

THE ROAD TRANSPORT CORPORATION ACT, 1964
ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section No.

1. Short title and commencement.
2. Interpretation.

PART II—ESTABLISHMENT OF CORPORATION

3. Establishment and incorporation of the Corporation.
4. Common seal and authentication of documents.
5. Constitution of the Corporation.
6. Cessation of membership of and removal from Corporation
7. Immunity of members.
8. Procedure of the Corporation
9. Disclosure of interest.
10. Remuneration of members.

PART III—FUNCTION, DUTIES AND POWERS

11. Duties of Corporation.
12. Powers of Corporation.
13. Powers of the Minister in relation to the Corporation
14. Power to make rules.
15. Power to appropriate particular routes, roads, etc. to vehicles of the Corporation.

PART IV—OFFICERS AND SERVANTS OF THE CORPORATION

16. Appointment of General Manager and delegation of functions.
17. Appointment of Secretary.
18. Employment of servants and agents.
19. Power to make regulations relating to staff and administration.
20. Public Officers Protection Act to apply to officers, etc. of Corporation.

PART V—TRANSFER OF ASSETS

21. Transfer of assets and vesting day. First Schedule.
22. Governor-General may add assets to First Schedule.
23. Advance account for working capital.
24. Provision of free reserve.
25. Compensation for assets transferred by issue of stock.
26. Transfer of rights and liabilities under contracts, etc. Second Schedule.
27. Pending proceedings and causes of action.

PART VI—EMPLOYMENT, SECONDMENT AND
TRANSFER OF PERSONNEL FROM
ROAD TRANSPORT DEPARTMENT

28. Employment or secondment of established officers of the Road Transport Department.
29. Secondment and transfer of other employees of the Road Transport Department.
30. Widows' and Orphans' pensions.
31. Transfer or secondment after the vesting day.

PART VII—POWER TO BORROW AND RAISE CAPITAL

32. Power to borrow money for capital purposes, issue securities, give guarantees and charge assets.
33. Power to borrow money and incur indebtedness for other purposes.
34. Government may guarantee loans made to the Corporation.

PART VIII—GENERAL FINANCIAL PROVISIONS,
ACCOUNT, AUDIT AND ANNUAL REPORT

35. General duty of the Corporation in financial matters.
36. Application of revenue.
37. Investment of funds.
38. Accounts and audit.
39. Annual report.

PART IX—SUPERANNUATION, PENSIONS AND
GRATUITIES

40. Superannuation and pensions schemes, etc.

PART X—PROVISIONS RELATING TO LAND

41. Acquisition of land.
42. Restriction on alienation of land.

PART XI—THE LIABILITY OF THE CORPORATION

(a) As a Carrier of Passengers

43. Liability in respect of personal injury or loss of life of passenger.
44. No liability for delay.
45. Liability as to passengers' luggage.

(b) As a Carrier of Goods

46. Measure of general responsibility of Corporation as a carrier of goods.
47. Liability for delay of goods.
48. Limitation of liability for loss of or injury to animals.

(c) As a Warehouseman

49. Liability as warehouseman.

PART XII—OFFENCES

50. Penalty for obstructing Corporation officials.
51. Penalty for frauds.
52. Refusal to give description of goods delivered to Corporation and power to detain goods.
53. Penalty for unlawful act, or omission of duty, endangering passengers.
54. Demanding improper amounts.
55. Behaviour of servants of Corporation.

PART XIII—LEGAL PROCEEDINGS

- 56. Service of documents.
- 57. Restriction on execution against the property of the Corporation.
- 58. Stay of arrest in certain cases.
- 59. Representation of Corporation at hearing of suit.

PART XIV—MISCELLANEOUS PROVISIONS

- 60. Stamp duty.
- 61. Publication of regulations and rules.
- 62. Repeal of Cap. 137 and saving of orders, etc.

ARRANGEMENT OF SCHEDULES

FIRST SCHEDULE—ASSETS VESTED IN CORPORATION

**SECOND SCHEDULE—RIGHTS AND LIABILITIES TRANSFERRED
TO CORPORATION**

Assented to in Her Majesty's name this 17th day of
June, 1964.

S. A. BENKA-COKER,
Acting Governor-General.

LS

No. 17



1964

Sierra Leone

An Act to Provide for the Establishment of a Corporation to be Known as the Sierra Leone Road Transport Corporation

[_____, 1964.] Date of commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the Road Transport Corporation Act, 1964, and shall come into operation on such date as the Minister may by order appoint: Short title and commencement

Provided that the Minister may, if he considers it necessary or expedient, either by one Order or different Orders, appoint different dates for the coming into operation of different provisions hereof.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Chairman” means the person appointed to be Chairman of the Corporation under section 5 and includes any temporary Chairman so appointed;

“Corporation” means the Sierra Leone Road Transport Corporation established under the provisions of section 3;

“General Manager” means the General Manager of the Corporation;

“goods” includes animals, alive or dead;

“member of the Corporation” or “member” includes the Chairman, a temporary Chairman, and any temporary member of the Corporation;

“Minister” except where otherwise expressed or described means the Minister for the time being charged with responsibility for communications;

“Road Transport Department” means the Road Transport Department of the Government;

“Secretary” means the Secretary appointed under section 17;

“stock” includes all stocks, bonds and other securities issued by the Corporation for money borrowed or loan capital raised by it, whether secured or unsecured and by whatever name described;

“vesting day” means such date as the Minister shall by notice published in the *Gazette* appoint for the vesting in the Corporation of the assets described in the First Schedule in accordance with section 21.

