

## **NATIONAL ROADS AUTHORITY BILL, 2023**

### **MEMORANDUM**

The object of the Bill is to establish the National Roads Authority as a unified body responsible for the planning, development, maintenance and management of the national road network in Ghana and to provide for other matters.

The National Roads Authority brings together three key agencies namely the Ghana Highway Authority, the Department of Urban Roads and the Department of Feeder Roads under a unified authority and puts together the management of national roads in Ghana under a uniform authority while leaving the local roads under the management of the Metropolitan, Municipal and District Assemblies.

This integration aims to streamline operations, enhance coordination and maximise the impact of investments in the road sector to serve the needs of both urban and rural areas. It further seeks to address the limitations posed by the current structure of the road sector. The lack of coordination and separate mandates among existing agencies have led to duplicated efforts, insufficient maintenance, inconsistent standards and project delays. These challenges have had adverse effects on the quality, safety and sustainability of the road network thus impeding economic growth and social development.

Furthermore, factors such as escalating traffic volume and inadequate maintenance have exacerbated the problem. Recent developments in the road sector have underscored the urgent requirement for a unified authority capable of effectively tackling the challenges facing the road network. These developments encompass growing demands for improved infrastructure, evolving transportation patterns and advancements in technology.

The establishment of the National Roads Authority is therefore vital for the achievement of a well-planned, well-maintained and safe road network in Ghana.

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*Clauses 1 to 3 deal with the National Roads Authority. Clause 1 establishes the National Roads Authority as a body corporate. The object of the Authority, as provided in clause 2, is to plan, develop, maintain and manage the national road network in Ghana.*

The functions of the Authority are enumerated in *clause 3* of the Bill. The functions are to plan, develop, maintain and manage the road network in Ghana; ensure the provision of safe, reliable and efficient road infrastructure; promote the development of sustainable and environmentally friendly road infrastructure; develop measures for road safety infrastructure to reduce accidents on road networks; foster collaboration and partnerships with stakeholders including government entities, local communities and industry associations; develop regulations and standards for road infrastructure; make policy proposals for the development of road infrastructure and implement road-related policies.

The Authority is also mandated to enter into a contract subject to *clause 5*; provide quarterly reports on road infrastructure to the Minister and undertake research or collaborate with a research organisation with a view to facilitating the planning, development and maintenance activities of the Authority.

Furthermore, the Authority is required to carry out a comprehensive continuing programme of development of professional staff and appropriate skills training for non-professional staff and perform any other function necessary for the effective and efficient attainment of the objects of the Authority.

*Clauses 4 to 12 deal with the governance of the Authority. The governing body of the Authority, which is the Board, is provided for in clause 4. The Board consists of a chairperson, the Director-General of the Authority, a representative each, not below the rank of a Director, from the Ministries responsible for Roads, Transport, Environment, and Finance. Other members of the Board include representatives from the Lands Commission, the Ghana Institution of Engineering and three other persons, one of whom is a road user and two of whom are women.*

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The members of the Board are to be appointed by the President in accordance with article 70 of the Constitution.

*Clause 5* provides for the functions of the Board. The Board is required to provide strategic direction for and oversight of the Authority; approve annual budget and financial plans of the Authority; promote stakeholder engagement and collaboration with relevant entities; approve contracts and agreements entered into by the Authority; manage the Road Infrastructure Development Fund; ensure the efficient and effective performance of the functions of the Authority and perform any other function ancillary to the attainment of the objects of the Authority.

The standard provisions on duties and liabilities of a member of the Board, tenure of office of members of the Board, meetings of the Board, disclosure of interest, establishment of committees and allowances are provided for in *clauses 6, 7, 8, 9, 10 and 11*, respectively.

*Clause 12* gives the Minister the power to give directives to the Board on matters of policy and the Board is to comply with the directives.

*Clauses 13 to 22* deal with administrative provisions. Under *clause 13*, the President is to, in accordance with article 195 of the Constitution, appoint a Director-General for the Authority. The Director-General, in *clause 14*, is responsible for the day-to-day administration of the affairs of the Authority and is answerable to the Board in the performance of functions under the Bill.

*Clause 15* provides for the appointment of a Deputy Director-General for each Division of the Authority. The functions of a Deputy Director-General are to assist the Director-General in the performance of the functions of the Director-General and to perform any other function assigned to the Deputy Director-General by the Director-General.

The appointment of a Solicitor-Secretary for the Authority is provided for under *clause 17*. The Solicitor-Secretary is to arrange the business of the Board, record and keep the minutes of the meetings of

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the Board and perform the functions that the Board or the Director-General, in consultation with the Board, may assign.

*Clause 18* provides for the appointment of road inspectors. A road inspector is empowered to, at a reasonable time, enter any premises connected to road infrastructure to inspect the premises and equipment in the premises and monitor and ensure that the provisions of the Bill, Regulations made under the Bill and road infrastructure standards are complied with. Where required, the road inspector is to produce the identification and evidence of the authority of the inspector.

