

No. 73 of 1981

ROAD DEVELOPMENT AUTHORITY

Act **AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ROAD DEVELOPMENT AUTHORITY,**
 No. 73 of 1981. **TO SPECIFY THE POWERS, DUTIES AND FUNCTIONS OF SUCH AUTHORITY AND TO**
PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Commencement--15th December, 1981; Operation-17th June, 1982.1

Short title. I. This Act may be cited as the Road Development Authority Act, No. 73 of 1981. Highways nominated by the Minister in charge of that subject ;

PART I

ESTABLISHMENT AND CONSTITUTION OF THE ROAD DEVELOPMENT AUTHORITY

Establishment of the Road Development Authority.

2. (1) There shall be established an Authority which shall be called the Road Development Authority (hereinafter referred to as the "Authority").

(2) The Authority shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.

(3) The Authority may, with the prior approval of the Minister, establish and maintain branch offices.

Members of the Authority.

3. (1) The Authority shall consist of the following members :-

(a) five members (hereinafter referred to as "appointed members") who shall be appointed by the Minister from among persons who appear to the Minister to have wide experience, and shown capacity, in civil engineering, highway engineering, commerce, finance or administration ; and

(b) five other members who shall be-

(i) a senior officer of the Ministry charged with the subject of

(ii) a senior officer of the Ministry charged with the subject of Finance nominated by the Minister in charge of that subject ;

(iii) a senior officer of the Ministry charged with the subject of Power nominated by the Minister in charge of that subject ;

(iv) a senior officer of the Ministry charged with the subject of Transport nominated by the Minister in charge of that subject ;

(v) the person holding office for the time being as the Director of Highways.

(2) The Minister shall appoint one of the appointed members to be the Chairman of the Authority.

(3) A person shall be disqualified from being appointed or continuing as a member of the Authority if he is or becomes a Member of Parliament.

(4) Before appointing a person to be a member of the Authority, the Minister shall satisfy himself that such person has no financial or other interest as is likely to affect prejudicially the discharge by such person of his functions as a member of the

Authority. The Minister shall also satisfy himself, from time to time, that no member of the Authority has any such interest. Any person who is appointed by the Minister, or whom the Minister proposes to appoint, as a member of the Authority shall, whenever requested by the Minister so to do, furnish to the Minister 'such information as the Minister considers necessary for the performance by him of his duties under this subsection.

(5) A member of the Authority who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Authority shall disclose the nature of his interest at a meeting of the Authority and such disclosure shall be recorded in the minutes of Authority and the member shall not take part in any deliberation or decision of the Authority with regard to that contract.

(6) Every appointed member of the Authority shall, subject to the provisions of subsections (8) and (9), hold office for such term not exceeding three years reckoned from the date of his appointment as the Minister may at the time of appointment determine, and unless he has been removed from office under subsection (8) shall be eligible for reappointment :

Provided that a member appointed by the Minister to fill a vacancy in the office of an appointed member of the Authority shall, unless he vacates office earlier, hold office for the unexpired portion of the term of office of the member whom he succeeds.

(7) Subject to the provisions of subsection (9), the term of office of the Chairman shall be the period of his membership of the Authority.

(8) The Minister may, by Order published in the Gazette, remove any appointed member from office without assigning any reason therefor and such removal shall not be called in question in any court.

(9) A member of the Authority in respect of whom an Order under subsection (8) is made by the Minister shall vacate his office on the date of publication of such Order in the Gazette.

(10) An appointed member of the Authority may at any time resign his office as a member, or Chairman, by a letter in that behalf addressed to the Minister.

(11) Where any member of the Authority is temporarily unable to perform the duties of his office on account of ill health, other infirmity, absence from Sri Lanka or any other cause, then-

(u) if he is an appointed member, the Minister may having regard to the provisions of subsection (1) (a) appoint another person to act in place of that member ; or

(6) if he is a member nominated under sub-paragraphs (i) to (iv) of paragraph (6) of subsection (I), the Minister who nominated that member may nominate another person to act in place of that member.

(12) Where the **Chairman** of the Authority is temporarily unable to perform the duties of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as Chairman.

(13) All or any of the members of the Authority may be paid such remuneration, allowances, and other expenses out of the funds of the Authority, as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

4. (I) The Chairman of the Authority shall preside at every meeting of the Authority at which he is present. In the absence of the Chairman at any meeting of the Authority, any member elected by the members present shall preside at such meeting. Proceedings of
the Authority.

(2) The Authority shall meet whenever it considers it necessary.

(3) The person presiding at any meeting of the Authority shall, in addition to his own vote, have a casting vote.

(4) The quorum for any meeting of the Authority shall be five members.

(5) The Authority may act notwithstanding any vacancy among its members and any act or proceeding of the Authority shall not be or be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment or nomination of a member thereof.

