

Malawi

Roads Authority Act

Chapter 69:07

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/1998/28/eng@2014-12-31

There may have been updates since this file was created.

PDF created on 21 February 2024 at 15:06.

Collection last checked for updates: 31 December 2014.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Roads Authority Act
Contents

Part I – Preliminary 1

 1. Short title 1

 2. Interpretation 1

Part II – Establishment of the Roads Authority 2

 3. Establishment of the Authority 2

 4. Purpose of the Authority 2

Part III – Board of the Authority 2

 5. Composition of the Board 2

 6. Disclosure of interest 3

 7. Board may establish committees 3

 8. Board may co-opt advisors 3

 9. Vacation, etc., of members from office 3

 10. Meetings of the Board 4

 11. Remuneration and expenses of members of the Board 4

Part IV – Functions and powers of the Board 5

 12. Functions of the Board 5

 13. Powers of the Board 6

 14. Board to be accountable to Minister 6

 15. Board to report to Minister 6

 16. Inquiries by the Minister 6

Part V – Financial provisions 7

 17. Funds of the Authority 7

 18. Books and other records of accounts and audit 7

 19. Holdings of the Funds of the Authority 8

 20. Financial year 8

Part VI – Management 8

 21. Appointment of staff of the Authority 8

Part VII – Annual roads programmes 8

 22. Annual roads programmes 8

 23. Review of annual roads programmes 9

 24. Annual national roads programmes to be submitted to the Minister 9

Part VIII – Management of road networks 9

 25. Management of road network 9

 26. Procedures agreement 10

Part IX – Offences and penalties	11
27. Offences and penalties	11
28. Failure of the Authority to comply with certain provisions	11
Part X – Miscellaneous	12
29. Inconsistency with other written laws	12
30. Regulations	12
Part XI – Transitional provisions	12
31. Vesting of assets of the National Roads Authority	12
32. Registration of property to be transferred by the National Roads Authority	13
33. Legal proceedings	13
34. Terms of service of employees of the National Roads Authority	13
35. Repeal and savings	14

Malawi

Roads Authority Act

Chapter 69:07

Commenced on 1 January 2007

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to make provision for the establishment of the Roads Authority for the construction, maintenance and rehabilitation of public roads; and for connected purposes

Part I – Preliminary

1. Short title

This Act may be cited as the Roads Authority Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Administration**" means the Roads Fund Administration established under section 3 of the Roads Fund Administration Act;

[Cap. 69:08]

"**Authority**" means the Roads Authority established under [section 3](#);

"**appointed date**" means the date appointed by the Minister under [section 1](#);

"**Board**" means the Board referred to in [section 5](#);

"**Minister**" means the Minister responsible for public roads;

"**procedures agreement**" means a procedures agreement referred to in [section 26](#);

"**public road**" has the same meaning ascribed to it in the Public Roads Act;

[Cap. 69:02]

"**road**" has the same meaning ascribed to it in the Public Roads Act;

[Cap. 69:02]

"**road agency**" means any institution or body, whether or not incorporated, charged under any written law with the responsibility of constructing, maintaining or rehabilitating public roads, and includes any institution or body designated as a roads authority by the Minister by notice published in the *Gazette*;

"**Roads Fund**" means the Roads Fund established under section 18 of the Roads Fund Administration Act.

[Cap. 69:08]

Part II – Establishment of the Roads Authority

3. Establishment of the Authority

- (1) There is hereby established a body to be known as the Roads Authority (in this Act otherwise referred to as the "Authority") which shall—
 - (a) be a body corporate with perpetual succession;
 - (b) have a common seal;
 - (c) be capable of—
 - (i) acquiring, holding and disposing of real and personal property;
 - (ii) suing and being sued in its corporate name; and
 - (iii) doing or performing all such acts and things as bodies corporate may by law do or perform.
- (2) There shall be established within the Authority such Agencies as the Board may, in consultation with the Minister, determine.

4. Purpose of the Authority

The purpose of the Authority shall be to—

- (a) ensure that public roads are constructed, maintained or rehabilitated at all times;
- (b) advise the Minister and, where appropriate, the Minister responsible for Local Government on the preparation and the efficient and effective implementation of the annual national roads programme referred to in [section 22](#).