Under *clause 19* the President is to appoint for the Authority other staff that are necessary for the efficient and effective performance of the functions of the Authority. These appointments are to be done in accordance with article 195 of the Constitution. Other public officers may be transferred or seconded to the Authority or may otherwise give assistance to the Authority. The Authority may also engage the services of experts and consultants on the recommendations of the Board.

*Clause 20* provides for the Divisions of the Authority. The Divisions of the Authority include the Highways Division, Urban Roads Division, Feeder Roads Division, General Services Division and Planning, Research, Monitoring and Evaluation Division. In addition to the Divisions created under the Bill, the Authority is empowered to establish any other Division or restructure an existing Division for the effective and efficient performance of the functions of the Authority.

*Clause 21* empowers the Authority to, on the recommendation of the Board, establish regional and zonal offices of the Authority in the country. A regional or zonal office of the Authority is to perform functions of the Authority in the region or zone, as the Board may direct.

*Clause 22* provides for an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921). The Internal Audit Unit is to be headed by an Internal Auditor who is appointed in accordance with the Internal Audit Authority Act, 2003 (Act 658).

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*Clauses 23 to 29* deal with financial provisions. *Clause 23* provides for the funds of the Authority. The funds of the Authority include moneys approved by Parliament, fees and charges accruing to the Authority in the performance of the functions of the Authority, moneys allocated to the Authority from the Road Infrastructure Development Fund, grants, donations and gifts and any loans granted to the Authority or obtained from any other source.

*Clause 24* empowers the Authority to, subject to article 181 of the Constitution, obtain loans and other credit facilities on the guarantee of the Government from banks and institutions as the Minister may, in consultation with the Minister responsible for Finance, determine.

*Clause 25* makes provision for a bank account for the Authority into which the moneys for the Authority are to be paid, with the approval of the Controller and Accountant-General. Under *clause 26*, the administrative expenses and other related expenses of the Authority are to be charged on the Consolidated Fund. Standard provisions on accounts and audit and annual report and other reports are provided for under *clauses 27 and 28*, respectively.

*Clause 29* deals with tax exemption. The Authority is exempt from the payment of taxes and duties subject to article 174 of the Constitution and the Exemptions Act, 2022 (Act 1083).

*Clauses 30 to 35* deal with the Road Infrastructure Development Fund. *Clause 30* establishes the Road Infrastructure Development Fund. The object of the Fund is to provide financial resources for road infrastructure projects and related services, *clause 31*. To achieve the object of the Fund, moneys from the Fund are to be applied to the development of roads and other relevant activities that the Board may determine.

The sources of money for the Fund, as set out in *clause 32*, include moneys approved by Parliament, designated for road infrastructure development; loans and financial assistance from development partners and international organisations; interests from investments; grants,

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donations and gifts and any other sources approved by the Board. The moneys for the Fund are to be paid into a bank account opened by the Board for that purpose with the approval of the Controller and Accountant-General, *clause 33*.

The management of the Fund is provided for in *clause 34*. The Board is to manage the Fund by formulating policies to generate money for the Fund, determining the allocation to be made towards the object of the Fund and determining annual targets of the Fund.

The investment of moneys of the Fund is provided for in *clause 35*. The Board is empowered to invest part of the moneys in the Fund as the Board considers appropriate in securities that the Minister responsible for Finance may approve.

*Clause 36 to 40* deals with assets of the Authority. *Clause 36* mandates the Authority to classify and record an asset of the Authority on the basis of the nature and purpose of the asset. The classification of an asset includes a road infrastructure asset; equipment; vehicles; land and buildings and other related assets.

*Clause 37* mandates the Authority to establish, keep and maintain a Road Assets Register, in which the Authority is to record and manage all road infrastructure assets under the purview of the Authority for verification and commercialisation.

Under *clause 38*, the Authority is empowered to, with the approval of the Board, acquire special assets including toll plazas, rest areas, service stations, and other facilities for the efficient and effective operation of the road network. The Authority is also empowered to, in accordance with applicable laws, regulations and established procedures, commercialise certain assets to generate revenue and promote sustainable financing for road infrastructure development and maintenance, *clause 39*.

*Clause 40* provides for the management of right of way. A road is required to have a right of way as determined by the Authority. For the purposes of management of a right of way, the Authority is to develop

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and enforce comprehensive right of way management policies and regulations to ensure the unobstructed use of road corridors and establish clear guidelines for the permissible use of road corridors, including restrictions on erecting structures or conducting activities that impede road expansion, maintenance and safety.

Furthermore, the Authority is to sensitise and educate local government authorities, landowners and communities and other relevant stakeholders on the importance of maintaining road corridors; conduct periodic inspections and assessments of road corridors to identify encroachment, unauthorised structures or activities that obstruct the right of way; issue notices to individuals or entities found to be encroaching upon road corridors and direct the individuals or entities to cease the encroachment.

Miscellaneous matters are dealt with in *clauses* 41 to 60. Under *clause* 41, a District Assembly is responsible for the maintenance of local roads within the district. Furthermore, the department responsible for roads at a District Assembly is required to collaborate with the Regional Office of the Authority and provide regular reports and updates on the maintenance of local roads to the Regional Office of the Authority.

