

***LAWS OF SOUTHERN SUDAN***

**THE SOUTHERN SUDAN ROADS  
AUTHORITY  
ACT, 2011**

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**The Southern Sudan Roads Authority**  
**Act, 2011**

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**LAWS OF SOUTHERN SUDAN**  
**THE SOUTHERN SUDAN ROADS AUTHORITY**  
**ACT, 2011**

**In accordance with the provisions of Article 59 (2) (b) read together with Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, the Southern Sudan Legislative Assembly, with the assent of the President of the Government of Southern Sudan hereby enacts the following-**

**CHAPTER I**

**PRELIMINARY PROVISIONS**

**1. Title and Commencement.**

This Act may be cited as “The Southern Sudan Roads Authority Act, 2011” and shall come into force on the date of its signature by the President.

**2. Repeal and Saving.**

Any existing legislation in Southern Sudan, that governs the same matters as set forth in this Act, are hereby repealed or cease to operate in Southern Sudan; *provided that*, all proceedings, orders and regulations taken or made thereunder, except to the extent they are cancelled by or are otherwise inconsistent with the provisions of this Act, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of this Act.

**3. Purpose.**

The purpose of this Act is to provide for the establishment and governance of the Southern Sudan Roads Authority, structures, functions, powers, terms and conditions of service of the employees to enhance the development and Maintenance of the Inter-State and International Roads in Southern Sudan and any matters or issues related thereto.

**4. Authority and Application.**

This Act is drafted in accordance with the provisions of schedule B paragraphs 4 and 14 of the Interim Constitution of Southern Sudan, 2005 (ICSS), which grants the Government of Southern Sudan the exclusive legislative and executive competence to enact the legislation relating to regulatory mechanisms for Roads Construction, management and Maintenance for the efficient and effective delivery of adequate Road transport network services at all levels of the Government of Southern Sudan.

## 5. Interpretation.

In this Act unless the context otherwise requires, the following words and expression shall carry the meaning assigned to them respectively—

“**Assembly**” means the Southern Sudan Legislative Assembly;

“**Authority**” means the Roads Authority established under section 6 of this Act;

“**Class of Road**” means the categorization assigned to it pursuant to the First Schedule;

“**Construction**” means supervision, inspection and building, including locating, surveying, mapping and eliminating Road hazards including railway-grade crossing;

“**Executive Director**” means the Executive Director appointed pursuant to this Act or a person appointed or authorised to act on his behalf;

“**Feeder Roads**” means Roads other than Inter-State and International Roads other than those inside cities and municipalities;

“**Government**” means the Government of Southern Sudan;

“**Inaugural Date**” means the dates of inauguration of the Authority established under this Act which dates fall within the period of twelve (12) months after the commencement of this Act, on which an authority shall be declared by the Minister to assume full responsibility of the Roads falling within the mandate by virtue of this Act;

“**Maintenance**” means the preservation of Roads including the surface, shoulders, Roadsides, structures and Traffic Sign as are necessary for safe and efficient utilization of Roads;

“**Minister**” means the minister responsible for transport and roads;

“**Ministry**” means the ministry responsible for transport and roads;

“**President**” means the President of the Government of Southern Sudan;

“**Roads Authority**” means any of the Authority units established at the State level in accordance with the provisions of this Act;

“**Road**” means a public way or slip of land open to the public for purpose of travel as a matter of right of air, light and access, right of way, bridges, highways, Traffic Signs, guardrails and protective structures connected with the public ways;

“**State**” means the second level of government in Southern Sudan provided for under Article 50(b) and established under Article 167(1) of the Interim Constitution of Southern Sudan, 2005;

“**Traffic Sign**” shall have the meaning assigned to it under the Traffic law;

“**Urban Roads**” means all Roads within cities and municipalities except Inter-State and International Roads; and

“**Vehicle**” shall have the meaning assigned to it under the Traffic law.

## CHAPTER II

### THE SOUTHERN SUDAN ROADS AUTHORITY

#### 6. Establishment of the Southern Sudan Roads Authority.

- (1) There shall be established in Southern Sudan a body to be known as the Southern Sudan Roads Authority, referred thereafter as the Authority.

- (2) The Authority shall be an autonomous body corporate, with perpetual succession and a common seal and logo, subject to the provisions of this Act, be capable in its corporate name of—
  - (a) suing and being sued;
  - (b) taking, purchasing or otherwise acquiring, holding, changing and disposing of property, movable or immovable;
  - (c) borrowing money; and
  - (d) doing or performing all such other things or acts for the proper performance of its functions under this Act, that may lawfully be done or performed by a body corporate.

## **7. Functions of the Authority.**

- (1) The Authority shall have responsibility for the management, development, rehabilitation and Maintenance of all Inter-State and International Roads in Southern Sudan and Road development in war-affected areas as may be directed by the Minister.
- (2) Without prejudice to the generality of the provisions subsection (1) above and for the purposes of discharging the responsibility described in subsection (1) above the Authority shall have the following functions and duties—
  - (a) to contract, construct, upgrade, rehabilitate and maintain Roads under its control;
  - (b) to control Inter-State and International Roads, and Road reserves and control of access to Road side developments;
  - (c) to implement Road policies in relation to Inter-State and International Roads;
  - (d) to ensure adherence by motorists to the rules and guidelines on axle load control prescribed under the Traffic law and under any regulations under this Act;
  - (e) to ensure the quality of Road works in accordance with Southern Sudan Standard Technical Specifications and such standards as may be defined by the Ministry;
  - (f) to collaborate with the Ministry, the ministry responsible for wildlife and the Southern Sudan Police Services, for the management of traffic on Inter-State and International Roads and issues related to Road safety;
  - (g) to collect all such data related to the use of Inter-State and International Roads as may be necessary for efficient forward planning under this Act;
  - (h) to monitor and evaluate the use of Inter-State and International Roads;
  - (i) to plan the development and Maintenance of Inter-State and International Roads;
  - (j) to advise the Minister on all issues relating to Inter-State and International Roads;
  - (k) to prepare the annual Road work programmes for all Inter-State and International Roads; and
  - (l) to perform any other such functions relevant, appropriate and necessary for efficiency and effective implementation of the provisions of this Act directed by its Board.



## CHAPTER III

### GOVERNANCE OF THE AUTHORITY

#### 8. The Governing Structures of the Authority.

The Authority shall consist of the following Governing Structures—

- (a) The Board; and
- (b) The Executive Management.

