

BILL

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THE SIERRA LEONE PUBLIC TRANSPORT AUTHORITY ACT, 2023

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No.

2023



Sierra Leone

A BILL ENTITLED

THE SIERRA LEONE PUBLIC TRANSPORT AUTHORITY ACT 2023 Short title.

Being an Act to provide for the establishment of the Sierra Leone Public Transport Authority as a regulatory body for public transportation services and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

- Interpretation. 1. In this Act unless the context otherwise requires -
- "Authority" means the Sierra Leone Public Transport Authority established under section 4;
- "Board" means the Board established under section 7;
- "Chairman" means Chairman of the Board appointed under section 7;
- "designated route" means a transport route operated under a concession by a company or cooperative;
- "Director General" means the Director-General appointed under section 21;
- "licence" means a licence issued under this Act;
- "member" means a member of the Board;
- "Minister" means the Minister responsible for transport and "Ministry" shall be construed accordingly;
- "operator" means a provider of public transport services"

Application of Act 2. This Act shall apply to all matters pertaining to the operation and maintenance of public transportation services

Non-application of Act. 3. This Act shall not apply to transportation by air and sea.

PART II-ESTABLISHMENT OF THE AUTHORITY

Establishment of the Sierra Leone Public Transport Authority 4. (1) There is hereby established a body to be known as the Sierra Leone Public Transport Authority.

(2) The Authority shall be a body corporate with perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and be sued in its corporate name and subject to this Act do all things which a body corporate may lawfully do .

5. (1) The Authority shall have a common seal the affixing of which shall be authenticated by the signatures of -

- (a) the Chairman or other member of the Board generally or specifically authorised by the Board for that purpose;
- (b) the Director-General or other person authorised by him for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Authority and to be sealed with the common seal of the Authority authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

6. (1) The Authority shall be under the general supervision of the Minister.

Role of the Minister.

(2) Notwithstanding the generality of subsection (1) the Minister shall be responsible for the following -

- (a) issuing directives on policy matters
- (b) formulating policies and its implementation ;
- (c) building and sustaining an enabling environment for the operations of the Authority;and

- (d) overseeing the proper implementation of this Act.

Composition
of the Board

7. (1) The governing body of the Authority shall be a Board which shall subject to this Act control and supervise the Authority.

(2) The Board shall consist of the following non-executive Board Members-

- (a) a chairman with extensive knowledge and proven experience in managing public transport;
- (b) two females with knowledge and experience relevant to the functions of the Authority;
- (c) a senior representative from the following bodies-
 - (i) Sierra Leone Motors Drivers and General Workers Union;
 - (ii) Sierra Leone Commercial Motor Bike Riders Union; and
 - (iii) Sierra Leone Commercial Tricycle Association;
- (d) a senior representative each from the following Institutions-
 - (i) the Sierra Leone Police;
 - (ii) the Sierra Leone Road Safety Authority;
 - (iii) Sierra Leone Roads Authority
- (e) the Permanent Secretary of the Ministry; and
- (f) the Director-General

(3) The Chairman and members referred to under paragraphs (b) and (c) of subsection (2) shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament

8 (1) The Chairman and other member referred paragraphs (b) and (c) of subsection (2) of section 7, shall hold office for a period of 3 years and shall be eligible for reappointment for another term

Tenure of
Members of
the Board

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) inability to perform the functions of office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) convicted and sentenced for an offence involving fraud or dishonestly ;
- (d) failing to attend three consecutive meetings of the Board without reasonable excuse;
- (e) no longer a member of the institution that he is representing ; and
- (f) resignation from office by submitting a written notice to the Minister.

9. The Board shall be responsible for the following-

Powers and
duties of the
Board

- (a) overseeing the sound and proper management of the Authority;
- (b) establishing and administering codes of conduct;
- (c) determining and formulating policies to secure the efficient implementation of the functions of the Authority ; and
- (d) setting targets and standards to enhance the overall performance of the Authority

Filling of
Vacancy

10 (1) Where the Chairman dies, resigns or is removed from office under subsection (2) of section 8 the Board shall elect one of its members to act as Chairman until another is appointed in his stead and in the case of other member the Chairman shall arrange subject to this Act to have another person appointed to the Board to fill the vacancy

(2) Where a person is appointed to fill a vacancy under subsection (1) the person shall hold office for the remainder of the term of the person he is replacing and shall subject to this Act be eligible for re-appointment

Meetings of
the Board.

