PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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ROAD DEVELOPMENT AUTHORITY

(AMENDMENT) ACT, NO. 37 OF 2009

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[Certified on 23rd July, 2009]

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Road Development Authority (Amendment) 1

Act, No. 37 of 2009

[Certified on 23rd July, 2009]

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ANACT TO AMEND THE ROAD DEVELOPMENTAUTHORITY ACT

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

1. This Act may be cited as the Road Development Short title

Authority (Amendment) Act, No. 37 of 2009.

2. Section 3 of the Road Development Authority Act, Amendment of

No. 73 of 1981 (hereinafter referred to as “the principal section 3 of Act,

No. 73 of 1981.

enactment”) is hereby amended as follows:—

(1) by the repeal of subsection (1) of that section and

substitution therefor of the following

subsection:—

“(1) The Authority shall consist of the

following members:—

(a) seven members (hereinafter referred to

as “appointed members”) who shall be

appointed by the Minister from among

persons who have wide experience and

have shown capacity, in the fields of

civil engineering, highway

engineering, commerce, finance, law or

administration; and

(b) nine other members (hereinafter referred

to as ex-officio members) who shall

be—

(i) a senior officer of the Ministry of

the Minister in charge of the

subject of highways, nominated by

such Minister;

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(ii) a senior officer of the Ministry of

the Minister in charge of the

subject of finance, nominated by

such Minister;

(iii) a senior officer of the Ministry of

the Minister in charge of the

subject of power, nominated by

such Minister;

(iv) a senior officer of the Ministry of

the Minister in charge of the

subject to transport, nominated by

such Minister;

(v) a senior officer of the Ministry of

the Minister in charge of the

subject of lands, nominated by such

Minister;

(vi) the General Manager of the

National Water Supply and

Drainage Board established under

the National Water Supply and

Drainage Board Act, No. 2 of 1974,

nominated by the Minister in

charge of that subject;

(vii) the Director-General of the Urban

Development Authority established

under the Urban Development

Authority Act, No. 41 of 1978,

nominated by the Minister in

charge of that subject;

(viii) the Chief Executive Officer of the

Central Environment Authority,

established under the National

Environment Act, No. 47 of 1980,

nominated by the Minister in

charge of that subject; and

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(ix) the Chief Executive Officer of the

Geological Survey and Mines

Bureau established under Mines

and Minerals Act, No. 33 of 1992,

nominated by the Minister in

charge of that subject.”.

(2) by the repeal of paragraph (b) of subsection (11) of

that section and the substitution therefor of the

following paragraph:—

“(b) if he is an ex-officio member the Minister who

nominated that member may nominate

another person to act in place of that member.”.

3. Section 7 of the principal enactment is hereby Amendment of

amended by the repeal of subsections (1) and (2) and the section 7 of the

principal

substitution therefor of the following subsections:—

enactment.

“(1) (a) There may be established a Road

Development Advisory Council (hereinafter

referred to as “the Council”) consisting of the

following members:—

(i) the person for the time being holding the

office of the Secretary to the Ministry of

the Minister in charge of the subject of

Highways, who shall be the Chairman of

the Council;

(ii) a senior officer of the Ministry of the

Minister in charge of the subject

Environment and Natural Resources,

nominated by such Minister;

(iii) a senior officer of the Ministry of the

Minister in charge of the subject of

Telecommunications, nominated by such

Minister;

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(iv) a senior officer of the Ministry of the

Minister in charge of the subject of Local

Government, nominated by such Minister;

(v) a senior officer of the Ministry of the

Minister in charge of the subject of State

Lands, nominated by such Minister;

(vi) a senior officer of the Ministry of the

Minister in charge of the subject of

Transport, nominated by such Minister;

(vii) a senior officer of the Ministry of the

Minister in charge of the subject of

Finance, nominated by such Minister;

(viii) the person for the time being holding the

office of Director-General of the

Authority, who shall act as Secretary to

the Council;

(ix) the person for the time being holding the

office of the Director-General of the Urban

Development Authority established by

the Urban Development Authority Act,

No. 41 of 1978 or his representative;

(x) the person for the time being holding the

office of the General Manager of the

Ceylon Electricity Board established by

the Ceylon Electricity Board Act, No. 17of

1969 or his representative;

(xi) the person for the time being holding the

office of the General Manager of the

National Water supply and Drainage

Board established by the National Water

Supply and Drainage Board Act, No. 2 of

1974 or his representative; and

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(xii) four other members appointed by the

Minister from among persons who appear

to have wide experience, and shown

capacity, in highway engineering,

management or administration, law, or

finance.

(b) A member appointed under this paragraph is

hereinafter in this section referred to as an “appointed

member of the Council”.

