

ACT

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dated 9th January, 1997.

THE ROAD TRANSPORT AUTHORITY ACT, 1996

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SIGNED this 7th day of January, 1997.

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 4



Sierra Leone

1996

The Road Transport Authority Act, 1996

Short title.

Being an Act to provide for the establishment of an Authority for the regulation and development of the road transport industry, including the regulation and licensing of vehicles, the licensing of drivers, the prescription of routes for passenger and goods transportation and for other matters connected with the foregoing.

[9th January, 1997]

Date of
Commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I --- PRELIMINARY

Interpre-
tion

1. In this Act, unless the context otherwise requires:—

“Authority” means the Road Transport Authority established by section 2;

“Board” means the Board referred to in subsection (1) of section 3;

“Chairman” means the Chairman of the Board referred to in subsection (2) of section 3;

“Executive Director” means the Executive Director appointed under section 12;

“member” means a member of the Board;

“Minister” means the Minister responsible for transport and “Ministry” shall be construed accordingly;

“Secretary” means the Secretary appointed under section 14.

PART II — ESTABLISHMENT OF AUTHORITY

Establishment
of Authority.

2. (1) There is hereby established a body to be known as the Road Transport Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal the use of which shall be authenticated by the signatures of—

(a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and

- (b) the Executive Director, Secretary or some other person authorised by the Board in that behalf.

3. (1) The governing body of the Authority shall be a Board of Authority which shall, subject to this Act, have the control and supervision of the Authority.

(2) The Board shall consist of a Chairman and ten other members.

(3) The Chairman shall be a person—

(a) with a formal qualification and high standing in any of the professions recognised by the laws of Sierra Leone; or

(b) with a formal qualification and proven ability in business management;

but no person shall be appointed Chairman if he has any financial interest, whether directly or indirectly, in any transport business or undertaking.

(4) The other members shall consist of—

(a) four persons being senior officials designated as institutional representatives respectively by each of the following—

(i) the Ministry of Transport and Communications;

(ii) the Ministry of Finance;

(iii) the Sierra Leone Roads Authority;
and

(iv) the Sierra Leone Police Force;

(b) the Executive Director; and

(c) five persons, two of whom shall be nominated by the Minister and the others nominated by any associations of persons in or directly connected with the transport business and recognised by the Minister as such, including petty traders.

Tenure of
appointed
members

4. (1) The Chairman and the other members referred to in paragraphs (b) and (c) of subsection (4) of section 3 shall be appointed by the President, acting on the advice of the Minister and subject to the approval of Parliament.

(2) The Chairman and the members appointed under paragraph (c) of subsection (4) of section 3 shall hold office for a term not exceeding three years as may be fixed in their letters of appointment and any such appointment may be renewed as and when necessary.

(3) On the death or vacation of office of the Chairman or any member referred to in subsection (1), whether such vacation is by termination or otherwise, the President, after consultation with the Minister, may appoint in like manner another person to serve for the unexpired term of the Chairman or that member, as the case may be.

(4) The Chairman or any member referred to in subsection (1) may resign his office by written notice to the President and may be removed from office by the President for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misconduct.

Remuneration
and expenses
of members of
Board

5. The Chairman and the other members shall be paid such remuneration and allowances as Parliament may determine and shall be reimbursed by the Authority, with the approval of the Minister responsible for finance, for expenses incurred in connection with the discharge of their functions.

Proceedings
of Board

6. (1) The Board shall hold its first meeting on such date and at such place as the Minister, after consultation with the Board,

may determine; and thereafter, the Board shall ... for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedure as it thinks fit:

Provided that the Board shall meet at least four times in a year.

(2) An extraordinary meeting of the Board may be held at the request in writing of the Chairman and shall be held at the written request of one-third of the membership of the Board.

(3) At any meeting of the Board where he is present, the Chairman shall preside and, in his absence, the members present may elect one of their number to preside.

(4) The quorum at a meeting of the Board shall be two-thirds of the membership of the Board.

(5) Each member shall have one vote but in the case of an equality of votes, the Chairman shall have a casting vote.

(6) The Board may at any time co-opt any person to advise or otherwise assist the Board at any of its meeting but the person co-opted shall not vote on any matter for decision by the Board.