11. (1) The Board shall meet for the dispatch of its business once every quarter but not more than ten times at such time and place as the Chairman may determine

(2) The Chairman shall preside at every meeting of the Board if present and in his absence the members present shall appoint a member from among themselves to preside at the meeting.

(3) A majority of the members of the Board may by notice in writing signed by them request the Chairman to summon a special meeting of the Board for the purpose stated in the notice.

(4) The Chairman or in his absence the member appointed to act on his behalf shall summon a special meeting within 5 days of receipt of the notice referred to under subsection (3)

(5) The quorum at any meeting of the Board shall be 5.

(6) Any question which fails to be determined by the Board at any of its meetings shall be decided by a majority of the votes of the members present and voting

(7) The Chairman or other member presiding shall have a casting vote where there is an equality of votes.

(8) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meetings of the Board:

Provided that if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(9) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not be entitled to vote on any issue to be considered by the Board.

(10) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and Secretary to the Board and kept in a proper form.

(11) Subject to this Act the Board shall regulate its own proceedings.

12 (1) A member of the Board who has any interest whether direct or indirect in any matter being considered by the Board shall disclose the nature of his interest to the Board and such disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter. Disclosure of Interest

(2) A member of the Board who contravenes this section shall be guilty of misconduct and shall be liable to be removed from the Board.

13. (1) No action or other proceeding shall lie or be instituted against any member of the Board or member of a Committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act. Immunity of Members of Board

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority emanating from transactions expressly done in good faith in the exercise of his functions under this Act.

Remuneration
and
allowance
of members
of Board

14 (1) The Chairman, other members of the Board and persons co-opted by the Board shall be paid remuneration, fees and allowances as the Board may determine subject to the approval of the Minister

(2) The Chairman, other members of the Board and persons co-opted by the Board shall be reimbursed by the Authority for expenses incurred during the discharge of their functions subject to the approval of the Minister.

Committees
of Board

15 (1) The Board may for the discharge of its functions appoint one or more committees to perform such functions as the Board may determine.

(2) A committee shall consist of members of the Board or non-members or both as the Board may determine.

(3) Notwithstanding the generality of subsection (1) the Board shall appoint the following committees

- (a) human resource committee;
- (b) Audit Committee ; and
- (c) finance committee

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

(5) Non-members of the Board appointed to committees under subsection (3) shall be entitled to be paid sitting fees as the Board may determine subject to the approval of the Minister for each committee meeting they attend and shall be reimbursed for expenses incurred in connection with the discharge of their functions

16. Subject to this Act, the Board may make standing orders regulating the following- Standing orders

- (a) holding of meetings, the notices to be given for meetings and the conduct of proceedings at the meetings;
- (b) keeping of minutes of meetings and the custody production and inspection of the minutes;
- (c) custody and the use of the common seal;
- (d) the manner in which cheques shall be issued on behalf of the Authority;
- (e) any other matter pertaining to the internal operations or management of the Authority.

PART III- FUNCTIONS OF THE AUTHORITY

17 (1) The object for which the Authority is established is to plan, regulate and monitor public transportation operations and management. Functions of the authority

(2) Notwithstanding the generality of subsection (1) the Authority shall be responsible for performing the following functions-

- (a) regulate public transport excluding air and sea transportation;

- (b) enter into and manage third party service contracts including revenue collection and vehicle maintenance with the approval of the Minister and the minister responsible for finance;
- (c) issue and renew licences for public transport operators;
- (d) develop and map public transport networks;
- (e) designate public transport routes;
- (f) carry out fare analysis for public transport and make recommendations on fare structure to the Minister;
- (g) plan, design and determine the type and level of investment on infrastructure required for the smooth operation of public transport;
- (h) support the Ministry with the development and implementation of policies and programmes related to public transport planning, operation and management;
- (i) establish standards for public transport services;
- (j) serve as an advisory body to the Minister on all matters pertaining to public transport operation and management;
- (k) manage performance-based service delivery contracts;
- (l) conduct studies and maintain a database;
- (m) monitor and evaluate management relating to public transportation;
- (n) liaise with stakeholders in the development and enforcement of traffic management plans