Part III – Board of the Authority

5. Composition of the Board

- (1) The operations of the Authority shall be managed and controlled by a Board which shall consist of—
 - (a) the following members to be appointed by the Minister—
 - (i) one member nominated by and representing the Road Transport Operators Association;
 - (ii) one member nominated by and representing the Bus and Taxi Operators Association;
 - (iii) one member nominated by and representing the Malawi Local Government Association;
 - (iv) one member nominated by and representing the road traffic and road safety authorities;
 - (v) two members, including a civil engineer, nominated by and representing the National Construction Industry Council of Malawi established under the National Construction Industry Act:
[Cap. 53:05]
 - (vi) two members of the public representing the general interest of the public;

- (b) the following members *ex officio*—
 - (i) the Secretary for Transport and Public Works, or his designated representative; and
 - (ii) the Secretary for Local Government, or his designated representative.
- (2) The Board shall elect the Chairman and Vice-Chairman from amongst their number.
- (3) A member *ex officio* of the Board or any person employed in the public service shall not be eligible to be elected Chairman or Vice-Chairman of the Board but shall have the right to vote on any matter at the meetings of the Board.
- (4) Members of the Board shall not, by virtue only of their appointments to the Board, be deemed to be officers in the public service.
- (5) The names of all members of the Board, as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- (6) A member of the Board, other than a member *ex officio*, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment at the expiry of that period.

6. Disclosure of interest

If a member of the Board acquires any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration by the Board, he shall at the meeting, as soon as practicable after the commencement of the meeting, disclose the fact to the Board, and shall not take part in the consideration or discussion of or vote on any question with respect to, the contract or other matter.

7. Board may establish committees

- (1) For the better carrying into effect of the purposes for which the Administration is established, the Board, may establish such number of committees as the Board shall deem appropriate to perform such functions and responsibilities as the Board shall determine subject to the directions of the Board.
- (2) The provisions of this Act relating to the meetings of the Board shall apply *mutatis mutandis* to the meetings of the committees.
- (3) The Board shall appoint the chairman of each committee from amongst the members of the Board.

8. Board may co-opt advisors

The Board may, in its discretion, at any time and for any length of period, co-opt any person to attend any deliberations of the Board, but such person shall not be entitled to vote on any matter at any meeting of the Board.

9. Vacation, etc., of members from office

- (1) The office of a member, other than a member *ex officio*, shall be vacated—
 - (a) upon the expiry of the period of his appointment;
 - (b) upon his death;
 - (c) if he is adjudged a bankrupt;
 - (d) if he is sentenced for an offence against any written law to a term of imprisonment of, or exceeding, six months, otherwise than as an alternative to, or in default of, the payment of a fine;

- (e) if he is convicted of an offence involving fraud or dishonesty;
 - (f) if he is absent, without the permission of the Board, from three successive meetings of the Board of which he has had notice;
 - (g) upon the member giving notice in writing of his intention to resign his office;
 - (h) if, in the opinion of the Board, he becomes, by reason of mental or physical infirmity, incapable of performing his duties as a member of the Board;
 - (i) upon the commission of the offence referred to in [section 27](#);
 - (j) if the member is removed under [section 16](#) (4) (b); and
 - (k) if he ceases to be a representative of the organization that nominated him.
- (2) Whenever there is a vacancy in the office of a member of the Board, the Minister shall, by notice published in the *Gazette*, appoint—
- (a) in the case of a member referred to in [section 5](#) (1) (i) to (v), another person, nominated by the institution which nominated the original member, to fill the vacancy; and
 - (b) in the case of a member referred to in [section 5](#) (1) (a) (vi), appoint another person to fill the vacancy.
- (3) Subject to [section 10](#) (3), the Board may act notwithstanding any vacancy in the membership of the Board.

