

Rwanda

Law establishing Rwanda Transport Development Agency (RTDA) and Determining its Mission, Structure and Functioning

Law 2 of 2010

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Commenced on 25 January 2010

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We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of 28 December 2009;

The Senate, in its session of 24 December 2009;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003, as amended to date, especially in Articles 62, 66, 67, 88, 89, 90, 92, 93, 94, 95, 108, 113, 183 and 201;

Pursuant to Organic Law n°06/2009/OL of 22/12/2009 establishing general provisions governing public institutions;

ADOPTS:

Chapter One

General provisions

Article One – Purpose of this Law

This Law establishes an Agency in charge of transport referred to as “Rwanda Transport Development Agency”, abbreviated as “RTDA”. This Law also determines its mission, structure and functioning.

RTDA shall have a legal personality, administrative and financial autonomy and shall be managed in accordance with laws governing public institutions.

Article 2 – Head office of RTDA

The head office of RTDA shall be located in Kigali City, the Capital City of the Republic of Rwanda. It may be transferred elsewhere on the Rwandan territory if deemed necessary.

In order to fulfill its mission, RTDA may have branches elsewhere in the country and abroad if deemed necessary, upon approval by a Prime Minister’s Order.

Chapter II

Mission of RTDA

Article 3 – Mission of RTDA

The main mission of RTDA are as follows:

- 1° to manage and control national road network with a view to achieving road safety and maintenance;
- 2° to control airport infrastructure in order to ensure their maintenance and safety;
- 3° to manage and control waterways transport infrastructure with a view to ensuring their value added;
- 4° to develop railway infrastructure in Rwanda.

To fulfil such mission, RTDA shall focus on the following activities:

- 1° to represent Government as overall project manager for projects related to road, railways, airport and waterways transport infrastructures;
- 2° to implement Government policy on roads, air, railways and transport of persons and goods by waterways;
- 3° to foster the policy of promoting companies and authorized national firms operating in the area of transport of persons and goods by road, airports, railways and waterways;
- 4° to prepare and implement the plan of action for rehabilitation of roads, airports, railways and waterways infrastructures. This road rehabilitation plan of action comprises usual road maintenance works, recurrent works as well as incidental and urgent works;
- 5° to initiate and supervise execution of planned and urgent works regarding the road, air, railways and waterways transport sector;
- 6° to implement road works on national roads, air, railways and waterways infrastructures including rehabilitation and construction works as well as concession for their development;
- 7° to comply with environmental protection regulations for every construction and rehabilitation works for roads, airports, railways and waterways infrastructures;
- 8° to prepare and propose a road, airports, railways and waterways infrastructure development plan and monitor activities of local administrative entities in the area of these infrastructures and provide them with technical support;
- 9° to gather and process statistical data on the national road network, airports, railways and waterways;
- 10° install and operate weigh-bridges on national roads;
- 11° to cooperate and collaborate with other regional and international institutions having similar responsibilities;
- 12° to advise Government on all activities likely to fast-track development of roads, airports, railways and waterways infrastructures in Rwanda;
- 13° to carry out any other activity relating to transport in general.

Chapter III

Supervising authority of RTDA

Article 4 – Supervising authority of RTDA and the contract of performance

The supervising authority as well as the category of RTDA shall be determined by a Prime Minister's Order.

There shall be concluded a performance contract between the supervising authority of RTDA and the Board of Directors indicating powers, rights and responsibilities of each party in order for RTDA to fulfill its mission.

Such a contract shall be valid for a period equal to the term of office of members of the Board of Directors and be signed by the Chairperson of the Board of Directors and the Minister supervising RTDA.

Article 5 – Content of the contract of performance

The contract referred to in Article 4 of this Law must *inter alia* specify the following details:

- 1° responsibilities of the Board of Directors, the General Directorate as well as those of the departments of RTDA;
- 2° results expected from RTDA;
- 3° source of the property of RTDA, its functioning and permanent audit modalities.

Chapter IV Structure and functioning of RTDA

Article 6 – Management Organs of RTDA

RTDA has the following two (2) Organs:

- 1° the Board of Directors;
- 2° General Directorate.

A Prime Minister's Order may determine other necessary Organs of RTDA in order to fulfil its mission.

Section One – Board of Directors

Article 7 – Board of Directors of RTDA

The Board of Directors of RTDA shall be the governing and decision making Organ. The responsibilities and the functioning of the Board of Directors shall be determined by a Prime Minister's Order.

A Prime Minister's Order shall appoint members of the Board of Directors and determine their number and term office.

At least thirty percent (30%) of the members of the Board of Directors shall be females.

Article 8 – Sitting allowances for members of the Board of Directors

Members of the Board of Directors present in meetings of the Board of Directors shall get sitting allowances to be determined by a Presidential Order.

Article 9 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors, whether individually or companies in which they hold shares, shall neither be allowed to perform any activity remunerated by RTDA nor bid for tenders of RTDA.

Section 2 – General Directorate

Article 10 – Members of RTDA General Directorate

Members of RTDA General Directorate shall be appointed by a Prime Minister's Order.

Responsibilities and performance modalities for members of RTDA General Directorate shall be determined by a Prime Minister's Order.

Article 11 – Statutes governing RTDA's staff members and emoluments for members of the General Directorate and RTDA's staff

RTDA's staff members shall be governed by the General Statutes for Rwanda Public Service.

Emoluments to be accorded to members of the General Directorate and RTDA's staff members shall be determined in accordance with legal provisions that govern remuneration of public institutions staff members.

Chapter V Property and finance of RTDA

Article 12 – Property of RTDA and its source

Property of RTDA comprises movables and immovables.

It comes from the following:

- 1° the State budget allocation;
- 2° State or donors subsidies;
- 3° funds from its services;
- 4° interest from its property;
- 5° loans granted to RTDA, approved by the Minister in charge of finance;
- 6° donation and bequest.

Article 13 – Use and audit of the property

The use and audit of the property of RTDA shall be carried out in accordance with relevant legal provisions. The Unit responsible for daily auditing of the use of the property of RTDA shall submit a report to the Board of Directors and reserve a copy thereof to the Managing Director of RTDA.

Article 14 – Approval and management of the Budget of RTDA

The budget of RTDA shall be approved and managed in accordance with relevant legal provisions and Organic Law on State finance and property.

Article 15 – Annual financial report

Within three (3) months following the closure of the financial year, the Managing Director of RTDA shall submit an annual financial report to the Minister supervising RTDA after its approval by the Board of Directors in accordance with laws governing management of State finance and property.

Chapter VI

Final provisions

Article 16 – Drafting, consideration and adoption of this Law

This Law was drafted in English, considered and adopted in Kinyarwanda.

Article 17 – Repealing provision

All prior legal provisions contrary to this Law are hereby repealed.

Article 18 – Commencement

This Law shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.