*Clause* 42 provides for powers of entry and performance of other works. An authorised person is empowered in the performance of a function under the Bill, to enter, inspect and survey any land or premises; excavate the subsoil and open, construct or repair any road, tunnel, sewer, drain or other works relating to a trunk road; specify levels, boundaries and lines by placing marks and digging trenches; remove or cut branches of any tree or underwood and with the prior approval of the Minister, alter the course of a watercourse for the purpose of constructing and maintaining a trunk road.

Additionally, the authorised person is empowered to stop, divert, widen, narrow, raise or sink, whether temporarily or permanently, the course of a watercourse or road, street, or bridge; make, maintain, alter or repair a road, bridge or road camp with any material or thing out of

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the land contiguous to the road, bridge or road camp and exercise any existing right of way or right of entry and demolish any encroachments on land, without payment of any further compensation except as provided for by the Lands (Statutory Wayleaves) Act, 1963 (Act 186).

Under *clause 43* the Authority is to pay compensation for damage done to any property by an authorised person subject to paragraph (*h*) of *clause 42*. A dispute as to the amount of compensation to be paid is to be settled in accordance with the Alternative Dispute Resolution Act, 2010 (Act 798).

*Clause 44* provides for a stay of arrest if the arrest or removal of an authorised person may endanger life or property. However, an arrest or removal of an authorised person may be carried out where the head of the department in which that person is employed or the officer in charge of the work in which that person is engaged replaces that person.

*Clause 45* deals with the protection of officers. An authorised person is, subject to the Constitution or the Bill, not liable for actions taken or omitted to be taken in good faith in the performance of the functions of the Authority.

*Clause 46* provides for liability of an owner and a driver for damage. The owner of a vehicle or the driver of a vehicle that causes damage to a bridge are jointly and severally liable to the Authority for the damage caused.

Under *clause 47*, the Authority is mandated to record and maintain accurate and up-to-date data on road infrastructure including data on road conditions; maintenance schedules; construction projects; volume of traffic and any other relevant information. The data is to be used to inform decision-making, policy development and the improvement of the planning and management of road infrastructure and should include maps, reports, statistical information and any other relevant data that promotes informed decision-making and public participation.

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*Clause 48* empowers the Authority to request information from individuals, organisations or entities that are involved in road infrastructure projects, services or operations. Failure to provide the Authority with the information requested constitutes an offence.

*Clause 49* mandates the Authority to issue public notices, through appropriate channels, to inform the public about important matters related to road infrastructure, including project updates, road closures, diversions and any other relevant information.

*Clause 50* spells out the general requirement for consultation. The Authority is mandated to ensure that consultation with relevant stakeholders is undertaken on matters related to road infrastructure development and management. The Authority is also required to conduct consultations in a meaningful and inclusive manner, taking into consideration diverse perspectives and fostering collaboration and shared responsibility.

*Clause 51* deals with the custody and use of the common seal of the Authority while the execution of contracts is dealt with in *clause 52*.

*Clause 53* provides for collaboration with other entities. The Authority is mandated to collaborate with relevant government entities, institutions and stakeholders to promote effective road infrastructure development and management.

*Clause 54* empowers the Authority to impose fees, levies or charges on individuals, organisations or entities that use or benefit from road infrastructure services in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2022 (Act 1080).

*Clause 55* provides for offences and penalties while *clause 56* is on offences committed by a body of persons.

The power of the Minister to make Regulations to provide for the efficient and effective implementation of the Bill is catered for under *clause 57*.

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The Regulations are to provide for, among others, the use, safety or maintenance of roads; the erection of structures on near, over, or under roads and the drainage of streets, land, compounds and new buildings adjacent to roads.

Finally, the interpretation of words and expressions used in the Bill are dealt with in *clause 58*. *Clause 59* is on repeal and savings and *clause 60* caters for transitional provisions.

**HON. KWASI AMOAKO-ATTAH, M.P.**  
*Minister responsible for Roads and Highways*

Date: 5th December, 2023.

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## ARRANGEMENT OF SECTIONS

### *Section*

#### *National Roads Authority*

1. Establishment of the National Roads Authority
2. Object of the Authority
3. Functions of the Authority

#### *Governance of the Authority*

4. Governing body of the Authority
5. Functions of the Board
6. Duties and liabilities of a member of the Board
7. Tenure of office of members of the Board
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11. Allowances
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#### *Administrative Provisions*

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16. Functions of a Deputy Director-General
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18. Road inspectors
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22. Internal Audit Unit

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24. Borrowing powers
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29. Tax exemption

*Road Infrastructure Development Fund*

30. Establishment of the Road Infrastructure Development Fund

31. Object of the Fund

32. Sources of money for the Fund

33. Bank account for the Fund

34. Management of the Fund

35. Investment of moneys of the Fund

*Assets of the Authority*

36. Classification of assets of the Authority

37. Road Assets Register

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39. Power to commercialise assets

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41. Role of District Assemblies

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43. Compensation

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47. Public data on roads

48. Power to request information

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54. Fees, levies and charges

55. Offences and penalties

56. Offences committed by a body of persons

57. Regulations

58. Interpretation

59. Repeal and savings

60. Transitional provisions

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**BILL**

ENTITLED

**NATIONAL ROADS AUTHORITY ACT, 2023**

**AN ACT** to establish the National Roads Authority to plan, develop, maintain and manage the road network in the country and to provide for related matters.