10. Meetings of the Board

- (1) The Board shall meet at such place or places, and at such time or times as the Chairman may determine and shall meet at least once in every two months.
- (2) Ordinary meetings of the Board shall be convened by at least fourteen days written notice to the members by the Chairman, and the Chairman may, at his discretion, and shall at the written request of four or more members of the Board and within seven days of such request, cause an extraordinary meeting of the Board to be summoned at such place and time as he may appoint.
- (3) The Chairman, or in his absence, the Vice-Chairman shall preside at meetings of the Board, and the quorum at any meeting of the Board shall be at least five members of the Board.
- (4) In the absence of both the Chairman and Vice-Chairman, the members present and forming a quorum shall elect one of their number to preside over the meetings of the Board, and the member so elected shall exercise all the powers and perform all the duties of the Chairman.
- (5) Subject to the provisions of this Act, the Board may make standing orders for the regulation of its proceeding and business or the proceedings and business of any of its committees and may vary, suspend or revoke any such standing orders.
- (6) Minutes of each meeting of the Board or a committee of the Board shall be kept by the secretary and shall be confirmed at the succeeding ordinary meeting.
- (7) At any meeting the decision of the Board on any matter shall be that of the majority of the members present and voting, and at all such meetings the person presiding shall have, in the event of an equality of votes, a casting vote in addition to his deliberate vote.
- (8) The Board shall designate any person in the employ of the Authority to be the secretary to the Board or at the meetings of any of its committees.

11. Remuneration and expenses of members of the Board

Members of the Board shall be paid from the funds of the Authority such allowances as the Board may, subject to the approval of the Minister, determine and the Board may make provision for the

reimbursement of any reasonable expenses incurred by a member of the Board or of a committee of the Board in connexion with the business of the Board or the committee.

Part IV – Functions and powers of the Board

12. Functions of the Board

In order to achieve the purpose referred to in [section 4](#), the Board shall—

- (a) advise the Minister on the construction, maintenance and rehabilitation of public roads, and the prohibition of any act that may lead to damage to public roads;
- (b) monitor the operations or activities undertaken by any road agency in the construction, maintenance and rehabilitation of public roads;
- (c) advise the Minister on research and studies necessary for promoting the construction, maintenance and rehabilitation of public roads;
- (d) ensure that all tenders for the construction, maintenance and rehabilitation of public roads are conducted through open and competitive bidding, in a transparent and fair manner;
- (e) advise the Minister on the specifications, design standards and classification of public roads;
- (f) advise the Minister on the development and training of human resources required for the construction, maintenance and rehabilitation of public roads;
- (g) advise the roads agencies on the construction, maintenance and rehabilitation of the different classes of public roads under their responsibility;
- (h) liaise with the road traffic and road safety authorities on matters relating to safety of persons and animals on public roads;
- (i) advise the Minister on appropriate road signs;
- (j) recommend to the Minister and the Minister responsible for land matters the reservation of land for public roads and for diversions and detours of public roads under construction, maintenance or rehabilitation;
- (k) prescribe measures for preventing damage however caused by any person to any public road or any part thereof and for recovering, in full or in part, the cost of repairing the damage from such person or his insurers;
- (l) advise the road traffic and road safety authorities and road agencies, as the case may be, on appropriate and effective methods of enforcing road traffic legislation for the purposes of preventing damage to public roads and promoting road safety;
- (m) ensure that roads agencies carry out effective monitoring of the condition of the public roads for the purposes of timely implementation of road construction, maintenance and rehabilitation programmes;
- (n) publish periodic reports of the activities and achievements of the Authority and make the reports available to the general public; and
- (o) do all such things as are necessary for achieving the purposes for which the Authority is established.

13. Powers of the Board

For the better performance of its functions, the Board shall, subject to the provision of this Act and any other written law, have power—

- (a) to authorize any employee or agent of the Authority to enter upon any land and bring thereon vehicles equipment or other property of the Authority, and erect structures and do such other things as are necessary for achieving the purposes for which the Authority is established; and
- (b) to publish, from time to time, such technical or other information as it deems necessary or expedient for the promotion of the construction, maintenance and rehabilitation, or generally on the condition of public roads.

14. Board to be accountable to Minister

- (1) The Board shall be responsible and accountable to the Minister for ensuring efficiency, transparency and propriety in—
 - (a) the allocation and utilization of public funds under this Act;
 - (b) the conduct of its business; and
 - (c) the operations and activities of the Authority.
- (2) The Board shall not authorize the payment of any money to any contractor engaged by a road agency to construct, maintain or rehabilitate any public road unless it has been certified in writing by the relevant road agency that the work in respect of which the contractor is engaged to perform has been carried out to the required standard.

