 14. (1) In a form prescribed by regulation by the Authority, an owner For a passenger Service permit may apply to the secretary for a passenger service permit.

(2) An applicant for a passenger service permit shall include in the application particulars concerning -
   (a) The objectives of this Act;
   (b) the route on which the applicant proposes to establish a regular bus service;
   (c) the timetable for the proposed regular bus service;
   (d) the equipment that the applicant proposes to utilize in the proposed regular bus service;
   (e) the arrangements made to ensure the good operating condition of the equipment used in the proposed regular bus service;
   (f) the applicant’s insurance coverage for the proposed regular bus service;
   (g) if the applicant has previously owned an omni bus, weather at any time the Authority or the courts have imposed a penalty on the applicant in connection with the operation of an omni bus;
   (h) the amount of the operator’s working capital;
   (i) other matters particulars of which the Authority by regulation may require an applicant to include in the application,
and shall accompany the application with a fee that the Authority may by regulation prescribe;

[3] Not later than one month after the hearing, in a written decision setting forth the reasons for the decision, the Authority shall grant, or deny the application with or without conditions as prescribed in section 15.

15. In determining the condition of the permit, the Authority shall take into account:
   
   (a) charging of fares;
   
   (b) intended route, or routes for the operation of the bus;
   
   (c) the exhibition of the time table;
   
   (d) maintaining the condition of an omnibus;
   
   (e) compliance of the labour law with regard to the employment of an operator;
   
   (f) compliance of the code of conduct

16. (1) Within two weeks after receipt of the secretary’s recommendation on the record before the secretary, by a written decision stating reasons, the Authority shall issue the permit in a form that the Authority shall by regulation prescribe, deny the application, or issue the permit with conditions.

(2) Unless pursuant to section 18 the Authority earlier cancels it, the Authority shall issue a permit with a term of two years from the date of issuance;

(3) Within two weeks after the decision mentioned in subsection (2), the Secretary shall publish the notice of the decision in a newspaper of general circulation in the province.

17. (1) In a form prescribed by regulation by the Authority, not thirty days before the expiration of the permit, accompanied by a fee that the Authority may by a
regulation prescribe, an owner permit holder may apply to the secretary for a renewal of the owner's passenger service permit.

(2) Not later than two weeks after receipt of the application, in a newspaper of general circulation in the area in which the proposed regular bus service will operate, the secretary shall give notice of the submission of the application for renewal, inviting comments by interested parties with a closing date not less than two weeks after the appearance of the newspaper notice.

(3) If taking into consideration the number and seriousness of objections received in response to the notice prescribed in subsection(2), the secretary finds that justice to the applicant or to a stake holder requires it, the secretary shall hold a public hearing pursuant to a notice and the procedures specified in section \( \text{section} \).

(4) In determining whether to grant or deny a renewal of a permit, the secretary shall take into account:
   (a) the objectives of this Act; and
   (b) the applicant's record of compliance with the conditions of the permit.

(5) Not later than one month after the hearing, in a written decision setting forth the reasons for the decision, the secretary shall grant or deny the application for renewal of the license with or without conditions as prescribed in section \( \text{section} \).

(6) Within thirty days after the decision made pursuant to subsection (3), an aggrieved party may appeal the secretary's decision to the full Authority.

(7) The Authority shall consider the appeal on the record before the secretary, and by a written decision stating reasons, may conform, reverse or modify the secretary's decision.

Cancellation 18. (1) If the Authority has reasonable grounds to believe that an owner permit holder
Of an omni
seriously enough
Bus permit
the owner permit
should not

(1) upon the
registered mail, stating
in section(2)
the proposed regular bus

(2) The Authority shall serve the order mentioned in sub section
owner permit holder by either personal service or by
the time and place of the proposed hearing on the order.

(3) Not later than two weeks after serving the notice mentioned
in a newspaper of general circulation in the area in which
together with the time and place of the proposed hearing.

(4) The secretary shall hold a public hearing at a time and
place specified in the order but not
the area served by
holder.

(5) At the hearing, the Authority shall present evidence in
support of the claim that the
Authority ought not to renew the license, and the owner
That the Authority should renew the license.

(6) In a written decision stating reasons, the secretary shall
either -

(a) renew the license;
(b) deny the application for renewal; or
(c) renew the license on conditions.

(7) Within thirty days after the secretary's decision, an
aggrieved party

may appeal the secretary's decision to the Authority.
(8) The Authority shall consider the appeal on the record before the secretary, and in writing stating reasons shall confirm, reverse or modify the secretary's decision.