#### 9. Establishment, Composition and Tenure of the Board.

- (1) **Establishment-** The Authority shall establish its Board to be interested with and to undertake the management of its affairs and to perform and exercise the function and power of the Authority and shall be under the supervision of the Minister.
- (2) **Composition-** The members of the Board shall be appointed and/or relieved by the resolution of the Council of Ministers upon recommendation and shall be composed of the following members-
  - (a) a non-executive Chairman who shall be appointed by the Minister from amongst the members appointed under paragraph (h) below;
  - (b) the UnderSecretary of the Ministry or his representative;
  - (c) the UnderSecretary in the ministry responsible for environment or his representative;
  - (d) the UnderSecretary in the ministry responsible for finance and economic planning or his representative;
  - (e) the UnderSecretary in the ministry responsible for commerce and industry or his representative;
  - (f) the UnderSecretary in the ministry responsible for regional cooperation or his representative;
  - (g) the Executive Director of the Southern Sudan Roads Authority, who shall be an *ex officio* member; and
  - (h) six other persons, not being members of the public service, appointed by virtue of their knowledge or experience in the areas defined in the Second Schedule. These persons shall be appointed by the Minister from members recommend by the civil society organisations as set forth in the Second Schedule.
- (3) **Tenure-** The Chairman and members of the Board other than the *ex officio* members shall hold office for a period of three years commencing from the date of appointment and may be eligible for another similar subsequent period of office.
- (4) **Publication of Name in the Gazette-** The names of the members of the Board constituted in accordance with the provisions of subsection (2) above and any subsequent change thereof, shall be published in the Official Gazette.
- (5) **Payment of Allowances-** Members of the Authority may, with approval of the Minister, be paid a sitting allowance and reasonable travel expenses.

Members of the Authority shall exercise, perform and discharge the powers, duties and functions of the Authority on a part-time basis, in accordance with the terms and conditions of their respective appointment.

#### **10. Eligibility of Appointment.**

Members of the Board shall fulfil the following eligibility requirements for the appointment-

- (a) Be a Southern Sudanese Citizen;
- (b) Be of Sound mind and high character;
- (c) Not convicted of any of the offences related to honour and honesty for the last five years; and
- (d) Not terminated by dismissal in an administrative disciplinary proceeding and or power and weak performance.

#### **11. Resignation and Removal of a Board Member.**

- (1) The Council of Ministers, upon recommendation of the Minister, may remove a member of the Board of the Authority from office after compliance with the procedures set out in this section.
- (2) The Council of Ministers shall not remove a member of the Board, unless after a written notice is served on the proposed member to be removed and the member has been given a reasonable opportunity to reply.
- (3) Without prejudice to the generality of the provisions of subsections (1) and (2) above, the member of the Board may be removed for any or more of the following grounds-
  - (a) is an undercharged bankrupt or has made any arrangement with his creditors;
  - (b) is found or declared to be of unsound mind under any law in force in Southern Sudan;
  - (c) has ceased to be qualified to continue as a member, or is disqualified from continuing as a member;
  - (d) incompetence and inefficiency;
  - (e) gross misconduct;
  - (f) absence without permission or sufficient cause from three consecutive meetings of the Board; or
  - (g) conviction of an offence involving dishonesty, fraud or moral turpitude.
- (4) A Board member may resign by a letter addressed to the Minister through the Authority.
- (5) When a member of the Board vacates office by death, resignation or other causes, the Minister shall appoint another suitable person in his or her place, and the person appointed shall hold office for the remainder of the term of office of the member whom he succeeds, provided the newly appointed member fulfill the eligibility requirement set fort thereof.

## **12. Functions and Powers of the Board.**

- (1) The Board shall—
  - (a) recommend to the Minister from among three candidates competitively selected for appointment as Executive Director and subsequently confirmed by the Council of Ministers;
  - (b) advise the Minister, upon request, with regard to any matter related to the objectives of this Act;
  - (c) oversee the general direction and supervision of the Authority;
  - (d) establish and approve rules and procedures for appointment, promotion, termination, discipline and terms and conditions of service of staff of the Authority;
  - (e) approving project and programme activities proposed by the committees and/or directorates; and
  - (f) perform any other such functions assigned and or delegated when appropriate necessary, for the efficiency and effective implementation of the provisions this Act.
  
- (2) The Board shall—
  - (a) co-ordinate the optimal utilisation and implementation of programmes relating to the Maintenance, rehabilitation and development of the Road network;
  - (b) monitor and evaluate, by means of technical and financial audits, the delivery of goods, works and services;
  - (c) monitor Road transport, traffic and safety Management; and
  - (d) mount publicity programs on the role of the Authority.
  
- (3) In performing and exercising the functions and powers provided thereunder the provisions of subsection (2) above the Board shall comply with the provisions of the Public Finance Management and Accountability law and the Public Procurement law respectively.

## **13. The Executive Management.**

- (1) There shall be established within the Authority an implementing body to be known as the executive management and shall the primary implementing authority in the discharge of the daily transactions and operation of the Authority.
  
- (2) The Executive Management shall be headed by the executive director, as the Chief Administrator thereof and shall be under the direct supervision of the Chairperson and the Board.
  
- (3) The Executive Management shall compose of officials to be selected from among persons of high moral reputation and shall be appointed and removed by the resolution by Council of Minister, upon the recommendation of the Minister.

#### **14. Functions and Duties of Executive Director.**

- (1) Management of the Authority shall be the direct responsibility and duty of the Executive Director, who shall be assisted in his day-to-day management functions and duties by such Deputies as the Board may from time-to-time appoint.
- (2) Without prejudice to the generality of subsection (1), above, and subject to the general supervision and control of the Board, the Executive Director shall have administrative, financial and technical powers required for the performance of the work of the Authority, including, but not limited to-
  - (a) representing the Authority in official functions and occasions, in Southern Sudan, nationally, regionally and internationally;
  - (b) initiating policies and framework documents of the Authority;
  - (c) overseeing the use of the funds of the Authority;
  - (d) providing periodic reports to the Board and to the Minister;
  - (e) appointing, within budget limitations, the officers and support staff of the Authority;
  - (f) initiating internal policies and procedures including job-descriptions of the support staff and the organisational chart referred to in section 18 of this Act;
  - (g) Monitoring and evaluating the performance of the Authority;
  - (h) the development of an operating plan to guide the Authority in achieving its objectives;
  - (i) the development of an economic, efficient and cost effective internal management structure;
  - (j) proposing and implementing the strategic plan, business plan and annual plan of the Authority;
  - (k) providing advice as required on all matters within the Authority's responsibility;
  - (l) performing any other such duties appropriate and necessary for the implementation of the provision of this Act as may be assigned to him by the Board, and
  - (n) performing any other such functions and duties as may be prescribed by any other law.
- (3) The Executive Director in the performance of his functions shall be answerable to the Board.

#### **15. Eligibility of Executive Director.**

The Executive Director shall be selected from persons of high moral reputation and integrity and shall fulfil the eligibility requirement for the member of the Board and shall possess the following qualifications-

- (a) is registered with the statutory body responsible for registration of engineers in Southern Sudan as a registered engineer in the field of highways engineering or acceptable body and is a member of the Southern Sudan Engineering Council or another acceptable institution or other internationally accredited institution; and
- (b) has at least fifteen years of experience in the field of Road and highway

engineering.