15. Board to report to Minister

The Board shall, at such intervals as the Minister may in writing require, submit to the Minister reports and financial statements, in such form as the Minister may determine, regarding the operations and activities of the Authority and the Board.

16. Inquiries by the Minister

- (1) If the Minister has reasonable cause to suspect that—
 - (a) the Board has failed to observe or perform any of the duties or obligations conferred or imposed upon it by this Act or any other written law;
 - (b) the Board has done or performed any act, matter or thing without due authority,he may, in his discretion, appoint a person or persons (hereinafter referred to as the "Board of Inquiry") to inquire into such matter.
- (2) The Board of Inquiry shall determine its own procedure but the Minister may, if he deems it fit, define the terms of reference for the Board of Inquiry.
- (3) If, upon an inquiry under this section, the Minister is satisfied that the Board has done or suffered any of the acts, matters or thing referred to in subsection (1), he may by order in writing, require the Board to remedy the same within such time as he may appoint.
- (4) If the Board fails to comply with an order of the Minister made under subsection (3), the Minister may, in addition to any other powers conferred on him by this Act—
 - (a) suspend the exercise by the Board of any of the powers conferred upon it by this Act or any other written law for such period as he may think fit;

- (b) remove from office all or any of the members and, in his discretion, appoint new members pursuant to [section 5](#),
and during such period, or as the case may be, pending the appointment of new members, confer upon any person the exercise of any powers so suspended or of the members.
- (5) The expenses incidental to—
 - (a) any inquiry under this section; and
 - (b) the exercise of any of the powers of the Board under subsection (4),shall be paid by such person as the Minister may direct, and if the Minister directs payment by the Board, such expenses shall be charged upon the annual revenue of the Administration.

Part V – Financial provisions

17. Funds of the Authority

- (1) The funds of the Authority shall consist of such moneys as may, with the approval of the Minister, be allocated to the Authority by the Administration from the Roads Fund.
- (2) There shall be paid from the funds of the Authority—
 - (a) salaries, allowances, loans, gratuities and pensions of staff of the Authority and other payments for the recruitment and retention of staff;
 - (b) such reasonable travelling and subsistence allowances for members of the Board and members of any committee of the Board when engaged in the business of the Authority and at such rates as the Administration may, with the approval of the Minister, determine; and
 - (c) subject to the Roads Fund Administration Act, any other expenses incurred by the Authority in the performance of its functions.

[Cap. 69:08]

- (3) The Authority shall at all times comply with the provisions of the Public Audit Act, the Public Finance Management Act and the Public Procurement Act.

[Cap. 37:01]

[Cap. 37:02]

[Cap. 37:03]

18. Books and other records of accounts and audit

- (1) The Board shall cause to be kept proper book, books and other records of account in respect of receipts and expenditures of the Authority in accordance with acceptable principles of accounting.
- (2) The accounts of the Authority shall be audited annually by the Auditor General or by independent professional auditors appointed by the Board with the approval of the Auditor General, and the expenses of the audit shall be paid out of the funds of the Administration.
- (3) The Board shall, as soon as practicable, but not later than three months after the end of the financial year of the Authority submit to the Minister and publish in the *Gazette* and in at least two newspapers published and in circulation, in Malawi an annual report on all the financial transactions on the work, activities and operations of the Authority.
- (4) The report referred to in subsection (3) shall include—
 - (a) a balance sheet and an income and expenditure account; and

- (b) a statement of objectives, strategies and principles used by the Authority in carrying out its activities under this Act,

and shall be laid by the Minister before the National Assembly.

19. Holdings of the Funds of the Authority

All sums received for the purposes of the Authority shall be paid into one or more banking accounts at such bank or banks as the Board may determine, and no amount shall be withdrawn except under the authority of the Board and by means of cheques signed by such persons as are authorized in that behalf by the Board.

20. Financial year

The financial year of the Authority shall be the period of twelve months commencing on the 1st July of each year and ending on the 30th June of the following year:

Provided that the first financial year may be a period shorter or longer than twelve months as the Board shall determine, but in any case not longer than eighteen months.

