

ACTS

Supplement to the Sierra Leone Gazette Vol. CXXIII, No. 18

dated 19th March, 1992

THE SIERRA LEONE ROADS AUTHORITY ACT, 1992

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SIGNED this 16th day of March, 1992

J. S. MOMOH,
President.

LS

No. 2

1992



Sierra Leone

The Sierra Leone Roads Authority Act, 1992

Short title.

Being an Act to provide for the establishment of a Roads Authority for Sierra Leone; for the transfer to the Authority of the functions performed by the Roads Division of the Ministry of Works; and for connected purposes.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

[Date of
Commence-
ment.

PART I—PRELIMINARY

1. This Act shall come into operation on such date as the Minister may by order appoint.

Commence-
ment.

Interpreta-
tion.

2. In this Act, unless the context otherwise requires—
- “Authority” means the Sierra Leone Roads Authority established under section 3;
 - “Board” means the Board of the Sierra Leone Roads Authority established under section 12;
 - “bridge” means any structure carrying vehicular or pedestrian traffic across a river, stream, valley, ravine, road, railway crossing, ditch and drainage structure;
 - “construction” means supervising, inspecting and actual building; locating, surveying, mapping, railway-grade crossing, and other elimination of road hazards;
 - “Director-General” means the Chief Executive designated as such under section 18;
 - “ferry” includes any structure used for the transport of vehicles, passengers and goods or any of them across any river, pontoons, landing ramps, haulage gear and all appliances attached to or used for the operation of a ferry;
 - “maintenance” in the case of roads means the preservation of roads including surface, shoulders, roadsides, structures and such traffic signs as are necessary for the safe and efficient utilization of roads;
 - “Minister” means the Minister for the time being responsible for matters relating to works;
 - “Ministry” means the ministry of Works;
 - “road” includes a public way or strip of land open to the public for purposes of travel as a matter of right and over which abutting property owners have the right of light, air and access, streets, right-of-way, bridges, railway-highway crossings, tunnels, drainage structures, traffic signs, guardrails, and protective structures connected with public ways;
 - “Road Fund” means tax revenue dedicated to the payment of expenses incurred by the Authority in the routine, periodic and emergency maintenance of roads;
 - “road user charges” include fees levied by the Authority for the use of roads, bridges and ferries;
 - “traffic sign” has the same meaning as that assigned to it in the Road Traffic Act 1964;

“vehicle” has the same meaning as that assigned to it in the Road Traffic Act, 1964.

PART II—ESTABLISHMENT OF AUTHORITY

3. (1) There is hereby established a body to be known as “the Sierra Leone Roads Authority” in this Act referred to as “the Authority”. Establishment of Authority.
- (2) The Authority shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and hold and dispose of real or other property in any manner whatsoever for the purpose of this Act.
4. The General Policies of the Authority shall be determined by the Minister. General Policies of the Authority.
5. (1) Notwithstanding any existing law to the contrary the Authority shall be responsible for the administration, control, development and maintenance of all roads and related ferries in Sierra Leone. Functions of the Authority.
- (2) For the purposes of discharging the responsibility described in subsection (1) the Authority shall—
 - (a) define the National Road network and its subdivisions into international and national highways; primary, secondary and if necessary, tertiary routes based on considerations of national interest and a functional classification scheme determined by the Authority;
 - (b) carry out, on a permanent basis, such necessary engineering traffic and economic studies as it may consider necessary for the maintenance and improvement of the national road network;
 - (c) implement a maintenance management system for planning, organizing, directing and controlling routine and periodic maintenance activities performed by employees of the Authority or through independent contractors;
 - (d) carry out either by its employees or through contractors with qualified consultants, location and design studies (including right of way and borrow pit requirements) required for programmed road

improvement or rehabilitation projects, and prepare corresponding construction plans, specifications, costs estimates and other documents required for proper rendering of the programmed works;

- (e) tender, let and administer contracts for road improvement and rehabilitation projects and for those road maintenance activities for which contracting is deemed by the Authority to be cost effective or otherwise advantageous;
- (f) carry out, either through its employees or through independent contractors, all necessary routine periodic and emergency road maintenance activities in accordance with the service level of maintenance established for each class or type of road;
- (g) keep adequate cost records and operate a management information system providing managers at all levels with timely and accurate information on commitments and expenditure for works and services for which they are responsible;
- (h) carry out a comprehensive continuing programme of professional staff development and appropriate skills training for non-professional staff; and
- (i) carry out such other activities as may be required in order to perform the functions and duties of the Authority under this Act.

