LAWS OF SOUTHERN SUDAN

THE SOUTHERN SUDAN ROADS AUTHORITY BILL, 2010

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The Southern Sudan Road Authority Bill, 2009

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 issues the following Bill:

CHAPTER I

Preliminary Provisions

1. Title and Commencement

This Bill may be cited as "The Southern Sudan Road Authority Bill, 2010" 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Any existing legislation in Southern Sudan, that governs the same matters as set forth in this Bill, are hereby repealed or cease to operate in Southern Sudan; *provided that*, all proceedings, orders and regulations taken or made there under, except to the extent they are cancelled by or are otherwise inconsistent with the provisions of this Bill, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of this Bill.

3. Purpose

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

4. Authority and Application

This Bill is drafted in accordance with the provisions of schedule B paragraph 4 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 Bill unless the context otherwise requires, the following words and expression shall carry the meaning assigned to them respectively—

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"Assembly" means the Southern Sudan Legislative Assembly;
"Authority" means the Roads agency established under section 6 of this Bill;
"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 under pursuant to this Bill 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 various authorities established under this Bill which dates fall within the period of twelve months after the commencement of this Bill, 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 Bill;
"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 of Transport and Roads;
"President" means the President of the Government of Southern Sudan;
"Public Utility Department" means the department by that name within the minister of local Government at the date of commencement of this Bill;
"Road Authority" means any of the Authority established under this Bill;
"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;
"Roads Department" mean the department by the name within the Minister responsible for Roads at the date of the commencement of this Bill;
"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 Bill;
"Urban Roads" means all Roads within cities and municipalities except Inter-State and International Roads;
"Vehicle" shall have the meaning assigned to it under the Traffic Bill.

Chapter II

The Southern Sudan Roads Authority

6. Establishment of the Southern Sudan Roads Authority.

(1) There shall be established a body to be called the Southern Sudan Roads Authority.

(2) The Authority shall be an autonomous body corporate, with perpetual succession and a common seal and shall, subject to the provisions of this Bill, 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 and lending money;

(d) doing or performing all such other things or acts for the proper performance of its functions under this Bill, this may lawfully be done or performed by a body corporate.

7. Functions of the Authority.

(1) The Authority shall have responsibility for the funding, 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) 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, International and Feeder Roads;

(d) to ensure adherence by motorists to the rules and guidelines on axle load control prescribed under the Traffic Bill and under any regulations under this Bill;

(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 of Transport and Roads and the Southern Sudan Police Services, for the management of traffic on Inter-State, International and Feeder Roads and issues related to Road safety;

(g) to collect all such data related to the use of Inter-State, International and Feeder Roads as may be necessary for efficient forward planning under this Bill;

(h) to monitor and evaluate the use of Inter-State and International Roads;

(i) to plan the develop 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 matter related to the implementation of this Bill directed by its Board.

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8. The Board of the Authority

(1) The Authority shall be managed by a Board which shall consist of the following:

(a) a non-executive Chairman who shall be appointed by the Minister from amongst the members appointed under paragraph (f) below;

(b) the UnderSecretary in the Ministry of Transport and Roads or his representative;

(c) the UnderSecretary in the Ministry of Housing, Lands and Public Utilities or his representative;

(d) the UnderSecretary in the Ministry of Finance and Economic Planning or his representative;

(e) the Executive Director of the Southern Sudan Road Authority, who shall be an *ex-officio* member; and

(f) six (6) other persons, not being members of the public service, appointed by virtue of their knowledge or experience in—

(i) construction industry;
(ii) highway engineering;
(iii) transport economics;
(iv) urban and regional planning;
(v) accountancy;
(vi) law; or,
(vii) Universities or other institutions of higher learning.

(2) The persons referred to in paragraph (f) above shall be appointed by the Minister from members of the organisations set out in the Second Schedule.

(3) The Third Schedule shall apply with respect to the conduct of the business and affairs of the Board.

9. Functions and Powers of the Board

(1) The Board shall—

(a) recommend to the Minister candidates for appointment as Executive Director;

(b) advise the Minister, upon request, with regard to any matter related to the objectives of this Bill;

(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) perform any other function conferred by this Bill or which may be necessary for the proper implementation of this Bill and other related laws and regulations thereto.