(7) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of at least two-thirds of the members, including the Chairman.

(8) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

Disclosure of
interest.

7. (1) Any member having a personal interest, whether pecuniary or otherwise, direct or indirect, in any contract of the Authority or in any company or concern with which the Authority proposes to make any contract, shall disclose to the Board the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or decision of the Board relating to such contract.

(2) Any member who contravenes the provisions of subsection (1) shall be liable to removal from the Board.

Secretary to
Board.

8. The Authority shall have a Secretary who shall also be Secretary to the Board.

PART III — FUNCTIONS OF AUTHORITY

Functions of
Authority.

9. (1) The objectives for which the Authority is established is to regulate, co-ordinate and promote efficiency in all activities within the road transport sector with a view to enhancing or improving the contribution of that sector to economic development in Sierra Leone.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Authority —

(a) to design, develop and administer rules and regulations regarding —

- (i) the registration and licensing of vehicles whether for private or commercial use;
- (ii) the testing of the fitness of vehicles for their intended use and the fitness of persons to be drivers of vehicles;
- (iii) the licensing of drivers of vehicles;
- (iv) the inspection and supervision of vehicle repair and maintenance services; and

- (v) the routing and monitoring of passenger and goods transportation;
- (b) to undertake the development of the manpower needed to service the transport industry, including the training and retraining needs of transport personnel in the private sector;
- (c) to study and advise Government on vehicle standardization and maintenance back-up policy, taking into consideration the need to conserve the environment;
- (d) to promote road safety through —
 - (i) the establishment and dissemination of a code of conduct to be known as the Highway Code for drivers and other users of roads and highways; and
 - (ii) the provision of rest-stops as well as first-aid centres along provincial routes; and
- (e) to establish and maintain a data bank of relevant information on vehicles and the transport industry as a whole; and
- (f) to do all such things as are necessary, expedient or conducive to the attainment of the objectives stated in subsection (1).

10. The Authority shall have power, in connection with its functions under section 9—

- (a) to impose and levy fees, including vehicle licensing and registration fees with the approval of Parliament:

Powers to impose fees and enforce road transport laws.

Provided that any vehicle licensing and registration fees levied by the Authority shall be paid into the Road Fund under paragraphs (b) and (c) of subsection (1) of section 25 of the Sierra Act No. 2 of 1992.

Leone Roads Authority Act, 1992 less any amount which the Authority may be allowed to retain to defray the administrative costs of the levying of such fees;

(b) to initiate appropriate legal action or process either alone or in conjunction with other persons or authorities, for the enforcement of —

(i) any rules or regulations made under this Act; and

(ii) any powers conferred on it by any other law.

Reports of
Authority.

11. (1) The Authority shall, as soon as possible after the end of each financial year but within three months thereof, prepare and submit for the approval of the Board an annual report of its activities, operations, undertakings, property and funds for that year.

(2) An annual report shall include—

(a) a copy of the accounts of the Authority kept in accordance with section 22, together with the Auditor-General's report thereon;

(b) a statement of all directions given by the Minister to the Authority under section 25; and

(c) such other information as the Board may by writing request.

(3) A copy of the annual report approved by the Board shall be sent to the Minister not later than six months after the end of the year to which the report relates and the Minister shall as soon as possible but not later than one month after the receipt of the report cause the report to be laid before Parliament.

(4) In addition to the annual report, the authority shall submit such other reports on the affairs of the Authority as the Minister may in writing require.

12. (1) The Authority shall have an Executive Director who shall be appointed by the President on the advice of the Minister. Appointment of Executive Director.

(2) The appointment of the Executive Director shall be upon such terms and conditions as the Board may, with the approval of the Minister, determine.

(3) No person shall be appointed Executive Director unless he has —

(a) formal qualification in any profession relevant or appropriate to the operations of the Authority; and

(b) such proven ability in public administration and management as the Board may determine.

13. (1) It shall be the function of the Executive Director as the Chief Executive Officer of the Authority but subject to any directions from the Board, to — Functions of Executive Director.