(6) Subject to the provisions of this Act, the Authority may make rules for the procedure in regard to the meeting of the Authority and the transaction of business at such meetings.

5. (1) The seal of the Authority shall be in the custody of the Chairman of the Authority.

(2) The seal of the Authority may be altered in such manner as may be determined by the Authority.

(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority one of whom shall be the Chairman of the Authority. Both such members shall sign such instrument or document in token of their presence.

6. (1) The Authority may establish committees consisting of such number of persons for the proper exercise, discharge and performance of its powers, functions and duties.

(2) The Authority may delegate to such committees such of its powers, functions and duties as may be determined by the Authority.

(3) Every committee established under subsection (1) shall determine the quorum for and the procedure to be followed at the meeting of such committee.

7. (1) There shall be established a Road Development Advisory Council (hereinafter referred to as "the Council") consisting of the following members :-

(a) the person for the time being holding the office of the Secretary to the

Ministry charged with the subject of Highways, who shall be the Chairman of the Council ;

(b) a senior officer of the Ministry charged with the subject of Power nominated by the Minister in charge of that subject ;

(c) a senior officer of the Ministry charged with the subject of Telecommunications nominated by the Minister in charge of that subject ;

(d) a senior officer of the Ministry charged with the subject of Local Government nominated by the Minister in charge of that subject ;

(e) a senior officer of the Ministry charged with the subject of State Lands nominated by the Minister in charge of that subject ;

(f) a senior officer of the Ministry charged with the subject of Transport nominated by the Minister in charge of that subject ;

(g) a senior officer of the Ministry charged with the subject of Tourism nominated by the Minister in charge of that subject ;

(h) the person for the time being holding the office of the General Manager of the Authority, who shall act as Secretary to the Council ;

(i) the Director of Highways or his representative ;

(j) the person for the time being holding the office of the General Manager of the Urban Development Authority established by the Urban Development Authority Law or his representative ; [Cap. 602.1

(k) the person for the time being holding the office of the General Manager of the Ceylon Electricity Board established by the Ceylon Electricity Board Act or his representative ; [Cap. 538.1

Seal of the Authority.

Power of the Authority to establish committees.

Road Development Advisory Council.

(l) the person for the time being holding the office of the General Manager of the National Water Supply and Drainage Board established by the National Water Supply and Drainage Board Law ; and

(m) three other members appointed by the Minister from among persons who appear to have wide experience, and shown capacity, in highway engineering or civil engineering.

A member appointed under this paragraph is hereafter in this section referred to as an "appointed member of the Council".

(2) It shall be the function of the Council—

(a) to advise the Minister on policy and measures on road research, road planning and road development ; and

(b) to advise the Minister or the Authority, as the case may be, on any matter relating to the exercise, performance or discharge of any power, duty or function of the Authority, that may be referred to the Council by the Minister or the Authority, as the case may be.

(3) Every appointed member of the Council shall hold office for a period of three years, unless he earlier vacates office by death, resignation or removal.

(4) The Minister may, if he considers it expedient to do so, by Order published in the Gazette, remove from office any appointed member of the Council without assigning any reason **therefor** and such removal shall not be called in question in any court.

(5) An appointed member may at any time resign his office by letter to that effect addressed to the Minister.

(6) If an appointed member of the Council dies or resigns or is removed from office, the Minister may, having regard to the provisions of paragraph (m) of subsection (1), appoint any other person to

be a member in place of the member who dies, resigns or is removed from office.

(7) A member who has been appointed under subsection (6) shall, unless he earlier vacates his office by death, resignation or removal, hold **office** for the unexpired period of the term of office of his predecessor.

(8) Where an appointed member of the Council is by reason of ill health, other infirmity, absence from Sri Lanka or any other cause for a period of not less than three months, temporarily unable to perform the duties of his office, it shall be the duty of such member to so inform the Minister in writing. The Minister may, having regard to the provisions of paragraph (m) of subsection (1), appoint another person to act in the place of such member.

(9) Any appointed member of the Council who vacates office other than by removal shall be eligible for reappointment.

(10) No act or proceeding of the Council shall be invalid by reason only of the existence of any vacancy in the Council or any defect in the appointment of a member of the Council.

(11) A meeting of the Council shall be held at least once in every two months.

(12) The Chairman or in his absence, a member elected by the members present, shall preside at meetings of the Council.

(13) All questions for decision at any meeting of the Council shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the member presiding shall have a casting vote.

(14) The quorum for any meeting of the Council shall be seven members and subject to the provisions of this section, the Council may regulate its own procedure.

(15) The members of the Council shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

PART II

DECLARATION OF ROAD DEVELOPMENT
AREAS, AND POWERS, DUTIES AND
FUNCTIONS OF THE AUTHORITY

Declaration of
areas as Road
Development
Areas by Order
of the Minister
and effect of
such Orders.