(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) seek to achieve optimal efficiency and cost effectiveness in Road works based on five (5) year Road investment programme approved by the Minister and the minister responsible for finance;
(c) monitoring and evaluating, by means of technical and financial audits, including the delivery of goods, works and services;
(d) be responsible for policy formulation and directions for purposes of this Bill;
(e) for Road transport, traffic and safety Management; and,
(f) mount publicity programs on the role of the Authority.

(3) In implementing paragraph 9(2)(c) above, the Board shall pay due regard to Public Procurement Bill and regulations and any additional guidelines issued or approved by the Minister.

CHAPTER III

Administration of the Authority

11. Eligibility and Tenure of Board

(1) No person shall qualify for appointment as a member of the Board of an Authority under paragraph 8(1)(f) above unless such person is the holder of the Southern Sudan Certificate of Secondary Education or an equivalent qualification and has at least ten (10) years of practical experience.

(2) The Chairman and members of the Board other than the *ex officio* members shall hold office for a period of three (3) years from the date of appointment and may be eligible for re-appointment for one further term of a period not exceeding three (3) years.

(3) The names of all members of the Board as first constituted and at every change in membership thereafter shall be published in the Southern Sudan Gazette.

12. Resignation and Removal of a Board Member

(1) The Minister may remove a member of the Board from office after compliance with the procedure set out in this section.

(2) The Minister shall not remove a member of the Board from office unless the Minister has sent a notice to the member that it is proposed to remove such member from office on any one or more of the following grounds, namely, that he:
(a) is an undercharged bankrupt or has made any arrangement with his creditors; or,
(b) is found or declared to be of unsound mind under any law in force in Southern Sudan; or
(c) has ceased to be qualified to continue as a member, or is disqualified from continuing as a member;
(d) is guilty of misbehaviour;

(e) incompetence and inefficiency;
(f) gross misconduct;
(g) absence without permission or sufficient cause from three consecutive meetings of the Board;
(h) conviction of an offence involving dishonesty, fraud or moral turpitude; and/or,
(i) death, accompanied by full particulars relating to the proposed grounds for removal, and has afforded the member an opportunity of making representations against the proposed removal.

(3) A Board member may resign by a letter addressed to the Minister through the Authority.

(4) Where a member of the Board vacates office by death, resignation or other cause, the Minister shall appoint, having regard to the provisions section 14, another suitable person in his or her place, and the person so appointed shall hold office for the remainder of the terms of office of the member whom he succeeds.

13. Functions and Duties of Executive Director

(1) Management of the Authority shall be the direct responsibility and duty of the Executive Director as its chief executive. The Executive Director shall be assisted in his day-to-day management functions and duties by such deputies as the Board may from time-time appoint.

(2) Without prejudice to the generality of subsection (1), above, and subject to Subject to this Bill and 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) approving project and programme activities proposed by the committees and/or directorates;
(d) overseeing the use of the funds of the Authority;
(e) providing periodic reports to the Board and to the Minister;
(f) appointing, within budget limitations, the officers and support staff of the Authority in accordance with Public Service laws and regulations;
(g) initiating internal policies and procedures including job-descriptions of the support staff and the organisational chart referred to in section18 of this Bill;
(h) Monitoring and evaluating the performance of the Authority;
(i) the development of an operating plan to guide the Authority in achieving its objectives;
(j) the development of an economic, efficient and cost effective internal management structure;
(k) proposing and implementing the strategic plan, business plan and annual plan of the Authority;

(l) providing advice as required on all matters within the Authority' responsibility; and,
(m) performing any other duties necessary for the implementation of this Bill as may be assigned to him by the Board, and
(n) Performing any other 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.

14. Eligibility of Executive Director

(1) The Executive Director shall be selected from persons of high moral reputation and integrity and shall possess 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 Institution of Engineers of Southern Sudan or another acceptable institution or other international accredited institution; and
(b) has at least fifteen (15) years of experience in the field of Road and highway engineering.