Traffic
Signs.

6. (1) The Authority may cause traffic signs to be erected, placed, or maintained on, over, under or near any road or ferry for the guidance of drivers of vehicles and other users of such roads or ferries and may remove or alter such signs.
- (2) Such traffic signs shall conform to international requirements relating thereto and in the absence of such requirements shall be of such size, colour and type as may be prescribed by regulations made under section 42.
- (3) Any person who contravenes or fails to comply with any traffic sign shall be guilty of an offence and liable on conviction thereof to a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

- (4) The Authority may by notice in writing require the owner or occupier of land on which there is any traffic sign or any object which so clearly resembles a traffic sign that it might be reasonably taken to be such traffic sign, to remove it and if any person fails to comply with such notice the Authority may effect the removal of the traffic sign with as little damage as possible and may recover summarily as a civil debt from the person in default the expenses incurred in removing such sign.

Act No. 62 of 1964. Cap. 131.

7. (1) Subject to the provisions of the Road Traffic Act, 1964 and the Ferries Act, the Authority may erect or place or cause to be erected or placed in a conspicuous place on or near any bridge or ferry a notice to the effect that—

Control of Vehicular Traffic on bridges and ferries.

- (a) the bridge or ferry is inadequate to carry more than a certain weight;
- (b) a vehicle exceeding a certain width or height cannot safely be driven on or over such bridge or ferry.

- (2) Any person who contravenes or fails to comply with the terms of such notice shall be guilty of an offence and liable on conviction to a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

8. (1) Subject to the provisions of the Road Traffic Act, 1964 and the Ferries Act, the Authority or any person authorised by it may, at any time by notice, displayed on or over or adjacent to any road or ferry or part thereof restrict or prohibit temporarily the use of such road, ferry or part thereof by any vehicle, class of vehicle or vehicle of a specified construction where owing to the likelihood of serious damage to the road or ferry or injury or danger to the public the Authority or such person, considers it necessary that the restriction or prohibition shall be enforced immediately.

Closing of roads. Act No. 62 of 1964. Cap. 131.

- (2) Any notice referred to in subsection (1) shall contain such information as may be necessary relating to an alternative route, if any, available for traffic.

- (3) A person who uses any road or ferry in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Construction
of bridges
over open
public water
or sewer.

9. (1) No person shall without the written consent of the Authority construct any bridge or other means of crossing over any open public water or sewer in or contiguous to any road.
- (2) The Authority may, if requested so to do by any person, and upon the cost thereof as estimated by the Authority being paid in advance, construct any bridge, and may execute all works necessary for that purpose.
- (3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty thousand leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- (4) The Authority may remove any bridge constructed in contravention of subsection (1) and may repair any damage done by its construction or removal and shall recover the expenses from such offender as if it were a debt due from the offender to the Authority.

Excavation
of Roads.

10. (1) No person shall, without the written consent of the Authority, make any excavation in any road.
- (2) Where with the consent of the Authority, any person makes any excavation in any road, he shall—
- (a) at his own expense, cause such excavation to be sufficiently fenced;
- (b) maintain sufficient light in a proper place on or near the excavation every night from sunset to sunrise; and
- (c) fill such excavation up and restore the road to the satisfaction of the Authority as soon as possible after completing any works for which the excavation was required or within such time as the Authority may specify.

- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable on conviction to a fine of not less than fifty thousand leones or to imprisonment for a term of not less than six months and the authority shall, immediately thereafter, fill the excavation and recover the expense from the offender as if it were a debt due from the offender to the Authority.
- (4) Where the Authority makes any excavation in any road, or delegates to any person the power to make any such excavation, the Authority or such person shall—
- cause the excavation to be sufficiently fenced;
 - maintain sufficient light in a proper place or near the excavation every night from sunset to sunrise; and
 - fill up the excavation and restore the road as soon as possible after completing any works for which the excavation was required.
11. (1) The Authority may, with the approval of the Minister, by order in the *Gazette* delegate to any local authority or any competent body or person the control, maintenance and protection of any road or ferry or part thereof. Delegation of functions of the Authority.
- Provided that in the case of a local authority no such order shall be made except after consultation with the Minister responsible for local Government.
- A local authority shall not refuse any delegation of power effected under subsection (1).
 - While any delegation of power is in force under this section the local authority or any other body of persons to which or to whom the delegation is made may exercise all ancillary functions of the Authority delegated concerning the road or ferry or part thereof affected by the delegation.
 - The order affecting the delegation of power may, for the removal of doubts, specify the ancillary functions to be exercised by the local Authority or body of persons under subsection (3).