PART II—ESTABLISHMENT OF CORPORATION

Establishment and incorporation of the Corporation.

3. (1) There is hereby established a body to be known as the Sierra Leone Road Transport Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and shall have power to acquire, hold and dispose of property whether movable or immovable, to enter into contracts, to sue and to be sued in its corporate name and to do all things necessary for the purpose of this Act.

Common seal and authentication of documents.

4. (1) The Corporation shall have a common seal and the affixing of the seal shall be authenticated by the signature of the Chairman or some other member of the Corporation authorised, either generally or specially, by the Corporation to act for the purpose, and of the Secretary or some other person authorised, either generally or specially, by the Corporation to act for that purpose.

(2) Every document purporting to be an order or instrument issued by the Corporation and to be sealed with the seal of the Corporation authenticated as provided by this section, or to be signed by the Secretary, shall be received in evidence and be deemed to be such order or instrument without further proof, unless the contrary is shown.

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

(4) Notwithstanding any rule of law to the contrary the Corporation may enter into contracts and transact business in all respects in the same manner as a private individual.

5. (i) The Corporation shall consist of—

(a) a Chairman;

(b) not more than four appointed members;

(c) the Permanent Secretary, Ministry of Communications or his representative;

(d) a representative of the Ministry of Finance to be appointed by the Minister of Finance;

(e) the Manager of Sierra Leone Airways;

(f) the Establishment Secretary.

Constitution
of the Cor-
poration.

(2) The Chairman and the appointed members shall be citizens of Sierra Leone appointed by the Minister and shall hold office subject to such conditions as the Minister may determine.

(3) Where the Chairman or any appointed member is for good reason temporarily unable to perform his functions and until such time as the Minister appoints some other person to act for the Chairman or such member, the Corporation may appoint a person so to act:

Provided that in the case of the appointee of the Minister of Finance, the Minister of Finance shall appoint to fill the vacancy.

(4) Every appointment, or termination thereof, under this section and every cessation of membership or removal from office under section 6 shall be effected in writing under the hand of the Minister and notice thereof shall be published in the *Gazette*.

6. (1) If the Chairman or any appointed member at any time after his appointment—

(a) accepts or continues to hold an office or employment with the Corporation; or

(b) is made bankrupt; or

(c) becomes of unsound mind or otherwise incompetent to act as a member; or

(d) fails to attend three consecutive meetings of the Corporation (unless such failure be occasioned by any reasonable cause allowed by the Corporation); or

Cessation of
membership
of and remo-
val from
Corporation.

(c) resigns his office by written notice to the Minister; then, in any of the cases mentioned in paragraphs (a) to (d), he shall forthwith cease to be a member of the Corporation and the Corporation shall report the fact and the date of such cessation to the Minister, and in the case mentioned in paragraph (e), the Minister may accept or reject the resignation at his discretion.

(2) If at any time it appears to the Governor-General that the removal from office of the Chairman or any appointed member of the Corporation is necessary in the interests of the effective and economical performance of the functions of the Corporation the Governor-General may remove from office the Chairman or any such member without assigning any reason therefor.

Immunity of members.

7. No member of the Corporation shall be personally liable for any debt or obligation of the Corporation.

Procedure of the Corporation.

8. (1) Subject to the provision of this Act, the Corporation may make Standing Orders regulating its procedure generally, and in particular regarding—

- (a) the holding of meetings and the notice to be given of such meetings;
- (b) the proceedings thereat;
- (c) the keeping of minutes and the custody, production and inspection of such minutes;
- (d) the custody and use of the common seal.

(2) The quorum at any meeting of the Corporation shall be five members, one of whom shall be the Chairman or the temporary Chairman.

(3) A decision of the majority of the members present and voting at a meeting of the Corporation shall be deemed to be a decision of the Corporation.

(4) In the event of an equality of votes the Chairman shall have a casting vote in addition to his deliberative vote.

(5) The Corporation shall meet for the despatch of business at such times and places as the Chairman may from time to time appoint, but not less than four times a year.

Disclosure of interest.

9. Any member having a personal interest, whether pecuniary or otherwise, direct or indirect, in any company or concern with which the Corporation proposes to make any contract, or any interest in such contract, shall disclose to the Corporation the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Corporation, and such member shall take no part in any deliberation or decision of the Corporation relating to such contract.

Remuneration of members.

10. The Corporation shall pay to the members thereof such remuneration, fees and allowances for expenses as may be determined by the Minister after consultation with and the prior approval of the Minister of Finance:

Provided that no such remuneration, fees or allowances other than such as may be expressly authorised in writing by the Minister shall be paid to any member who is a public officer.

PART III—FUNCTIONS, DUTIES AND POWERS

11. Subject to the provisions of this Act, it shall be the duty of the Corporation to— Duties of Corporation.

- (a) take over, operate and maintain the public transport services of the Government for the conveyance of passengers and goods established under the Public Transport Services Act; Cap. 137.
- (b) establish, operate and maintain such additional transport services for the conveyance of passengers and goods as it may deem expedient, subject to the approval of the Minister;
- (c) maintain, and where necessary develop any premises, workshops, depots and other installations taken over from the Road Transport Department;
- (d) establish, operate and maintain such other installations as the Corporation may deem it expedient to establish;
- (e) in so far as it is able to do so, provide for road transport services at reasonable prices to the public;
- (f) service, maintain and repair—
 - (i) the Corporation's motor vehicles;
 - (ii) at reasonable charges, all motor vehicles owned by or used for the purposes of the Government; and any other motor vehicles when it appears justifiable to the Corporation so to do having regard to the prior needs of the Corporation and of the Government, to the commercial benefit of so doing and to the public benefit;
- (g) engage in any requisite constructional activities ancillary to its own needs and those of the Government, or, subject to the approval of the Minister, to those of the general public;

Provided that all financial transactions connected with any such activities shall be carried out having regard to the provisions of sections 35 and 36;

- (h) carry on any business usually associated with a public road transport undertaking.

