

ROAD DEVELOPMENT AUTHORITY

Act 6 of 1998 - 21 July 1998

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Part I - PRELIMINARY

1 Short title

This Act may be cited as the Road Development Authority Act.

2 Interpretation

In this Act -

"Authority" means the Road Development Authority established under section 3;

"Board" means the Road Development Authority Board referred to in section 7;

"Capital Fund" means the fund established under section 10 of the Finance and Audit Act;

"Chairman" means the Chairman of the Board; "General Manager" means the General Manager of the Authority; "member" means a member of the Board and includes the Chairman; "Minister" means the Minister to whom responsibility for the subject of roads is assigned;

"motorways and main roads" means the motorways and main roads designated and classified in accordance with section 3 of the Roads Act;

"Privatisation Fund" means the fund established under the Privatisation (Revenue and Expenditure) Act 1997;

"undertakers' work" has the same meaning as in the Roads Act.

PART II - ESTABLISHMENT OF AUTHORITY

3 Establishment of Authority

(1) There is established for the purposes of this Act a Road Development Authority.

(2) The Authority shall be a body corporate.

(3) The Authority shall -

(a) have the powers conferred; and

(b) carry out the duties imposed,

upon it by the Roads Act and this Act.

4 Objects of Authority

The Authority shall be responsible for the construction, care, maintenance and improvement of motorways and main roads.

5 Duties of Authority

The duties of the Authority shall be to -

- (a) plan, design and supervise the construction of roads intended to be classified as motorways and main roads;
- (b) carry out, or cause to be carried out, the upgrading of motorways and main roads and their routine and periodic maintenance;
- (c) maintain existing bridges, tunnels and associated works on motorways and main roads;
- (d) plan, design and supervise the construction and reconstruction of bridges, tunnels and associated works on motorways and main roads; and
- (e) advise the Minister on the formulation of a road development policy;
- (f) advise the Minister on the management of policy of roads;
- (g) prepare and implement road development schemes;
- (h) conduct and co-ordinate research and investigation on materials required for road construction;
- (i) control the display of advertisements along or visible from motorways and main roads; and
- (j) regulate undertakers' works in relation to motorways and main roads.

6 Powers of Minister

(1) The Minister may, in relation to the exercise of the powers of the Authority, give such directions of a general nature to the Authority as he considers necessary in the public interest and the Authority shall comply with such directions.

(2) The Authority shall furnish to the Minister such information and documents with respect to its activities as the Minister may require from time to time.

7 Road Development Authority Board

(1) The Authority shall be administered by the Road Development Authority Board.

(2) The Board shall consist of -

- (a) a Chairman;
- (b) a representative of the Ministry responsible for the subject of public infrastructure;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Ministry responsible for the subject of finance;
- (e) a representative of the Ministry responsible for the subject of land transport;
- (f) a representative of the Commissioner of Police, not below the rank of Superintendent; and
- (g) 3 persons, other than public officers or employees of a statutory corporation, having experience in road construction, traffic management, road transport, commercial, scientific or administrative matters.

(3) The Chairman of the Board shall -

- (a) be appointed by the Minister, on such terms and conditions as he may decide; and
- (b) be a person with wide experience in any administrative or managerial position.

(4) The members referred to in section 7(2)(b) to (e) shall be appointed by the Minister responsible for the Ministry of which the member shall be the representative.

(5) The members referred to in section 7(2)(g) shall be appointed by the Minister.

(6) No person shall be appointed as a member where he has any interest in any civil engineering undertaking or consultancy.

(7) Any member who acquires any interest in any civil engineering undertaking or consultancy shall resign from the Board.

8 Co-opted members

- (1) The Board may, with the approval of the Minister, co-opt any other person who may be of assistance in relation to any matter before the Board.
- (2) A co-opted member shall have no right to vote at any meeting of the Board.

9 Remuneration of members

Every member of the Board, including a co-opted member, shall be paid such fees and allowances as the Minister may determine.

10 Meeting's of Board

- (1) The Board shall meet-
 - (a) at least once a month;
 - (b) on the premises of the Authority; and
 - (c) at such time as the Chairman thinks fit.
- (2) Five members of the Board shall constitute a quorum.
- (3) In the absence of the Chairman at a meeting of the Board, the members present shall elect a member to act as Chairman of the meeting.
- (4) Where a member has an interest, direct or indirect, in a matter before the Board, he shall, as soon as reasonably practicable, disclose to the Board the nature of his interest, and shall not take part in the deliberations of the Board relating to that matter.

11 Execution of documents

A deed, instrument, contract and other document shall be duly executed by or on behalf of the Authority if signed by the Chairman and the General Manager.

PART III - STAFF OF AUTHORITY

12 General Manager

- (1) The Board shall, with the approval of the Minister, appoint a General Manager on such terms as it may determine.
- (2) The General Manager shall be the chief executive officer of the Authority.
- (3) The Board shall not appoint a person as General Manager unless he has at least 10 years' experience in civil engineering.
- (4) The General Manager shall attend every meeting of the Board and may take part in its deliberations, but shall not have the right to vote on any question before the Board.
- (5) In the exercise of his functions, the General Manager shall act in accordance with such directions as he may receive from the Board.
- (6) The General Manager may, with the approval of the Board, delegate any of his functions to such officer of the Authority as he may determine.

13 Delegation to General Manager

- (1) The Board may, subject to subsection (2) and to such conditions as it may impose, delegate to the General Manager, such of its powers under this Act as may be necessary to assist in the effective management of the Authority.
- (2) The Board shall not delegate its power to borrow money or raise loans.