PART III—THE BOARD

12. (1) The Governing body of the Authority shall consist of— Board of Directors.
- a chairman and nine other members; and

- (b) the person appointed Director-General under section 18.
- (2) The Chairman and Members of the Board shall be appointed by the President.
- (3) The other members of the Board under paragraph (a) of subsection (1) shall be the following—
 - (a) the Professional Head of the Ministry or his representative;
 - (b) the Financial Secretary or his representative;
 - (c) a representative of the Sierra Leone Chamber of Commerce, Industry and Agriculture;
 - (d) a representative from Local Government;
 - (e) a professional engineer with sufficient experience in road development, construction and maintenance, nominated by the Sierra Leone Institution of Engineers;
 - (f) a representative of road users;
 - (g) three other persons to be appointed by the President on the advice of the Minister.

Tenure of office of members of the Board.

- 13. (1) The Chairman and members of the Board appointed under paragraphs (c), (d), (e), (f) and (g) of subsection (3) shall hold office for a term of three years, but shall be eligible for reappointment.
- (2) No person shall be qualified to be a member, or to continue to be a member, of the Board if—
 - (a) he is adjudged to be a person of unsound mind;
 - (b) he has been convicted of an offence involving dishonesty or fraud and has not been granted a free pardon;
 - (c) in the case of a person having professional qualifications, he is disqualified or suspended otherwise than at his request, from practising his profession by the order of any competent authority made in respect of him personally.
- (3) Any member of the Board may resign his office as a member of the Board by notice in writing addressed to the Minister.

- (4) Where any member of the Board is unable by reason of his absence from Sierra Leone or illness or any other sufficient cause from performing any of the duties of his office, the President may appoint another person to hold office in his place until that person is able to resume his duties or until the expiry of the term of office of such member which ever occurs first.

14. The Board shall have general control of the management, property, business and funds of the Authority and of all other matters relating to the Authority. General functions of the Board.

15. For the purpose of discharging its functions under this Act, the Board shall delegate to the Director-General appointed under section (18) the following powers— Delegation of powers to the Board.

- (a) to sign any contract for or on behalf of the Authority;
- (b) to collect any monies due to the Authority such as monies from the Road Fund and Budgetary Allocations and to discharge debts owed to the Authority;
- (c) to sign, accept, negotiate, endorse and receive any negotiable instrument on behalf of the Authority.
- (d) to acquire or authorise the acquisition of movable or immovable property and to transfer or allocate any funds of the Authority for that purpose;
- (e) to authorise the disposal of securities of any kind belonging to the Authority;
- (f) to open and operate current, deposit or credit accounts on behalf of the Authority at any bank or financial institution, and
- (g) to negotiate and obtain loans on behalf of the Authority and to determine the nature and conditions of such loans.

16. (1) The Board shall meet for the discharge of its business at least once in every month at such times and places as the Chairman shall appoint. Meetings of the Board.
- (2) The Chairman shall, at the written request of the Director-General or not less than five members of the Board, convene a special meeting of the Board to transact any extraordinary business on a date specified in the request.

- (3) Where any request under subsection (2) is made by members other than the Director-General, such request shall be transmitted to the Director-General of the business to be transacted at least five working days before the date specified in the request.
- (4) The quorum of the Board at any meeting shall be five including the Chairman or the Director-General or both.
- (5) The Board shall take decisions by a simple majority of votes of members present and in the event of an equality of votes the person presiding shall have a second or casting vote.
- (6) The Chairman shall preside at every meeting of the Board at which he is present and in his absence, a member of the Board appointed by the members present and voting from among themselves shall preside.
- (7) The minutes of every meeting of the Board shall be recorded, and signed by the Chairman of the meeting after confirmation.
- (8) The Board may at any time co-opt any person to act as an adviser at any of its meetings, but no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Board.
- (9) The validity of any proceedings of the Board shall not be affected by any vacancy among its members, or by any defect in the appointment of any of its members.
- (10) Any member of the Board who—
 - (a) has any interest in any company or undertaking with which the Authority proposes to enter into any contract, shall disclose the nature of his interest to the Board and shall be disqualified from participating in any deliberations and voting of the Board in respect of such contract;
 - (b) contravenes the provisions of paragraph (a) shall be liable to be removed from the Board.