(a) formulate and implement such operational policies, programmes and plans relating to the functions of the Authority as may be approved by the Board;

(b) determine and provide the technical needs of the authority;

(c) initiate and maintain high-level relations with local interest groups and international institutions in the road transport industry;

(d) ensure the regular training and development of the staff of the Authority based on such personnel or manpower guidelines as may be approved by the Board; and

(e) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Authority.

(2) For the efficient conduct of the day-to-day business or activities of the Authority including its financial transactions, the Authority may delegate to the Executive Director such of its functions as are necessary for the purpose, including the power to administer all matters relating to the organization, control and discipline of the staff of the Authority.

Appointment
of Deputy
Executive
Director and
other staff.

14. (1) The Authority may also, subject to such terms and conditions as the Board shall determine, appoint a Deputy Executive Director, a Secretary and such other officers and staff as it considers necessary for the efficient performance of its functions under this Act.

(2) In making any appointment under subsection (1), the Authority shall limit recruitment to positions for which there are vacancies, each with a job description and a continuing justification and based on a general policy —

- (a) to recruit only persons with the requisite formal qualifications, working experience, knowledge, skills and aptitude for the vacancy concerned;
- (b) to recruit internally if qualified candidates can be identified; and
- (c) to ensure non-discrimination and equality of treatment for all applicants.

Secondment
of public
officers.

15. (1) Public servants may be seconded or otherwise render assistance to the Authority but the Authority may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Authority.

Protection of
officers and
other
employees.

16. No officer or employee of the Authority or any person acting on the directions of an officer or employee of the Authority shall be liable in respect of any matter or thing done by him in good faith under this Act.

PART IV — PLANNING AND FINANCIAL MANAGEMENT

17. (1) The basic planning framework of the Authority shall be the medium-term plan of between two and three years' duration which shall specify the objectives and the strategies to be adopted for their implementation together with a forecast of the effect on key aspects of the performance of the Authority.

Operational
plans — and
budget.

(2) The medium-term plan shall be elaborated into detailed operational annual plans supported by annual operating, cash and capital expenditure budgets.

(3) An annual plan of operation prepared and finalized by the Executive Director shall be submitted, not later than three months before the beginning of the financial year of the Authority, for the approval of the Board.

18. (1) The operations of the Authority shall be financed by a fund consisting of —

Funds of Au-
thority.

(a) such portion of the vehicle licencing and registration fees as the Authority is allowed to retain before the payment of such fees into the Road Fund under section 25 of the Sierra Leone Roads Authority Act, 1992;

Act No. 2 of
1992.

(b) any moneys appropriated from time to time by Parliament for the purpose of the Authority;

(c) any moneys accruing to the Authority in the course of its operations; and

(d) any loans raised by the Authority with the approval of the Minister.

(2) Subject to section 21, the funds of the Authority shall be utilized only on the basis of the annual operational plans and budgets, so, however, that expenditures shall not exceed expected incomes.

Amendment
of Act No 2
of 1992.

19. For the purposes of paragraph (a) of subsection (1) of section 18, the Sierra Leone Roads Authority Act, 1992 is amended by substituting for subsection (2) thereof the following new subsection —

“(2) The Authority shall use the Road Fund to meet —

(a) the administrative expenses of the Road Transport Authority established by the Road Transport Authority Act, 1996, in the collection and payment of the vehicle licensing and registration fees into the Road fund; and

(b) the expenses incurred by it in routine, periodic and emergency maintenance of roads”.

Borrowing
powers of
Authority.

20. (1) The Authority may borrow money required by it for carrying out its functions under this Act or any other law subject to the approval of the Minister as to the account, the sources of borrowing and the terms and conditions of the loan.*

(2) The approval of the Minister under subsection (1) may be either general or limited to a particular transaction.

Expenditure
outside
Authority's
budget.

21. Where any person, body of persons or Government agency requires the Authority to perform any task or service outside its annual budget, the money to meet the cost involved shall be provided by such person, body of persons or Government agency.

Accounts
and audit.

22. (1) The Authority shall keep proper books of account and other records in relation to the business or activities of the Authority and shall prepare in respect of each financial year of the Authority a statement of accounts in a form designed to —

(a) indicate monthly expenditures;

(b) provide data for up-to-date budget control based on the management information system of the Authority; and

(c) ensure correct use of the funds of the Authority.