Part VI – Management

21. Appointment of staff of the Authority

- (1) The Board shall appoint management staff of the Authority on such terms and conditions as the Board shall, in its discretion, determine.
- (2) The management staff shall be responsible to the Board for the general performance of the functions and the exercise of the powers of the Authority.
- (3) The Board shall appoint such other professional, technical and administrative officers as the Board may deem necessary, subject to such terms and conditions as the Board shall determine.
- (4) The Authority shall, subject to the approval of the Minister, pay to every person in its employ such remuneration and allowances and grant to every such person such fringe benefits as it may deem appropriate.
- (5) The Authority may provide for persons in its employ or their dependants, by means of insurance with an insurance company or a pension or provident fund or in any other manner, pecuniary benefits upon retirement, death or termination of service or in the event of illness or injury.

Part VII – Annual roads programmes

22. Annual roads programmes

The Authority shall, at least six months before the commencement of every financial year, submit to the Board an annual roads programme in such form and containing such details as the Board shall specify, outlining a comprehensive plan of action for the construction, maintenance and rehabilitation of public roads, tracks and trails under the charge of the road agency, and the estimated costs of every activity required to implement the plan of action.

23. Review of annual roads programmes

- (1) The Board shall review, individually, the annual roads programmes submitted to it by the Authority under [section 22](#) and shall thereafter consolidate the annual roads programmes into one annual national roads programme which shall—
 - (a) specify the amounts to be allocated for the construction, maintenance and rehabilitation of each class of roads;
 - (b) match the cost of implementing the annual national roads programme with revenues to be allocated to the Authority by the Administration for the purpose of this Act;
 - (c) identify roads requiring construction, maintenance or rehabilitation in order of priority, taking into account the social and economic requirements of the country or any part thereof in which the roads are located; and
 - (d) include data to be provided to the Minister in such form as the Minister may require.

24. Annual national roads programmes to be submitted to the Minister

- (1) The Board shall, after consultation with the Administration, submit to the Minister the annual national roads programme for approval.
- (2) The annual national roads programme, once approved by the Minister, shall be submitted to the Administration for funding.
- (3) The Administration shall fund the annual national roads programme in accordance with the financing agreement to be signed between the Authority and the Administration.

Part VIII – Management of road networks

25. Management of road network

- (1) Notwithstanding anything to the contrary contained in any other written law, but subject to this Act and with due regard to the funds at its disposal, the Authority shall undertake the management of the national road network, including—
 - (a) the planning, designing, construction and maintenance and rehabilitation of roads which are part of the national road network;
 - (b) the quality control of materials required for the proper construction, maintenance and rehabilitation of roads;
 - (c) the supervision of work contracted out under subsection (2);
 - (d) the operation of road management systems; and
 - (e) the performance of any other function assigned to it by or under any other written law, or by the Minister by notice published in the *Gazette*, which is necessary in order to achieve the objectives of this Act.
- (2) Subject to subsection (3), the Authority may—
 - (a) enter into an agreement with any person to perform any act or provide any service for or on behalf of the Authority in, respect of any matter related to the functions of the Authority; and
 - (b) in writing, delegate any of its powers, including any delegated power, to the person, referred to in paragraph (a) if the Authority considers it necessary for the efficient performance of any such act or the provision of any such service.

- (3) The Authority shall not itself undertake any work for the construction, maintenance or rehabilitation of any road but shall cause such work to be done by any outside contractor with whom the Authority has entered into a contract for the purpose.
- (4) The Minister may prescribe minimum standards and measures for the management of the roads comprising the national road network, and minimum standards for the maintenance of such road network which are reasonably required to—
 - (a) achieve a safe road system;
 - (b) ensure compliance with the international obligations of Malawi; or
 - (c) cause the least possible disruption of the environment, but subject to the provisions of any other written law.