#### **16. Tenure, Resignation and Removal of Executive Director**

- (1) The Executive Director shall hold office for tenure of three years commencing from the date of the appointment and may be eligible for reappointment for another similar subsequent tenure of office.
- (2) The Executive Director may resign by a letter addressed to the Board.
- (3) The Executive Director shall be removed from office upon a resolution passed by a two-thirds majority vote of the Board after a hearing, for any or more of the following reasons-
  - (a) Ineligibility for appointment under section 13 above;
  - (b) Inability to perform the functions of his office due to mental or physical infirmity;
  - (c) Gross misconduct;
  - (d) Incompetence and inefficiency;
  - (e) Absence without permission or sufficient cause from three consecutive meetings of the Board;
  - (f) Conviction of an offence involving dishonesty, fraud or moral turpitude;
  - (g) is removed from office by the President of Southern Sudan; or
  - (h) Death.
- (4) When the Executive Director is removed from office, resigns or dies, he shall be duly replaced under the same conditions, and in the same manner, as provided for the appointment thereof

#### **17. Declaration of Assets.**

Members of the Board, the Executive Director, and any senior officials employed by the Authority shall, upon assumption of their offices, make confidential declaration of their assets and liabilities including those of their spouses and children in accordance with the applicable law.

#### **18. Other Officers and Staff of the Authority.**

- (1) The Executive Director shall engage, within budgetary limits, such other senior officers and support staff with the consent of the Board on such terms and conditions as may be deemed appropriate necessary for the efficient and effective performance of the functions and duties of the Authority.
- (2) The Executive Director shall on annual basis, prepare a detailed organisational chart reflecting the Authority's staffing requirements for the next financial year, subject to the approval of the Board.

**19. Oath.**

Board Members, the Executive Director and other senior employees of the Authority shall, before assuming their duties, take the following oath or affirmation before the relevant appointing authority-

*"I....., do hereby swear by the Almighty God/solemnly affirm that as a Board Member/Executive Director/employee of the Southern Sudan Roads Authority, I shall be faithful, and shall diligently and honestly discharge my functions and duties and shall strive to exercise the powers vested upon me by the Southern Sudan Roads Authority Act, with integrity and dignity in the best interest of the people of Southern Sudan; and that I shall respect and abide by all the rules, regulations and instructions there under; and that I shall not without due authority disclose or make known any information, matter or thing that comes to my knowledge by reason of my employment in the Authority so help me God/God is my witness".*

**20. Restriction on Outside Employment.**

The Executive Director and staff of the Authority shall not practice any private profession, transact commercial businesses, or receive remuneration or accept employment of any kind from any other source other than the Authority.

**21. Exemption from Liability.**

No member of the Authority, nor any officer or support staff of the Authority, shall be subject to liability for any act or omission committed by him in the exercise or performance of his functions and duties duly assigned by the Authority; *provided that*, such acts or omissions were committed in good faith.

**22. Conduct of the Business of the Board.**

- (1) The Board shall conduct its business as set forth thereunder the provisions of the Third Schedule of this Act.
- (2) The Board may co-opt any person to participate in its deliberations, but a person so co-opted shall have no right to vote.

**23. Committees of the Board.**

The Board may establish and or appoint committees of the Board in accordance with the provisions of Third Schedule.

**24. Delegation.**

- (1) The Board may, by instrument of delegation; delegate to the Chairman, and or member of the Board, an officer of the Authority or to a Committee established under the provision of section 21 above any of the powers duties or functions of the Authority under this Act.

- (2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.
- (3) A person aggrieved by the decision of a delegated function and or power under the provisions of this section may appeal to the Board.
- (4) A person shall in the exercise of a delegated power under this section, comply with the directions or guidelines as the Board may, from time to time issue in writing.

## **CHAPTER IV**

### **POWERS OF THE AUTHORITY**

#### **25. Powers of the Authority as a statutory body.**

- (1) The Authority shall have power—
  - (a) to construct, maintain, operate, improve and regulate the Roads under its jurisdiction;
  - (b) to construct, operate and maintain Traffic Signs, safety devices and any other device or structure necessary to discharge its duties;
  - (c) to construct new Roads;
  - (d) to measure and assess the weights, dimensions and capacities of Vehicles using any public Road and take measures to ensure compliance with rules relating to axle load control, other provisions of the Traffic law and any regulations under this Act; and
  - (e) to provide such amenities or facilities for persons making use of the services performed or the facilities provided by the Authority as may appear to the Authority necessary or desirable.
- (2) Subject to the provisions of this Act and the powers referred thereunder the provisions of subsection (1) above shall include all such powers as are necessary or expedient and appropriate for the purposes of the Authority and shall include but not limited to the power-
  - (a) to contract, construct, upgrade, rehabilitate and maintain any Road, bridge, building, drainage structure, drain, river channelling or any other necessary or desirable works required for the purposes of the Authority;
  - (b) to operate such machinery and equipment on public Roads in such manner as it deems necessary;
  - (c) to carry on any business necessary or desirable to be carried on for the purposes of the Authority and to act as an agent for the Government in the provision of any agreed functions;
  - (d) to determine rates, tolls, charges, dues or fees for any service performed by the Authority or for the use by any person of the facilities provided by the Authority or for the grant to any person of a road permit.
  - (e) to prohibit, control or regulate—

- (i) the use by any person of the services performed, or the facilities provided, by the Authority; or
    - (ii) the usage of any Vehicle on any Road or on any premises occupied by the Authority,
  - (f) to sell, let or otherwise dispose of any property, movable or immovable, which in the opinion of the Board is not necessary for the purposes of the Authority; provided that the Authority shall not sell, let or otherwise dispose of any building or land placed at its disposal by the Government otherwise than with the consent of, and under conditions agreed by the Government;
  - (g) to act as an agent for any person engaged, whether within Southern Sudan or elsewhere, in the performance of services, or the provision of facilities, of a kind similar or complementary to those performed or provided by the Authority;
  - (h) to enter into agreements in conformity with the Public Procurement and any other law with any person—
    - (i) for the supply, Construction, manufacture, Maintenance or repair by that person of any property, movable or immovable, necessary or desirable for the purposes of the Authority;
    - (ii) for the performance or provision by that person of any of the services or the facilities which may be performed or provided by the Authority; and
    - (iii) for the payment, collection or apportionment of any tolls, rates, charges or other receipts arising out of the performance or the provision by that person of any such services or facilities,
  - (i) to establish or acquire any subsidiary corporation with the written approval of the Minister and the Minister responsible for finance; and
  - (j) to enter into any arrangement with other transportation authorities in Southern Sudan, that, in the opinion of the Board, will promote or secure the provision, or improved provision, of any service or facilities which they may separately provide.
- (3) The powers conferred on the Authority under the provisions of this section to construct or improve any Road shall empower the Construction or execution of any works necessary thereto on land vested in the Authority or on land placed at its disposal by the Government for the purposes of the Authority or, in the case of land not vested in, or placed at the disposal of, the Authority, shall be only with consent and agreement of the owner and or occupier of the land on which such works are to be constructed or executed, and where any land is required by the Authority for the purposes of the Authority, the Authority shall proceed in accordance with section 26.