(2) The accounts of the Authority kept under subsection (1) shall be audited by the Auditor-General or by an auditor appointed by him subject to section 80 of the Public Budgeting and Accounting Act, 1992.

(3) The statement of accounts and the audit report thereon shall be submitted to the Board for approval and a copy shall be submitted to the Minister as part of the annual report required to be laid by the Minister before Parliament under subsection (3) of section 11.

23. The financial year of the Authority shall be the same as that of the Government. Financial year of Authority.

24. (1) There is hereby vested in the Authority such assets of the Ministry as the Minister may by order specify for the purposes of the functions of the Authority. Transfer of assets.

(2) Unless otherwise provided in the order made under subsection (1), the Authority shall not be responsible for any liabilities incurred by the Ministry before the commencement of this Act in respect of any function assigned to the Authority by this Act.

PART V — MISCELLANEOUS PROVISIONS

25. The Minister may in writing give directions of a general policy nature to the Authority concerning its operation and the Authority shall comply with such directions. Minister's power of direction.

26. (1) There is hereby assigned to the Authority the following functions under the Road Traffic Act, 1964, (in this section called "the Act") each of which immediately before the coming into operation of this Act were assigned respectively to — Transfer of functions Act of

- (a) the Principal Licensing Authority by subsections (3) and (4) of section 3 of the Act in respect of the general administration of the Act and being the central registrar of all motor vehicles, trailers and of all licenses;

- (b) the Road Transport Board under section 9 of the Act;
- (c) the Road Transport Advisory Council, under subsection (3) of section 20 of the Act;
- (d) the Minister for making rules under section 18; regulations under section 56 and a Highway Code under section 59 of the Act and for the appointment of the Principal Certifying and Examining Officer under section 4 of the Act.

(2) The Act shall be construed with such adaptations and modifications as may be necessary to give effect to subsection (1).

(3) The Authority may, by Government Notice, appoint as many Licensing Authorities as may be required and assign them such functions under the Act and areas of operation as it may determine, and any such Licensing Authorities shall, notwithstanding anything contained in this Act be, or as the case may be, continue to be under the direction of the Principal Licensing Authority until otherwise provided by the Minister by statutory instrument.

(4) Any register established for the purposes of the Act and in existence immediately before the coming into operation of this Act, is hereby vested in the Authority and may, accordingly, be kept and maintained and open to the public subject to any directions of the Authority.

(5) Notwithstanding paragraph (d) of subsection (1), any rules under section 18, regulations under section 56 and Highway Code under section 59 made by the Minister and in existence immediately before the coming into operation of this Act, shall continue to be in force until revoked or replaced by the Authority.

(6) The following provisions of the Act are repealed:—

Subsection (1) of section 3; subsection (1) of section 4; section 8; subsection (1) of section 9 and subsections (1) and (2) of section 20.

SIGNED this 7th day of January, 1997.

ALHAJI AHMAD TEJAN KABBAH,
President.



No. 4



Sierra Leone

1996

The Road Transport Authority Act, 1996

Short title.

Being an Act to provide for the establishment of an Authority for the regulation and development of the road transport industry, including the registration and licensing of vehicles, the licensing of drivers, the prescription of routes for passenger and goods transportation and for other matters connected with the foregoing.

[9th January, 1997]

Date of
Commencement

ENACTED by the President and Members of Parliament in this
present Parliament assembled

PART I --- PRELIMINARY

Interpreta-
tion

1.

In this Act, unless the context otherwise requires:—

“Authority” means the Road Transport Authority established by section 2;

“Board” means the Board referred to in subsection (1) of section 3;

“Chairman” means the Chairman of the Board referred to in subsection (2) of section 3;

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PART II — ESTABLISHMENT OF AUTHORITY

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2. (1) There is hereby established a body to be known as the Road Transport Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal the use of which shall be authenticated by the signatures of—

(a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and

27. The Authority may by statutory instrument make such rules and regulations as it may consider necessary or expedient for giving effect to the provisions of this Act. Rules and regulations.

Passed in Parliament this 17th day of December, in the year of our Lord one thousand, nine hundred and ninety-six.

J. A. CARPENTER,
Acting Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER
Acting Clerk of Parliament.