Chapter 5

REGULATION

19 (1) The Provincial Minister may make regulation to carry out the objects of this statute in respect of all prescribed, authorized or required matters of this statute.

(2) In making regulation the Minister shall conform to the requirements of section 2.

(3) The Provincial Minister may, without prejudice to the generality of the powers conferred under sub section(1) make regulation particularly in respect of all or any of the following matters-

(a) carrying of plate and mark in an omni bus by the owner permit holder and operator permit holder under the authority of the permit;
(b) carrying of document in an omni bus by the owner permit holder and operator permit holder and the contents of the document;
(c) the maintenance of an omni bus and prohibition of act or omission in contravention of the maintenance by an owner permit holder;
(d) maintenance of record by the owner permit holder in respect of the employment of the operator permit holder, and the time of commencement and cessation of work of the operator permit holder;
(e) maintenance of record by owner permit holder and operator permit holder in respect of a journey of an omni bus;
(f) inspection of records preserved by the Provincial Authority, by another Authority, and production of such records for the purpose of such inspection on demand;
(g) matters relating to the code of conduct to ensure the safety and convenience of passengers of an omni bus;
(h) training of the staff of the Provincial Authority, owner permit holder and operator permit holder of an omni bus.

20(1) The Provincial Minister shall approve the regulation and publish the regulation in the gazette for public comment.

(2) A person shall comment on the regulation published under subsection(1) on or before the date as the Minister may specify in the regulation.

(3) The Minister shall after receiving the comments under subsection(2) shall-

(a) ignore the comments if he thinks that the comments do not require a change in the substance
of the regulation and republish the regulation;
(b) republish the regulation after making changes in the regulation taking into consideration of the comments made under subsection(2).

Chapter 6

Complaints; Dispute settlement; Appeals

21. (1) A passenger of an omni bus who is affected by the breach of duties and functions of the-
(a) owner permit holder as specified under section 4;
(b) operator as specified under section 6;
shall make a complaint to the secretary within fourteen days from the date on which the breach occurred in the prescribed form and manner.

[2] When a complaint is made to the secretary under subsection[1] he shall forthwith summon the parties to the dispute for an inquiry on the date specified in the summons.

[3] The parties to the dispute shall be present at the inquiry and make oral or documentary representations relating to such dispute.

[4] The secretary shall hear the inquiry and send the records to the Authority to decide whether the owner permit holder or operator contravenes the provisions of section 4 and section 6 respectively.

[5] (a) If the Provincial Authority decides that an owner permit holder or an operator contravenes the provisions of section 5 and 6 of this statute, the owner permit holder and operator shall be liable to pay such fine which the Provincial Authority may prescribe from time to time in respect of the offence specified in that regulation;

(b) Owner of a permit holder and operator of a permit holder shall pay the fine specified under paragraph (a) to the Provincial authority within one week from the date of decision of the Provincial Authority;

(6) The Provincial Authority shall conclude the proceeding taken under this section within a period of one month from the date on which the dispute is referred to if where the authority takes a larger period for such proceedings if shall record the reasons thereof;

(7) The Provincial Authority may make regulations providing to comply with the procedure to follow the
inquiry of the dispute;

(8) Any aggrieved person who is effected by the decision of the Provincial Authority under this section may before the expiration of a period of one month from the date of the decision in relation of that complaint, make representations of the Minister;

(9) If an owner permit holder and an operator permit holder who do not comply with the provision of sub section (3) and (5) b shall be liable for an offence;

(10) An owner permit holder and an operator permit holder shall in addition to the penalty imposed under sub section (5), be guilty of an offence under section 31 of this statute.

Appeals 22.(1) If the Authority makes a determination pursuant to section 21, a person aggrieved by the decision From the may appeal to a court of competent jurisdiction.
Decision of (2) On an Appeal pursuant to subsection(1), a court shall determine the appeal on the record as it appeared before the Authority.
The Authority (3) On an Appeal pursuant to subsection 1, a court may affirm, reverse or modify the decision of the Authority on the grounds only of bias, prejudice, illegality apparent on the face of the decision, or that the record contains no evidence in support of the decision.