- (o) engage with stakeholders in the planning of public transportation infrastructure ;
- (p) administer financial aspects of licensed routes including ticketing , clearing house, payment of transports service providers;
- (q) manage ownership and maintenance of public transport vehicles procured on behalf of the Ministry;
- (r) management of bus terminals; and
- (s) any other related matters as the Minister may determine;

18. In the exercise of any of its functions under this Act, the Authority shall not be subject to the direction or control of any person or Authority except the Minister.

Independence
of Authority

PART IV-MANAGEMENT OF THE AUTHORITY

19. The Authority shall be serviced by a secretariat consisting of the Director-General, Deputy Director-General and other officers as may be required for the efficient performance of the functions of the Authority.

Secretariat

20. The Authority shall establish in each administrative region a branch of the Authority.

Regional
Offices

21. (1) The Authority shall have a Director General who shall be appointed by the President after consultation with the Minister

Director -
General

(2) A person shall not be appointed a Director -General unless the person

- (a) holds a Masters degree in engineering , business administration or any related field from a reputable university ;
- (b) has a minimum of not less than 10 years proven experience in an institution; and
- (c) has a minimum of 5 years experience in management

(3) The Director-General shall be appointed on such terms and conditions as may be specified in his appointment letter.

Functions of
Director
General

22. (1) The Director-General shall be responsible for carrying out the following functions -

- (a) implement the decisions of the Board;
- (b) control and management of the day-to-day business of the Authority ;
- (c) initiate and maintain high level contact with stakeholders, both local and international in relevant areas of the operations of the Authority;
- (d) set and monitor performance targets;
- (e) coordinate the preparation of the Authority's quarterly or annual performance report;
- (f) monitor and supervise the preparation of the annual budget and other financial reports ;
- (g) initiate and maintain supervision and discipline of the staff of the Authority ;
- (h) management of the funds , property and business of the Authority; and
- (i) carry out other functions as the Board may determine

23 (1) The Director-General shall be removed from office by the Board for any of the following reasons -

Removal or suspension of Director General

- (a) inability to perform the functions of his office due to incompetence, negligence or infirmity of mind or body;
- (b) proven misconduct ;
- (c) if he is convicted and sentenced for an offence involving fraud or dishonesty.

(2) Where the actions of the Director General amounts to his removal the Board shall suspend him and the Human Resources Committee referred to under paragraph (a) of subsection (3) of section 15 shall enquire into the matter.

(3) The Director-General shall be given the opportunity to be heard and represented by a legal practitioner

(4) The Human Resources Committee shall submit a report at the end of its enquiry containing its recommendation on whether the -General should or should not be removed.

(5) After receipt of the report under subsection (4) the Board in consultation with the Minister shall take the necessary action based on the report

(6) Based on the report the Board shall either -

- (a) revoke the suspension of the Director - General if the report recommends that he should not be removed; or
- (b) remove the Director-General from office if the report recommends that he should be removed

(7) This section shall apply to a Deputy-Director-General

Deputy
Director -
General

24 (1) The Authority shall have a deputy Director -General who shall be appointed by the Board subject to such terms and conditions as may be specified in his letter of appointment .

(2) The qualification required for a Director-General as set out under subsection (2) of section 21 shall apply to a Deputy Director-General

(3) The Deputy Director-General shall be the principal assistant to the Director-General and shall act in his absence.

(4) Notwithstanding subsection (3) the Deputy Director General shall be responsible to carry out the following functions

- (a) coordinating and preparing the quarterly and annual report; and
- (b) carrying out any other functions directed by the Director General

Other Staff

25 (1) Subject to the approval of the Board the Authority shall appoint

- (a) a secretary;
- (b) finance officer;
- (c) human resource officer ;
- (d) administrative officer ; and
- (e) other technical and administrative staff as may be required for the efficient performance of the functions of the Authority.

(2) The Authority shall appoint a manager to head each regional branch of the Authority.