12. (1) For the performance of any of its duties under this Act the Corporation may— Powers of Corporation.

- (a) acquire, construct, manufacture, maintain or repair anything required for the purposes of the Corporation;

- (b) carry on the business of carrier by land, warehouseman or any other business recommended by the Minister as desirable for the purposes of the Corporation;
- (c) determine and impose charges for any services performed by the Corporation;
- (d) sell by public tender, let, or otherwise dispose of, any property which appears to the Corporation to be unnecessary for the purposes of the Corporation;
- (e) enter into agreements with any person—
 - (i) for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, necessary or desirable for the purposes of the Corporation;
 - (ii) for the operation or the provision of any facilities which may be operated or provided by the Corporation;
- (f) do anything for the purposes of advancing the skill of persons employed by the Corporation, including the provision by the Corporation, and the assistance of the provision by others, of facilities for training, education and research;
- (g) provide houses, hostels, canteens and other like accommodation and facilities for persons employed by the Corporation;
- (h) engage in any other lawful activity, subject to the approval of the Minister.

(2) The provisions of this section shall not be construed as limiting any power of the Corporation conferred by or under any of the provisions of this Act.

Powers of the Minister in relation to the Corporation.

13. (1) The Minister may, after consultation with the Corporation give the Corporation directions of a general character as to the discharge by it of its functions in relation to matters appearing to the Minister to affect the public interest, and the Corporation shall give effect to any such directions.

(2) The Minister may, after consultation with the Corporation, give the Corporation specific directions for the purpose of remedying any defect which may be disclosed in the general arrangements of the Corporation for the discharge of its functions under this Act, and the Corporation shall give effect to any such directions.

(3) The Corporation shall afford the Minister facilities for obtaining information with respect to the property and functions of the Corporation, and shall furnish him with returns, accounts and other information with respect thereto and afford him facilities for the verification of information furnished, in such manner and at such times as he may require.

(4) The Corporation shall not be required to introduce or maintain any service which in its view and that of its auditors is likely to or does operate at a financial loss, unless the Government undertakes to underwrite any such loss.

14. The Corporation may, with the approval of the Minister, make rules for all or any of the following purposes, and may regulate therein any particular kind of public transport service and specify the district, town or place to which such rules may apply—

- (a) for regulating the travelling upon and use of vehicles engaged in its public transport services;
- (b) for preventing the commission of any nuisances or offences in or upon any vehicle so employed;
- (c) for fixing charges, passenger fares, rates for goods (including insurance premiums) and special charges for hire of such vehicles;
- (d) for fixing stands for such vehicles, and the points at which they may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same;
- (e) for imposing conditions with respect to the receiving, forwarding and delivery of goods,
- (f) for establishing commencement and terminal points and routes generally to be operated by its public transport services;
- (g) generally for carrying into effect the purposes of this Act.

15. The Minister may, in consultation with the Corporation, by Order appropriate particular routes, roads and streets to the use of vehicles employed in the public transport services established and maintained by the Corporation, to the exclusion of the use of such routes, roads and streets by any or every other kind of public vehicle or particular class of public vehicle plying for passenger hire or fares or conveying goods for profit, subject to such qualifications and exceptions as the Order may specify:

Power to appropriate particular routes, roads etc. to vehicles of the Corporation.

Provided that no such appropriation shall affect such traffic proceeding to or from towns or villages outside the limits of any such particular routes, and provided further that any vehicles engaged in such traffic shall not take up or set down any passengers or goods along the particular routes, roads and streets appropriated and reserved to the use of the Corporation's public transport service vehicles.

PART IV OFFICERS AND SERVANTS OF THE CORPORATION

Appoint-
ment of
General
Manager and
delegation of
functions.

16. (1) There shall be an officer of the Corporation to be known as the General Manager who shall be the chief executive officer, and shall be responsible for the execution of the policy of the Corporation and the transaction of its day to day business.

(2) The General Manager shall be appointed in the first instance by the Minister, and thereafter by the Corporation:

Provided that at any time the Government holds more than 50 per centum of the stock of the Corporation, any appointment made by the Corporation under this subsection shall be subject to the approval of the Minister.

(3) The Corporation shall delegate to the General Manager the power to exercise supervision and control over the acts and proceedings of all servants of the Corporation in matters of executive administration and in matters concerning the accounts and records of the Corporation, and subject to any restriction which may be imposed by the Corporation, the power to dispose of all questions relating to the service of the said servants and their discipline, pay, privileges and allowances.

(4) The Corporation shall delegate to the General Manager such of its functions as are necessary to enable him to transact efficiently the day to day business of the Corporation and for this purpose the Corporation may from time to time issue written instructions under its common seal.

(5) The General Manager shall not be a member of the Corporation, but shall have the right to be present at all or any meetings of the Corporation, except when any matter involving him personally is being discussed, and shall be furnished with copies of all notices, agenda and minutes of all meetings of the Corporation.

Appoint-
ment of Se-
cretary.