**PASSED** by Parliament and assented to by the President:

*National Roads Authority*

**Establishment of the National Roads Authority**

1. (1) There is established by this Act, the National Roads Authority as a body corporate.

(2) For the performance of the functions of the Authority, the Authority may acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Authority under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Authority.

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**Object of the Authority**

2. The object of the Authority is to plan, develop, maintain and manage the road network in Ghana.

**Functions of the Authority**

3. To achieve the objects under section 2, the Authority shall

- (a) plan, develop, maintain, protect and manage the road network in the country;
- (b) ensure the provision of safe, reliable and efficient road infrastructure;
- (c) promote the development of sustainable and environmentally-friendly road infrastructure;
- (a) develop measures for road safety infrastructure to reduce accidents on road networks;
- (e) foster collaboration and partnerships with stakeholders including government entities, local communities and industry associations;
- (j) develop regulations and standards for road infrastructure;
- (g) make policy proposals for the development of road infrastructure;
- (h) implement road-related policies;
- (i) promote research, innovation, technology and best practices in the road sector;
- (j) enter into a contract, subject to section 5;
- (k) provide quarterly reports on road infrastructure to the Minister;
- (l) undertake research or collaborate with a research organisation with a view to facilitating the planning, development and maintenance activities of the Authority;
- (m) carry out a comprehensive continuing programme of development of professional staff and appropriate skills training for non-professional staff; and
- (n) perform any other function necessary for the effective and efficient attainment of the object of the Authority.

*Governance of the Authority*

**Governing body of the Authority**

4. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson;
  - (b) the Director-General;
  - (c) one representative each, not below the rank of a Director, nominated by the respective Minister, from the following Ministries responsible for:
    - (i) Roads;
    - (ii) Transport;
    - (iii) Environment; and
    - (iv) Finance.
  - (a) one representative each of
    - (i) the Lands Commission not below the rank of a Director, nominated by the Minister responsible for Land and Natural Resources;
    - (ii) the Ghana Institute of Engineering nominated by the governing body of the Ghana Institute of Engineering; and
  - (e) three other persons, one of whom is a road user and two of whom are women.
- (2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.
- (3) The President shall, in making the appointments under paragraph (a) and (e) of subsection (1), have regard to the expertise and experience of the person in matters relating to the functions of the Authority.

**Functions of the Board**

5. (1) The Board shall
- (a) provide strategic direction and oversight responsibility for the Authority;
  - (b) approve annual budget and financial plans of the Authority;
  - (c) promote stakeholder engagement and collaboration with relevant entities;

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- (a) approve contracts and agreements entered into by the Authority;
- (e) manage the Road Infrastructure Development Fund;
- (j) ensure the efficient and effective performance of the functions of the Authority; and
- (g) perform any other function ancillary to the attainment of the object of the Authority.

(2) The Board shall obtain prior approval in writing of the Minister for a road contract the funding for which exceeds a specified threshold determined by the Minister.

**Duties and liabilities of a member of the Board**

6. (1) A member of the Board has the same fiduciary relationship with the Authority and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Board has a duty to

- (a) act honestly and in the best interest of the Authority in the performance of the functions of that member;
- (b) exercise the degree of care and diligence in the performance of the functions of that member that a person in that position would reasonably be expected to exercise in the circumstance;
- (c) avoid making improper use of information acquired by virtue of the position of that member so as to benefit that member or to the detriment of the Authority;
- (a) not abuse the position of office;
- (e) not to pursue the personal interest of that member at the expense of the interest of the Authority; and
- (j) perform a specific function determined by the Board.

(3) A member of the Board shall before assuming office, file with the Authority a disclosure statement declaring all the assets, business affiliations and details of past and present employment of the member.

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(4) A member of the Board who contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units.

(5) Where a court determines that the Authority has suffered a loss or damage as a consequence of the act or omission of a member of the Board, the court may, in addition to the imposition of a fine, order the member convicted to pay appropriate compensation to the Authority.

**Tenure of office of members of the Board**

7. (1) A member of the Board shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Director-General.

(3) A member may resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, other than the Director-General, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may, by a letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Board is for a sufficient reason unable to act as a member, the Minister shall determine whether the inability of the member to act would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4), (5), or subsection (2) of section 9,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall, subject to subsection (2) of section 4, appoint another person to fill the vacancy for the unexpired term.

**Meetings of the Board**

8. (1) The members of the Board shall meet at least once every three months for the conduct of business at a time and in a place determined by the chairperson.

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(2) The chairperson shall, at the request in writing of not less than one third of the membership of the Board, convene an extraordinary meeting of the Board at a time and in a place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board, other than the Director-General, elected by the members present from among their number shall preside.

(4) The quorum for a meeting of the Board is seven members.

(5) A matter before the Board shall be decided by a simple majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for a decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members of the Board or by a defect in the appointment or the disqualification of a member.