(2) Without prejudice to the generality of subsection (1), above, a person shall be eligible for appointment to serve as the Secretary-General, Deputy Secretary-General or a director if he meets the following additional requirements-
(a) a Sudanese citizen;
(b) be of sound mind and high character;
(c) be at least thirty (30) years of age;
(d) not a holder of an official office in, or is an employee of a political party;
(e) not a holder of an elected or appointed position at any level of Government;
(f) possesses the skills and knowledge relevant to the work of the Authority or qualifications deemed relevant to the position;
(g) not an undercharged bankrupt or insolvent; and,
(h) not been convicted of an offence involving dishonesty or moral turpitude.

15. Tenure, Resignation and Removal of Executive Director

(1) The Executive Director shall hold office for a term of three (3) years and is eligible for reappointment for one more term.

(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 (2/3) majority vote of the Board after a hearing.

(4) Reasons for removal under subsection (3) above shall include-
(a) Ineligibility for appointment under section 14 of this Bill;

(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; and,
(f) Conviction of an offence involving dishonesty, fraud or moral turpitude;
(g) He is removed from office by the President of Southern Sudan and/or,
(h) Death.

(5) Where 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 he was appointed under section 14 of this Bill.

16. Declaration of Assets

Members of the Board, the Executive Director, and any senior public service 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.

17. 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 as he may consider necessary or desirable 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.

(3) The organisational chart shall be developed in consultation with the Ministry of Finance and Economic Planning and the Ministry of Labour, Public Service and Human Resource Development, and shall take into consideration the needs of the Authority and the financial limitations of the Authority's funding.

18. Oath

Board Members, the Executive Director and other 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 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 Bill, 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".

19. Restriction on Outside Employment

Board Members, 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.

20. 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 with the Authority; *provided that,* such acts or omissions were committed in good faith.

21. Conduct of the Business of the Board

(1) The provisions of the Third Schedule shall apply to the meetings of the Board and other matters provided for in that Schedule without prejudice to the Public Service regulation.

(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.

22. Committees of the Board

The Board may appoint committees of the Board in accordance with the Third Schedule.

23. Delegation and Signification

(1) The Board may, by instrument of delegation, delegate to the Chairman, a member of the Board, an officer of the Authority or to a Committee established under section 22 any of the powers duties or functions of the Authority under this Bill.

(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 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.

24. Authority to Make Staff Regulations.

The Authority shall apply the provisions of all GoSS labour and employment-related

laws to the conditions and terms of service in particular regulations related to—

(a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, officers and servants;

(b) appeals by officers and servants against dismissal or other disciplinary measures;

(c) the establishment and maintenance of medical benefits and loan funds, and the contributions payable thereto and the benefits recoverable there from.

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 Bill and any regulations under this Bill;

(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 this Bill, the powers conferred by subsection (1) shall include all such powers as are necessary or advantageous and proper for the purposes of the Authority and in particular, without prejudice to the generality of the foregoing, shall include power—

(a) to construct 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 Bill as an agent for the Government in the provision of any agreed functions;

(d) to determine, impose and levy 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 licence, permit or certificate;

(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 Disposal existing legislation 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, this, 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 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 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 27.

26. State Offices

The Authority shall, with the approval of the Minister, establish State offices or 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, 2008***, 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 paragraph (a) of this subsection, notify the Minister responsible for public 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 Minister responsible for lands may, in his or her discretion and upon such terms and conditions as he may think fit, place such land at the disposal of the Authority for the purposes of the Authority;

(b) if the land is not public land, any provision in any written law which empowers the Minister or the Minister responsible for lands 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 Minister responsible for lands to lease or direct the leasing of such land for the purposes of the Authority.

(3) Where any compensation is payable to any person in respect of any land, specified in the notice given under subsection (1)(b), acquired by the Minister or the Minister responsible for lands, and such land after being so acquired is placed at the disposal of the Authority in accordance with subsection (2)(a), the amount of compensation payable to that person, in accordance with the provisions of the law under which the land was acquired, shall be paid by the Authority.

(4) The Authority may at any time convey, transfer or surrender any 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 Minister responsible for lands shall consent and so direct.

(5) The provisions of subsection (4) above, shall apply to land vested in the Authority by any written law, including this Bill, 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 this section, the owner or occupier of the land shall be entitled to compensation therefore in accordance with this Bill.

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;

(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 under subsection (1)(a) 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, telephone or telegraphic wire or the position of any drain.

(2) Where the Authority intends to exercise any power under subsection (1) above, it shall give reasonable notice of its intention so to do to the Authority 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;

(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) Where 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 Bill.