## **26. State Offices.**

The Authority shall, with the approval of the Minister, establish State offices within the State ministries of physical infrastructure as necessary for the coordination and furtherance of its functions.



**27. Acquisition of Land for the Purposes of the Authority.**

- (1) Subject to the provisions of the *Land Act, 2009*, the Authority may acquire land for the purposes of implementing its functions by either —
  - (a) if such land is not public land, acquire such land through negotiation and agreement with the registered owner thereof: Provided that, the ensuing transaction shall not require the consent of relevant land authorities or communities if the land to be leased is agricultural land; or
  - (b) if such land is public land, or if the Authority is unable to acquire it by agreement in accordance with the provision of paragraph (a) above it shall notify the Government or State minister responsible for lands that the land specified in the notice is required for the purposes of the Authority.
- (2) When notice has been given under subsection (1)(b), then—
  - (a) if the land is public land, the Government or State minister responsible for lands as the case may be, in his discretion and upon such terms and conditions as he may deem appropriate , place such land at the disposal of the Authority for the purposes of the Authority stated thereof; or,
  - (b) if the land is not public land, any provisions in any written law which empowers the Minister or the Government or State minister responsible for lands, as the case may be, to lease or direct the leasing of such land for any specific purpose shall be deemed to include a power enabling the Minister or the Government or State Minister responsible for lands to lease or direct the leasing of such land for the purposes of the Authority.
- (3) When any compensation is payable to any person in respect of any land, specified in the notice given thereunder the provisions of subsection (1)(b) above, acquired by the Minister or the Government or State Minister responsible for lands, as the case be, and such land after being acquired shall be placed at the disposal of the Authority in accordance with the provisions subsection (2)(a) above , the amount of compensation payable to that person, shall be in accordance with the provisions of the law under which the land was acquired and shall be paid by the Authority.
- (4) The Authority may at any time convey, transfer or surrender any owned land surplus to both its existing and future requirements by a conveyance or a deed of surrender either for, or without, consideration; provided that land which was public land or trust land shall be surrendered to the Government and shall not be conveyed or transferred to any other person unless the Government or State Minister responsible for lands as the case may be, shall consent and or direct thereof.
- (5) The provisions of subsection (4) above, shall apply to land vested in the Authority by any written law, including this Act, as well as land conveyed to it or otherwise placed at its disposal.

**28. Power to Enter and Survey Land.**

- (1) Any authorized employee of the Authority may, for the purposes of the Authority, enter upon any land and survey such land or any portion thereof.
- (2) Where any damage to land is caused, by reason of the exercise of the powers conferred by the provisions of this section, the owner or occupier of the land shall be entitled to compensation therefore in accordance with this Act.

**29. Power to Enter Land to Prevent Accidents.**

- (1) Any authorized employee of the Authority may for the purposes of preventing the occurrence of any accident, preserving the safety of traffic or the safe operation of any service provided by the Authority, or repairing any damage caused by an accident, enter upon any land and—
  - (a) cut down or remove any tree or other obstruction, not being a building, which obscures the view of any Traffic Sign, which is likely to cause any obstruction or any danger to the safety of traffic or of any such service; or
  - (b) execute such other works as may be necessary to prevent the occurrence of any accident or to repair any damage caused as a result of any accident.
- (2) If any tree or other obstruction cut down or removed thereunder the provision of subsection (1)(a) above, came into existence subsequent to the erection of any Traffic Sign or to the service being provided at that place, no compensation shall be payable in respect of such entry, or the cutting down or removal of such tree or other obstruction.

**30. Power to Enter and to Alter Position of Pipes.**

- (1) Subject to the provisions of this section the Authority, or any authorized employee, may, for the purposes of the Authority, enter upon any land and alter the position of any pipe for the supply of gas, oil, water or compressed air or the position of any electric, telecommunication apparatus or the position of any drain.
- (2) Where the Authority intends to exercise any power provided thereunder the provisions of subsection (1) above, it shall give reasonable notice of its intention thereof to the concerned authority and or person having control of the pipe, water or drain and—
  - (a) such Authority or person may authorize a representative to superintend such work and may require the Authority to execute such work to the satisfaction of such representative; or
  - (b) the Authority shall make arrangements for the Maintenance of the supply of gas, oil, water, compressed air or electricity, for the continuance of the telephone or telegraph communications or for the Maintenance of the drainage, as the case may be, during the execution of such work.

- (3) When any damage is caused by reason of the exercise of the powers conferred by this section, the person suffering such damage shall be entitled to compensation therefore in accordance with this Act.

**31. Power to Remove Pipes, etc. from within the Road Reserve.**

- (1) When any pipe for the supply of gas, oil, water or compressed air or any electric, telephone or telegraphic wire or other device or service is located within the Road reserve, the provider of such pipe for the supply of gas, oil, water or compressed air or any electric, telephone or telegraphic wire or other device or service shall upon written request of the responsible Roads Authority, relocate such pipe for the supply of gas, oil, water or compressed air or any electric, telephone or telegraphic wire or other device or service to a location or alignment approved by the Authority at no cost to the Authority.
- (2) When the Authority intends to exercise any power provided under the provisions of subsection (1) above it shall give reasonable notice of its intention thereof to do so, to the concerned authority or person having control of the pipe, water or drain and such authority or person shall cause to be removed such pipe, wire or device within sixty days.
- (3) When the concerned authority and or any person as the case may be, referred thereunder the provisions of subsections (1) and (2) above, failed to remove such pipe, wire or device within the timeframe stated in the notice, the Authority may remove such pipe, wire, service or device at the cost of the person or concerned authority that was unable to comply with the notice under subsection (1) above.

**32. Power to Take Water.**

The Authority may, for its purposes, take any water from any natural watercourse, and if the said natural watercourse is regulated by any law and or otherwise, the provision of the water shall be in accordance with the provisions of such law and or with the approval of the Minister responsible for water resources if, such natural water resources is not regulated by any law.

**33. Compensation.**

In the exercise of the powers conferred by the provisions of sections 27 to 32 above, the Authority shall do as little damage as possible; and, where any person suffers damage, no action or suit shall lie, provided that he shall be entitled to such compensation therefore as may be agreed between him or her and the Authority or, in default of agreement, as may be determined by a single arbitrator appointed by the minister responsible for legal affairs.

## **CHAPTER V**

### **FINANCE, ACCOUNTS AND AUDIT**

**34. Operational Principle.**

The Authority shall manage its finances in accordance with international public sector accounting standards and fiscal accountability and shall in that respect ensure that its revenues are sufficient to meet its expenditures, including payment of operational costs.

**35. Financial Year of the Authority.**

The financial year of the Authority shall be the period of twelve (12) months commencing on the 1<sup>st</sup> January and ending on the 31<sup>st</sup> December of the same year.