(8) Subject to this Act, the Board shall regulate the procedure for the meetings of the Board.

**Disclosure of interest**

9. (1) A member of the Board who has an interest in a matter for consideration by the Board

(a) shall disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) is disqualified from being present or participating in the deliberation of the Board in respect of that matter.

(2) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of that member.

(3) Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

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(4) A member of the Board who fails to disclose an interest of the member in a matter for consideration by the Board is liable to pay compensation to the Authority for any loss incurred by the Authority as a result of the non-disclosure.

**Establishment of committees**

**10.** (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function of the Board.

(2) A committee composed of members and non-members shall be chaired by a member of the Board.

(3) Section 9 applies to a member of a committee of the Board.

**Allowances**

**11.** Members of the Board and members of a committee of the Board shall be paid allowances determined by the Minister in consultation with the Minister responsible for Finance.

**Policy directives**

**12.** The Minister may give directives to the Board on matters of policy and the Board shall comply.

*Administrative Provisions*

**Director-General of the Authority**

**13.** (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Authority.

(2) The Director-General shall have the relevant professional competence and experience relating to the functions of the Authority.

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

**Functions of the Director-General**

**14.** (1) The Director-General

(a) is responsible for the day-to-day administration of the Authority;

(b) shall implement the decisions of the Board;

(c) is answerable to the Board in the performance of functions under this Act; and

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(a) shall perform any other function assigned by the Board to the Director-General.

(2) The Director-General may in writing delegate a function to an officer of the Authority but is not relieved of the ultimate responsibility for the performance of the delegated function.

**Deputy Directors-General of the Authority**

15. (1) The President shall, in accordance with article 195 of the Constitution, appoint Deputy Directors-General for each Division of the Authority.

(2) A Deputy Director-General shall have the relevant professional competence and experience relating to the functions of the Authority.

(3) A Deputy Director-General shall hold office on the terms and conditions specified in the letter of appointment.

**Functions of a Deputy Director-General**

16. (1) A Deputy Director-General shall

(a) assist the Director-General in the performance of the functions of the Director-General; and

(b) perform any other function assigned by the Director-General.

(2) A Deputy Director-General is answerable to the Director-General in the performance of a function of the Deputy Director-General.

**Solicitor-Secretary**

17. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Solicitor-Secretary for the Authority.

(2) The Solicitor-Secretary shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Solicitor-Secretary is the secretary to the Board and is responsible for

(a) arranging the business of the Board;

(b) recording and keeping the minutes of meetings of the Board; and

(c) performing the function that the Board, or the Director-General, in consultation with the Board, may assign.

**Road inspectors**

**18.** (1) The President shall, in accordance with article 195 of the Constitution, appoint road inspectors for purposes of this Act.

(2) A road inspector may, for the performance of a function under this Act, at any reasonable time, enter any premises connected to road infrastructure to

- (a) inspect the premises and equipment in the premises; and
- (b) monitor and ensure that the provisions of this Act, Regulations made under this Act and road infrastructure standards are complied with.

(3) A road inspector shall, upon request, produce the identification and evidence of the authority of the inspector.

**Appointment of other staff**

**19.** (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Authority that are necessary for the efficient and effective performance of the functions of the Authority.

(2) Other public officers may be transferred or seconded to the Authority or may otherwise give assistance to the Authority.

(3) The Authority may, for the efficient and effective performance of the functions of the Authority, engage the services of experts and consultants on the recommendation of the Board.

**Divisions of the Authority**

**20.** (1) The Authority shall have the following Divisions:

- (a) Highways Division;
- (b) Urban Roads Division;
- (c) Feeder Roads Division;
- (a) General Services Division; and
- (e) Planning, Research, Monitoring and Evaluation Division.

(2) Without limiting subsection (1), the Authority may establish any other Division or restructure an existing Division for the effective and efficient performance of the functions of the Authority.

(3) Each Division shall have specific responsibilities and shall operate in accordance with the functions of the Authority.

**Regional and zonal offices of the Authority**

21. (1) The Authority may, on the recommendation of the Board, establish regional and zonal offices of the Authority in the country.

(2) A regional office or a zonal office of the Authority shall perform the functions of the Authority in the region or zone, as the Board may direct.

**Internal Audit Unit**

22. (1) The Authority shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who is appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Authority.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months

- (a) prepare and submit to the Board, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and
- (b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Authority.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Minister, the Auditor-General, the Director-General and the chairperson of the Board.

*Financial Provisions*

**Funds of the Authority**

23. The funds of the Authority include

- (a) moneys approved by Parliament;

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- (b) fees and charges accruing to the Authority in the performance of the functions of the Authority;
- (c) moneys allocated to the Authority from the Road Infrastructure Development Fund;
- (a) grants, donations and gifts; and
- (e) any loans granted to the Authority or obtained from any other source.

**Borrowing powers**

24. Subject to article 181 of the Constitution and in accordance with section 76 of the Public Financial Management Act, 2016 (Act 921), the Authority may obtain loans and other credit facilities on the guarantee of the Government from banks and institutions as the Minister may, in consultation with the Minister responsible for Finance, determine.