17. There shall be appointed an officer of the Corporation to be known as the Secretary, who shall be appointed in the first instance by the Minister, and thereafter by the Corporation.

Employment
of servants
and agents.

18. Subject to the provisions of the Act, the Corporation shall employ such servants and agents as it may think necessary for the due discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

Power to
make regula-
tions rela-
ting to staff
and admini-
stration.

19. The Corporation may from time to time, for the better administration of the Corporation, issue orders and regulations concerning the conditions and terms of employment of its officers and servants.

Public
Officers
Protection
Act to apply
to officers,
etc. of Cor-
poration.
Cap. 172.

20. Where any action prosecution or other proceeding is commenced in respect of any act, neglect or default done or committed by any officer, servant or agent of the Corporation in his capacity as its servant or agent the provisions of the Public Officers Protection Act shall apply as though such officer, servant or agent were a public officer.

PART V—TRANSFER OF ASSETS

21. Upon a date to be appointed by the Minister by notice in the *Gazette* (hereinafter called the vesting day) the assets described in the First Schedule shall vest in the Corporation by virtue of this Act and without further assurance. Transfer of assets and vesting day. First Schedule.
22. The Governor-General may, within a period of two years from the vesting day, by Order, add any assets to the assets described in the First Schedule, and any assets so added by an Order made under this section shall be deemed to vest in the Corporation by virtue of this Act and without further assurance from the date the Order comes into force. Governor-General may add assets to First Schedule.
23. (1) So soon as may be after the vesting day the Corporation shall, in respect of any moneys advanced by the Government to the Corporation to provide for working capital, create an advance account in favour of the Government equivalent to the total amount of such advances. Advance account for working capital.
- (2) The advance account created under subsection (1) shall be subject to such conditions as to interest and repayment as the Minister may from time to time determine.
24. (1) The Government may provide a free reserve of such an amount as may be agreed upon between the Government and the Corporation as at the vesting day, having regard to the total value of the assets vesting in the Corporation on the vesting day by virtue of this Act. Provision for free reserve.
- (2) When any assets are vested in the Corporation by an Order made under section 22, the amount of free reserve created under this section may be increased to a sum agreed upon between the Government and the Corporation, having regard to the value of the assets so vested.
25. So soon as may be after any assets are transferred to the Corporation by the Government under the provisions of this Act, the Corporation shall create in respect of the value of the assets so transferred stock of an amount to be agreed upon by and between the Government and the Corporation, and such stock shall be issued to the Government and shall bear interest at such rate and from such date as shall be in like manner agreed. Compensation for assets transferred by issue of stock.
26. Subject to the provisions of sections 28 and 29, all contracts, deeds, bonds, agreements, instruments, debts, credits and working arrangements to which the provisions of the Second Schedule apply shall have effect in favour of and against the Corporation as therein mentioned, and to the extent therein mentioned, as if instead of the Government the Corporation had been named therein or had been a party thereto. Transfer of rights and liabilities under contracts, etc. Second Schedule.
27. Any proceeding or cause of action pending or existing immediately before the vesting day by or against the Government in respect of the assets transferred under the provisions of this Act, may be continued or enforced by or against the Government as if this Act had not been enacted. Pending proceedings and causes of action.

PART VI—EMPLOYMENT, SECONDMENT AND TRANSFER OF PERSONNEL FROM THE ROAD TRANSPORT DEPARTMENT

Employment or secondment of established officers of the Road Transport Department.

28. (1) The provisions of this section shall apply to officers who on the vesting day—

- (a) are members of the staff of the Road Transport Department; and
- (b) are within the provisions of any enactment or Government General Order relating to pensions or gratuities; and
- (c) have either—
 - (i) accepted employment with the Corporation; or
 - (ii) been selected by the Corporation with the agreement of Government for secondment to the service of the Corporation:

Provided that nothing in this section shall be construed so as to preclude an officer to whom it applies from applying at any time within any period of secondment to be posted to a Government department in accordance with the terms and conditions of service attaching to the appointment held by such officer at the vesting day, and, upon any such application being made, the same consideration shall be given thereto as though the applicant had not been seconded.

(2) Within the period of one year from the commencement of his secondment the Corporation shall offer to each officer seconded to the service of the Corporation permanent employment with the Corporation, upon terms and conditions generally not less favourable than those attaching to the appointment under the Government held by such officer at the vesting day.

(3) Every officer to whom the provisions of this section apply who has accepted or who accepts permanent employment with the Corporation shall, for all purposes other than contribution under any widows' and orphans' pension scheme as hereinafter mentioned, be deemed to have ceased to be in the service of the Government on the vesting day:

Cap. 173.

Vol. VII
Page 1295.

Provided that such officer shall not become entitled to receive any pension or gratuity under the Pensions Act merely because he is deemed to have ceased to be in the service of the Government under this section, but service with the Corporation may be deemed to be public service with a Scheduled Government within the meaning of Part III of the Pensions Rules.

(4) For the purposes of such permanent employment the Corporation shall establish in respect of all officers to whom this section applies a scheme or schemes of pensions, retiring allowances or gratuities not less favourable than the scheme or

schemes of pensions, retiring allowances or gratuities, (other than the Scheme of Retirement Benefits set out in the Schedule to the Sierra Leone (Constitution) Order in Council, 1958) applicable to such officers under any Act or Government General Orders in force at the date of the vesting day.

For the purpose of this subsection a scheme of pensions does not include a widows' and orphans' pensions scheme.

