

ACT 536
ROAD FUND ACT, 1997

ARRANGEMENT OF SECTIONS

Establishment of the Road Fund

1. Establishment of the Road Fund.
2. Object of the Road Fund.
3. Financial resources of the Fund.
4. Bank account for the Fund.

Management of the Fund

5. Establishment of the Fund Management Board.
6. Management of the Fund.
7. Tenure of office of members.
8. Allowances for members.
9. Meetings of the Board.
10. Disclosure of interest.
11. Charges on the Fund.
12. Annual road programme and annual expenditure programme.
13. Disbursement of the Fund.

Financial Provisions and Administration

14. Withdrawal procedure.
15. Accounts and audit.
16. Secretarial services for the Fund.
17. Financial year.
18. Annual report.
19. Interpretation.

ACT 536
ROAD FUND ACT, 1997(1)

AN ACT to establish a fund to be known as the Road Fund to finance routine and periodic maintenance and the rehabilitation of public roads, to provide for the management of the Fund and for related matters.

Establishment of the Road Fund

1. Establishment of the Road Fund

There is hereby established a Road Fund.

2. Object of the Road Fund

(1) The object of the Fund is to finance routine periodic maintenance and rehabilitation of public roads.

(2) The Fund shall be used to assist the Metropolitan, Municipal and District Assemblies in the performance of their functions relevant to public roads under an enactment.

3. Financial resources of the Fund

The moneys for the Fund shall be derived from

- (a) the proportion of Government levy on petrol, diesel and refined fuel oil as determined by the Cabinet with the approval of Parliament,
- (b) bridge, ferry and road tolls collected by the Authority,
- (c) vehicle licence and inspection fees,
- (d) international transit fees, collected from foreign vehicles entering the country, and
- (e) the moneys that the Minister responsible for Finance in consultation with the Minister may determine with the approval of Parliament.

4. Bank account for the Fund

Moneys for the Fund shall be paid into bank accounts opened for the purpose by the Road Fund Management Board established under section 5.

Management of the Fund

5. Establishment of the Fund Management Board

(1) There is hereby established a management board for the Fund which shall be known as the Road Fund Management Board.

(2) The Board is composed of

- (a) the Minister responsible for Roads and Transport or the representative of the Minister as the chairman,
- (b) the Minister responsible for Finance or the representative of the Minister,
- (c) the Minister responsible for Mines and Energy or the representative of the Minister,
- (d) the Accountant-General or the representative of the Accountant-General,
- (e) the Minister responsible for Local Government and Rural Development or the representative of the Minister,

- (f) two persons nominated from outside the Ministry of Roads and Transport by the Minister, and
- (g) one representative from each of the following organisations nominated by that organisation:
 - (i) the Association of Road Contractors,
 - (ii) the Ghana Private Road Transport Union,
 - (iii) the Ghana Private Enterprise Foundation,
 - (iv) the Ghana Road Haulage Association,
 - (v) the Ghana Institute of Engineers, and
 - (vi) the Ghana National Association of Farmers and Fishermen (Crops).

6. Management of the Fund

- (1) The Fund shall be managed and administered by the Board.
- (2) For the purposes of subsection (1), the Board shall
 - (a) arrange for the collection of moneys assigned to the Fund;
 - (b) identify other sources of funding;
 - (c) co-ordinate and ensure total and timely accountability of the Fund;
 - (d) recommend to Cabinet after consultation with the Minister responsible for Finance the level of the road levy and other road user charges that shall be paid into the Fund;
 - (e) improve arrangements for the collection of road user charges by the Minister or agents assigned for the purpose;
 - (f) prepare and publish procedures for the disbursement of moneys in the Fund;
 - (g) determine the certification necessary to ensure that work is completed according to specification;
 - (h) review the annual expenditure programmes of the road implementing departments and bodies;
 - (i) determine how much of the financing of the expenditure programmes of the road agencies should come from the Fund, taking into consideration the relevant cost-sharing formula; and
 - (j) perform any other functions that are incidental to its functions under this Act.