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

(1) Where 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 Road 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) Where the Authority intends to exercise any power under subsection (1) it shall give reasonable notice of its intention so to do to the 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 60 days

(3) Where, under subsection (1) and (2) above, any person or Authority fails to remove such pipe, wire or device within the time stated in the notice, the Authority may remove such pipe, wire, service or device at the cost of the person or Authority that was unable to comply with the notice under subsection (1).

32. Power to Take Water

The Authority may, for its purposes, take any water from any natural watercourse subject—

(a) if there is any law regulating the taking of any such water, to the provisions of that law; or

(b) if there is no such law, to the approval of the minister responsible for water resources.

33. Compensation

In the exercise of the powers conferred by sections 28 to 32 inclusive above, the Authority shall do as little damage as possible; and, where any person suffers damage, no action or suit shall lie but 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 President of Supreme Court of Southern Sudan.

CHAPTER V

Financial Provisions

34. Operational Principle

The Authority shall manage its finances in accordance with sound financial principles and best practices 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 1st January and ending on the 31st December of the same

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 Bill, 2010*** 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;
(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 Bill; and
(f) any other funds received by the Authority in the performance of its functions under this Bill.

(2) Each year, the Authority shall prepare and submit for approval a budget proposal, in accordance with the Government budget process, for the following financial year. Such budget proposal shall be subject to review, revision and approval by the Minister.

37. Borrowing Powers

(1) The Authority may obtain loans or other credit facilities from any person, organisation or institution for the purposes of meeting its obligations.

(2) No loan or credit facility shall be obtained by the Authority pursuant to the provisions of subsection (1) above, without the prior approval of the Ministry of Finance and Economic Planning.

(3) Loan and credit facilities shall be on terms and conditions which are commensurate with sound financial practices and any regulations or policies governing borrowing by Government entities.

(4) The provisions of this section do not relieve the Authority or lender from obtaining any other approvals that may be required under any other applicable law.

38. Bank Accounts

The Authority shall open and maintain bank accounts as may be necessary for the performance of its functions and duties in accordance with the ***Public Finance Management and Accountability Bill, 2010.***

39. Surplus Funds

Funds belonging to the Authority, not immediately required for any purpose provided for in this Bill, may be invested in a manner which the Authority may decide after consultation with the Ministry of Finance and Economic Planning, subject to any

rules and regulations governing the reversion of surplus funds in accordance with the provisions of the ***Public Finance Management and Accountability Bill, 2010.***

40. Accounts

(1) The Secretary-General shall maintain comprehensive books of accounts and records of all funds received and spent by the Authority during the financial year.

(2) The Secretary-General 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
- (c) a Financial Audit Report.

41. 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 audit firm approved by the Auditor-General in writing and authorised by the Board.

(2) The Board shall ensure that within four (4) months from the end of the financial year, or such other period as the Government may require in writing, an audited statement of accounts, in accordance with the provisions of section 40 above, is submitted to the Ministry of Finance and Economic Planning.

(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 to those and any other records of the Authority

42. Annual and Other Reports

(1) In addition to the Financial Audit Report, required by section 40(2)(c) above, within four (4) months after the end of each financial year, or such other period as designated by the Government in writing, the Authority shall also prepare an Annual Report of its activities during that financial year.

(2) The Annual Report shall, *inter alia,* include the following information with regard to the proceeding and policy of the Authority—
- (a) a copy of the auditor's report;
- (b) a statement of financial performance and of cash flows;
- (c) the budget for the coming financial year;
- (d) a description of the activities of the Authority during the previous year;
- (e) an analysis of the extent to which it has met its objectives of the previous year;

(f) an evaluation as to the extent to which the advice and directives of the Board have been complied with;
(g) its objectives for the coming year;
(h) any recommendations on the matters governed by this Bill.
(i) an overview of the operations of the Authority;
(j) an assessment of the degree to which performance targets have been achieved;
(k) 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;
(l) 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;
(m) a review of the technical adequacy and proven cost efficiency of Road management operations;
(n) a report on progress achieved with coordination between Road authorities and regional entities, including any challenges encountered and proposals for the future;
(0) generally a report on the degree to which the objectives of this Bill have been realized and the levels of compliance with the provisions of this Bill;
(p) 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 Secretariat 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.