(5) Upon the expiration of the period of one year specified in subsection (2) any seconded officer who has not accepted permanent employment with the Corporation under the provisions of this section, and who cannot continue to be employed by the Government in any suitable capacity, shall be deemed to have retired from the service of the Government in consequence of the abolition of his office, or, if such officer is, at that date, entitled to any period of leave, on such later date as will enable him to take such leave, and the provisions of any Act relating to pensions or of any Government General Orders relating to retiring allowances or gratuities applicable to such officer shall apply accordingly:

Provided that the Corporation may, with the consent of the officer, at any time before the expiration of such period of one year, terminate the secondment of any officer who does not desire to accept permanent employment with the Corporation and, in such case, the provisions of this subsection shall apply as if the said period of one year had expired on the date of such termination.

(6) The Corporation shall pay, in respect of any period of secondment of any officer to whom the provisions of this section apply who does not accept permanent employment with the Corporation under the provisions of this section, such contributions to the cost of the pension, retiring allowance or gratuity of such officer as shall be agreed between the Government and the Corporation.

29. (1) The provisions of this section shall apply to any officers and employees of the Road Transport Department who, not being persons to whom the provisions of section 28 apply, are seconded or transferred, as the case may be, from the service of the Government to the service of the Corporation in accordance with the provisions of this section.

Secondment and transfer of other employees of the Road Transport Department.

(2) Every such officer or employee who is serving under a written contract of service with the Government shall be seconded on the vesting day to the service of the Corporation for the unexpired period of such contract.

(3) Every other such officer or employee shall be transferred on the vesting day to the service of the Corporation at the same rate of pay and, as nearly as may be, on the same terms and conditions of service as those on which he was

employed in the Road Transport Department immediately before the vesting day, and, on such transfer, service with the Corporation shall be deemed to be continuous with any service with the Government immediately prior to the date of transfer.

(4) Nothing in this section shall be deemed to affect any right of the Corporation to terminate the employment or secondment of any officer or employee transferred or seconded to the service of the Corporation.

Widows' and
orphans'
pensions.

Cap. 174.

Cap. 175.

30. Every officer who accepts permanent employment with the Corporation and who, at the vesting day, was a contributor to a widows' and orphans' pension scheme established under the Widows and Orphans (African Officers) Pensions Act, or under the Widows and Orphans (Overseas Officers) Pensions Act, shall continue to contribute to such scheme and shall be entitled to benefit under such scheme to all intents as if his service with the Corporation were service with the Government:

Provided that, if at any time the Corporation establishes a widows' and orphans' pension scheme, any such officer may elect to contribute to such last mentioned scheme, and, in such event—

Cap. 175.

(a) in the case of overseas officers the provisions of section 17 of the Widows and Orphans (Overseas Officers) Pensions Act shall apply and for such purpose service with the Corporation shall be deemed to be public service within the meaning of that section;

Cap. 175.

(b) in the case of African officers provisions analogous to those contained in, or applied by, section 17 of the Widows and Orphans (Overseas Officers) Pensions Act shall apply in the same manner as they apply to overseas officers and with all such modifications as may be necessary or expedient, and the Corporation may from time to time issue such detailed directions or regulations as may be required to ensure the effective application of this paragraph.

Transfer or
secondment
after the
vesting day.

31. Where any officer or employee of the Road Transport Department is seconded or transferred to the Corporation on a date subsequent to the vesting day, the appropriate provisions of this Part shall apply to such officer or employee and shall be read as though that date were the vesting day.

PART VII—POWER TO BORROW AND RAISE CAPITAL

Power to
borrow
money for
capital
purposes, issue
securities,
give
guarantees
and charge
assets.

32. (1) The Corporation may for the purposes of performing its functions under this Act, from time to time, with the prior approval of the Minister of Finance—

(a) borrow money or raise capital in any currency and from any source for—

(i) the provision of working capital;

(ii) the redemption of any stock it is required or entitled to redeem;

(iii) any other expenditure properly chargeable to capital account;

(b) issue any stock;

(c) give any guarantee;

(d) create or maintain any mortgage or charge either fixed or floating over the whole or any part of its property.

(2) Money borrowed or capital raised under the provisions of this section shall be appropriated to the purpose for which the money or the capital has been borrowed or raised and shall be secured upon the property and funds of the Corporation.

33. The Corporation may, from time to time—

(a) with the prior approval of the Minister after consultation with the Minister of Finance, borrow by way of overdraft or otherwise such sums as it may require for meeting its current obligations and discharging its functions under this Act;

Power to borrow money and incur indebtedness for other purposes.

(b) incur indebtedness to persons for the supply of goods or services in the normal course of the Corporation's business.

34. The Government may guarantee in such manner and upon such terms as it may think fit, the payment of the interest and principal, or either of them, of any loan proposed to be raised by the Corporation.

Government may guarantee loans made to the Corporation.

PART VIII—GENERAL FINANCIAL PROVISIONS, ACCOUNT, AUDIT AND ANNUAL REPORT

35. It shall be the duty of the Corporation so to exercise and perform its functions under this Act—

General duty of the Corporation in financial matters.

(a) as to secure that the total revenues, excluding capital and other non-revenue receipts, in any financial year of the Corporation shall be sufficient as nearly as may be to meet—

(i) all taxes (if any), salaries, allowances, working expenses and other outgoings properly chargeable to revenue account in that year, including depreciation and interest payable;

(ii) any sums falling to be paid in such year in respect of repayment of the principal of any money borrowed by the Corporation to the extent that such repayments exceed provision for depreciation;

(iii) any provisions that the Corporation is bound or considers it prudent to make for the redemption of stock issued by the Corporation;

(iv) such sums as the Corporation may think proper to set aside in that year for reserve funds, extensions, renewals and like purposes; and

(b) as to secure reasonable returns on any of its capital invested.