(2) The functions of the Council shall be—

(a) to advise the Minister on road policy,

road research, road planning and

strategy and road development; and

(b) to advise the Minister or the

Authority, as the case may be, on any

matter relating to the exercise,

performance or discharge of any

power, duty or function of the

authority, that may be referred to the

Council by the Minister or the

Authority, as the case may be.”.

4. Section 9 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor:— section 9 of the

principal

enactment.

“Powers, 9. (1) Subject to the provisions of

duties and subsection (2) the powers, duties and functions

functions of

of the Authority, within any development area,

the Authority.

shall be—

(a) to carry out integrated road planning

and development of roads within such

areas, subject to any directions that may

be given to the Authority by the

Minister from time to time;

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(b) to implement related programmes of

road development work, activities and

services in such areas that are consistent

with integrated road planning in such

areas, subject to any directions that may

be given to the Authority by the

Minister from time to time;

(c) to formulate and submit road

development plans including capital

investment plans to the Minister for

approval by the Government;

(d) to undertake the execution of road

maintenance and road development

projects and schemes as may be

approved by the Government;

(e) to enter into, perform and carry out,

whether directly or by way of public

private partnership or joint venture or

with any person in or outside Sri Lanka,

all such contracts or agreements as may

be necessary for the purpose of carrying

out any road development project or

scheme as may be approved by the

Government;

(f) to undertake the completion of any

approved road development project or

scheme in default by any person failing

to complete such project or scheme;

(g) to implement road development plans

and capital investment plans approved

by the Government;

(h) to formulate capital road improvement

programmes for such development area;

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(i) to acquire or purchase and hold any

movable or immovable property or

dispose of or give on lease any movable

or immovable property acquired or held

by it;

(j) to prepare at the request of any

Government agency, road development

projects and planning schemes on

behalf of such agency and to co-

ordinate with, or assist in, the execution

of such projects or schemes;

(k) to provide road planning services for

the benefit of Government agencies or

other persons within such development

areas;

(l) to charge fees for any services provided

by the Authority;

(m) to accept gifts, grants, donations or

subsidies whether in cash or otherwise

and to apply them for carrying out any

of the objects of the Authority;

(n) to establish a regulatory body in order

to formulate a regulatory framework for

the Road Sector that covers planning,

designing, construction, maintenance

and operational aspects;

(o) to charge fees or rentals from any utility

service provider for using a road

reservation, a public road reservation

or a national highway reservation and

to enter into agreements as may be

necessary for such purposes;

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(p) to charge fees from any person or

Institution for using a road reservation,

a public road reservation or a national

highway reservation for the display of

notices, banners, gantries or hoardings,

or for any other commercial purpose or

for erecting any structure for such

purposes and to enter into agreements

as may be necessary, for such purposes;

and

(q) to do all such acts or things as are

incidental to or consequential upon the

exercise, performance and discharge of

its powers, duties and functions under

this Act.

(2) When implementing any programme of

development work relating to road planning

and road development within any

development area, it shall be the duty of the

Authority in the exercise, performance and

discharge of its powers, duties and functions

under subsection (1) to implement such

programme or development work in

consultation with the appropriate Government

departments, public corporations, Provincial

Council or local authority, as the case may be.

(3) Any person or Institution to whom the

provisions to paragraph (p) of subsection (1)

applies shall obtain the prior approval of the

Authority, before commencing any activity

referred to in that paragraph.”.

Amendment of 5. Section 12 of the principal enactment is hereby

section 12 of the amended as follows:—

principal

enactment.

(1) by the substitution for the expression “General

Manager” of the expression “Director-General”

wherever the expression appears in that section;

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(2) in subsection (2) thereof, by the substitution for the

words “matters of policy, be charged with” of the

words “matters of policy and strategy, be charged

with”.

6. Section 15 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor:— section 15 of the

principal

enactment.

“Borrowing 15. (1) The Authority may, subject to the

powers of the provisions of subsection (2) and with the written

Authority.

consent of the Minister, borrow or raise such

sums as the Authority may require for meeting

its obligations in the discharge of its duties

under this Act:—

(a) by way of temporary overdraft or

otherwise; or

(b) by the issue of debentures and bonds,

or seller’s credit.

(2) The aggregate of the amounts

outstanding in respect of any loan or fund

raised by the Authority under subsection (1),

shall not at any time exceed such sum as may

be determined by the Minister in consultation

with the Minister in charge of the subject of

Finance.”.

7. In the event of any inconsistency between the Sinhala Sinhala text to

and Tamil texts of this Act, the Sinhala text shall prevail. prevail in case of

inconsistency.

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