**Bank account of the Authority**

25. The moneys of the Authority shall be paid into a bank account opened for the purpose with the approval of the Controller and Accountant-General.

**Expenses of the Authority**

26. The administrative expenses and other related expenses of the Authority shall be charged on the Consolidated Fund.

**Accounts and audit**

27. (1) The Board shall keep books, records, returns and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit at the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts, submit the report to Parliament and forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Authority is the same as the financial year of Government.

**Annual report and other reports**

28. (1) The Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Authority for the year to which the annual report relates.

(2) The annual report shall include

(a) the report of the Auditor-General; and

(b) a summary of feedback on activities and services carried out and delivered by the Authority.

(3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may require in writing.

**Tax exemption**

29. Subject to article 174 of the Constitution and the Exemptions Act, 2022 (Act 1083), the Authority is exempt from the payment of taxes and duties.

*Road Infrastructure Development Fund*

**Establishment of the Road Infrastructure Development Fund**

30. There is established by this Act a Road Infrastructure Development Fund.

**Object of the Fund**

31. (1) The object of the Fund is to provide financial resources for road infrastructure projects and related services.

(2) To achieve the object of the Fund under subsection (1), moneys from the Fund shall be applied to

(a) the development of roads; and

(b) other relevant activities that the Board may determine.

**Sources of money for the Fund**

32. The sources of money for the Fund include

(a) moneys approved by Parliament, designated for road infrastructure development;

- (*l*) loans and financial assistance from development partners and international organisations;
- (*c*) interests from investments;
- (*a*) grants, donations and gifts; and
- (*ε*) any other sources approved by the Board.

**Bank account for the Fund**

33. Moneys for the Fund shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

**Management of the Fund**

34. (1) The Board is responsible for the management of the Fund.
- (2) The Board shall, for the purpose of subsection (1)
- (*a*) formulate policies to generate money for the Fund;
  - (*l*) determine the allocation to be made towards the object of the Fund; and
  - (*c*) determine the annual targets of the Fund.
- (3) Sections 27 and 28 on accounts and audit, and annual report and other reports apply to the Fund.

**Investment of moneys of the Fund**

35. The Board may invest part of the moneys in the Fund as the Board considers appropriate in securities that the Minister responsible for Finance may approve.

*Assets of the Authority*

**Classification of assets of the Authority**

36. (1) The Authority shall classify and record the assets of the Authority based on the nature and purpose of the asset.
- (2) The classification under subsection (1) includes
- (*a*) road infrastructure assets;
  - (*l*) equipment;
  - (*c*) vehicles;
  - (*a*) land and buildings; and
  - (*ε*) other related assets.

**Road Assets Register**

37. (1) The Authority shall establish, keep and maintain a Road Assets Register to record and manage road infrastructure assets under the purview of the Authority for purposes of verification and commercialisation.

(2) The Road Assets Register shall provide information including the location, condition, and maintenance history of road infrastructure assets and any other relevant information considered necessary.

**Special assets**

38. (1) The Authority may, with the approval of the Board, acquire special assets including toll plazas, rest areas, service stations and other facilities for the efficient and effective operation of the road network.

(2) The management and utilisation of special assets obtained in line with subsection (1), shall be in accordance with guidelines issued by the Authority.

**Power to commercialise assets**

39. (1) The Authority may, subject to the approval of the Board, commercialise certain assets to generate revenue and promote sustainable financing for road infrastructure development and maintenance.

(2) The commercialisation of assets shall be carried out in accordance with applicable laws, regulations and established procedures.

**Management of right of way**

40. (1) Each road shall have right of way as determined by the Authority in accordance with the Road Reservation Management Manual for Coordination, First Edition, June, 2001 as may be revised from time to time.

(2) The Authority shall

- (a) develop and enforce comprehensive right of way management policies and regulations to ensure the unobstructed use of road corridors;
- (b) establish clear guidelines for the permissible use of road corridors, including restrictions on erecting structures or conducting activities that impede road expansion, maintenance and safety;

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- (c) sensitise and educate
  - (i) local government authorities, landowners and communities, and
  - (ii) other relevant stakeholders on the importance of maintaining road corridors;
- (a) conduct periodic inspections and assessments of road corridors to identify
  - (i) encroachment,
  - (ii) unauthorised structures, or
  - (iii) activities that obstruct the right of way; and
- (e) issue notices to individuals or entities found to be encroaching upon the right of way.

(3) The Authority shall direct individuals or entities to cease encroachment upon road corridors within seven days after receipt of a notice under paragraph (e) of subsection (2).

(4) Where an individual or entity does not cease encroachment in accordance with subsection (3), the Authority shall remove the structure or stop the activity that obstructs the right of way.

(5) The Authority shall maintain a Right of Way Registry, documenting details of road corridors, authorised uses and any interventions made to ensure the unobstructed use of road corridors.

(6) The Authority shall collaborate with local authorities and relevant agencies to ensure that zoning regulations and land use and spatial planning align with the maintenance of unobstructed road corridors.

*Miscellaneous Provisions*

**Role of District Assemblies**

41. (1) A District Assembly shall maintain local roads within the district.

