



PARLIMEN MALAYSIA



**RANG UNDANG-UNDANG
Lalulintas Jalan (Pindaan) (No. 2) 1971
DR.94/1971**

RANG UNDANG²

bernama

Suatu Akta bagi meminda Ordinan Lalulintas Jalan, 1958.

[bts : scio]

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MAKA INI-LAH DI-PERBUAT UNDANG² oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Ra'ayat yang bersidang dalam Parlimen, dan dengan kuasa daripada-nya, seperti berikut :

1. Akta ini boleh-lah di-namakan Akta Lalulintas Jalan (Pindaan) (No. 2), 1971 dan hendak-lah mula berkuatkuasa pada tarikh yang di-tetapkan oleh Menteri melalui pemberitahu dalam *Warta*.
2. Sekshen 2 Ordinan Lalulintas Jalan, 1958 (kemudian daripada ini di-sebut "Ordinan ibu") ada-lah dengan ini di-pinda dengan memasokkan taarif baharu yang berikut sa-lepas sahaja taarif "Malay"—

Tajok
ringkas dan
mula
berkuat-
kuasa.

Pindaan bagi
sekshen 2.
49/58.

"maximum permissible laden weight" means such weight as the Director General shall specify as a laden weight which is suitable for a specific vehicle using a road;".

3. Sekshen 98 Ordinan ibu ada-lah dengan ini di-pinda dengan—

Pindaan bagi
sekshen 98.

- (1) memotong perkataan "or" yang terdapat di-hujong sekshen-kechil (2) (e);
- (2) menggantikan noktah di-hujong sekshen-kechil 2 (f) dengan koma bernoktah dan memasokkan perkataan "or" sa-lepas sahaja koma bernoktah itu;
- (3) memasokkan suatu perenggan baharu (g) yang berikut sa-lepas sahaja perenggan (f) sekshen-kechil (2);

"(g) to the use of a motor vehicle, in respect of which all the following conditions are satisfied

- (i) the vehicle is a goods vehicle as defined in section 2 of this Ordinance;

- (ii) the maximum permissible laden weight of the vehicle does not exceed fifty hundred weights;
- (iii) the vehicle is registered as a goods vehicle;
- (iv) the prescribed motor vehicle licence fee payable in respect of the vehicle as a goods vehicle has been duly paid and a motor vehicle licence issued in consequence of such payment is in force; and
- (v) the vehicle is used by its owner solely for the carriage of goods for or in connection with any trade or business carried on by such owner, provided that he does not use such vehicle for the carriage of goods for hire or reward other than goods sold and delivered by him in cases where, under the contract of sale, a charge is made for the delivery of the goods.”; dan

(4) menambah kapada-nya sekshen-kechil baharu (3), (4), (5) dan (6) seperti berikut—

“(3) Where in respect of a motor vehicle the maximum permissible laden weight of which does not exceed fifty hundred weights, there has been or there is reasonable cause to suspect that there has been committed an offence against section 98 (1) such vehicle may be seized by a road transport officer or a police officer not below the rank of inspector in any place.

(4) Where any motor vehicle has been seized under subsection (3) a road transport officer or any police officer not below the rank of inspector may, at his discretion temporarily return such vehicle to the owner of the same on security being furnished to the satisfaction of such officer that the vehicle shall be surrendered to him on demand.

(5) An order for the forfeiture or for the release of any motor vehicle seized under the provisions of subsection (3) shall be made by the court before which the prosecution with regard thereto has

been held, and an order for the forfeiture of such vehicle may be made if it is proved to the satisfaction of the court that an offence under section 98 (1) has been committed and that the vehicle was the subject matter of the offence, notwithstanding that no person may have been convicted of such an offence.

(6) If there be no prosecution with regard to any motor vehicle seized under subsection (3), such vehicle shall be released at the expiration of one calendar month from the date of seizure unless it has sooner been released.”.

4. Sekshen 100 (1) Ordinan ibu ada-lah dengan ini di-pinda dengan memotong perenggan (b).

Pindaan bagi sekshen 100.

5. Sekshen 101 Ordinan ibu ada-lah dengan ini di-mansokh-kan.

Pindaan bagi sekshen 101.