43. Authority to Prepare a Roads Investment Programme.

(1) The Authority shall after every five (5) years develop a five year Roads investment programme containing both development and Maintenance priorities and submit it to the Minister who shall present it for approval to the Council of Ministers.

(2) All annual budgets and work programmes shall be based on the Road Investment Programme.

44. Expenditure outside Budget

Any activity outside the budget approved under section 43 above shall only be undertaken with the approval of the Minister, and shall be funded by the person, body or authority recommending it.

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45. 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 license, permit or principle of cost recovery and subject to the 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 (30) days following publication in the Information circular.

(4) If any amount due and payable under 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

46. Performance Agreement

(1) A performance agreement, in the form of a "Memorandum of Understanding", shall be made between the Minister and the Authority concerning the management by the Authority part of the national Roads 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.

47. Minister's Power of Direction.

The Minister shall oversee the performance of these activities of the Authority under this Bill and may by writing give to the Authority directions on matters of policy not inconsistent with the provisions of this Bill.

48. Roads to be Categorised, etc.

(1) All public Roads under the management of the Authority shall be categorized into the classes defined in the First Schedule

(2) In addition to the categorisation under subsection (1), 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 Bill shall be maintained after the date of commencement of this Bill.

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

49. 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 will 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.

50. 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 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 this permission in terms 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.

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(3) Where a person without the permission required by subsection (1) above, or contrary to any permission given there under 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 therefore, the Authority by notice in writing may direct that person to remove the unauthorised structure, other thing, alteration or addition within a reasonable period which must be stated in the notice but which may not be shorter than thirty (30) days calculated from the date of the notice.

(4) If the person to whom a notice has been issued in terms of subsection (3) above, fails to remove the structure, other thing, alteration or addition mentioned in the notice, within the period stated therein, it may be removed by the Authority itself which may recover the cost of the removal from that person. Any person who contravenes a provision of subsection (1) above, is guilty of an offence and liable on conviction to term of imprisonment not exceeding twelve (12) months or a fine not exceeding Fifty Thousand (50,000 SDG) Sudanese Pounds or both.

51. Liability for Damage

(1) Where any Road is damaged—

(a) by a reason of any Vehicle passing over it in contravention of the provisions of any rules made by an Authority under this Bill; 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.

52. Liability Exemption

The Government, the Authority, or any other body or person responsible for the Maintenance of any Road under this Bill shall not incur any civil liability in respect of any injury, damage or loss, which may cause to any person or property as a result of the state of the Road.

53. Exemption from Taxes and Duties.

Subject to the provisions of the **Taxation Act, 2009**, the Authority shall be exempted from such taxes and duties as the Minister responsible for Finance may approve.

54. Proceedings on Failure of Authority to Comply with this Bill.

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

55. Exercise of Certain Powers to Delegation under this Bill

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 Road except where such power has been delegated by the Authority

56. 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 Bill or any other applicable act shall be regarded as confidential by the Authority and its employees.

(2) No information of a type referred to in subsection (1) above, may be disclosed without the consent of every individual who, and everybody which, can be identified from that information, except to the extent that its disclosure is expressly authorized or required by or under this Bill or any other applicable act 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 Bill 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 sub-sections (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 who discloses information or who causes or permits the disclosure of information in a manner which he knows or has reasonable cause to believe is in contravention of this section shall be guilty of an offence and if convicted shall be liable in accordance with subsection (6) below.

(5) A person shall not, for a period of two (2) years after he ceases to be a member of the Commission, 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 or her in the exercise, performance and discharge of the powers, duties and functions of the Commission, 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.

(6) Any person, who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding Ten Thousand Sudanese Pounds (SDG 10,000) or to imprisonment for a period not exceeding six (6) months or to both.

57. Accommodation works

Where, in the exercise of powers under this Bill, the Authority constructs a new Road, then, during the Construction of the Road or as soon as practicable thereafter, it shall construct and maintain the following accommodation works for the benefit of the owners and occupiers of lands adjoining those on which the Road is constructed-

(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:

Provided that

(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;

(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, then, the Authority shall not be required to construct other accommodation works for the crossing of the Road or watercourse.