Allowances
to members
of the Board.

17. The Board may grant allowances to its members and to persons co-opted by the Board under subsection (8) of section 16 at such rates as the Board may determine with the approval of the Minister.

PART IV—MANAGEMENT AND STAFF

18. (1) The Authority shall have a Chief Executive and Deputy Chief Executive both of whom shall be known as Director-General and Deputy Director-General respectively and appointed by the President on the advice of the Minister. Establishment of Director-General, etc.
- (2) The Director-General and Deputy Director-General shall be assisted by the five Directors designated as follows—
- (a) Director (Administration);
 - (b) Director (Development);
 - (c) Director (Maintenance);
 - (d) Director (Feeder Roads); and
 - (e) Director (Equipment and Supplies) respectively.
- (3) The five directors shall be appointed by the Board and shall be assigned such other duties and functions as the Director-General may determine.
- (4) The Director-General shall be responsible for the day-to-day direction of the business of the Authority for the implementation of the decision of the Board and for the administration, organisation and control of all employees of the Authority.
- (5) The Director-General shall be a Civil Engineer and a person of recognised technical and professional standing and shall be appointed and hold office upon such terms and conditions as the President may specify in the instrument of appointment.
- (6) If the Director-General is incapacitated or for any reason is unable to perform any of his functions or is absent from Sierra Leone, the Deputy Director-General shall act in his place for the duration of the incapacity or absence of the Director-General.
- (7) The Deputy Director-General shall work under the supervision of the Director-General and shall be responsible for all work assigned to him by the Director-General or the Board, and shall have general responsibility for the Area Engineers.

Execution of
Contract.

(8) The Directors shall act under the supervision of the Director-General and shall perform such functions and duties as may be assigned to them by the Director-General.

19. (1) The use of the seal of the Authority shall be authenticated by two signatories, namely—

(a) the Director-General himself or some other member of the Board authorised in writing to authenticate the application of the seal; and

(b) the Secretary or some other officer of the Authority authorised in writing by the Board to act in the Secretary's place for that purpose.

(2) The Authority may in writing under its common seal give to any person either generally or in respect of any specific matters a power of attorney, to execute deeds on its behalf in any place not situated in Sierra Leone; and every deed signed by such attorney on behalf of the Authority and under its seal, shall be binding on the Authority and have the same effect as if it were executed by the Authority itself.

(3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not be required to be under seal, may be executed or entered into on behalf of the Authority by the Director-General or any member of the Board in accordance with the provisions of Section 15 if such member has previously been authorised by a resolution of the Board to execute such instrument or enter into that particular contract:

Provided that if the Authority thinks fit it may in writing under its common seal appoint any person outside Sierra Leone as agent to execute any instrument or enter into any contract on behalf of the Authority and such instrument or contract shall have effect as if it had been duly executed or entered into by the Authority as prescribed for in this subsection.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Authority and to be—

- (a) sealed with the common seal of the Authority and authenticated in the manner provided for in subsection (1); or
 - (b) signed by and under the seal of a person appointed as attorney under subsection (2); or
 - (c) signed by the Director-General or by a member of the Board or other person authorised in accordance with subsection (3) to act for that purpose;
- shall be deemed to have been so executed or issued by the Authority until the contrary is shown.
- (5) The provisions of this section shall have effect subject to the provisions of section 11 and section 15.
20. (1) The Authority may engage such officers and other employees as it may deem expedient for the proper and efficient conduct of the business and functions of the Authority and on such terms and conditions as the Authority may determine. Staff of the Authority.
- (2) The Authority may also engage the services of such consultants and advisers as the Board may, on the recommendation of the Director-General, determine.
 - (3) The Board shall, on the recommendation of the Director-General, be responsible for the appointment, discipline and removal of any category of Directors designated as such in subsection (2) of section 18.
 - (4) The Board acting on the recommendation of the Director-General shall be responsible for the discipline and removal of Directors referred to in subsection (3).
 - (5) The Board shall delegate to the Director-General the power to appoint, discipline and remove any person in respect of any post below the level of Divisional Head or any other similar post.
 - (6) Public officers on secondment to the Authority shall be subject to the disciplinary rules of the Authority.