(3) The manager appointed under sub-section (2) shall be a person with proven knowledge and experience relevant to the functions of the Authority.

26. (1) The Authority shall establish the following Departments. departments subject to the approval of the Board-

- (a) finance and administration department;
- (b) operations department
- (c) planning department;
- (d) engineering department ; and
- (e) any other department the Board approves

(2) Each department shall be headed by a Director.

27. (1) Public officers may at the instance of the Authority be seconded or otherwise render assistance to the Authority Secondment of public officers.

(2) The Authority may request the withdrawal of the seconded officer who is unable to carry out assigned functions in the manner satisfactory to the Authority .

28. No officer, employee of the Authority or any person acting on the direction of an officer or employee of the Authority shall be liable in respect of any matter or thing done by him in good faith under this Act. Protection of officers.

PART V-FINANCIAL PROVISIONS

29. (1) The funds of the Authority shall consist of the following - Funds of Authority.

- (a) monies appropriated by Parliament for the purpose of the Authority ;
- (b) grants, gifts or donations from any person or organisation whether local or international for the purpose of the Authority ;
- (c) an agreed percentage of fare collected as approved by the Board;
- (d) surcharge on private vehicles licensing to support public transport;

- (e) monies generated from assets owned by the Authority;
- (f) public transport licensing fees; and
- (g) any other monies to which the Authority may otherwise become entitled to

(2) The funds of the Authority shall be utilized on the basis of the annual operational plans and budgets.

Books of
account

30. (1) The Authority shall keep proper books of account and other records in relation to the finances of the Authority in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Authority a financial statement which shall include

- (a) balance sheet accounts;
- (b) income and expenditure accounts;
- (c) source and application of funds; and
- (d) financial estimates.

(2) The accounts of the Authority kept under subsection (1) shall be audited by the Auditor General or any auditor appointed by him

(3) For the purposes of subsection (2) the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require any information and explanation as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority .

(5) The Auditor -General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statement referred to in subsection (1) and shall in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Authority ; and
- (c) other matter which in his opinion ought to be brought to the notice of the Authority .

31. The financial year of the Authority shall be the same as the financial year of the Government. Financial year of Authority

32. (1) The Authority shall, within 3 months after the end of the financial year submit to the Minister a report on the performance of its functions including policies and programme development during that year of reporting Annual Report

(2) The annual report referred to under subsection (1) shall include the accounts and annual financial statements prepared under subsection (1) of section 30 and the report of the audit referred to under subsection (5) of section 30.

(3) The Minister shall lay copies of the annual report before Parliament with two months after he has received the report

PART VI -PUBLIC TRANSPORT OPERATIONS

33. (1) A person who wishes to acquire an operator or route licence shall make a written application to the Authority in a form prescribed by it. Operator Route and Zonal licence

(2) The applicant shall submit the application with the prescribed fee and all relevant information to support the application

(3) The Authority shall within 10 working days after receipt of an application acknowledge receipt of the application

(4) Within 10 days after acknowledging receipt of the application the Authority shall instruct an authorized officer to inform the applicant in writing of its decision to grant or not to grant the licence.

(5) In making a decision under this section the Authority shall make such inquiry and consult, any person or other authorities as it deems necessary to ascertain whether the applicant is capable of operating or rendering the services for which he is seeking the license;

(6) A licence issued under subsection (5) shall -

- (a) be in the prescribed form;
- (b) authorize the licensee to undertake such activity as may be specified therein;
- (c) contain such terms and conditions as the Authority may think necessary; and
- (d) be valid for such period as specified therein and subject to renewal.

Suspension or
Cancellation
of Licence

34 (1) The Authority may suspend or cancel a licence where it is satisfied that -

- (a) the licensee has contravened a term of his condition of licence;
- (b) the licensee has given information that is false or misleading in a material particular.

(2) A licence shall not be suspended or cancelled unless the Authority has given a written notice of its intention to cancel or suspend the licences to the licensee together with the reasons for doing so.

(3) The Authority shall, in the notice referred to under subsection (2), require the licensee to show cause in writing, within such time as may be specified in the notice why the licence should not be suspended or cancelled.