6. Sekshen 105 Ordinan ibu ada-lah dengan ini di-pinda—

(a) dengan menggantikan sekshen-kechil (1) dengan yang berikut—

“(1) There shall be constituted for the States of Malaya a Road Transport Licensing Board consisting of a Chairman and the following members to be appointed by the Minister—

(a) a representative of the Ministry charged with the responsibility for transport;

(b) a representative of the Ministry charged with the responsibility for commerce and industry;

(c) a representative of the Economic Planning Unit of the Prime Minister’s Department;

(d) a representative of the Road Transport Department; and

(e) two other persons, who in the opinion of the Minister have had wide experience or special knowledge in matters relating to transport.

(2) (a) The Licensing Board may appoint any committee or committees to assist it in discharging its functions under this Part of this Ordinance.

(b) The procedure and functions of any committee so appointed shall be determined by the Licensing Board:

Provided that every committee so appointed shall keep minutes of the proceedings and copies of such minutes shall be forwarded to the Licensing Board.

(c) No person shall be appointed as a member of such committee or committees unless before appointment such person makes a statutory declaration whether he has any and if so what financial interest in any transport undertaking which carries goods or passengers.”; dan

(b) dengan menomborkan sa-mula sekshen-kechil (2) sa-bagai sekshen-kechil (3).

Pindaan bagi sekshen 106. 7. Sekshen 106 Ordinan ibu ada-lah dengan ini di-pinda dengan mengantikan sekshen-kechil (1) dengan yang berikut—

“(1) The Chairman and a person who is a member of the Licensing Board appointed under paragraph (e) of subsection (1) of section 105, shall hold office for such term not exceeding three years as the Minister may determine at the time of his appointment and shall be eligible for re-appointment.”.

Pindaan bagi sekshen 113. 8. Ordinan ibu ada-lah dengan ini di-pinda dengan mengantikan sekshen 113 dan sekshen 114 dengan sekshen baharu yang berikut—

“Procedure. 113. (1) This section applies to an application for—

- (a) a road service licence;
- (b) a charter licence to use a motor vehicle as a charter bus;
- (c) an ‘A’ licence;
- (d) a ‘C’ licence; and
- (e) the variation of any such licences and the conditions thereof.

(2) The Licensing Board may if it thinks fit publish notice of an application to which this section applies:

Provided that it shall not be necessary for the Board to publish notice of an application which the Board is bound by law to grant or which is not duly made or where in the opinion of the Board a *prima facie* case for the grant of such application has not been made out or where having regard to the trivial character of the application it is not necessary in the opinion of the Board that an opportunity should be given for any representation to be heard.

(3) The Licensing Board on an application to which this section applies may take into consideration any relevant representations against the application which may be made by a person who is already providing transport facilities whether by means of road transport or any other kind of transport for the carriage of goods within the areas for which the applicant intends to serve.

(4) In this section 'relevant representation' means a representation on any of the following grounds—

(a) that suitable transport facilities within the areas for which the applicant intends to serve are or, if the application were granted would be, either generally, or in respect of any particular type of vehicle, in excess of requirements;

(b) that any of the conditions of a licence held by the applicant has not been complied with.

(5) The onus of proof of the grounds on which a relevant representation is made shall lie on the person who makes the representation.

(6) In considering, for the purposes of representations on grounds such as are referred to in paragraph (a) of subsection (4) of this section, whether existing transport facilities are to be treated as suitable the Licensing Board shall have regard to the relative efficiency, reliability and adequacy of the existing facilities at the date of

the application and the facilities which the applicant will provide if his application is granted, and to any other relevant considerations as may in all the circumstances appear proper.

(7) A representation under this section shall be in writing in the prescribed form and shall be served on the applicant and lodged with the Board within such time and in such manner as may be prescribed.”.

9. Sekshen 117 Ordinan ibu ada-lah dengan ini di-pinda dengan menggantikan sekshen-kecil (1) dengan sekshen-kecil baharu yang berikut—

“(1) For the purpose of hearing and determining any application for a licence or for a variation of a licence or the conditions thereof, or any representation made under section 113 of this Ordinance, the Licensing Board may, if it thinks fit, hold a public inquiry into such application or such representation.”.

