

ACT 569
DRIVER AND VEHICLE LICENSING AUTHORITY ACT, 1999

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ACT 569
DRIVER AND VEHICLE LICENSING AUTHORITY ACT, 1999(1)

AN ACT to establish a Driver and Vehicle Licensing Authority, in place of Vehicle, Examination and Licensing Division of the Ministry of Roads and Transport, with the object of promoting good driving standards and ensuring safety of vehicle on roads and to provide for related matters.

Establishment and Functions of the Driver and Vehicle Licensing Authority

1. Establishment of the Authority

(1) There is established by this Act a body corporate to be known as the Driver and Vehicle Licensing Authority.

(2) The Authority shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Authority may, for the performance of its functions under this Act, acquire and hold movable or immovable property, dispose of the property and enter into a contract or any other transaction.

(4) Where the Authority decides and the Government agrees that an acquisition of land or a right over land is necessary, the land may be acquired under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) for the purposes of this Act.

2. Object of the Authority

The object of the Authority is to promote good driving standards in the country, and ensure the use of roadworthy vehicles on the roads and in any other public places.

3. Functions of the Authority

(1) For the purpose of achieving its object under section 2, the Authority shall

- (a) establish standards and methods for the training and testing of driving instructors and drivers of motor vehicles and riders of motor-cycles;
- (b) establish standards and methods for the training and testing of vehicle examiners;
- (c) provide the syllabi for driver training and the training of instructors;
- (d) issue driving licences;
- (e) register and license driving schools;
- (f) license driving instructors;

- (g) inspect, test and register motor vehicles;
- (h) issue vehicle registration certificates;
- (i) issue vehicle examination certificates;
- (j) license and regulate private garages to undertake vehicle testing;
- (k) maintain registers containing particulars of licensed motor vehicles, driving instructors, driving schools and drivers of motor vehicles;
- (l) advise the Minister on policy formulation and development strategy for the achievement of the object of the Authority;
- (m) ensure strict compliance with this Act and the Regulations;
- (n) carry out any other functions as are incidental to the attainment of the object of the Authority.

(2) The Authority may, with the approval of the Minister in writing, delegate any of its functions to any other body.

4. Directions of the Minister

The Minister may give to the Authority directions of a general character required in the public interest relating to the performance of the functions of the Authority and the Authority shall give effect to them.

5. The Board

(1) The governing body of the Authority is a Board which is responsible for securing the effective performance of the functions of the Authority.

(2) The Board consists of

- (a) the chairman,
- (b) one representative of each of the following:
 - (i) the Ministry responsible for Roads and Transport,
 - (ii) the National Road Safety Commission,
 - (iii) the Motor Traffic and Transport Unit of the Police Service,
 - (iv) the Ghana Armed Forces,
 - (v) the Ghana National Association of Garages,
 - (vi) registered motor vehicle and manufacturing companies,
 - (vii) private road transport providers,
 - (viii) the National Insurance Commission,
 - (ix) registered driver training schools,
 - (x) the Customs, Excise and Preventive Service,
- (c) the chief executive appointed under section 13, and
- (d) one road transport user nominated by the Minister.

(3) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

6. Tenure of office of members

(1) A member of the Board, other than the chief executive, shall hold office for a period not exceeding three years and is eligible for re-appointment.

(2) A member of the Board, other than the chief executive, may at any time by letter addressed to the President through the Minister, resign from office.

(3) A member who is absent from three consecutive meetings of the Board without reasonable excuse ceases to be a member.

(4) The chairman or a member of the Board may be removed from office by the President for inability to perform the functions of office or for stated misbehaviour or for any other just cause.

(5) The chairman of the Board shall, through the Minister, notify the President of a vacancy that occurs in the membership of the Board within one month of the occurrence.

7. Allowance for members

The chairman and the other members of the Board shall be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

8. Meetings of the Board

(1) The Board shall meet at least once every two months for the dispatch of business at the times and in the places determined by the Board.