**36. Sources of Funding.**

- (1) The Authority's operations shall be funded by an approved and allocated budget approved in accordance with the Public Finance Management and Accountability law and other sources and shall include, but not limited to:
  - (a) grants, loans, gifts or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance, in accordance with the Public Finance Management and Accountability law;
  - (b) financial support from international donor agencies;
  - (c) any other fund appropriated by the Assembly for the purposes of the Authority;
  - (d) funds accruing from investments made by the Authority;
  - (e) revenue earned from activities of the Authority under this Act; and
  - (f) any other funds received by the Authority in the performance of its functions under this Act.
  
- (2) The Authority shall prepare and submit for approval an annual budget proposal, in accordance with Public Finance Management and Accountability law and respect to the Government budget process, for the following financial year and shall be subject to review, revision and approval by the Minister.

**37. Bank Accounts.**

The Authority shall open and maintain bank accounts at the Bank of Southern Sudan and or at any other recognised commercial Bank within and or outside the Southern Sudan, as may be appropriate and necessary for the performance of its functions and duties in accordance with the Public Finance Management and Accountability law.

**38. Accounts.**

- (1) The Executive Director shall maintain comprehensive books of accounts and records of all funds received and spent by the Authority during the financial year.
- (2) The Executive Director shall prepare and submit a financial report to the Board, not later than three months from the end of the previous financial year. The report shall include-
  - (a) a financial statement of income and expenditure during the financial year;
  - (b) a statement of assets and liabilities of the Authority for the financial year, prepared in accordance with generally accepted accounting principles; and
  - (c) a financial audit report.

**39. Audit.**

- (1) The Board shall ensure that, for each financial year the accounts of the Authority are audited by the Auditor-General or such other chartered and certified audit firm and or external auditor as the case may be approved by the Auditor-General and authorised by the Board.
- (2) The Board shall ensure that the audited statement of accounts is submitted to the Ministry of Finance and Economic Planning, within the period of four months from expiration of the financial year or such other period as may be required by the Government.
- (3) The Auditor-General shall have access to all the books of accounts, vouchers and other records, and shall be entitled to any information and explanation required in relation thereto and any other records of the Authority.

**40. Annual and Other Reports.**

- (1) The Authority shall in addition to the audited statement of accounts referred thereunder the provisions of section 38(2) above, prepare and annual report of it activities during the currency of that financial.
- (2) The Annual Report shall, *inter alia*, include but not limited to the following information with respect to the proceedings and policy of the Authority—
  - (a) a copy of the auditor's report;
  - (b) a statement of financial performance and of cash flows, budget performance and balance sheet;
  - (c) a description of the activities of the Authority during the previous year;
  - (d) an analysis of the extent to which it has met its objectives of the previous year;
  - (e) an evaluation as to the extent to which the advice and directives of the Board have been complied with;
  - (f) its objectives for the coming year;

- (g) any recommendations on the matters governed by this Act;
  - (h) an overview of the operations of the Authority;
  - (i) an assessment of the degree to which performance targets have been achieved;
  - (j) an assessment of the adequacy of Road funding, the degree to which sources for Road financing have been exploited and the cost of Road operations have been reduced;
  - (k) a report on the condition of the Road network and the degree of change in condition since the last report, the projected optimal level of the network and the extent of financing required to meet that level;
  - (l) a review of the technical adequacy and proven cost efficiency of Road management operations;
  - (m) a report on progress achieved with coordination between Road authorities and regional entities, including any challenges encountered and proposals for the future;
  - (n) generally a report on the degree to which the objectives of this Act have been realized and the levels of compliance with the provisions of this Act; and
  - (o) such other information as the Minister may request in writing.
- (3) The Authority shall publish and disseminate widely the Annual Report, along with its audited accounts. In the event the Authority fails to distribute the Annual Report, it shall be distributed by the Ministry of Finance and Economic Planning.
- (4) The Authority shall submit to the President and the Assembly such other reports on its activities or any other matter that may from time to time be required.

**41. Authority to Prepare a Roads Investment Program.**

- (1) The Authority shall after every five years develop a five year Roads investment programme containing both development and Maintenance priorities and submit it to the Minister who shall thereafter present it for approval to the Council of Ministers.
- (2) All annual budgets and works programs shall be based on the Road Investment Programme.

**42. Works outside the approved program.**

Any activity outside the works program approved thereunder the provisions of section 41 above shall only be undertaken with the concurrence of the Board and the approval of the Minister, and shall be funded by the person, body or authority recommending it.

**43. Charges and Fees.**

- (1) Subject to the provisions of section 106 of the *Taxation Act, 2009*, the Authority may determine, impose and levy charges for any services performed

by the Authority, or for use of the facilities provided by the Authority, or for the grant of a road permit or principle of cost recovery and subject to approval by the Minister.

- (2) The schedule of charges shall be published in an Information Circular.
- (3) The schedule of charges shall come into force on a date specified therein, which shall be at least thirty days following publication in the Information circular.
- (4) If any amount due and payable under the provisions of this section is not paid by any party after demand by the Authority and remains unpaid beyond the time specified for payment thereof, the Authority may institute a legal proceeding against the debtor for payment in accordance with the law.

## **CHAPTER VI**

### **MISCELLANEOUS**

#### **44. Performance Agreement.**

- (1) A performance agreement, in the form of a “Memorandum of Understanding” shall be made between the Minister and the Authority with respect to the management by the Authority of the national Road network for which the Authority is responsible, and shall include all activities that are necessary to develop and maintain the national Roads in a satisfactory state.
- (2) The performance agreement shall describe the key outputs that the Authority shall achieve in any financial year and the key outputs shall be defined in terms of performance indicators and targets.
- (3) The Minister may request for an independent report on the implementation of the performance agreement.

#### **45. Roads to be Categorised.**

- (1) All public Roads under the management of the Authority shall be categorized into the classes as set forth in the First Schedule.
- (2) In addition to the categorisation required under the provisions of subsection (1) above, each public Road shall have such number or name or description as to uniquely identify it among all other Roads of its category. Taken together, the categorisation and the number or name shall uniquely identify a Road countrywide.
- (3) All existing Road categorisations and classifications and associated identity numbers (if any) defined by the Roads Department, prior to the commencement of this Act shall be maintained after the date of commencement of this Act.

- (4) The Roads Authority shall modify the category of a Road or add or delete a Road from a category only by the authority of the Minister and through notice in the Gazette.

**46. Inventory of Roads.**

- (1) The Authority shall cause to be maintained an inventory of Roads under its management, in such format and with such detail, including categorisation and identity details as may be approved by the Minister.
- (2) Such inventory as described in subsection (1) above, may, with the authority of the Minister, be published and disseminated to the public.