Application
of Revenue.

36. (1) The revenue of the Corporation for any financial year of the Corporation shall be applied in defraying the following—

- (a) the remuneration, fees and allowances of the members of the Corporation;
- (b) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities (including any payment to the Government on account of Pensions and gratuities under section 28) of the officers agents and servants and technical and other advisers of the Corporation;
- (c) operating expenses and expenditure on, or provision for, the maintenance of any of the property of the Corporation and the discharge of the functions of the Corporation properly chargeable to revenue account;
- (d) interest on any stock issued and on any loan raised by the Corporation;
- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of stock or the repayment of other borrowed moneys;
- (f) depreciation charges;
- (g) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

(2) The balance of the revenue of the Corporation shall be applied to the creation of general or specific reserve funds to be used for maintaining and improving the financial soundness of the Corporation and for financing further developments.

Investment
of Funds.

37. Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation may be invested in such manner as may be approved by the Minister of Finance.

Accounts
and audit.

38. (1) The Corporation shall keep proper books of account and other records in relation to the business of the Corporation and shall prepare in respect of each financial year of the Corporation a statement of accounts in a form which shall conform to the best commercial standards.

(2) The statement of accounts shall be in such form and contain such particulars as the Minister, in consultation with the Corporation, may from time to time direct, and which present an accurate view of the financial position of the Corporation and of the results of the Corporation's operations for the year to which it relates.

(3) The accounts of the Corporation shall be audited by independent auditors who shall be members of a recognised body of qualified accountants to be appointed annually by the Corporation with the approval of the Minister.

(4) So soon as the accounts have been audited, which shall be not more than six months after the end of each financial year of the Corporation, the Corporation shall send copies of the statement of accounts referred to in subsection (1) to the Minister and the Minister of Finance together with a copy of any report made by the auditors on the statement or on the accounts of the Corporation.

(5) The Minister shall cause a copy of every such statement and report to be laid on the Table of the House of Representatives.

39. (1) The Corporation shall, as soon as possible after the end of each financial year of the Corporation, make to the Minister a report on the exercise and performance by it of its functions during the year and on its policy and programme. Annual Report.

(2) The report of the Corporation for any year shall set out any direction given by the Minister to the Corporation during that year unless the Minister has certified in writing to the Corporation that it is against the public interest to do so.

(3) The Minister may give directions as to the form of the reports to be made under this section and the Corporation shall comply with any such directions.

(4) The Minister shall cause a copy of every such report to be laid on the Table of the House of Representatives.

PART IX—SUPERANNUATION, PENSIONS AND GRATUITIES

40. (1) The Corporation shall establish a scheme or schemes for the payment of superannuation allowances, pensions or gratuities to officers and servants of the Corporation, who retire from the service of the Corporation, or otherwise cease to hold office, in such circumstances as may be set out in any such scheme or schemes. Super-annuation and pension schemes, etc.

(2) The following provisions shall apply to any scheme established under subsection (1)—

(a) no assurance on the life of any contributor under any such scheme and no moneys or other benefits payable under any such assurance, and no pension, gratuity or other allowance granted under any such scheme, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Corporation or to the Government;

(b) no donation or contribution to a fund established under any such scheme or interest therein shall be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Corporation or the Government;

- (c) no such donation or contribution or interest shall be subject to the debts of the contributor, nor shall such donation contribution or interest pass to a Receiver on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation or contribution or interest shall, subject to the provisions of this Act, be deemed to be impressed with a trust in favour of the dependants of the contributor or any other person entitled thereto under the provisions of the scheme;
- (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deduction shall continue in be made notwithstanding the provisions of any Act, and the portion of salary so deducted shall not be deemed to form part of his after acquired property;
- (e) subject to the provisions of any such scheme, all moneys paid or payable out of any fund established under any such scheme on the death of a contributor shall be deemed to be impressed with a trust in favour of the persons entitled thereto and shall not be deemed to form part of his estate or be subject to the payment of his debts.

(3) The Corporation may establish a scheme or schemes for the payment of allowances, pensions or gratuities to the dependants of any officer or servant of the Corporation who dies while in the service of the Corporation or after leaving such service in any of the circumstances which may be set out in such scheme or schemes, and the provisions of subsection (2) shall apply to any scheme as though such scheme were a scheme established under subsection (1), and any scheme established under this subsection may be incorporated within a scheme established under subsection (1).

PART X—PROVISIONS RELATING TO LAND

41. (1) When the Corporation is unable to acquire by private treaty or agreement any land in the Western Area required for the purposes of this Act the Minister may order proceedings be taken for the compulsory acquisition of such land in accordance with the provisions of the Public Lands Act and such acquisition shall be deemed to be for public work within the meaning of that Act. Any land so acquired shall be vested in the Corporation by a certificate under the hand of the Minister describing the land and stating it is so vested.

(2) When the Corporation is unable to acquire by private treaty or agreement the leasehold of any land in the Provinces required for the purposes of this Act, the Minister of Internal Affairs may authorise any person to execute, in the

Acquisition
of land.

Cap. 116.

