

ACT 567
NATIONAL ROAD SAFETY COMMISSION ACT, 1999

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ACT 567
NATIONAL ROAD SAFETY COMMISSION ACT, 1999(1)

AN ACT to establish a National Road Safety Commission, to provide for its functions relating to the development and promotion of road safety and to provide for related matters.

Establishment and Functions of the National Road Safety Commission

1. Establishment of the Commission

- (1) There is established by this Act a National Road Safety Commission.
- (2) The Commission is a body corporate with perpetual succession, a common seal and may sue and be sued in its corporate name.
- (3) The Commission 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 there is a hindrance to the acquisition of property under subsection (3), the property may be acquired for the Commission under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125).

2. Object and functions of the Commission

- (1) The object of the Commission is to develop and promote road safety and to co-ordinate policies in relation to them.
- (2) Without prejudice to subsection (1) of this section, the Commission shall
 - (a) undertake nationwide road safety education;
 - (b) encourage the development of road safety education as part of the curriculum and the training of teachers in road safety;
 - (c) carry out special projects for the improvement of road safety;
 - (d) co-ordinate, monitor and evaluate road safety activities, programmes and strategies;
 - (e) recommend to the Minister and the bodies that the Board may determine measures calculated to prevent accident involving the use of vehicles on roads;
 - (f) act in liaison and co-operation with government agencies, the Driver and Vehicle Licensing Authority and any other bodies that the Board may determine to promote road safety;
 - (g) conduct investigations into road safety issues and advise the Minister on them;
 - (h) advise the Minister on the formulation of road safety policies and action programmes;
 - (i) develop and maintain a comprehensive database on road safety for the information of the public;
 - (j) gather and publish reports and information relating to road safety;
 - (k) collaborate with foreign and international bodies which the Board considers necessary for the purpose of this Act;
 - (l) develop a long term road safety plan;
 - (m) establish with the road authorities, procedures for safety audit of projects for roads construction, reconstruction or improvement;
 - (n) promote road safety research; and
 - (o) set standards for road safety equipments in consultation with the Building and Road

Research Institute, the Ghana Standards Board and any other bodies with relevant knowledge and expertise on road safety and ensure compliance with the standards.

(3) In the performance of functions of the Commission under subsection (2), the Board shall take into consideration the interest of the public and the interest of the owners of properties on adjoining roads.

3. Governing body

(1) The governing body of the Commission is a Board consisting of

- (a) the chairman,
- (b) one representative not below the rank of a Director or the equivalent, of
 - (i) the Minister for Roads and Transport,
 - (ii) the Minister for Local Government and Rural Development,
 - (iii) the Minister for Health,
 - (iv) the Minister for Education,
 - (v) the Minister for Communication,
 - (vi) the Minister for Justice and Attorney-General,
- (c) the Executive Director of the Commission appointed under section 13,
- (d) a representative from each of the following organisations nominated by the organisation concerned,
 - (i) the Road Traffic Police,
 - (ii) Ghana Armed Forces,
 - (iii) National Insurance Commission,
 - (iv) National Association of Driving Schools,
 - (v) Broadcasting Industry,
 - (vi) Ghana Journalists Association,
 - (vii) Building and Road Research Institute,
 - (viii) Driver and Vehicle Licensing Authority,
 - (ix) Ghana Insurers Association, and
- (e) three representatives of private providers of road transport.

(2) *Omitted.2(2)*

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

(4) The President shall, in making the appointments under this section consider the knowledge, expertise and experience of the persons and in particular to their knowledge in matters relevant to the functions of the Commission.

4. Tenure of office of members

(1) Subject to this section, a member of the Board 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 Executive Director 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 shall cease to be a member of the Board.

(4) 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 a just cause.

(5) The chairman of the Board shall through the Minister notify the President of vacancies which occur in the membership of the Board within one month of the occurrence of the vacancy.

5. Allowance of members

The chairman and the other members of the Board shall be paid the allowances that the Minister, in consultation with the Minister responsible for Finance, may determine.

6. Meetings of the Board

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

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

(3) The quorum at a meeting of Board is one-third of the membership of the Board.

(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) Matters before the Board for determination shall be decided by a majority of the members present and voting.

(6) The chairman or the person presiding at a meeting of the Board shall in the event of 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) Except as otherwise provided in this section, the Board shall regulate the procedure for its meetings.

7. Disclosure of interest

(1) A member of the Board who has an interest in a matter to be considered or dealt with by the Board shall disclose the nature of the interest to the Board and is, unless the meeting otherwise directs, disqualified from participating in the deliberations in respect of that matter and is, in any case disqualified from voting on a decision on that matter.