- (7) Public officers may be transferred or seconded to the Authority or may otherwise be required to give assistance to the Authority.
- (8) If a public officer, eligible to receive a pension on retirement is seconded to the Authority, the period during which he serves with the Authority shall, for the purposes of computation of the time and amount of pension under any law relating to pensions for the time being in force and applicable to him, be deemed to be service in the public service.
- (9) The Authority shall adopt suitable policies in respect of conditions of service of staff which shall be compatible with the best standards of practice in other semi-autonomous or parastatal organisations.
- (10) The Authority shall with the approval of the Minister make regulations establishing schemes for pensions, gratuities and other retirement benefits in respect of employees of the Authority and such regulations may include provisions for the grant of benefits to the dependants of its employees or their legal representatives.
- (11) The Authority shall for the purpose of achieving maximum efficiency in the discharge of its functions under this Act institute schemes for the training of its employees in administrative, engineering, technical, managerial or in other capacities with a view to securing the benefit of their knowledge, experience and expertise in the conduct of the operations of the Authority.

Secretary of
the Authority.

21. (1) The Director (Administration) shall be the Secretary to the Authority and shall act as Secretary to the Board.
- (2) The Secretary shall subject to the directions of the Board arrange the business for meetings of the Board.
- (3) The Secretary shall also as Secretary, perform such functions as the Board may in writing direct or as the Director-General may in writing delegate to him and shall be assisted in his functions by such employees of the Authority as the Board may, on the recommendations of the Director-General, direct.

22. (1) The Authority shall have an Internal Auditor who shall be appointed by the Board from amongst persons registered with the Institute of Chartered Accountants, with the approval of the Auditor-General. Internal Auditor.
- (2) Subject to the provisions of this Part, the Internal Auditor shall be responsible to the Director-General for the performance of his functions.
- (3) The Internal Auditor, as part of his functions, shall prepare and submit to the Director-General at the end of each month, a report on the Internal Audit carried out during that month.
- (4) The Internal Auditor shall make in such report such observations as appear to him necessary as to the conduct of the financial affairs of the Authority during the month to which the report relates.
- (5) In addition to the requirement of subsection (3), the Internal Auditor shall prepare and forward quarterly a summary of reports prepared under subsection (3) to the following persons—
- (a) The Auditor-General; and
 - (b) The Board.

PART V—FINANCIAL PROVISIONS

23. The Financial year of the Authority shall be from the 1st day of July to the 30th day of June of the following year. Financial year of the Authority.
24. The Funds [and] [resources] of [the] Authority shall be— Funds of the Authority.
- (a) The Road Fund;
 - (b) sums of monies allocated by Government to the Authority for road development purposes;
 - (c) sums of monies from time to time appropriated by Parliament for use by the Authority in respect of recurrent expenditure;
 - (d) sums of monies from time to time received by or falling due to the Authority in respect of payment of any loans made by the Authority;
 - (e) Investment made by the Authority and the monies accruing therefrom;
 - (f) sums of monies accruing to the Authority for the course of its operations; and

(g) all other monies and property to which the Authority may become entitled.

Establishment and use of the Road Fund.

25. (1) There shall be a Road Fund into which shall be paid—

- (a) road user charges levied on fuel;
- (b) vehicle licencing fees;
- (c) vehicle registration fees;
- (d) any other road user charges that may from time to time be allocated to the Fund by any law.

(2) Notwithstanding the provisions of sub-section (1), the Authority may, with the approval of Parliament, raise other road user charges including tolls and other fees for the Road Fund.

(3) The Authority shall use the Road Fund exclusively for the purpose of defraying expenses incurred by it in routine, periodic and emergency maintenance of roads.

Borrowing Powers.

26. (1) Subject to subsection (2); the Authority may borrow money required by it for the exercise of its functions and for meeting its obligations.

(2) The Authority may borrow money only with the approval of the Minister as to the account, the sources of borrowing and the terms and conditions of the loan.

(3) The approval of the Minister under subsection (2) may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

Power to invest funds.

27. The Authority may invest money outstanding to the credit of the Authority and not immediately required to be expended in meeting any of its obligations or commitments in such manner as the Minister may approve.

Authority to prepare annual budget.