(2) The Corporation shall not be liable for the loss of, or damage to any passenger's luggage left with any person employed by the Corporation or otherwise disposed of on any premises of the Corporation unless such luggage is accepted and booked, or deposited in a Corporation cloakroom, and a receipt issued therefor by an official of the Corporation authorised in that behalf.

(3) Where by virtue of subsection (1) or (2) the Corporation is liable for the loss or damage to any luggage, it shall not be liable for any sum exceeding ten pounds unless the person delivering the same for carriage by the Corporation shall at the time of delivery have declared its value and paid to the Corporation such insurance premium on the value in excess of ten pounds as may be prescribed by the Corporation under section 14; and in such case the Corporation shall not be liable for any sum in excess of the value so declared.

(b) As a Carrier of Goods

Measure of
general res-
ponsibility of
Corporation
as a carrier
of goods.

46. (1) Subject to any other provisions of this Act, the Corporation shall not be liable for any loss or damage to any goods carried by the Corporation where such loss or damage occurs during carriage and arose from—

- (a) act of God;
- (b) act of war or the Queen's enemies;
- (c) casualty including fire, flood or explosion;
- (d) arrest or restraint or seizure under legal process;
- (e) orders or restrictions imposed by Government;
- (f) riots, civil commotions, strikes, lock-outs, stoppage or restraint of labour from whatever cause whether partial or general;
- (g) inherent liability to wastage in bulk or weight, latent defect, inherent vice, natural deterioration or the presence of vermin or insect pests not being due to the negligence of the Corporation or its servants;
- (h) defective containers or defective insecure or insufficient packing;
- (i) incorrect or insufficient description or address for delivery; or
- (j) acts of the owner, consignor or consignee or of the servant or agent of the owner, consignor or consignee.

(2) Where the Corporation seeks to avoid liability under this section the burden of proving that any such loss or damage occurred during carriage shall be upon the Corporation.

Liability for
delay of
goods.

47. The Corporation shall not be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods unless such delay, detention or deviation is caused by want of reasonable foresight and care on the part of the Corporation or any of its servants:

Provided that the Corporation shall not in any circumstances be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods—

- (a) where there has been fraud on the part of the consignor;
- (b) unless a document acknowledging the receipt of such goods for carriage by the Corporation has been given;
- (c) which at the time such delay, detention or deviation occurred were being carried by any transport service other than one provided by the Corporation or under the control of the Corporation;
- (d) where there is a loss in a particular market whether held daily or at intervals;
- (e) where such delay, detention or deviation arises from—
 - (i) insufficient or improper packing;
 - (ii) riots, civil commotions, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general.

48. (1) The liability of the Corporation in respect of any animal shall not in any case exceed—

- (a) in the case of a horse £50;
- (b) in the case of any cattle £5;

(c) in the case of any other animal £1,

unless at the time of acceptance of such animal by the Corporation for carriage the consignor or his agent declares that the value of the animal exceeds the appropriate amount and pays, or agrees to pay, such additional charge as may be prescribed in respect of such excess value, and the liability of the Corporation shall not in any case exceed the declared value.

(2) In any proceedings against the Corporation for the recovery of the sum in respect of any animal, the burden of proving the value of the animal, and where the animal has been injured, the extent of the injury, shall be upon the claimant.

(3) The Corporation may by order vary the provisions of paragraphs (a) (b) and (c) of subsection (1).

(c) As a Warehouseman

49. Subject to the provisions of this Act or any contract, the Corporation shall not be liable for the loss, misdelivery or detention of or damage to, goods—

- (a) delivered to, or in custody of, the Corporation otherwise than for the purpose of carriage;
- (b) accepted by the Corporation for carriage, where such loss, misdelivery, detention or damage occurs otherwise than during carriage;

Limitation of liability for loss of or injury to animals.

Liability as warehouseman.

except where such loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of Corporation or any of its servants:

Provided that the Corporation shall in no case be liable for such loss, misdelivery, detention or damage arising from any of the circumstances as set out in paragraphs (a) to (j) of subsection (1) of section 46.

PART XII—OFFENCES

Penalty for obstructing Corporation officials.

50. If any person shall wilfully hinder or obstruct, or cause or procure to be hindered or obstructed, any servant of the Corporation employed in doing anything authorised by this Act to be done, or in the exercise of any of the powers or authorities in this Act contained, he shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Penalty for frauds.

51. Any person who shall defraud, or attempt to defraud, the Corporation—

- (a) by travelling, or attempting to travel, on any of the Corporation's vehicles without having previously paid his fare; or
- (b) by continuing his journey in or upon any such vehicle beyond the stop for which he shall have paid his fare without having previously paid his fare for the additional distance; or
- (c) by attempting to evade the payment of his fare in any other manner whatever; or
- (d) by knowingly and wilfully neglecting or refusing, on arriving at the stop to which he shall have paid his fare, to quit such vehicle; or
- (e) by transferring, for profit or otherwise, the return half of any ticket obtained by him,

shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Refusal to give description of goods, delivered to Corporation; and power to detain goods.

52. Where any person shall deliver to any servant of the Corporation any goods to be carried by the Corporation, and if required to give an account of the quantity or description of such goods, shall neglect or refuse to give such account, or shall wilfully give a false account, such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds; and it shall be lawful for any servant of the Corporation to detain any goods which he has reasonable grounds for suspecting are wrongfully described until he shall be satisfied as to the nature of such goods; and the Corporation shall not be liable for any loss arising in consequence of such detention.