(2) A member who fails to disclose interest under subsection (1) shall be removed from the Board.

8. Committees of the Board

The Board may for the performance of its functions appoint committees consisting of members of the Board or non-members or both and may assign to a committee any of its functions, but a committee composed exclusively of non-members of the Board may only advise the Board.

9. Directions of the Minister

The Minister may give to the Commission directions of a general character as appear to the Minister to be required in the public interest relating to the performance of the functions of the Commission and the Board shall give effect to the directives.

10. Ministerial responsibility

The Minister responsible for Roads and Transport shall have ministerial responsibility of the Commission.

11. Board to conduct investigations

(1) The Board may

- (a) investigate or authorise a person to investigate and make a special report on a matter in respect of its functions, or
- (b) with the consent of the Minister, hold an inquiry or direct an inquiry to be held into that matter.

(2) An inquiry under subsection (1) shall be held in accordance with Regulations made by the Minister and the inquiry shall be held in public unless the Regulations provide otherwise.

(3) The Board shall make public a report made under this section at the time and in the manner determined by the Board.

(4) The Commission shall pay an officer who conducts investigations or persons who hold an inquiry under this section, the allowances determined by the Board.

12. Regional offices

(1) There shall be in each Region of Ghana, a regional office of the Commission.

(2) A regional office shall be headed by a regional road safety officer.

(3) There shall be appointed for each regional office of the Commission a number of officers as determined by the Board.

(4) A regional office of the Commission shall perform in the relevant Region the functions assigned to it by the Board.

General Administrative and Financial Provisions

13. Executive Director

(1) The Commission shall have an Executive Director who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The Executive Director shall be a member of the Board, and shall act as secretary to the Commission.

(3) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

(4) Subject to the general directives that the Board may give, the Executive Director is responsible for the day-to-day administration of the affairs of the Commission and shall ensure the implementation of the decisions of the Board.

(5) The Executive Director may delegate the day-to-day administration of the Commission to an officer but the Executive Director is not relieved from ultimate responsibility for the performance of a delegated function.

14. Appointment of other staff of the Commission

(1) The President acting in accordance with article 195 of the Constitution, may appoint officers and other employees necessary for the effective performance of the functions of the Commission.

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

(3) Other public officers may be transferred or seconded to the Commission.

(4) The Commission may engage the services of experts and consultants as the Board considers necessary on the recommendations of the Executive Director.

15. Funds of the Commission

The funds of the Commission include

- (a) moneys allocated to the Commission from the Road Fund,
- (b) appropriations made by Parliament for the Commission,
- (c) the loans granted to the Commission,
- (d) levies, and
- (e) the moneys accruing to the Commission in the course of the performance of its functions under this Act or any other enactment.

16. Borrowing powers and bank account

(1) Subject to article 181 of the Constitution, the Commission may obtain loans and any other credit facilities on the guarantee of the Government from banks and institutions determined by the Minister in consultation with the Minister responsible for Finance.

(2) The Commission may open bank accounts determined by the Minister in consultation with the Minister responsible for Finance and the Accountant-General.

17. Levy on compulsory insurance premiums

An insurer shall, on receipt of a premium in respect of a motor insurance policy, pay to the Commission through the National Insurance Commission a part of the premium as may from time to time be agreed on by the Commission, the National Insurance Commission and the Ghana Insurers Association.

18. Budget estimates

The Board shall prepare budget estimates for each financial year and present the estimates to the Minister for approval not later than three months before the end of the relevant financial year.

19. Accounts and audit

(1) The Commission 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 Commission shall be audited annually by the Auditor-General within six months after the end of the preceding financial year.

(3) The financial year of the Commission shall be the same as the financial year of the Government.

20. Annual report

(1) The chairman of the Board shall as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the Minister an annual report dealing generally with the activities and operations of the Commission within that year which shall include a copy of the audited accounts of the Commission together with the Auditor-General's report on it.

(2) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(3) The Commission shall also submit to the Minister any other reports that the Minister may in writing request.

21. Regulations

The Minister may, on the recommendations of the Board, make Regulations by Legislative Instrument prescribing the procedure for the conduct of investigations and inquiries and for the purpose of giving effect to the provisions of this Act.

22. Interpretation

In this Act, unless the context otherwise requires,

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

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

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

“**Minister**” means the Minister responsible for Roads and Transport.

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 22nd April, 1999 and notified in the *Gazette* on 30th April, 1999.

2 (Popup - Footnote)

2. Incorporated in [paragraph \(b\)](#) of [subsection \(1\)](#) of [section 3](#).