58. Additional Accommodation Works

If at any time—

(a) the owner or occupier of any lands adjacent to which a Road is constructed desires any accommodation works in addition to those, if any, constructed by the Authority under section 52 above; or

(b) any Authority proposes to construct a public Road or any other works across a Road, then the owner, occupier or Authority, as the case may be, may require the Authority to construct such accommodation works—

(i) as may be agreed between the Authority and the owner, occupier or Authority; or

(ii) if no such agreement is reached, as may be determined by the Minister, and the cost of constructing such accommodation works shall be borne by the owner, occupier or Authority requiring them.

59. Major Offences

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 which endangers or is likely to endanger the life of any person therein; or

(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 is 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 term not exceeding two years and a fine not exceeding One Hundred Thousand (100,000SDG) Sudanese Pounds or both.

60. Other Offences

Whoever—

(a) not being specifically authorized in that behalf or an employee or agent of the Authority or occupant of a vehicle with justifiable cause to be present—

(i) is found during the hours of darkness on any premises occupied by the Authority; or

(b) being on any premises occupied by the Authority or vehicle of the Authority—

(i) refuses when called upon by an employee or a police officer to give his name and address or gives a false name or address with intent to avoid prosecution; or

(ii) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person; or

(iii) commits any act or otherwise does anything which may cause injury to any person on such premises or upon such vehicle; or

(iv) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language; or

(v) without lawful excuse contravenes any lawful direction given by any employees; or

(vi) except with the express permission of the managing director, hawks, sells or exposes for sale any article or goods or applies for or solicits custom of any manner or description; or

(c) 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; or

(d) 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; or

(e) damages, or without lawful excuse interferes with any property of the Authority; or

(f) without lawful excuse does any Bill 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

(h) 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 6 months and a fine of Ten Thousand (10,000 SDG) Sudanese Pounds or both.

61. 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.

62. Exemption

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

63. Medical Examination of Persons Claiming Compensation.

Whenever any person claims compensation against the Authority in respect of any injury alleged to be 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 thought fit.

64. Service of Notice, etc., on the Executive Director

Any notice or other document required or authorized under this Bill 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 or to any authorized employee; or

(b) by leaving it at the office of the Executive Director; or

(c) by sending it by post to the Executive Director.

65. Service of Notice, etc.

Any notice or other document required or authorized under this Bill 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; or

(b) by leaving it at the usual or last known place of abode of that person; or

(c) by sending it by post addressed to that person at his or her usual or last known address

66. 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, as soon as practicable to deliver such property to the Authority or to vacate such premises, as the case may be.

(2) If any property or premises to which subsection (1) above, applies 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 to him or her most 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 time as may be specified in the notice; and if such property is not so delivered or such premises are not so vacated within such time, the Executive Director may, without prejudice to any other means of recovery, apply to a magistrate 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, as the case may require, to evict from such premises any person found therein.

67. Consultation with Users or Departments

(1) In the performance of its functions and exercise of its powers, the Authority shall, where 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 it deems necessary to obtain the views of the users of the Authority's facilities and services

68. Regulations

(1) The Minister shall make such rules, regulations and procedures as may be necessary for the effective and efficient implementation of the provisions of this Bill.

(2) Without prejudice to the generality of subsection (1) above, the Minister may make regulations—

(a) relating to the use, safety or Maintenance of Roads;
(b) relating to the erection of structures on, near, over or under the Roads falling within its responsibility;
(c) for the drainage of streets, lands, compounds and buildings adjacent to the Road;
(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) prescribe the fees payable for services provided by the Authority.

(3) Rules or regulations made under subsection (1) above, may prescribe in respect of any contravention of any provision thereof, a fine not exceeding Ten Thousand (10,000SDG) Sudanese Pounds only or imprisonment for a period

of six (6) months, or both, and may also prescribe in the case of continuing offences an additional penalty in respect of each day in which the offence continues.

69. Transition.

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

70. Amendment of Schedules

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

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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)

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SECOND SCHEDULE

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

PART A: THE SOUTHERN SUDAN ROAD AUTHORITY

1. Institution of Engineers
2. Southern Sudan Bar Association
3. Institute of Certified Public Accountants
4. Institute of Physical Planning
5. Chamber of Commerce and Industry
6. Women's Group
7. Labour Unions
8. Universities or Institutions of Higher Learning
9. Any other interest groups that may be considered by the Minister

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THIRD SCHEDULE

PROVISION AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

1. **Meetings of the Board**

(1) The first meeting of the Board shall be convened by the Chairperson and, subsequently, the Board shall meet as often as necessary for the transaction of business at such places and at such times as may be decided upon by the Board but it shall meet at least once every three months.