(2) The chairman may convene a special meeting and shall, on the request of not less than one-third of the membership of the Board, convene a special meeting of the Board.

(3) The quorum at a meeting of the Board is five members including the chief executive or the person acting in that capacity.

(4) The chairman shall preside at the meetings of the Board and in the absence of the chairman a member of the Board elected by the members present from among their number shall preside.

(5) Decisions of the Board shall be determined by a majority of the members present.

(6) The chairman or the person presiding at a meeting of the Board shall in the event of an equality of votes have a casting vote.

(7) The Board may co-opt a person to act as an adviser at its meetings, but a co-opted person is not entitled to vote at the meeting.

(8) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(9) Except as otherwise provided in this section, the Board shall regulate the procedure for its meetings.

9. Disclosure of interest

(1) A member of the Board who is directly or indirectly interested in a matter being considered or

dealt with by the Board shall disclose the nature of the interest at the meeting of the Board and shall not take part in the deliberation or decision of the Board with respect to that matter.

(2) A member who fails to disclose interest under subsection (1) ceases to be a member of the Board.

10. Committees of the Board

The Board may, for the performance of the functions of the Authority, appoint committees of the Board comprising members of the Board or non-members or both and assign to a committee a function of the Authority as determined by the Board except that a committee composed exclusively of non-members may only advise the Board.

Administration

11. Divisions of the Authority

(1) For the purposes of the effective performance of its functions, the Authority shall have divisions as determined by the Board.

(2) Without prejudice to subsection (1), the following divisions shall be established by the Board:

- (a) the Driver Training, Testing and Licensing Division,
- (b) the Vehicle, Inspection and Registration Division,
- (c) the Planning, Monitoring and Evaluation Division, and
- (d) the Finance and Administration Division.

(3) Each division shall be headed by a director and shall consist of any other employees as determined by the Board.

(4) The functions of the divisions shall be determined by the Board.

12. Regional and other offices of the Authority

(1) The Board may, with the approval of the Minister, establish regional and any other offices in the Republic.

(2) Regional and other offices shall be headed by regional licensing officers and any other licensing officers respectively.

(3) There shall be appointed for the regional and the other offices of the Authority the officers required by the Authority.

(4) The regional and the other offices of the Authority shall perform the functions assigned to them by the Board.

13. Appointment of the chief executive

(1) There shall be appointed for the Authority a chief executive who shall be responsible for the day-to-day administration of the Authority, and who shall ensure the effective implementation of the decisions of the Board.

(2) The chief executive shall be appointed by the President in accordance with article 195 of the Constitution and shall hold office on the terms and conditions specified in the letter of appointment.

(3) A person shall not be appointed the chief executive unless that person has the requisite qualification and relevant experience in the transport industry.

14. Delegation by the chief executive

The chief executive may delegate a function to an officer of the Authority subject to the conditions that the chief executive may impose but is not relieved from ultimate responsibility for the performance of the delegated function.

15. Secretary

The Authority shall have an officer to be designated as secretary to the Board who shall perform the functions directed by the Board or the chief executive.

16. Internal auditor

(1) An internal auditor shall be appointed for the Authority who shall be responsible to the chief executive in the performance of functions under this Act.

(2) The internal auditor shall, at the end of every three months, prepare and submit a report of the audit of the Authority to the chief executive.

(3) The internal auditor shall prepare at the end of each financial year, a report on the accounts of the Authority for that year and submit the report to the chief executive who shall submit the report to the Board.

17. Appointment of other officers and employees

(1) The Authority shall have any other officers and employees necessary for the proper and effective performance of its functions.

(2) The President shall, in accordance with article 195 of the Constitution, and on the terms and conditions specified in their letter of appointment, appoint the officers and other employees of the Authority.

(3) The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of public officers under this Act.

(4) The Board may engage the services of consultants and advisers as determined by the Board on the recommendation of the chief executive.