26. Procedures agreement

- (1) Within two months after the appointed date, or such longer period as the Authority may determine, the Authority shall, in accordance with such procedures as the Authority may stipulate, submit to the Administration a draft procedures agreement containing such particulars as are necessary to enable the Administration assess whether funds accruing to the Authority shall be efficiently utilized by it for the performance of its functions, including—
 - (a) the management and financial systems to be used by the Authority, and measures to be introduced by it to ensure the efficient utilization of funds allocated to it in respect of projects and programmes included in the business plan of the Authority;
 - (b) the principles to be applied in budgeting for administrative expenditure, including the cost of acquiring immovable property for administrative purposes;
 - (c) the procedures to be followed by the Authority in the calling for, and the evaluation and awarding of, tenders and in the negotiation of agreement with any person referred to in [section 24 \(2\)](#); and
 - (d) any other matter relating to the performance of the Authority's functions under this Act which the Administration may require.
- (2) The Administration shall approve a draft procedures agreement either without amendments or with such amendments as may be effected in consultation with the Authority.
- (3) Upon approval of the draft procedures agreement by the Administration, it shall be signed by the Chairperson of the Board of the Administration and the Chairperson of the Board of the Authority.
- (4) The Administration and the Authority shall review the procedures agreement from time to time, but at least once every three years.
- (5) Before finalizing a draft procedures agreement or an amendment to it, the Administration and the Authority shall consult with such interested parties as the Minister may, in consultation with the Minister responsible for finance, determine.
- (6) The Authority shall—
 - (a) make a copy of a procedures agreement and every amendment thereof available for public inspection at its office; and
 - (b) cause it to be published, in such form as the Minister may determine, in at least two daily newspapers circulating nationwide.

Part IX – Offences and penalties

27. Offences and penalties

- (1) Any person who appropriates or applies or causes any other person to appropriate or apply, any proceeds or assets of the Authority otherwise than in accordance with this Act shall be guilty of an offence and shall, upon conviction, be liable to a fine of K500,000 and to imprisonment for two years.
- (2) Any person who contravenes [section 6](#) shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding the value or price of the proposed contract or other matter in respect of which he fails to disclose his interest, and to imprisonment for twelve months but the fact of a person having so voted shall not invalidate any resolution or proceeding of the Board.
- (3) Any person who contravenes [section 18](#) (1) shall be guilty of an offence and shall, upon conviction, be liable to a fine of K2,000,000 and to imprisonment for five years.

28. Failure of the Authority to comply with certain provisions

- (1) Any person who is of the opinion that the Authority has failed to comply with any provision of this Act, or a financing agreement or a procedures agreement, may lodge with the Minister a written complaint, which shall—
 - (a) set out the grounds of the complaint;
 - (b) state the full names, the address and the interest of the complainant in the matter; and
 - (c) if appropriate, be accompanied by any proof of the alleged failure which is in the possession of the complainant.
- (2) On receiving a complaint under subsection (1), the Minister shall send a copy thereof to the Authority.
- (3) The Authority shall, within fourteen days after receipt of a copy of the complaint under subsection (2), furnish the Minister with a written reply.
- (4) After receipt of the Authority's reply under subsection (3), and subject to subsection (5) the Minister may—
 - (a) dismiss the complaint; or
 - (b) if the Minister is satisfied that the Authority has failed to comply with the provision referred to in subsection (1), by written notice direct the Authority to comply with such provision within such period as may be determined and specified by the Minister in the notice.
- (5) Where the Minister considers it necessary or desirable for the purpose of making a decision under subsection (4), the Minister may appoint a committee, on such terms and conditions as he may determine, to investigate the complaint, to hear any representations made by the complainant and the Authority and to report to the Minister.
- (6) The procedure for an investigation under subsection (5) shall be as prescribed, and a committee referred to in that subsection shall, for the purpose of such investigation, have the prescribed powers with regard to the summoning and examination of witness and the production of books or objects.
- (7) The costs incidental to the appointment of a committee and the conducting of an investigation under subsection (5) shall be paid from moneys made available to the Authority by the Administration.

- (8) Any person who willfully—
- (a) interrupts the proceedings of a committee referred to in subsection (5);
 - (b) hinders or obstructs such committee in the performance of its functions; or
 - (c) contravenes or fails to comply with any regulation referred to in subsection (6) relating to the duties or conduct of persons summoned to appear before a committee referred to in subsection (5) to give evidence or produce any book or object,
- shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding K100,000 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Part X – Miscellaneous

29. Inconsistency with other written laws

Where any provision of any written law relating to public roads, road traffic or road safety is inconsistent with any provision of this Act, the provision of that written law shall be invalid to the extent of such inconsistency.