28. (1) The Authority shall, not later than two months before the end of each financial year, cause to be prepared and submitted to the Minister for the approval of Parliament, an annual budget in respect of the ensuing financial year comprising estimates of expected recurrent maintenance, development and capital expenditure of the Authority in that financial year.

29. Where any person, body of persons or Government Agency requires the Authority to carry out any development or expenditure outside its annual budget, the money to meet such development or expenditure shall be provided by such person, body of persons or Government Agency. Expenditure outside Budget.

30. (1) The Authority shall keep proper books of accounts and other records and shall prepare annually a statement of accounts in such form and with such particulars as the Auditor-General may from time to time direct. Account and Audit.
- (2) The books of accounts and other records of the Authority shall be audited each year by the Auditor-General or by independent auditors who shall be members of the Institute of Chartered Accountants to be appointed from time to time by the Authority with the approval of the Auditor-General.
- (3) The Auditor-General or independent auditors as the case may be shall, not later than six months after the end of each financial year, send to the Minister a copy of the Auditor's accounts of the Authority for the immediately preceding financial year together with their report.
- (4) The report of the Auditor-General or independent auditors shall state whether—
- (i) proper books of accounts have been kept by the Authority; and
 - (ii) the financial statement of the Authority prepared on a basis consistent with that of the preceding year and is in agreement with books of accounts of the Authority.
- (5) In addition to the annual audit, the Auditor-General or independent auditors may at any time audit the accounts and examine the records of financial transactions of the Authority and shall notify the Minister of any irregularity disclosed by such audit and examination.
- (6) The Authority shall provide the Auditor-General or independent auditors with all necessary and appropriate facilities for the examination of the accounts and records.
- (7) The Auditor-General or independent auditors may make copies of or take extracts from account books or other financial records of the Authority.

PART VI—ACQUISITION OF LAND AND PROPERTY

- Acquisition of land and property.
31. (1) All rights-of-way for road purposes existing immediately before the commencement of this Act shall be vested in the Authority.
- (2) The Authority may acquire land for the purpose of this Act by private treaty or agreement or in any other lawful manner.
- (3) Where the Authority is unable to acquire by private treaty or agreement any land in the Western Area required for the purposes of this Act, the Minister may order proceedings to be taken for the compulsory acquisition of such land in accordance with the provisions of the Public Lands Act and such acquisition shall be deemed to be for a public work within the meaning of that Act and any land so acquired shall be vested in the Authority by a Certificate issued under the hand of the Minister and describing the land, stating that it is so vested.
- Cap. 116.
- (4) Where the Authority is unable to acquire by private treaty or agreement the leasehold of any land in the Provinces required for the purposes of this Act, the Minister of Internal Affairs may authorise any person to execute in the name and on behalf of the Chiefdom Council a lease to the Authority on such terms and conditions as shall appear to the Minister to be fair and reasonable, of any land which the Authority may so require and any lease so executed shall, notwithstanding that any consent or approval required under section 3 of the Provinces Lands Act has not been obtained, be as effective for all purposes under this Act as if such lease had been duly granted by the Chiefdom Council and each land so acquired shall vest in the Authority and the cost of such acquisition shall be defrayed by the Authority.
- Cap. 122.

Vesting of Assets.

32. On the commencement of this Act, there shall vest in the Authority such assets of the Ministry as the Minister may by order specify.

PART VII—LEGAL PROCEEDINGS

- Notice of Action.
33. (1) No action shall be brought against the Authority unless at least one month's written notice of the intention to bring such action has been served upon the Authority by the intending Plaintiff or his Agent.

- (2) The notice shall state the cause of action, the name and place of abode of the intending Plaintiff and the relief which he claims.

34. The notice referred to in section 33 and any summons, notice or other document required or authorised to be served on the Authority in connection with any suit by or against the Authority may be served by delivering it to or sending it by registered post addressed to the Director-General of the Authority or to such other officer of the Authority as may be prescribed by regulations made under section 42. Service of documents.

35. In any action or suit against the Authority, no execution or attachment or process shall be issued against the Authority nor any sums of money which may by judgment of the court be awarded against the Authority be paid by the Authority from its funds before the expiration of at least three months of the judgment of the court. Restriction on execution of Judgment.

36. In any suit pending before the court, the Authority may be represented in court at any stage of the proceedings by any officer or other employee of the Authority duly authorised in writing by the Authority in that behalf. Representations of Authority in proceedings.