PART VII
Sanctions

Contravention 23. An owner permit holder and an operator permit holder who -
of the statute, regulation under section 12; and direction to his
(a) contravenes of fails to comply with any provision of this statute or rule, regulation, order, direction or requirement made under this statute;
(b) fails to comply with the conditions specified in the permit issued
(c) furnishes return and written information containing particulars which knowledge are false or incorrect,
shall be guilty of an offence under this statute and shall on conviction after summary trial before a magistrate be liable to a fine not exceeding Rupees one thousand five hundred or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.
24. An owner permit holder and an operator permit holder who, on detection by authorized by the Provincial Authority or by the Police Officer admits liability for any contravention of the provision of this statute, if he so desires may in lieu of prosecution for offense, pay such stipulated fine by regulation published in the gazette from time to time, under this statute, in respect of such offenses;

25. (1) A passenger of an omni bus used under the authority of a permit issued under this statute, who -

(a) fails or refuses to obtain a ticket for the journey from the operator of an omni bus;
(b) does not keep the ticket in his possession till the end of the journey and fails to show or surrender the ticket when called upon to do so by the operator or by an officer of the Provincial Authority commits an offence under this statute and shall on conviction before a magistrate be liable to a fine not exceeding two hundred rupees;

(2) Sub section (1) shall not apply if a passenger who fails or refuses to obtain a ticket or does not keep the ticket in his possession till the end of the journey and fails to show or surrender the ticket, if he pays a penalty of one hundred rupees and twice the fare due from him for that journey to the authorised officer of the Provincial Authority.

26. The Provincial minister has power to give directions to the authority in relation to the grant of award to an owner permit holder and an operator permit holder.

27. The Authority shall prepare a scheme in accordance with the directions of the Minister under section 26 in such manner as may be prescribed from time to time to grant award every year to an owner permit holder and an operator permit holder who provide an efficient and effective omni bus passenger service to the public and implement such scheme.

28. The Authority shall prepare a scheme in accordance with the directions of
the Authority
To prepare
A scheme
To grant
Incentives
To bus
Passenger
Service on
Uneconomical
Route.

Minister under section 32 in such manner as may be prescribed from time to
time
to grant award every year to an owner permit holder and operator who provide
bus service on uneconomical route.

PART VIII

STAFF OF THE PROVINCIAL AUTHORITY

General
Manager
of the
Authority
(1) The provincial Authority shall, with the approval in writing of the
Provincial Minister, appoint a General Manager of the authority.
(2) The General manager shall, subject to the general direction and
Supervision of the Authority be charged with the direction of the day to day
administration of the Authority, and the administrative control of the
employees of the Provincial Authority.
(3) The Authority may, from time to time delegate to the
General Manager the powers and functions of the Authority. The General
manager shall exercise such power and perform such function subject to the direction and
control of the Provincial Authority.
(4) The General Manager may, with the approval of the Provincial delegate
in writing to an employee of the Provincial Authority his power, function or duties whenever he
considers necessary.
(5) Authority may with the approval of the Provincial Minister remove the
General manager.

Appointment
and
control
of the
staff of
Authority
30. Authority may -
(a) appoint the staff necessary to carry out the function of the Provincial
Authority and exercise disciplinary control over the staff;
(b) fix wage, salary or other remuneration of the staff;
(c) determine the term and condition of the service of the staff;
(d) establish and regulate provident fund or scheme for the benefit of
the staff and make contribution to the fund or scheme;

PART IX
FINANCE

31.(i) The Provincial Authority shall have its own fund;
(2) Fund of the Provincial Authority shall consist of the following:
(a) sum of money which the Provincial Authority receives in the
exercise, performance and discharge of its powers, duties and functions
except a sum of money collected on the issue and the renewal of permit;
(b) sum of money accruing to the Provincial Authority including any
Grants from the Western Provincial Council.
(3) Sum of money collected as fees for the issue or renewal of permit shall go
to the Provincial fund of the Western Provincial Council;
(4) The General manager shall be responsible for the proper accounting of the
Moneys.
(5) The authority may utilize the funds of the authority for the purpose
of defraying an expenditure incurred in the management of the affairs of
the authority, the payment of remuneration of the members of the
Provincial Authority, the exercise of the powers and discharge of the duties
and the performance of the functions of the Provincial Authority under this
statute and other written law and for the other purpose and the Authority may
authorize from time to time.

32. Authority may with the consent of the Provincial Minister, or in
accordance with the terms of any general authority given by him, borrow
temporarily by way of overdraft or otherwise, the sums of money as the
Authority requires for meeting the obligations of the Authority in discharging
Its duties under this statute.
PART X

MISCELLANEOUS

Provision of the National Transport Commission Act to prevail.

39. The provision of this statute are subject to National Transport Commission Act No.37 of 1991 and whenever this statute is inconsistent with the National Transport Commission Act, the provision of the latter shall prevail.

Repeals

40. The Provincial Road Passenger Carriage Services statute No.1 of 1992 of the Western Province is hereby repeal and shall not be inoperation from the Appointed date.