14 Appointment of employees

- (1) The Board may, on such terms and conditions as may be approved by the Minister, appoint such officers, advisers, consultants and qualified auditors as it considers necessary for the proper exercise of its functions.
- (2) Every employee of the Authority shall be under the administrative control of the General Manager.
- (3) The Board may make provision, in such form as it may determine, to govern the conditions of service of the employees of the Authority and, in particular, for -
 - (a) the appointment, dismissal, discipline, pay and leave of the employees of the Authority;
 - (b) appeals by officers against dismissal and other disciplinary measures; and
 - (c) the establishment and maintenance of a superannuation scheme and the contributions and the benefits payable to or from the scheme.

PART IV - FINANCIAL PROVISIONS

15 Funds of Authority

The Authority may receive any money appropriated from the Consolidated Fund, the Capital Fund or the Privatisation Fund and any other money lawfully accruing to the Authority from any other source.

16 Establishment of General Fund

(1) The Authority shall establish a General Fund into which all money received by it shall be paid and out of which all payments required to be made by it shall be effected.

(2) The Authority may, with the approval of the Minister, establish such other special fund as it thinks fit for the furtherance of its objects.

17 Power to borrow

(1) The Authority may, with the approval of the Minister, raise such funds as it may require for the performance of its duties.

(2) The Authority may raise funds under subsection (1) -

(a) on the security of the revenue or other property of the Authority, by mortgage or otherwise; and

(b) by way of debentures or bonds issued by the Authority under subsection (3).

(3) The Authority may, for the purpose of subsection (2Mb), create, issue, transfer, redeem or deal with debentures or bonds in such manner as may be prescribed.

(4) Regulations made under subsection (3) may include provision for the -

(a) the discharge of any loan so raised; and

(b) the payment of interest on money secured by debentures or bonds.

(5) The Government may, subject to such terms as it may decide, guarantee the performance of an obligation undertaken by the Authority pursuant to an agreement entered into for the purposes of subsection (1).

18 Charges to road users

(1) The Authority may levy such fees or charges as may be prescribed on any person using a motorway or main road.

(2) Regulations made under subsection (1) may provide for classes of persons who are to be exempted from the fees or charges.

19 Investments

(1) The Authority shall manage its operations in such a manner as to obtain a reasonable return on any capital invested.

(2) The Board may invest, with the approval of the Minister and on such terms as may be determined by the Authority, such part of the funds of the Authority as are not required to meet its liabilities.

20 Estimates

(1) The Authority shall, not less than 3 months before the beginning of every financial year, submit to the Minister the capital expenditure programme and the estimates of the revenue and expenditure of the Authority for that financial year.

(2) Subject to subsection (3), the Minister shall, before the beginning of the financial year, signify in writing his approval of the capital expenditure programme and the estimates.

(3) Where the Minister gives his approval under subsection (2), the Minister may -

(a) approve part only of the expenditure under any item; and

(b) direct the Authority to amend the estimates in respect of any item in such manner as he thinks fit.

(4) The Authority shall not incur any expenditure unless it has received the prior approval of the Minister.

(5) For the purposes of this section, the financial year shall begin on 1 July.

PART V - MISCELLANEOUS

21 Legal proceedings against Authority

- (1) No suit, action or proceedings shall be commenced against the Authority -
 - (a) after 2 years from the date of the fact, act or omission giving rise to the suit, action or other proceedings;
 - (b) unless written notice of the suit, action or proceeding and of the subject matter of the complaint has been given to the Authority by or on behalf of the -intending plaintiff; and
 - (c) before the expiry of one month after the notice under paragraph (b) is served.
- (2) No evidence shall be given at the trial except of the cause of action as specified in the notice.

22 Immunity of Government

(1) Notwithstanding any other enactment, no proceedings shall lie against the Government for any fact, act or omission relating to the exercise by the Authority of its duties under this Act or the Roads Act.

(2) Any cause of action arising from any fact, act or omission relating to the exercise by the Authority of its duties under this Act or the Roads Act shall lie only against the Authority.

23 Exemption

Notwithstanding any other enactment, no stamp duty or registration fee shall be payable in respect of any document under which the Authority is the sole beneficiary.

24 Service of documents

(1) Any summons, notice or other document, including a notice under section 21, shall be deemed to have been served if service is effected on the General Manager at the office of the Authority. .

(2) Service of process by or on behalf of the General Manager shall be deemed to be service by or on the Authority.

25 Transfer of property by Authority

The Authority shall not, except with the approval of the Minister, alienate, exchange, sell, dispose of or otherwise deal with any immovable property vested in it or belonging to the Authority.

26 Confidentiality

No member or employee of the Authority shall disclose to any unauthorised person any matter which comes to his knowledge in the performance of his duties.

27 Protection of members and officers

No liability, civil or criminal, shall attach to any member or to any employee of the Authority in respect of any act which he may have done or omitted to do in good faith in the execution or purported execution of his duties.

28 Transfer of assets and liabilities

The Minister may, by regulations, transfer to the Authority such assets as may be specified in the regulations.

29 Regulations

- (1) The Minister may make such regulations as he thinks fit for the purposes of this Act.
- (2) Regulations made under subsection (1) may provide for -
 - (a) the taking of fees and the levying of charges;
 - (b) the regulation of undertakers' works; and
 - (c) the control of advertising panels.