



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**ROAD DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, No. 37 OF 2009**

[Certified on 23rd July, 2009]

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AN ACT TO AMEND THE ROAD DEVELOPMENT AUTHORITY 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 Authority (Amendment) Act, No. 37 of 2009. Short title

2. Section 3 of the Road Development Authority Act, No. 73 of 1981 (hereinafter referred to as “the principal enactment”) is hereby amended as follows:— Amendment of section 3 of Act, No. 73 of 1981.

(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

(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 amended by the repeal of subsections (1) and (2) and the substitution therefor of the following subsections:—

Amendment of section 7 of the principal 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. 17 of 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

- (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 repealed and the following section substituted therefor:—

Replacement of section 9 of the principal enactment.

“Powers, duties and functions of the Authority.

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

- (a) to carry out integrated road planning and development of roads within such areas, subject to any directions that may be given to the Authority by the Minister from time to time;

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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;

- (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
section 12 of the
principal
enactment.

5. Section 12 of the principal enactment is hereby amended as follows:—

- (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 repealed and the following section substituted therefor:—

Replacement of section 15 of the principal enactment.

“Borrowing powers of the Authority.

15. (1) The Authority may, subject to the provisions of subsection (2) and with the written 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 and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

5)

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