30. Regulations

- (1) The Minister may, in consultation with the Board, by notice published in the *Gazette*, make regulations for the better carrying into effect the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1), such regulations may provide for—
 - (a) any matter which under this Act is required or permitted to be prescribed;
 - (b) the financial management and control of the affairs of the Authority;
 - (c) the manner in which the Authority may exercise any power or perform any duty or function under this Act; or
 - (d) any other matter which the Minister considers necessary or expedient to give effect to the objects of this Act.

Part XI – Transitional provisions

31. Vesting of assets of the National Roads Authority

- (1) On or after the appointed date, there shall be transferred to, and vested in, or subsisted against, the Authority by virtue of this Act and without further assurance—
 - (a) the affairs of the National Roads Authority;
 - (b) subject to this Act, all property, rights and obligations which immediately before the appointed date were the property, rights and obligations of the National Roads Authority.
- (2) Except as provided in this Act, every deed, bond and agreement (other than an agreement for personal service) to which the National Roads Authority was a party immediately before the appointed date, whether in writing or not, and whether or not of such nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect from the date of the assignment thereof, as if—
 - (a) the Authority had been a party thereto;

- (b) for any reference to the National Roads Authority there were substituted, as regards anything falling to be done on or after the appointed date, a reference to the Authority; and
 - (c) for any reference to any officer of the National Roads Authority not being a party thereto and beneficially interested therein there were substituted, as regards anything falling to be done on or after the appointed date, or reference to such officer of the Authority as the Authority shall designate.
- (3) Subject to the provisions of subsection (2), documents, other than those referred to therein, which refer specifically or generally to the National Roads Authority shall be construed in accordance with subsection (2) as far as applicable.

32. Registration of property to be transferred by the National Roads Authority

- (1) Where under this Act, any property, rights, liabilities and obligations of the National Roads Authority are deemed to have been transferred to the Authority in respect of which transfer a written law provides for registration, the Authority shall make an application in writing to the appropriate authority for registration of such transfer.
- (2) The registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned, and no registration fees, stamp duty or other duties shall be payable in respect thereof.

33. Legal proceedings

- (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the Authority by virtue of this Act, the Authority and all other persons shall, as from the appointed date, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Authority.
- (2) Any legal proceedings or application of any authority pending immediately before the appointed date by or against the National Roads Authority may be instituted by or against the Authority.
- (3) After the appointed date, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the National Roads Authority may be instituted by or against the Authority.

34. Terms of service of employees of the National Roads Authority

- (1) On or after the appointed date, the Authority shall, on such terms and conditions as it may with the approval of the Minister, appoint as staff of the Authority such employees from the National Roads Authority as may be necessary for the performance of the functions of the Authority.
- (2) Where an employee of the National Roads Authority is appointed to the service of the Authority, his contract of employment or service in the National Roads Authority shall be deemed to have automatically transferred to the Authority under no less favourable terms and conditions than those the employee enjoyed in the National Roads Authority.
- (3) On or after the appointed date, any employee of the National Roads Authority who is not appointed to the service of the Authority under subsection (2), may—
 - (a) be retired in accordance with his contract of employment with the National Roads Authority; or
 - (b) be re-deployed in the public service on terms and conditions applicable in that service.

35. Repeal and savings

- (1) Subject to subsection (2), the National Roads Authority Act is hereby repealed.
- (2) Anything done in accordance with the National Roads Authority Act repealed by subsection (1), prior to the commencement of this Act and which may be done in accordance with the provisions on this Act, shall be deemed to have been done in accordance with this Act.
- (3) Any subsidiary legislation made or deemed to have been made under the National Roads Authority Act, repealed by subsection (1) in force immediately before the commencement of this Act—
 - (a) shall remain in force, unless in conflict with this Act, and shall be deemed to be subsidiary legislation made under this Act;
 - (b) may be replaced, amended or repealed by subsidiary legislation made under this Act.
- (4) All contracts awarded by the National Roads Authority in accordance with National Roads Authority Act repealed by subsection (1), prior to the commencement of this Act, shall be deemed to be contracts awarded by the Authority in accordance with this Act.

[Cap. 69:07]