8. (1) The Minister may, if he is of opinion, having taken into consideration the requirements of local and national planning, that it is expedient to regulate and control road development in any area, by Order published in the Gazette declare such area to be a Road Development Area (hereinafter referred to as a "development area").

(2) An Order under subsection (1) declaring an area as a development area shall define that area by setting out the metes and bounds of such area.

(3) Upon the declaration of a development area, no road development work shall be executed, or caused to be executed, by any Government agency or any other person except with the prior written approval of the Authority.

Powers, duties
and functions
of the
Authority.

9. (1) Subject to the provisions of subsection (2) the powers, duties and functions of the Authority, within any development area, shall be-

- (a) to carry out integrated road planning and development of roads within such areas, subject to any directions that may be given to the Authority by the Minister from time to time;
- (b) to implement related programmes of road development work, activities and services in such areas that are consistent with integrated road planning in such areas, subject to any directions that may be given to the Authority by the Minister from time to time ;
- (c) to formulate and submit road development plans including capital investment plans to the Minister for approval by the Government ;
- (d) to undertake the execution of road development projects and schemes as may be approved by the Government ;

- (e) to enter into, perform and carry out, whether directly or by way of joint venture with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary for the purpose of carrying out any road development project or scheme as may be approved by the Government ;
- (f) to undertake the completion of any approved road development project or scheme in default by any person failing to complete such project or scheme ;
- (g) to implement road development plans and capital investment plans approved by the Government ;
- (h) to formulate capital road improvement programmes in such areas ;
- (i) to acquire and hold any movable or immovable property or dispose of any movable or immovable property **acquired** or held by it ;
- (j) to prepare at the request of any Government agency road development projects and planning schemes on behalf of such agency and to co-ordinate with, or assist in, the execution of such projects or schemes ;
- (k) to provide road planning services for the benefit of Government agencies or other persons in such areas ;
- (l) to charge fees for any services provided by the Authority ;
- (m) to accept gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for carrying out any of the objects of the Authority ; and
- (n) to do all such acts or things as are incidental to or consequential upon the exercise, performance and discharge of its powers, duties and functions under this Act.

(2) In the exercise, performance and discharge of its powers, duties and functions under subsection (1), when implementing any programme or development work relating to road planning and road development within any development area, it shall be the duty of the Authority to implement such programme or development work in consultation with any Government department, public corporation or local authority, as the case may be.

Directions of the Minister.

10. (1) The Minister may, from time to time, give the Authority general or special directions as to the exercise, discharge and performance by the Authority of its powers, functions and duties and the Authority shall give effect to such directions.

(2) The Minister may, from time to time, direct in writing the Authority to furnish to him, in such form as he may require, returns, accounts and other information with respect to the property and business of the Authority and the Authority shall carry out every such direction.

Delegation of powers, &c., by the Authority.

11. The Authority may delegate in writing to the Chairman or any officer of the Authority any of its powers, duties or functions under this Act.

PART III

STAFF OF THE AUTHORITY

General Manager of the Authority.

12. (1) The Authority shall, with the approval in writing of the Minister, appoint a General Manager of the Authority.

(2) The General Manager shall, subject to the general direction of the Authority on matters of policy, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Authority and the administrative control of the employees of the Authority.

(3) The General Manager may, with the approval in writing of the Authority, delegate in writing to any other employee of the Authority such of his powers, functions or duties as he may, from time to time,

consider necessary, and any employee to whom any such powers, functions or duties are so delegated shall exercise them subject to the general or special directions of the General Manager.

(4) The General Manager may not be removed from office without the prior approval of the Minister.

13. (1) The Authority may, subject to the other provisions of this Act-

Appointment, &c., of the staff of the Authority.

- (a) appoint, dismiss and exercise disciplinary control over such staff as may be deemed necessary by the Authority to carry out the functions of the Authority ;
- (b) fix the wages or salary or other remuneration of such staff;
- (c) determine the terms and conditions of the service of such staff; and
- (d) establish and regulate provident funds or schemes for the benefit of such staff and make contributions to any such fund or scheme.

(2) Rules may be made by the Authority in respect of all or any of the matters referred to in subsection (1).

(3) At the request of the Authority any officer in the public service may, with the consent of that officer, the Secretary to the Ministry by or under which that officer is employed, and the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent, or with like consent be permanently appointed to such staff.

(4) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him. [Cap. 526.1]

(5) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of

[Cap. 526.1 subsection (3) of section 13 of the Transport Board Law shall, *mutatis mutandis*, apply to and in relation to him.