(4) The Authority shall, after considering the explanation of the licensee, inform the licensee in writing of its decision and reasons for its decision

(5) Where the licensee is unable to persuade the Authority or fails to respond to the notice of the Authority the Authority shall proceed to cancel or suspend the licence

(6) The Authority shall restore the licence when the licensee remedies the situation that gave cause for the cancellation or suspension.

35. (1) A licensee who wishes to renew his licence shall make a written application to the Authority in the prescribed form not later than 3 months before the expiration of the licence. Renewal of licence

(2) The procedure for the application for a fresh licence shall with the necessary modifications apply to the renewal of licence.

(3) A licensee who fails to renew his licence or whose application renewal is rejected by the Authority shall cease to function as such.

36. The Authority shall set public transport vehicle standards for - Public transport vehicle standards

(a) licensed transport corridors; and

(b) public transport operators

37. The Authority shall develop licensing standards for public transport drivers Standards for drivers

- Standards for Public Transport Operations 38. The Authority shall determine standards for public transport operations
- Implementation of standards 39. The Sierra Leone Road Safety Authority shall be responsible for implementing the standards under this Part
- Service Planning 40. The Authority shall -
- (a) develop service planning policies to meet strategic demands; and
 - (b) set out timetable guidelines for public transport operations
- Designation of Public Transport Routes 41. The Authority shall
- (a) define and map out public transport networks; and
 - (b) enter into a contract relating to designated public transport routes with companies or cooperatives
- Bus operations 42. The Authority shall be responsible for the following;
- (a) monitoring the buses ;
 - (b) maintenance standards of government owned public transport buses;
 - (c) ensuring that safety standards are complied with ; and
 - (d) ensuring that route contracts are being complied with
- Traffic Management. 43. The Authority shall support the development of transport policies and traffic management plans in collaboration with other transport stakeholders

PART VII-MISCELLANEOUS PROVISIONS

44. The Minister may by statutory instrument make rules and Regulations regulations to give effect to this Act.

45. (1) The Sierra Leone Road Transport Corporation Act 1964 is hereby repealed Repeal and Savings

(2) Notwithstanding the repeal of the Sierra Leone Road Transport Corporation Act 1964-

- (a) all employees of the Sierra Leone Road Transport Corporation shall be transferred to the Authority
- (b) all property, assets, rights and interests of the Sierra Leone Road Transport Corporation shall be the property, assets, rights and interests of the Authority ;
- (c) all obligations and liabilities subsisting against the Sierra Leone Road Transport Corporation shall continue to subsist against the Authority ;
- (d) any order, proclamation or regulations made under the repealed Act and in existence at the commencement of this Act shall continue in existence unless revoked

MEMORANDUM AND OBJECT OF REASONS

The purpose of this Bill is to establish the Sierra Leone Public Transport Authority as a regulatory body for public transport operation and management . The Bill is divided into 7 parts .

Part I deals with preliminary provisions. This part contains the interpretation section which defines words and phrases used throughout the Bill. It also contains the application and non-application clause. Clause 2 stipulates that the Bill applies to all matters pertaining to the operation and maintenance of public transportation services. Clause 3 states that the Bill does not apply to transportation by sea and air.

Part II deals with provisions on the establishment of the Authority. Clause 4 establishes the Sierra Leone Public Transport Authority as a body corporate with all the powers of a body corporate . Clause 6 stipulates the role of the Minister. This clause states that the Authority should be under the general supervision of the Minister. It further provides that the Minister should provide policy guidance and advice to the Authority to ensure that the Authority implements its functions efficiently. Clause 7 provides that the governing body of the Authority should be a Board

Part III outlines the functions of the Authority one of which is to plan, regulate and monitor public transport operation and management .

Part IV deals with management of the Authority. It provides for a secretariat consisting of the Director-General, Deputy Director-General and other officers as may be required for the efficient performance of the functions of the Authority.

Part V deals with financial provisions.

Part VI contains provisions on public transport operations. Clause 33 stipulates the procedure for acquiring an operator's licence and a route licence. This part also outlines the standards for drivers and public vehicles

Part VII deals with miscellaneous provisions

MADE THIS DAY OF 2023

HON. KABINEH KALLON
Minister of Transport and Aviation

FEBRUARY
FREETOWN