(2) The Chairperson shall preside at every meeting of the Board and in his or her absence the members present may appoint a member from among themselves to preside at that meeting.

(3) 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.

(4) Notice of every meetings of the Board shall be given in writing to each member at least five days before the day of the meeting.

2. **Quorum**

(1) Subject to subparagraph (2), five members excluding the ex-officio member shall constitute a quorum for the conduct of business at any meeting of the Board.

(2) When there is no quorum at, or for the continuation of, a meeting of the Board only because of the exclusion of a member from the deliberations on a matter in which he has disclosed a personal interest, the other member present may if they deem it expedient so to do—

(a) Postpone the consideration of that matter until there is a quorum without that member, or

(b) Proceed to consider and decide the matter as if there was a quorum

3. Decisions of the Board

(1) All matters proposed at a meeting of the Board shall be decided by a simple majority of the votes of the member's presents and in the event of an equality of votes, the person, presiding shall have a casting votes in addition to his or her deliberation votes

(2) 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.

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4. Minutes of proceedings

(1) The Board shall cause the minutes of the all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Board at the next meeting of the Board and signed by the Chairperson or the persons 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, but a person so 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 advice the Board on any matter concerning the functions of the Authority as the Board may refer to the committee.
   (b) exercise such powers or performs or such functions of the Authority as the Board may delegate or refer to the committee.

(2) A committee appointed under subsection (1) 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 under this section to Bill jointly or in cooperation with any other committee.

(4) Members of a committee appointed under 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 under this section may regulate its own procedure.

8. **Secretary to the Board**

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

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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) On the Inaugural Date for the Southern Sudan Roads Authority, 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 Councils, shall, on the Inaugural Date for the Southern Sudan Roads Authority, or upon creation thereof where such creation occurs after the Inaugural Date, be deemed to have transferred, assigned and delegated implementation functions as described in section 7 of this Bill in full to the Southern Sudan Roads Authority.

3. **Transfer of Assets, etc.**

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

(2) All rights, powers and liabilities assets relating directly to Roads as described in section 7 above of this bill, and excluding Feeder Roads, whether under any written law or otherwise, which immediately before the commencement of this Bill were vested in, imposed on or enforceable against town councils, and county councils as the case may be shall, on the Inaugural Date for the Southern Sudan Roads Authority, be transferred to vested in, imposed on or be enforceable against the Southern Sudan Roads Authority.

4. Any legal act or thing done or purported to be made or done or any Bill or thing omitted to be done on behalf of or in the name of the Roads Directorate prior to the Inaugural Date of any of the authorities established under this Bill 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 to be, as the case may be, by the Authority.

5. Any legal act or thing done or purposed to be made or done or omitted to be done on behalf of or in the name of the Roads Directorate, prior to the Inaugural Date of the Southern Sudan Roads Authority Bill 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 to be done, as the case may be, Southern Sudan Roads Authority, as the case may be.

6. The ministry responsible for finance and economic planning may, in consultation with the Minister and with the Minister responsible for local Government, provided that any assets and liabilities which, immediately before the commencement of this Bill, were vested in the Government for the use of the Roads Directorate shall on such commencement vest in the Southern Sudan Road Authority.

7. 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 as appropriate.

8. Every public officers having the powers or duty to effect or aimed any entry in a register 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.

9. Upon the commencement of this Bill the Board shall assess the members of staff of the Roads Directorate or of any local authority and select officers there from pursuant to section 13 of this Bill.

10. Interpretation

In this Schedule

"Council" means the Council of any local Government of Southern Sudan within the meaning of the ***Local Government Act, 2009.***
"Inaugural Date" means the dates of inauguration of the various authorities established under this Bill which dates fall within the period of twelve months after the commencement of this Bill, 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 Bill;
"Road Authority" means the Authority established under this Bill;
"Roads Directorate" mean the department by the name within the Ministry responsible for Roads at the date of the commencement of this Bill.

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