(2) The department responsible for roads at a District Assembly shall

- (a) collaborate with the regional and zonal Offices of the Authority; and

- (*l*) provide regular reports and updates on the maintenance of local roads to the regional Office of the Authority.

**Powers of entry and performance of other works**

**42.** An authorised person may in the performance of a function under this Act and after giving reasonable notice

- (*a*) enter, inspect and survey any land or premises;
- (*b*) excavate the subsoil and open, construct or repair any road, tunnel, sewer, drain or other works relating to a trunk road;
- (*c*) specify levels, boundaries and lines by placing marks and digging trenches;
- (*a*) remove or cut branches of any tree or underwood;
- (*e*) with the prior approval of the Minister, alter the course of a watercourse for the purpose of constructing and maintaining a trunk road;
- (*l*) stop, divert, widen, narrow, raise or sink, whether temporarily or permanently, the course of a
  - (*i*) watercourse; or
  - (*ii*) road, street, bridge or ferry
- (*g*) make, maintain, alter or repair a road, bridge or road camp with any material or thing out of the land contiguous to the road, bridge, ferry or road camp; and
- (*h*) exercise any existing right of way or right of entry and demolish any encroachments on land, without payment of any further compensation except as provided for by the Lands (Statutory Wayleaves) Act, 1963 (Act 186).

**Compensation**

**43.** (1) Subject to paragraph (*h*) of section 42, the Authority shall pay compensation for damage done to any property by an authorised person.

(2) Where there is a dispute as to the amount of compensation to be paid the dispute may be settled in accordance with the Alternative Dispute Resolution Act, 2010 (Act 798).

**Stay of arrest in certain cases**

**44.** An authorised person shall not be arrested and removed from the right of way if the arrest or removal of that person may endanger life or

property, unless the head of the department in which that person is employed or the officer in charge of the work in which that person is engaged replaces that person.

**Protection of officers**

45. Subject to the Constitution or this Act, an authorised person is not liable for actions taken or omitted to be taken in good faith in the performance of the functions of the Authority.

**Liability of owner and driver for damage**

46. (1) Where a bridge is damaged due to
- (a) a vehicle passing over the bridge in contravention of the provisions of this Act, or
  - (b) a vehicle passing over the bridge coming into contact with any portion of the bridge other than the surface of the roadway,

the owner of the vehicle and the person driving the vehicle shall jointly and severally be liable to the Authority for any damage caused to the bridge.

(2) A certificate under the hand of a person authorised by the Authority that states the amount of the cost of repairing the damage caused under subsection (1) is prima facie evidence of the cost of the damage.

**Public data on roads**

47. (1) The Authority shall record, keep and maintain accurate and up-to-date data on road infrastructure.

- (2) The data under subsection (1) includes information on
- (a) road conditions;
  - (b) maintenance schedules;
  - (c) construction projects;
  - (a) volume of traffic; and
  - (e) any other relevant information.

(3) The Board shall publish the data on the website of the Authority.

(4) The Authority shall ensure that the data available to the public includes maps, reports, statistical information and any other relevant data that promotes informed decision-making and public participation.

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(5) The data recorded shall be used to inform decision-making, policy development and the improvement of the planning and management of road infrastructure.

**Power to request information**

**48.** (1) The Authority may request information from individuals, organisations or entities that are involved in road infrastructure projects, services or operations.

(2) A person from whom the Authority requests information under subsection (1), shall provide the information to the Authority within seven days after the request by the Authority.

(3) A person who fails to provide information requested under subsection (1) commits an offence and is liable to an administration penalty of not less than one hundred penalty units and not more than one thousand penalty units.

**Public notice**

**49.** (1) The Authority shall issue public notices to inform the public about important matters related to road infrastructure, including project updates, road closures, diversions and any other relevant information.

(2) The Authority shall ensure that public notices are issued through appropriate channels to reach the widest possible audience.

**General requirement for consultation**

**50.** (1) The Authority shall ensure that consultation with relevant stakeholders is undertaken on matters related to road infrastructure development and management.

(2) The Authority shall conduct consultations in a meaningful and inclusive manner, taking into consideration diverse perspectives and fostering collaboration and shared responsibility.

**Custody and use of common seal**

**51.** (1) The Authority shall have a common seal to be kept by the Director-General.

(2) The common seal shall not be affixed to a legal document except

- (a) with the prior authorisation of the Authority in writing;
- and

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(b) in the presence of two members of the Board who shall sign the document independently of any other person who may have signed the document as a witness.

(3) The common seal of the Authority shall be authenticated by the signatures of

(a) the Director-General; and

(b) the chairperson of the Board.

(4) Where the chairperson is absent under subsection (3), a member of the Board or an employee of the Authority authorised in writing by the chairperson shall sign the common seal in place of the chairperson.

**Execution of contracts**

**52.** (1) An instrument or contract, which if executed or entered into by a person other than a body corporate would not be required to be under seal, may be executed or entered into on behalf of the Authority by the Director-General or a member of the Board authorised in writing to execute the instrument or enter into the contract.

