

Passed in Parliament this 30th day of March, in the year of our Lord two thousand and ten.

VICTOR A. KAMARA,
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 correct printed copy of the said Bill.

VICTOR A. KAMARA,
Clerk of Parliament.

ACT

Supplement to the Sierra Leone Gazette Vol. CXLI, No. 25
dated 15th April, 2010

SIGNED this 9th day of April, 2010.

DR. ERNEST BAI KOROMA,
President.



No. 3



2010

Sierra Leone

The Road Maintenance Fund Administration Act, 2010.

Short title.

Being an Act to establish a Road Maintenance Fund and an administration for financing the maintenance of the core road network and to provide for other related matters.

[] Date of commencement.

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

PART I—PRELIMINARY

Interpretation.

1. In this Act unless the context otherwise requires—

“activity” means the supply of goods, services or works in relation to the construction or maintenance of roads;

“Administration” means the Road Maintenance Fund Administration established by section 2;

Act No. 2 of 1992.

“Authority” means the Sierra Leone Roads Authority established by the Sierra Leone Roads Authority Act, 1992;

“Board” means the Board of Directors appointed under section 3;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 10;

“civil society” means a group of members of the public identified as relevant to the functions of the Administration;

“core road network” means the primary and secondary roads forming part of the national road network;

“core road programme” means a programme approved under section 19;

“financial year” means the financial year of the Administration;

“Fund” means the Road Maintenance Fund established by section 16;

Act No. 1 of 2004.

“local council” means a local council established under the Local Government Act, 2004.

“Minister” means the Minister responsible for finance;

“national road network” means all roads and ferries in Sierra Leone.

PART II—ESTABLISHMENT OF ROAD MAINTENANCE FUND ADMINISTRATION

2. (1) There is hereby established a body to be known as the Sierra Leone Road Maintenance Fund Administration. Establishment of Sierra Leone Road Maintenance Fund Administration.

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

(3) The Administration 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 generally or specifically authorized by the Board for that purpose; and

(b) the Chief Executive Officer or other officer of the Administration authorized by the Board for that purpose.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Administration and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without other proof unless the contrary is proved.

(5) In appropriate cases the common seal may be affixed to documents outside Sierra Leone.

3. (1) The governing body of the Administration shall be a Board of Directors consisting of— Board of Directors.

(a) the Chairman who has knowledge and experience in matters relating to the functions of the Administration;

(b) a representative of the Sierra Leone Institution of Engineers with knowledge and experience in road development, construction or maintenance;

- (c) a representative of the Sierra Leone Institute of Chartered Accountants;
- (d) the professional head of the Ministry responsible for works or his representative;
- (e) a member of civil society;
- (f) two other persons with knowledge and experience in human resource management and administration at least one of whom shall be a woman; and
- (g) the Chief Executive Officer .

(2) Members of the Board other than the person referred to in paragraph (d) of subsection (1) shall be appointed by the President subject to the approval of Parliament.

(3) In electing their representatives, the bodies referred to in paragraphs (b) and (c) of subsection (1) shall ensure that the persons elected are of the highest technical, professional and personal reputation.

Tenure of office of Board members.

4. (1) The Chairman and other members of the Board except the Chief Executive Officer and the member referred to in paragraph (d) of subsection (1) of section 3 shall hold office for a term of three years and shall be eligible for re-appointment for another term only.

(2) A member of the Board may resign from office by written notice addressed to the President.

(3) The President may by letter addressed to a member revoke the appointment of that member.

(4) On the death or vacation of office of the Chairman or any other member of the Board referred to in paragraph (b), (c), (d), (e) or (f) of subsection (1) before the expiry of the term of office, the President or as the case may be the body represented by the member, may appoint or elect the Chairman or the member for the remainder of the term of that member.

(5) A person shall cease to be a member of the Board on any of the following grounds:—

- (a) if the person is absent from three consecutive meetings of the Board without reasonable excuse;
- (b) if the person becomes bankrupt or insolvent;
- (c) if the person is convicted of an offence involving fraud or dishonesty;
- (d) for proven misconduct; or
- (e) for inability to perform the functions of the office as a result of infirmity of mind or body.

5. The Chairman and other members of the Board shall be paid fees or allowances as may be fixed by the Board with the approval of the Minister. Remuneration of members of Board.

6. (1) The Board shall hold its first meeting on a date and at a time to be determined by the Minister, after consultation with the Board; and after that, the Board shall meet for the dispatch of business at least once every three months. Meetings of Board.

(2) The Chairman shall preside at meetings of the Board and in his absence the members present shall elect one of their number to preside.

(3) The quorum for a meeting of the Board shall be five.

(4) The Chairman shall, at the request of three other members of the Board convene an extraordinary meeting of the Board at the place and time determined by the Chairman.

(5) Decisions of the Board shall be made by a majority of the votes of the members present and where the votes are equal, the Chairman or other member presiding shall have a casting vote.

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

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

(7) Subject to this Act, the Board shall regulate the procedure at its meetings.

Disclosure of interest.

7. (1) A member of the Board who has any interest whether direct or indirect, in any matter being considered by the Board, shall disclose the nature of that interest to the Board and the disclosure shall be recorded in the minutes of the Board.

(2) The member of the Board referred to in subsection (1) shall not take part in the deliberation or decision of the Board relating to the matter.

(3) Any member who fails to comply with subsection (1) or (2) shall be guilty of misconduct and liable to be removed from the Board.

Committees of Board.

8. (1) The Board may, for the discharge of its Functions, appoint committees.

(2) A committee shall consist of members of the Board or non-members or both.

(3) A committee shall submit a report of its proceedings to the Board at a time to be determined by the Board.

PART III—FUNCTIONS OF ADMINISTRATION

Functions of Administration.

9. (1) The object for which the Administration is established is the proper, efficient, economic and sustainable management and administration of the Fund.

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

- (a) manage and administer the Fund;
- (b) subject to this Act, approve the amount of funding to be made available to the Authority from the Fund for the performance of the Authority's functions;
- (c) effectively monitor the use of monies allocated from the Fund;

(d) approve any application from any local council or body for funding from the Fund, of any road-related activity;

(e) do all other things as will contribute to the attainment of the object stated in subsection (1).

PART IV—STAFF OF ADMINISTRATION

10. (1) The Administration shall have a Chief Executive Officer who shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament. Chief Executive Officer.

(2) The Chief Executive Officer shall be a person having qualification in any profession relevant or appropriate to the functions of the Administration and shall be appointed on the terms and conditions as may be determined by the President.

(3) The Chief Executive Officer shall be responsible to the Board for—

- (a) the day-to-day administration and management of the Administration;
- (b) the formulation and implementation of operational policies, programmes and plans relating to the functions of the Administration as may be approved by the Board;
- (c) supervising and disciplining the other employees of the Administration; and
- (d) performing other duties specified in this Act or as the Board may determine.

11. (1) The Board shall, on the recommendation of the Chief Executive Officer and on terms and conditions it may determine, appoint other staff to discharge the functions of the Administration. Other staff of Administration.

(2) Public officers may be seconded or otherwise give assistance to the Administration.

(3) The Board may engage the services of consultants or advisers as it considers necessary for the performance of the functions of the Administration.