37. 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 for the purposes of any provisions of this Act. Protection of Officers.

PART VIII—MISCELLANEOUS

38. (1) The Authority shall, within six months after the expiration of each financial year, submit to the Minister an annual report dealing generally with the activities and operations of the Authority within that year which shall include— Annual Report.
- (a) information with regard to the proceedings and policy of the Authority;
 - (b) a copy of the Audited accounts of the Authority in respect of that year together with the report of the Auditor-General or independent auditor as the case may be in compliance with subsection (4) of section 119 of the Constitution of Sierra Leone, 1991;
 - (c) each report submitted in relation to that financial year by the Auditor-General or independent auditors under section 30 as required under section 119 of the Constitution;

(d) such other information as the Minister may request in writing.

(2) The Director-General shall also from time to time provide the Minister with such information relating to the affairs of the Authority as the Minister may request in writing.

(3) The Minister shall as soon as possible after receiving the annual report cause it to be laid before Parliament.

Co-operation
with other
Public Agen-
cies.

39. In the discharge of its functions under this Act the Authority shall co-operate duly with all Government Ministries, departments and agencies and other public authorities.

Statutory
Power to be
exercised
consistently
with the Act.

40. No person shall exercise any statutory power or duty in a manner inconsistent with the exercise of the functions conferred on the Authority by or under this Act.

Regulations,
etc.

41. (1) Subject to the provisions of the Road Traffic Act, 1964 and the Ferries Act, the Minister may at the request of or after consultations with the Authority make rules or regulations relating to Roads and Ferries for the following purposes—

- (a) the use, safety or maintenance of roads and ferries;
- (b) the erection of structures on, near, over or under roads and ferries;
- (c) the drainage of streets, lands, compounds and new buildings adjacent to roads;
- (d) the level, width and construction of streets;
- (e) the removal, demolition or alteration of any projection, structure or thing obstructing a road or ferry or likely to cause damage or inconvenience to users of roads or ferries; and
- (f) the towing or removal of any vehicle obstructing a road or ferry.

(2) any rule or regulation made under sub-section (1) may prescribe penalties in respect of the contravention of any of the provisions made thereunder.

(3) Any rules or regulations made under subsection (1) may prescribe the fees to be charged for any service performed by the Authority or any penalty to be incurred under subsection (2).

42 (1) Where any bridge or ferry is damaged—

(a) by reason of any vehicle passing over it in contravention of the provisions of section 7; or

(b) by reason of any vehicle passing over the bridge and coming into contact with any portion thereof other than the surface of the road,

the owner of the vehicle and any person driving or propelling it shall jointly and severally be liable to the Authority for any damage so caused.

(2) A certificate under the hand of any person authorised in that behalf by the Authority, stating the amount of the cost of making good such damage, shall be *prima facie* evidence of such cost.

Liability of owner and driver for damage.

43. The Government, the Authority, a local authority or any other body of persons responsible for the maintenance of any road or ferry under this Act shall incur civil liability in respect of any injury, damage or loss which may accrue to any person or property through the failure of any such road or ferry to sustain any vehicle.

Liability of Authority for failure to sustain vehicle.

44. The Authority shall be exempted from such taxes and duties as the Minister responsible for Finance may with the approval of Parliament, prescribe.

Exemption from taxes, and duties etc.

45. (1) Unless otherwise directed by the Minister, the Authority shall not be responsible for any liabilities incurred by the Ministry before the commencement of this Act in respect of any functions to be performed by the Authority under this Act.

Existing Liability.

46. Subject to the provisions of the Constitution of Sierra Leone, 1991 all laws in force at the commencement of this Act containing provisions relating to roads or ferries shall have effect with such modifications as may be necessary to give full effect to the provisions of this Act.

Act No. 6 of 1991. Modification of existing Laws relating to roads and ferries.

47. Notwithstanding the provisions of any existing law to the contrary, no local authority, or other body of persons shall exercise any power relating to the control, maintenance or protection of any road or ferry except where such power has been delegated under section 11 or such local authority, or body of persons is acting under the express approval of the Authority.

Delegated authority.

Passed in Parliament this 25th day of February, in the year of our Lord one thousand nine hundred and ninety-two.

M. T. BETTS-PRIDDY,
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.

M. T. BETTS-PRIDDY,
Acting Clerk of Parliament.