Financial Provisions

18. Funds of the Authority

(1) The Funds of the Authority shall include

- (a) moneys provided to the Authority by Parliament in the performance of its functions,
- (b) loans granted to the Authority,
- (c) grants, and
- (d) moneys accruing to the Authority for service provided to the public.

(2) The Authority may retain the percentage 15% out of the moneys realised in the performance of its functions.2(2)

19. Bank accounts of the Authority

(1) Moneys accruing to the Authority under section 18 shall be paid into the bank accounts determined by the Board with the approval of the Minister and the Minister responsible for Finance.

(2) Moneys obtained by the Authority in the performance of its functions shall be paid into the Consolidated Fund.

20. Execution of contracts

(1) The use of the seal of the Authority shall be authenticated by the signatures of

- (a) the chief executive or any other officer of the Authority authorised by the Board to authenticate the use of the seal, and
- (b) a member of the Board of the Authority.

(2) The Authority may, under its common seal, empower a person to act as its attorney to execute deeds on its behalf in any place outside the Republic.

(3) A deed signed by the attorney on behalf of the Authority and under the seal of that attorney is binding on the Authority and has the same effect as if it were under the common seal of the Authority.

(4) An instrument or a contract which if executed or entered into by a person, other than a body corporate would not require to be under seal, may be executed or entered into on behalf of the Authority by the chief executive or a member of the Board if that person has previously been authorised by a decision of the Board to execute or enter into that particular agreement or contract.

(5) This section is subject to section 12 of the Contracts Act, 1960 (Act 25).

21. Annual budget of the Authority

(1) The Board shall, not later than three months before the end of each financial year, prepare and submit to the Minister for the approval of Parliament, an annual budget in respect of the ensuing financial year comprising estimates of expected recurrent, maintenance, development and capital expenditure of the Authority in that financial year.

(2) The budget plan shall be in the form directed by the Minister responsible for Finance.

22. Accounts and audit

(1) The Authority shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The books of account of the Authority shall be audited within three months after the end of each financial year by the Auditor-General.

23. Financial year

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

Miscellaneous

24. Exemption from taxes and duties

Subject to article 174 of the Constitution, the Authority may be exempted from the taxes and duties determined by the Minister responsible for Finance with the approval of Parliament.

25. Annual report

(1) The Board shall submit to the Minister as soon as practicable and not more than six months after the end of each financial year a report dealing generally with the activities and operations of the Authority during the year to which the report relates.

(2) The report shall include

- (a) the audited accounts of the Authority and the Auditor-General's report on the accounts,
- (b) a statement of the Authority's budget and operational plans for the next financial year, and
- (c) any other information that the Board considers necessary.

(3) The Minister shall, within two months after receipt of the annual report, submit the report to Parliament with the statements the Minister considers necessary.

26. Regulations

(1) The Minister may, on the recommendations of the Board, by legislative instrument, make regulations relating to driving and the use of motor vehicles and for giving effect to this Act.

(2) Regulations under subsection (1) may provide for

- (a) guidelines on the organisation of driving schools,
- (b) syllabus for the training of potential drivers,
- (c) standards for training drivers of motor vehicles and driving instructors,
- (d) fees to be charged for services performed by the Authority, and
- (e) guidelines for licensing of private garages for motor vehicle inspections and to set standards for the testing of motor vehicles.

27. Transfer of assets and liabilities

The assets, rights, properties, obligations and liabilities of the Vehicle Examination and Licensing Division are hereby transferred to the Authority.

28. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Authority**” means the Authority established under section 1;

“**Board**” means the governing body of the Authority;

“Minister” means the Minister responsible for Roads and Transport;

“Regulations” means the Regulations made under this Act.

29. Application of Road Traffic Act and consequential amendments

This Act shall be read as one with the Road Traffic Act, 2004 (Act 683).

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 18th August, 1999.

2 (Popup - Footnote)

2. Section 18 amended by section 2 and the First Schedule of the ministries, Departments and Agencies (Retention of Funds) Act, 2007 (Act 735).