Savings

34.(1) Permit issued by the Authority under the Provincial Road Passenger Carriage Services statute No.1 of 1992 of the Western Province shall be valid for a period of three months from the appointed date and thereafter the permit shall be renewed under the provisions of this statute not withstanding the duration of the validity specified in that permit.

(2) An action, suit or proceeding instituted under the provisions of the Provincial Raad Passenger Carriage Services Statute No.1 of 1992of the Western Province and pending on the appointed date shall be deemed to be instituted and Continued under the provisions of this statutes.

(3) A contract entered into with any person in or out Sri Lanka under the Provincial Road Passenger Carriage Services Statute No.1 of 1992 of the Western Province shall be deemed to be made under the provision of this statute and shall be inforce for the period specified in that contract.

Provision

35.42. The Provision of the Motor Traffic Statute of the Western Province No 7 of 1991 shall apply to an owner permit holder and operator permit holder in so far as they are not inconsistent with the provisions of this statute.

Provision of Motor Traffic Statute of the Western Province No 7 of 1991 to be applicable to an owner Permit holder and
Power of Minister shall by Order publish in the gazette appoint a committee to monitor the affairs of the Provincial Authority

Provincial Minister appoint a committee by order to monitor the affairs of the Provincial Authority
The provincial authority shall consist of the following members:

- Seven members (hereinafter referred to as the "appointed Member") of whom-
  - (i) Three to be appointed by the provincial Minister from among persons who appear to him to have wide experience, and shown capacity, in road passenger transport, commerce, finance and administration;
  - (ii) One to be appointed by the Provincial Minister from the Police Department;
  - (iii) One to be appointed by the Provincial Minister on the recommendation of the Board of Directors of the Transport Authority from among the private bus owners; And
  - (iv) Two to be appointed by the Provincial Minister on the recommendation of the Board of Directors of the Transport Authority from among the commuters.

- Four other members (hereinafter referred to as ex-officio members) appointed as follows:
  - (i) A Senior officer of the Provincial Ministry of the Minister in charge of the subject of transport nominated by such minister;
  - (ii) A senior officer of the Provincial Ministry of the Minister in charge of the subject of Finance nominated by such Minister;
  - (iii) A member nominated by the Provincial Minister in consultation with the Chairman of National Transport Commission established by the National Transport Commission Act No. 37 of 1991;
  - (iv) Provincial Commissioner of Motor Traffic Western Province

The Provincial Minister in charge of the subject of Transport will nominate one of the members to be the Chairman of the Provincial Authority.

A person shall not be eligible to function as a member of the Provincial Authority, if he is elected as a member of Parliament or a member of the Provincial Council or a member of Local Authority.

The Provincial Minister shall, before appointing a person to be
a member of the Authority; satisfy himself
that such person has no financial or other interest as is likely to affect
prejudicially the discharge by such person of his functions as a member
of the Provincial Authority. The provincial Minister shall also satisfy
himself, from time to time, that no member of the provincial authority
has any such interest. Any person who is appointed by the Minister, or
whom the Minister proposes to appoint, as a member of the Provincial
Authority shall whenever requested by the Minister so to do, furnish to
the Provincial Minister such information as the Minister considers
necessary for the performance by him of his duties under this subsection.

[5] A member of the Provincial Authority who is in any way, directly
or indirectly interested in any contract made or proposed to be made by the
Provincial Authority shall disclose the nature of his interest at a meeting
of the Provincial Authority and such disclosure shall be recorded in the
minutes of the Provincial Authority and the member shall not take part
in any deliberation or decision of the Provincial Authority with regard to
that contract.

[6] An appointed member of the Provincial Authority shall subject to the
provisions of subsections [8] and [9] hold office for such term not exceeding
three years reckoned from the date of his appointment as the Provincial
Minister may at the time of appointment determine, and unless he has been
removed from office under subsection [8] shall be eligible for reappointment.
Provided however that a member appointed by the Provincial Minister
to fill a vacancy in the office of an appointed member of the Authority
shall, unless he vacates office earlier, hold office for the unexpired portion
of the term of office of the member whom he succeeds.

[7] Subject to the provisions of subsection [9], the term of office of the
chairman shall be the period of his membership of the Provincial
Authority.

[8] The Provincial Minister may, by order published in the gazette
remove any appointed member from office without assigning any reason
therefore and such removal shall not be called in question in a Court.

[9] A member of the Provincial Authority in respect of whom an order
under subsection [8] is made by the Provincial Minister shall vacate his
office on the date of publication of such order in the gazette.

[10] An appointed member of the Provincial Authority may at any time
resign his office as a member by a letter in that behalf addressed to the
Provincial Minister in charge of Transport.

[11] Where a member of the Provincial Authority is temporarily unable—