53. Any person who, by any unlawful act, or by the wilful omission to do any act which it is his duty to do, causes the safety of any person travelling in or upon any of the Corporation's vehicles to be endangered shall be guilty of an offence and shall be liable on conviction thereof to imprisonment for a term not exceeding two years.

Penalty for unlawful act, or omission of duty, endangering passengers.

54. Any servant of the Corporation who, with intent to defraud, demands or receives from any person liable to pay any fares, charges or rates imposed under the provisions of this Act in respect of any matter, any greater or lesser amount than is authorised to be levied by the rules for the time being in force in respect of that matter, shall be guilty of an offence and shall be liable on summary conviction thereof to imprisonment for a term not exceeding twelve months or a fine not exceeding fifty pounds or to both such imprisonment and fine.

Demanding improper amounts.

55. (1) If a servant of the Corporation is in a state of intoxication while on duty he shall be guilty of an offence.

Behaviour of servants of Corporation.

(2) Any person guilty of an offence under subsection (1) shall on summary conviction be liable—

(a) if any improper performance of his duty would be likely to endanger the safety of any person, to imprisonment for a term not exceeding twelve months or a fine not exceeding fifty pounds or to both such imprisonment and fine;

(b) in any other case, to a fine not exceeding twenty pounds.

PART XIII—LEGAL PROCEEDINGS

56. Any summons, notice or other document required or authorised to be served on the Corporation in connection with any suit by or against the Corporation shall be served by delivering the same, or sending it by registered post addressed, to the Chairman or the Secretary.

Service of documents.

57. In any action against the Corporation no execution or attachment or process in the nature thereof shall be issued against the Corporation, but any sums of money which may by the judgment of the Court be awarded to the plaintiff shall be paid by the Corporation from the funds of the Corporation.

Restriction on execution against the property of the Corporation.

58. A person connected with the direct working of the Corporation shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in the execution of a warrant or otherwise, while actually engaged in the performance of his duties until the officer in charge of the work in which such person is engaged has been given an opportunity of providing a substitute.

Stay of arrest in certain cases.

59. (1) In any suit pending before a Court the Corporation may be represented at any stage of the proceedings by any servant of the Corporation who shall satisfy the Court that he is duly authorised in writing by the Corporation in that behalf.

Representation of Corporation at hearing of suit.

(2) For the purposes of this Part, "suit" includes action and means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of Court but does include a criminal proceeding.

PART XIV—MISCELLANEOUS PROVISIONS

Stamp duty.

60. The Minister of Finance may direct that the Corporation be exempt from the payment of any stamp duties under the Stamp Duty Act.

Cap. 274.

Publication of regulations and rules.

Act No. 46 of 1961.

61. Notwithstanding the provisions of paragraph (d) of section 14 of the Interpretation Act, 1961, the Minister shall prescribe the manner in which orders, regulations or rules made by the Corporation under the provisions of this Act shall be published, and such orders, regulations or rules shall come into force on publication in the prescribed manner unless otherwise provided therein.

Repeal of Cap. 137 and saving of orders, etc.

62. The Public Transport Services Act is hereby repealed:

Provided that any orders or rules made under the provisions of that Act and in force at the date of commencement of this Act shall continue in force and have effect as if made under the provisions of, and with such modifications as may be necessary to bring them into conformity with, this Act, until such time as other provisions are made by virtue of this Act.

FIRST SCHEDULE

(Section 21)

Assets Vested in Corporation

1. The vehicles appearing on the inventory, to be numbered 1, and to be signed on a date prior to the vesting day by the Chairman and the Secretary on behalf of the Corporation and the Director, Road Transport Department, on behalf of the Government, which inventory shall be kept in the custody of the Permanent Secretary, Ministry of Communications, and a copy thereof signed as aforesaid kept in custody of the Secretary.

2. The spare parts, tools, equipment and miscellaneous items appearing on the inventory, to be numbered 2, and to be signed on a date prior to the vesting day by the Chairman and the Secretary on behalf of the Corporation and the Director, Road Transport Department, on behalf of the Government, which inventory shall be kept in the custody of the Permanent Secretary, Ministry of Communications, and a copy thereof signed as aforesaid kept in custody of the Secretary.

SECOND SCHEDULE

(Section 26)

Rights and Liabilities Transferred to Corporation

1. The provisions of this Schedule shall apply to the contracts to which the Government is a party which appear on a list to be prepared and agreed between the Government and the Corporation prior to the vesting day.

Contracts vesting in Corporation to be listed.

2. (1) The list of contracts so agreed between the Government and the Corporation shall be signed by the Minister and published in the *Gazette*.

Contracts to be signed by the Minister and

published in the *Gazette*

Parties to contracts, other than Government

to be informed of the effect thereof as from the vesting day.

(2) The Corporation shall, as soon as may be, after the list of contracts is signed by the Minister as provided in subparagraph (1), inform in writing the parties, other than the Government, to any contract which appears on the said list that, under the provisions of this Act, the contract shall have effect in favour of and against the Corporation, in so far as the performance thereof is due on or after the vesting day, as if the Corporation had been a party to the contract instead of the Government.

3. The provisions of a contract being provisions to which this Schedule applies, shall have effect in favour of and against the Corporation, in so far as the performance thereof is due on or after the vesting day, as if the Corporation had been a party to the contract instead of the Government.

Application of vested contracts to Corporation.

Passed in the House of Representatives this 6th day of May, in the year of our Lord one thousand nine hundred and sixty-four.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

S. V. WRIGHT,
Clerk of the House of Representatives.

M.P. RT/1/7/1.