**47. Structures and other works on, over and below Roads or certain other land.**

- (1) Except as provided in subsection (2) below, no person may do any of the following things without the Authority's written permission and or contrary to that permission, namely-
  - (a) on or over, or below the surface of a Road or land in a building restriction area, erect construct or lay, or establish any structure or other thing including anything which is attached to the land on which it stands (even though it does not form part of that land);
  - (b) make any structural alteration or addition to a structure or that other thing situated on or over, or below the surface of a Road or land in a building restriction area; or
  - (c) give permission for erecting constructing, laying or establishing, any structure or that other thing on or over, or below the surface of a Road or land in building restriction area, or for any structural alteration or addition any structure or other thing so situated.
- (2) The Authority, in its discretion may give or refuse the permission referred thereunder the provisions of subsection (1) above. When giving permission the Authority may prescribe—
  - (a) the specifications to which the structure, other thing, alteration or addition for which permission is asked must comply;
  - (b) The manner and circumstances in which, the place where the conditions on which the structure, other thing alteration or addition may be erected, constructed, laid, established or made; and
  - (c) The obligations to be fulfilled by the owner of the land in question of the structure, other thing, alteration or addition is erected, constructed, laid, established or made.
- (3) When a person without the permission required by the provisions of subsection (1) above, or contrary to any permission given thereunder has erected, constructed, laid or established a structure or other thing or had made a structural alteration or addition to a structure or other thing or given permission thereof, the Authority by notice in writing may direct that person to remove the unauthorised structure, other thing, alteration or addition within a reasonable period of time which shall be stated in the notice and may not be less than thirty (30) days calculated from the date of the notice.



- (3) If the person to whom a notice has been issued in accordance with the provisions of subsection (3) above, fails to remove the structure, other thing, alteration or addition mentioned thereof, within the period stated therein, the Authority may remove such contraction, alteration and or addition and may recover the cost of the removal from that person.
- (4) Whoever contravenes the provisions of subsection (1) above, shall be guilty of an offence and upon conviction shall be sentenced to imprisonment for the period not exceeding twelve (12) months or a fine not exceeding Fifty Thousand (50,000 SDG) Sudanese Pounds or both.

**48. Liability for Damage.**

- (1) When any Road is damaged—
  - (a) by a reason of any Vehicle passing over it in contravention of the provisions of any rules made by the Authority under this Act; or
  - (b) by a reason of any Vehicle passing over a bridge on the Road or coming into contact with any portion thereof other than the surface of the Road, the owner of the Vehicle and the person driving or propelling it shall jointly and severally be liable to the Authority for the damage.
- (2) A certificate under the hand of any person authorized 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.

**49. Liability Exemption.**

The Government, the Authority, or any other body or person responsible for the Maintenance of any Road under this Act shall not incur any civil liability in respect of any injury, damage or loss, which may be caused to any person or property as a result of the state of the Road, provided that such a damage and or loss as case may be, was done in good faith

**50. Proceedings on Failure of Authority to Comply.**

If at any time it appears to the Minister that the Authority has failed to comply with any of the provisions of this Act, he may, by notice in writing, require the Board to make good the default within such time as may be specified in such notice.

**51. Exercise of Certain Powers by Delegation.**

Notwithstanding any existing law to the contrary, no local authority, or person shall exercise any power relating to the control, maintenance, development or protection of any Inter-State or International Road except where such power has been expressly delegated by the Authority thereof.

## **52. Confidentiality.**

- (1) Any information from which an individual or body may be identified and that is acquired by the Authority in the course of the performance of its functions or the exercise of its powers under this Act or any other applicable law shall be regarded as confidential by the Authority and its employees.
- (2) No information of the type referred thereunder the provisions of subsection (1) above, may be disclosed without the consent of the person and or body duly authorized and or delegated by the Authority thereof, except to the extent that its disclosure is expressly authorized or required by or under this Act or any other applicable law or where it appears to the Authority to be necessary-
  - (a) to enable the Authority to perform any of its functions and exercise any of its powers under this Act or any other applicable act;
  - (b) in the interests of the investigation, detection, prevention or prosecution of crime;
  - (c) in connection with the discharge of any international obligation to which Southern Sudan may from time to time be subject;
  - (d) to assist, in the public interest, any authority that appears to the Authority to exercise, in a place outside Southern Sudan, functions corresponding to some or all of those of the Authority within or outside Southern Sudan; or
  - (e) to comply with the directions of any division of any Court.
- (3) Without prejudice to the provision of subsections (1) and (2) above, any information communicated to the Authority by a committee of the Government shall be regarded as confidential if that committee of the Government so requests, and shall be kept confidential by the Authority and its members and employees; and no such information shall be disclosed except in compliance with the direction of any division of any Court.
- (4) A person shall not, for a period of two years after he ceases to be a member of the Authority, acquire, hold or maintain, directly or indirectly, any office, employment, consultancy arrangement or business in Southern Sudan where he may be liable to use or disclose information acquired by him in the exercise, performance and discharge of the powers, duties and functions of the Authority, and if he acquires any such interests involuntarily or by way of succession or testamentary disposition, he shall divest himself or herself of such interest, within two months of the acquisition of such interest.
- (5) Whoever discloses information or causes or permits the disclosure of information in a manner which he knows or has reasonable cause to believe is in contravention of the provisions of subsections 2 and 4 above shall be guilty of an offence and upon conviction shall be sentence into imprisonment for a period not exceeding six months or with fine not exceeding Ten Thousand Sudanese Pounds (SDG 10,000) and or both.

## **53. Accommodation works.**

The Authority shall during and or thereafter the construction of the new road,

construct and maintain appropriate and necessary accommodation works for the benefit of the owners and or occupiers of the lands adjoining thereof, and may include but not be limited to the following-

- (a) such access facilities or other works as, in the opinion of the Authority, are necessary for the purpose of making good any interruption caused by the Construction of the Road to the use of the lands through which the Road is constructed;
- (b) such culverts, drains or other works as, in the opinion of the Board are necessary to convey water as freely as is practicable from or to such adjoining lands as before the Construction of the Road;
- (c) nothing in this section shall require the Construction or the Maintenance of any accommodation works-
  - (i) in such a manner as to prevent or obstruct the proper operation of the Road; or
  - (ii) where the owners or occupiers, or their predecessors in title, of the lands have received an agreed amount of compensation in consideration of such works not being constructed or maintained.
- (d) where suitable accommodation works for the crossing of Roads or watercourses have been constructed under this section and such Road or watercourse is afterwards diverted by some person other than the Authority, the Authority shall not be required to construct other accommodation works for the crossing of the Road or watercourse.

#### **54. Additional Accommodation Works.**

If at any time—

- (a) the owner or occupier of any lands adjacent to a Road being constructed desires any accommodation works in addition to those, already constructed by the Authority under section 53 above; or
- (b) any authority proposes to construct a public Road or any other works across a Road, the owner, occupier or authority, as the case may be, may require the Authority to construct such accommodation works—
  - (i) as may be agreed upon the Authority and the owner, occupier or authority; or
  - (ii) if such agreement cannot be reached, the Minister may determine thereof and the cost of constructing such accommodation works shall be borne by the owner, occupier or authority requiring them.

#### **55. Offences and Penalties.**

- (1) Whoever unlawfully—
  - (a) does any act which obstructs or is likely to obstruct the working of any equipment or vehicle of the Authority used in the operation of Roads and or endangers or likely to endanger the life of any person therein;
  - (b) damages or in any way interferes with any Road or other property of the Authority in such a manner as to endanger the life of any person; or
  - (c) does any act which obstructs or likely to obstruct the operation of vehicles on any Road or the use of any weighbridge,shall be guilty of an offence punishable upon conviction to imprisonment for a period not exceeding two years or a fine not exceeding One Hundred

Thousand (100,000 SDG) Sudanese Pounds or both.