10. Ordinan ibu ada-lah dengan ini di-pinda dengan menggantikan sekshen 118 dengan yang berikut—

“Powers of
Licensing
Board.

118. (1) Subject to the provisions of this Part of this Ordinance, the Licensing Board on an application for a licence to which subsection 1 (a), (b), (c) and (d) of section 113 applies shall have full power in its discretion—

- (a) to grant the application; or
- (b) to grant a licence in respect of motor vehicles other than those involved in the application; or
- (c) grant a licence of a different class from that specified in the application; or
- (d) to refuse the application.

(2) The Licensing Board in exercising its discretion under this section shall have regard to the interests of the public generally, including those of persons requiring facilities for transport and those of persons providing facilities for transport and in particular shall have regard to any of the following matters—

- (a) the financial ability of the applicant to operate the proposed services;

- (b) the conduct of the applicant in any position he may hold or have held as a provider of commercial transport services;
- (c) the number and type of vehicle proposed to be used under the licence;
- (d) in the case of an application for a carrier's licence where the applicant is the holder of an existing licence of the same class, the extent to which he is authorised to use goods vehicles thereunder.

(3) Any person who is a holder of a licence granted under this Part of this Ordinance who satisfies the Licensing Board that he has lawfully and continuously carried on, since the date of such licence in a satisfactory and efficient manner a transport service in accordance with the terms and conditions of such licence shall, subject to the provisions of the last preceding subsection, on application for renewal of such licence be given preference over all other applications for a licence to carry on a transport service substantially the same as that which the licence holder has been providing.

11. Ordinan ibu ada-lah dengan ini di-pinda dengan me-masukkan sa-lepas sahaja sekshen 118 sekshen baru 118A dan 118B saperti berikut—

Sekshen
baharu
118A dan
118B.

“Application for variation.”

118A. (1) Subject to the provisions of this Ordinance, on an application of the holder of a licence for a variation of the licence or the conditions thereof, the Licensing Board shall have full power in its discretion—

- (a) to grant the application;
- (b) to refuse the application;
- (c) order any variation of the licence or the conditions thereof other than the variation specified in the application.

(2) The Licensing Board, in exercising its discretion under this section shall have regard to the matters as are referred to in subsection (2) of section 118 and shall not vary any licence unless it is satisfied after having regard to the matters as aforesaid that such variation is conducive to the interests of the public.

(3) The decision of the Licensing Board under this section shall be final and conclusive;

Reserva-
tion of
licences.

118B. (1) Notwithstanding anything in this Part of this Ordinance the Yang di-Pertuan Agong may from time to time, by order, give directions to the Licensing Board, as may be required for the reservation of licences for Malays in such proportions of the licences to be granted under this Part of this Ordinance, as the Yang di-Pertuan Agong may deem reasonable and the Licensing Board shall comply with such directions.

(2) The licences granted to Malays in pursuance of the directions made under this section shall be valid notwithstanding that representations have been made under section 113 of this Ordinance.

(3) For the purposes of this section the expression 'Malays' shall include a company, a firm, a partnership, an association, or a body of persons whether corporate or unincorporate, a preponderant part of whose capital is owned by Malays.

Pindaan
bagi
sekshen
119.

12. Sekshen-kecil (ii) sekshen 119 Ordinan ibu ada-lah dengan ini di-pinda dengan—

(1) memasokkan sa-lepas sahaja perenggan (a) suatu perenggan (b) baharu saperti berikut—

“(b) the authorised vehicle shall or shall not be operated in areas other than the areas for which the licence was issued;”; dan

(2) menomborkan sa-mula perenggan (b), (c), (d), (e) dan (f) yang sedia ada masing² sa-bagai perenggan (c), (d), (e), (f) dan (g).

Pindaan
bagi
sekshen 129.