7. Tenure of office of members

- (1) A member of the Board, other than an ex officio member, shall hold office for a period not exceeding three years and is eligible for re-appointment.
- (2) A member, other than an ex officio member, may 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 sufficient cause ceases to be a member.
- (4) The chairman or any other member of the Board may be removed from office by the President for

inability to perform the functions of office, for stated misbehaviour or for any other just cause.

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

8. Allowances for members

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

9. Meetings of the Board

(1) The Board shall meet at least once every three months for the dispatch 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 of the Board.

(3) The quorum at a meeting of the Board is five members of whom at least two are from the public sector and two from the private sector.

(4) The chairman shall preside at 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) Questions before the Board 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) 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 expressly provided for under this section, the Board shall regulate the procedure for its meetings.

10. Disclosure of interest

(1) A member who is directly or indirectly interested in a matter being considered or dealt with by the Board shall disclose the nature of that interest at the meeting of the Board and shall not take part in a 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.

11. Charges on the Fund

Subject to section 2, the charges on the Fund are for

- (a) the routine and periodic maintenance of road and related facilities,
- (b) the upgrading and rehabilitation of roads,
- (c) road safety activities,
- (d) selected road safety projects, and

- (e) any other relevant matter determined by the Board.

12. Annual road programme and annual expenditure programme

(1) The departments and bodies charged with the implementation of the road policies of the Ministry shall prepare annually at least three months before the end of each financial year for the consideration and approval of the Board, an annual road programme and annual expenditure programme in respect of the next financial year.

(2) The annual road programme shall be in the form and contain the particulars determined by the Board including

- (a) the relevant annual expenditure programme of the departments and bodies for the next financial year,
- (b) the grounds for the expenditure in respect of each road, and
- (c) the revenue projections for the financial year of the departments and bodies for the Fund.

(3) Allocation from the Fund to the implementing departments and bodies shall be based, among others, on the conditions of the road network, maintenance requirements, the length of the road network and the relevant volume of the traffic.

(4) The Board shall prepare the total annual expenditure programme to be financed from the Fund in consultation with the Ministry of Finance and shall consider

- (a) the affordability of the overall programme, and
- (b) the appropriateness of the amount allocated for each class of road.

(5) The Board shall submit a report of the prepared total annual expenditure programme to the Minister responsible for Roads and Transport.

13. Disbursement of the Fund

Moneys from the Fund shall only be disbursed for goods and services that form part of the approved annual expenditure programme.

Financial Provisions and Administration

14. Withdrawal procedure

Money may be withdrawn from the Fund on presentation to the bank of a cheque signed by

- (a) the chairman of the Board and the representative of the Accountant-General on the Board, or
- (b) the chairman of the Board and one other member representing a private sector organisation on the Board.

15. Accounts and audit

(1) The Board 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 Fund shall be audited by the Auditor-General within six months after the end of each financial year.

(3) Without prejudice to subsection (2), an audit report on the Fund shall specify whether in the opinion of the Auditor-General

- (a) proper books of accounts have been kept in respect of the Fund,
- (b) the financial statement on the Fund is accurate,
- (c) payments made from the Fund were in conformity with the authorised expenditure properly approved,
- (d) the disbursements made were in accordance with disbursement procedures, and
- (e) the accounting procedures and internal control procedures were accurate.

(4) In addition to the annual audit, technical audits shall be conducted on a selective basis by the Auditor-General on the recommendation of the Board.

16. Secretarial services for the Fund

(1) The Chief Director of the Ministry shall act as secretary to the Fund and is responsible for the day-to-day management of the Fund.

(2) The Ministry shall provide the necessary staff for the management of the Fund.

17. Financial year

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

18. 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 operation of the Fund during the year to which the report relates.

(2) The report shall include

- (a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and
- (b) any other information considered necessary by the Board.

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

19. Interpretation

In the Act, unless the context otherwise requires,

“annual road programme” means the programme relating to routine and periodic road maintenance;

“annual expenditure” means the expenditure relating to routine and periodic road maintenance;

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

“Authority” means the Ghana Highway Authority;

“department” means a public department charged with the implementation of road policies;

“Fund” means the Road Fund established by section 1;

“member” means a member of the Board;

“Minister” means the Minister responsible for Roads and Highways.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 20th August, 1997 and notified in the *Gazette* on 5th September, 1997.