- (2) Whoever is unauthorisedly and or unjustifiably-
- (a) found during the late hours at night in and or on any premises occupied by the Authority and or being in and or on any vehicle owned by the Authority refuses to give his name or address to the lawfully authorised employee of the Authority and/or police officer with the intention of avoiding legal proceedings;
  - (b) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person;
  - (c) commits any act or otherwise does anything which may cause injury to any person on such premises or upon such vehicle;
  - (d) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language;
  - (e) without lawful excuse contravenes any lawful direction given by any employees of the Authority;
  - (f) except with the express permission of the Executive Director, hawks, sells or exposes for sale any article or goods or applies for or solicits custom of any manner or description;
  - (g) writes, draws or affixes any profane, obscene, indecent, or abusive words, matter, or representative character upon any premises occupied by the Authority or upon any vehicle of the Authority;
  - (h) the writing on any board or any notice authorized to be maintained upon any premises occupied by the Authority or upon any equipment or vehicle of the Authority;
  - (i) damages, or without lawful excuse interferes with any property of the Authority;
  - (j) without lawful excuse does any act which obstructs or is likely to obstruct the free movement of vehicles on any or the use of any Road, parking area or related facility; or
  - (k) being a driver or conductor of any vehicle, disobeys lawful instructions while upon premises occupied by the Authority,
- shall be guilty of an offence punishable upon conviction to imprisonment for a term not exceeding six (6) months or a fine of Ten Thousand (10,000 SDG) Sudanese Pounds or both.

#### **56. Nuisance Caused by Vehicles and Roads.**

No action shall lie in respect of nuisance by reason only of the noise and vibration caused by vehicles on a public Road.

#### **57. Exemption.**

Notwithstanding the provisions of this Act, the Minister may, upon the recommendation of the Authority, by notice in the Gazette and on such terms and conditions as may be necessary, exempt any vehicle, person, Road service or enterprise from the application of any regulations made under this Act, if such exemption is in the public interest.

**58. Medical Examination of Persons Claiming Compensation.**

Whenever any person claims compensation against the Authority in respect of any injury alleged to have been suffered by him as a result of the operations of the Authority, any court or person having by law, or consent of the parties, Authority to determine the claim may order that the person injured be examined by a medical practitioner named in the order and may also make such order with respect to the costs of the examination as may be deemed appropriate.

**59. Service of Notice.**

- (1) Any notice or other document required or authorized under this Act to be served on the Authority, or the Executive Director, may be served—
  - (a) by delivery of the notice or other document to the Executive Director to any authorized employee;
  - (b) by leaving it at the office of the Executive Director; or
  - (c) by sending it by registered post to the Executive Director.
  
- (2) Any notice or other document required or authorized under this Act to be served on any person by the Authority or the Executive Director or any employee may be served—
  - (a) by delivering it to that person;
  - (b) by leaving it at the usual or last known place of abode of that person;  
or
  - (c) by sending it by registered post addressed to that person at his usual or last known address.

**60. Property of the Authority in Custody of Employee, etc.**

- (1) Where any employee dies or leaves the service of the Authority and, at the time of such death or termination of service, any property of the Authority was in his or her possession or custody or any premises of the Authority were occupied by him or her, it shall be the duty of such employee or, in the event of his or her death, of the person in whose possession such property may be or who may be occupying such premises, to deliver such property to the Authority or to vacate such premises, as the case may be within the prescribed period thereof.
  
- (2) If any property or premises referred thereunder the provisions of subsection (1) above, is not delivered to the Authority or vacated, as the case may be, the Executive Director shall give notice in writing to the person appearing likely to be in possession of such property or in occupation of such premises to deliver to the Authority such property or vacate such premises within such the prescribed period provided thereof and if such property is not delivered or such premises are not vacated within the said period, the Executive Director may, without prejudice to any other means of recovery, apply to a competence Public Attorney and or court, as the case may be, for an order empowering a police officer to enter and search any house or building where such property is believed to be and to deliver such property if found to the Authority or, require

the eviction from such premises any person found therein.

**61. Consultation with Users or Directorates.**

- (1) In the performance of its functions and exercise of its powers, the Authority shall, when appropriate, consult with Government Ministries, other authorities, bodies or persons and users of the Authority's facilities and services.
- (2) The Authority shall establish any consultative mechanism when it deems appropriate and necessary to obtain the views of the users of the Authority's facilities and services.

**62. Amendment of Schedules.**

The Minister may by order published in the Gazette amend the Schedules.

**63. Transition.**

The transitional provisions set out in the Fourth Schedule shall apply upon the commencement of this Act.

**64. Regulations.**

- (1) The Minister, upon the recommendation of the Authority, shall make such rules, regulations and procedures as may be necessary and appropriate for the effective and efficient implementation of the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1) above, the Minister may make such regulations and including but not limited to the following regulations-
  - (a) relating to the use, safety or Maintenance of Roads;
  - (b) relating to the erection of structures on, near, over or under Roads falling within its responsibility;
  - (c) for the drainage of streets, lands, compounds and buildings adjacent to Roads;
  - (d) respecting the level, width and Construction of Roads and streets;
  - (e) for the removal, demolition or alteration of any projection, structure or thing obstructing a Road or likely to cause damage or inconvenience to Road users;
  - (g) related to the terms and conditions of service of the Authority staff; and
  - (g) prescribe the fees payable for services provided by the Authority.
- (3) Rules or regulations made thereunder the provisions of subsection (1) above, may prescribe in respect of any contravention of any provisions thereof, a penalty and or fine and may also prescribe in the case of continuing offences an additional penalty in respect of each day in which the offence continues.

## **FIRST SCHEDULE**

### **CLASSIFICATION OF PUBLIC ROADS**

**All public Roads in Southern Sudan shall be classified as follows-**

#### **PART A – TRUNK ROADS**

| CLASS               | DESCRIPTION   |
|---------------------|---|
| International Roads | International trunk Roads linking centres of international importance and crossing international boundaries or terminating at international ports |
| Inter State Roads   | National trunk Roads linking nationally important centres.  |

#### **PART B – STATE ROADS**

| CLASS           | DESCRIPTION   |
|-----------------|---|
| Primary Roads   | Primary Roads linking State important centres to each other.  |
| Secondary Roads | Secondary Roads linking County important centre to each other, to more important centres or to higher class Roads                             |
| Feeder Roads    | Tertiary Roads linking minor centres (Roads other than Inter-State and International Roads other than those inside cities and municipalities) |

#### **PART C—URBAN ROADS**

| CLASS | DESCRIPTION       |
|-------|-------------------|
| UA    | Urban Arterials   |
| UC    | Urban Collectors  |
| UL    | Urban local roads |

## **SECOND SCHEDULE**

### **THE VARIOUS BODIES WHICH MAY NOMINATE REPRESENTATIVES TO BE APPOINTED BY THE MINISTER**

#### **PART A: THE SOUTHERN SUDAN ROADS AUTHORITY**

Civil society associations representing the following-

1. Engineers;
2. Lawyers;
3. Certified Public Accountants;
4. Physical Planners;
5. Southern Sudan Chamber of Commerce, Industry & Agriculture;
6. Women's Groups;
7. Labour Unions;
8. Universities or Institutions of Higher Learning; and
9. Any other interest groups that may be considered by the Minister including transportation and logistics.