13. Ordinan ibu ada-lah dengan ini di-pinda dengan menggantikan sekshen 129 dengan yang berikut—

“129. Any person who—

(i) being an applicant for the grant of a licence granted under this Part of this Ordinance, is aggrieved by the decision of the Licensing Board on the application, or by any condition attached by the Licensing Board for a licence granted by it; or

(ii) having duly made a representation against an application for a licence under this Part of this

Ordinance is aggrieved by the decision of the Licensing Board thereon; or

(iii) being the holder of a licence granted under this part of this Ordinance is aggrieved by the revocation of such a licence,

may appeal within the prescribed time and in the prescribed manner to the Minister.”.

14. Sekshen 132 Ordinan ibu ada-lah dengan ini di-pinda dengan memotong perkataan “or suspension” yang terdapat dalam baris 3.

Pindaan
bagi
sekshen 132.

HURAIAN

Tujuan Rang Undang² ini ia-lah membuat beberapa pindaan kapada Ordinan Lalulintas Jalan, 1958 bagi maksud² yang berikut—

- (1) *Pindaan kapada sekshen 2*—untuk mengadakan taarif bagi perbahasaan “maximum permissible laden weight”.
- (2) *Pindaan kapada sekshen 98*—supaya orang² yang menggunakan kereta² yang lebuh daripada 50 cwt terkeluar daripada sharat² sa-suatu lesen pengangkut.
- (3) *Pindaan kapada sekshen 100*—untuk memansokhkan semua peruntukan berhubong dengan lesen pengangkut Kelas B;
- (4) *Pemansokhan sekshen 101*—untuk memansokhkan peruntukan yang membolehkan lesen pengangkut Kelas A di-keluarkan bagi kereta² yang di-gunakan khusus bagi maksud sa-suatu kontrek;
- (5) *Pindaan kapada sekshen 105*—untuk membentok sa-mula Lembaga Pelesen Pengangkutan Jalan dan untuk membolehkan Lembaga itu melantek jawatankuasa².
- (6) *Pindaan kapada sekshen 106*—berbangkit.
- (7) *Pindaan kapada sekshen 113 dan 114*—untuk mengadakan suatu achara yang lebuh chepat untuk di-ikut oleh Lembaga Pelesen Pengangkutan Jalan dalam menimbangkan permohonan untuk lesen² pengangkut. Mengikut achara baharu ini rayuan² (bukan bantahan²) boleh di-buat dan Lembaga di-berikuasa membuat keputusan dengan chara yang lebuh chepat.
- (8) *Pindaan kapada sekshen 117*—berbangkit.
- (9) *Pindaan kapada sekshen 118*—untuk membolehkan Lembaga Pelesen Pengangkutan Jalan menggunakan budibichara penoh bagi meluluskan atau menolak permohonan² untuk lesen.

(10) *Sekshen baharu 118A dan 118B*—untuk membolehkan Lembaga Pelesen Pengangkutan Jalan menggunakan budibichara penoh bagi meluluskan atau menolak permohonan untuk perubahan lesen atau sharat² lesen. Sekshen baharu 118B membolehkan Yang di-Pertuan Agong merezabkan sa-berapa banyak lesen yang di-fikirkan-nya berpatutan bagi orang Melayu menurut Perkara 153 Perlembagaan Persekutuan dan chara bagaimana perezapan itu akan di-laksanakan.

(11) *Pindaan kepada sekshen 119*—untuk mengadakan suatu sharat tambahan di-bawah Ordinan ini, yang akan di-kenakan ka-atas sa-suatu lesen.

(12) *Pindaan kepada sekshen 129*—untuk membolehkan rayuan² di-buat dalam perkara² tertentu.

(13) *Pindaan kepada sekshen 132*—berbangkit. [P.N. (U²) 226.]

ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL, 1971

Amendment to be moved in Committee

Clause 4: Add sub-clause (2) as follows:

"(2) delete subsection (3) of that section."

Explanatory Statement

This amendment is only consequential.

RANG UNDANGAN LALULINTAS JALAN (PINDDN)
(NO. 2), 1971

Pindaan dalam Jawatankuasa

Fasal 4: Tambahkan Fasal kecil (2):

"(2) Potong sekshen kecil (3) dalam sekshen
itu."

Huraian

Pindaan ini ia-lah pindaan berikutan sahaja.

Jabatan Peguam Negara,
Kuala Lumpur.

30. 7. 71.