(6) Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(7) **At** the request of the Authority any member of the Local Government Service or any other officer or servant of any local authority may, with the consent of such member, officer or servant and the Local Government Service Advisory Board or that local authority, as the case may be, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent or with like consent be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Authority and the Local Government Service Advisory Board or that local authority, as the case may be.

(8) Where any person is temporarily appointed to the staff of the Authority in pursuance of the provisions of subsection (7), such person shall be subject to the same disciplinary control as any other member of such staff.

PART IV

FINANCE

Fund of the Authority.

14. (1) The Authority shall have its own Fund.

(2) There shall be paid to the Fund of the Authority-

(a) all such sums of money as may be voted, from time to time, by Parliament for the use of the Authority ;

(b) all such sums of money as may be received by the Authority in the

exercise, performance and discharge of its powers, duties and functions ;

(c) all such sums of money as may be received by the Authority by way of loans, donations, gifts or grants from any source whatsoever ; and

(d) all sums accruing to the credit of the Authority.

(3) The Authority may utilize the funds of the Authority for the purpose of defraying any expenditure incurred in the management of the affairs of the Authority, the transaction of business of the Authority, the payment of remuneration to the members of the Authority and the employees of the Authority, the exercise of the powers and the performance of the duties and functions of the Authority under this Act and other written law, and for such other purposes as the Authority may authorize from time to time.

(4) The initial capital of the Authority shall be one million rupees. The amount of the initial capital shall be paid out of the Consolidated Fund in such instalments as the Minister in charge of the subject of Finance may in consultation with the Minister determine and such sums shall be credited to the Fund established under subsection (1).

15. The Authority may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily by way of overdraft or otherwise, such sums as the Authority may require for meeting the obligations of the Authority in discharging its duties under this Act :

Borrowing powers of the Authority.

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Authority under this section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

16. (1) The financial year of the Authority shall be the calendar year.

Financial year and the audit of accounts of the Authority.

(2) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Authority.

PART V

GENERAL

17. All members, officers and servants of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

18. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

19. (1) No suit or prosecution shall lie-

(u) against the Authority for any act which in good faith is done or purported to be done by the Authority under this Act ; or

(b) against any member, officer, servant, or agent of the Authority for any act which in good faith is done or purported to be done by him under this Act, or on the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the Fund of the Authority.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on the direction of the Authority shall, if

the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expense is recovered by him in such suit or prosecution.

20. No writ against person or property shall be issued against any member of the Authority in any action brought against the Authority.

21. (1) The Authority may make rules in respect of the management of the affairs of the Authority and all or any of the matters for which rules are authorized or required by this Act to be made.

(2) No rule made by the Authority under this Act shall have effect until it has been approved by the Minister.

22. (1) Where any immovable property is required to be acquired for the purpose of the business of the Authority and the Minister, by Order published in the Gazette, approves of the proposed acquisition, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and be transferred to the Authority.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Authority shall be paid by the Authority.

23. (1) Where any immovable property of the State is required for the purpose of any business of the Authority, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Authority.

(2) Where any movable property of the State under the control of the Minister is required for the purpose of the Authority, the Minister may, by Order published in the Gazette, transfer to and vest in the Authority the possession and use of such movable property.

24. It shall be lawful for the Chairman of the Authority or any officer generally or specially authorized by him in writing, after

No writ to issue against person or property of a member of the Authority.

Power of Authority to make rules.

Acquisition of immovable property under the Land Acquisition Act.

[Cap. 295.]

[Cap. 295.]

State property, both movable and immovable, to be made available to the Authority. [Cap. 286.]

Power to enter any land or premises.'

giving at least three days' notice in writing to the owner or occupier of any land" or premises, to enter upon such land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Authority, or of making any investigation or examination, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Authority.

Offences and penalties.

25. Every person who contravenes or fails to comply with any provision of this Act or any rule, order, direction or requirement made or given thereunder shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

Interpretation.

26. In this Act, unless the context otherwise requires-

“ Government agency ” means a Government department, a local authority or a public corporation ;

“ improvements of roads ” includes the widening of any road, the levelling of roads, the provision of pavements for the use of pedestrians, the treatment of a road for mitigating the nuisance of dust,

the planting of trees and laying out of grass margins in roads, and the doing of any other work in respect of roads beyond ordinary repairs essential to placing any existing roads in a proper state of repair ;

“ local authority ” means any **Development** Council, Municipal Council, Urban Council, Town Council or Village Council, and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding or similar to the powers, duties and functions exercised, performed and discharged by such Council ;

“ public corporation ” means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance,* with [Cap. 176.] funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise ;

“ road ” has the same meaning as in the Thoroughfares Ordinance ; [Cap. 522.1

“ road development ” means the construction of new roads or the maintenance or improvements of existing roads.

* Repealed and replaced by the Companies Act, No. 17 of 1982.