## **THIRD SCHEDULE**

### **PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD**

#### **1. Meetings of the Board.**

- (1) The Board shall convene its ordinary meetings quarterly, every three months, upon the invitation of the chairperson at such places and time as may be determined thereof, and may convene extra-ordinary meetings at any time upon the request of the Minister, Chairperson and or a reasonable number of the members of the Board, provided that sufficient notice at a reasonable time have been given to the members.
- (2) The Chairperson or in his/her absence a member appointed by the Board to act in his place, may at any time call a special meeting upon a written request by a majority of the members.
- (3) Notice of every meeting of the Board shall be given in writing to each member at least five days before the day of the meeting.

#### **2. Quorum.**

- (1) The quorum for the convening of the Board meeting shall be by the simple majority number (50% + 1) of the members of the Board.
- (2) If the quorum referred thereunder the provisions of subsection (1) above, cannot be attained, for any reason, the meeting shall be adjourned and a subsequent meeting shall be scheduled to convene within the period of two weeks, commencing from the date of the adjourned meeting, and the subsequent scheduled meeting shall convene with any number of the member presents, provided that it is for the same agenda, and sufficient notice and reasonable time have been given thereof.

#### **3. Decisions of the Board.**

- (1) All matters proposed at a meeting of the Board shall be decided by a simple majority votes of the members present and in the event of equal votes, the chairperson and or person presiding thereof shall have a casting vote.
- (2) Without prejudice to the provisions of subsection (1) above, a decision may be made by the Board without a meeting by circulation of the relevant papers among the members of the Board and by the expression of the views of the majority of the members in writing but any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board.

**4. Minutes of proceedings.**

- (1) The Board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the subsequent meeting of the Board and signed by the Chairperson or the person presiding at the meeting.
- (2) The Chairperson of the Board shall submit to the minister a copy of the minutes of each meeting of the Board as soon as the minutes have been confirmed.

**5. Board to regulate its own Procedures.**

Subject to this Schedule, the Board shall regulate its own procedure.

**6. Co-opting to the Board.**

The Board may co-opt any person to participate in its deliberations. However the person co-opted shall have no right to vote.

**7. Committees of the Board.**

- (1) The Board may appoint committees of the Board to-
  - (a) inquire into and advise the Board on any matter concerning the functions of the Authority as the Board may refer to the committee; or
  - (b) exercise such powers or perform such functions of the Authority as the Board may delegate or refer to the committee.
- (2) A committee appointed thereunder the Provisions of subsection (1) above shall consist of a Chairperson and other persons, whether members of the Board or not, as the Board may determine.
- (3) The Board may require a committee appointed thereunder the provisions of this section to act jointly or in cooperation with any other committee.
- (4) Members of a committee appointed thereunder the provisions of this section may be paid such allowances as the Board may, with approval of the Minister, determine.
- (5) Subject to any direction given by the Board, a committee appointed thereunder the provisions of this section may regulate its own procedure.

**8. Secretary to the Board.**

- (1) The Executive Director shall be the secretary to the Board.

## **FOURTH SCHEDULE**

### **TRANSITIONAL ARRANGEMENTS**

**1. Interim Management Committees.**

The Minister shall establish an interim management committee for the Southern Sudan Roads Authority.

**2. Transfer of Functions.**

(1) Upon the enactment and/or the coming into force of the Roads Authority Act, all implementation functions of the Roads Directorate pertaining to national Roads within the territory of Southern Sudan shall be deemed to have been transferred, assigned and delegated to the Southern Sudan Roads Authority.

(2) All the Councils, upon the commencement of the provisions of this Act shall relinquish all the implementation functions and or cease to perform and or exercise any such functions and or powers related thereof, and all such implementation functions and powers shall be deemed to have been transferred, assigned and or delegated fully to the Roads Authority.

**3. Transfer of Assets and Liabilities.**

(1) All rights, powers, liabilities assets and duties whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on by the enforcement of this Act by the Government in respect of the Roads Directorate shall, be transferred to, vested in, imposed on or be enforceable against the Roads Authority.

(2) All rights, powers and liabilities assets relating directly to roads excluding Feeder Roads, whether under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on by and enforceable against town councils, and county councils as the case may be shall, upon the commencement of the provisions of this Act, be transferred to vested in, imposed on or be enforceable against the Roads Authority.

4. Any lawful act or thing done or purported to be made or done or any Act or thing omitted to be done on behalf of or in the name of the Roads Directorate prior to the commencement of the provisions of this Act and/or on the establishment of any Authorities thereof, by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be an act, or thing made or done or omitted as the case may be, by the Authority.

5. Any lawful act or thing done or proposed to be made or done or omitted to be done on behalf of or in the name of the Roads Directorate, prior to the commencement of the provisions of this Act by any person acting in good faith and with due or apparent

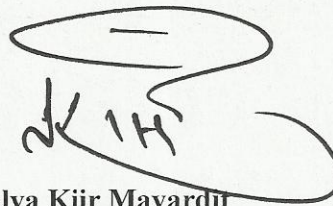
authority in that regard shall be deemed to be an act, or thing made or done or omitted to be done, as the case may be, by the Roads Authority.

6. The ministry responsible for finance and economic planning may, in consultation with the Minister and with the minister responsible for local government, shall in respect to any assets and liabilities which, immediately before the commencement of this Act, were vested in the Government for the use of the Roads Directorate shall on commencement of the provisions of this Act be vested in the Roads Authority.
6. The Minister and the ministers responsible for matters relating to finance and local Government shall have powers to issue such administrative guidelines and regulations to be followed in enabling all Road Maintenance, rehabilitation and development thereto to be transferred from any local authority to the Authority when appropriate and necessary.
7. Every public officer having the powers or duty to effect any entry in a registry relating to property, or to issue or amend any certificate upon request made by or on behalf of an authority, shall do all such things as are by law necessary to give final effect to the transfer of property mentioned in any order made under this Schedule.

**Assent of the President of the Government of Southern Sudan**

In accordance with the provision of Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, I, Gen. Salva Kiir Mayardit, President of the Government of Southern Sudan, hereby Assent to the Southern Sudan Roads Authority Act, 2011 and sign it into law.

Signed under my hands in Juba, this 7<sup>th</sup>-----day of the month of JULY  
-----in the year 2011.

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a horizontal line through it, and the letters 'K I R' written below it.

**Gen. Salva Kiir Mayardit  
President  
Government of Southern Sudan  
GoSS/ Juba.**