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

**Collaboration with other entities**

**53.** (1) The Authority shall collaborate with relevant government entities, institutions and stakeholders to promote effective road infrastructure development and management.

(2) The Authority shall establish mechanisms for information sharing, joint planning, and coordination with the relevant government entities, institutions and stakeholders.

**Fees, levies and charges**

**54.** (1) The Authority may impose fees, levies or charges on individuals, organisations or entities that use or benefit from road infrastructure services.

(2) The fees and levies shall be determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2022 (Act 1080).

**Offences and penalties**

55. A person who

- (a) assaults a road inspector or an authorised person acting in the performance of functions under this Act,
- (b) wilfully damages or otherwise interferes with a vehicle, machine, implement, instrument, equipment, material or other property that is being used under this Act,
- (c) obstructs a road inspector, an officer of the Ministry or other person in the exercise of a power conferred, or the performance of a function or duty entrusted to the officer or person under this Act, or
- (a) otherwise than in the performance of duty removes or interferes with any beacon, peg, mark or other sign placed on any land or at any other place for the purposes of a survey or any other work under this Act

commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than three months and not more than two years or to both.

**Offences committed by a body of persons**

56. (1) Where an offence is committed by a body of persons,

- (a) in the case of a body corporate, every director and officer of that body corporate is deemed to have committed that offence, and
- (b) in the case of a firm or partnership, every partner of that firm or partnership is deemed to have committed that offence

and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(2) A person shall not be deemed to be liable for an offence committed under subsection (1), if that person proves that

- (a) the offence was committed without the knowledge of that person; and

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- (*l*) that person exercised due care and diligence to prevent the commission of the offence having regard to all the circumstances.

**Regulations**

**57.** The Minister may, on the recommendations of the Board, by legislative instrument make Regulations for

- (*a*) the use, safety and maintenance of roads;
- (*b*) the erection of structures on, near, over or under roads;
- (*c*) the drainage of streets, land, compounds and new buildings adjacent to roads;
- (*a*) the level, width and construction of roads;
- (*e*) the details to be included in the Annual Road Programme mentioned in section 12 of the Road Fund Act, 1997 (Act 536);
- (*l*) the determination of a threshold under subsection (2) of section 5;
- (*g*) complaints procedure to address and resolve complaints related to road sector infrastructure projects and services;
- (*h*) the removal, demolition or alteration of any projection, structure or thing that obstructs a road or is likely to cause danger or inconvenience to users of the road or related facility;
- (*i*) the towing or removal of a vehicle that obstructs a road;
- (*j*) the control of axle loads, axle load configurations and vehicles;
- (*k*) traffic control devices; and
- (*l*) the efficient and effective implementation of this Act.

**Interpretation**

- 58.** In this Act, unless the context otherwise requires,
- “Authority” means the National Roads Authority established under section 1;
  - “authorised person” means an inspector appointed under this Act or a person authorised by the Minister;
  - “Board” means the governing body of the Authority established under section 4;

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- “District Assembly” includes Municipal and Metropolitan Assemblies;
- “Director-General” means the person appointed to the office of Director-General under section 13;
- “Industry Associations” mean associations related to road infrastructure development and management;
- “Fund” means the Road Infrastructure Development Fund established under section 30;
- “local road” means a road primarily to offer access to properties and pedestrians in a neighbourhood ordinarily beginning and ending in a district.
- “Minister” means the Minister responsible for Roads;
- “Ministry” means the Ministry responsible for Roads;
- “right of way” means a designated space alongside roads and highways, essential for road expansion, maintenance and safety.
- “road” means a way or strip of land open to the public for the purposes of travel as a matter of right and over which abutting property owners have the right of light, air and access and includes roads, streets, rights of way, bridges, railway-highway crossings, tunnels, drainage structures, traffic control devices, guardrails and protective structures connected with public ways;
- “service station” means a commercial facility developed by the private sector within the right of way to provide services to the public;
- “toll” includes charges levied on a road, bridge or ferry; and
- “toll plazas” mean designated places for the collection of road tolls.

**Repeal and savings**

- 59.** (1) The Ghana Highway Authority Act, 1997 (Act 540) is repealed.
- (2) Paragraph 10 and 11 of the Thirteenth Schedule of the Local Governance Act, 2016 (Act 936) that specify the Department of Feeder Roads and Department of Urban Roads as Departments of the Regional Co-ordinating Council are repealed.

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(3) Despite the repeal of the Ghana Highway Authority Act, 1997 (Act 540), any Regulations, bye-laws, notices, orders, directions, appointments or other acts lawfully made or done under Act 540 and in force immediately before the commencement of this Act are considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

**Transitional provisions**

**60.** (1) The rights, assets and liabilities that have accrued in respect of the properties vested in the Department of Urban Roads, the Department of Feeder Roads, and the Ghana Highway Authority established under the Ghana Highway Authority Act, 1997 (Act 540) immediately before the coming into force of this Act are transferred to the National Roads Authority established under this Act and accordingly proceedings taken by or against the Department of Urban Roads, the Department of Feeder Roads and the Ghana Highway Authority may be continued by or against the National Roads Authority established under this Act.

(2) A person employed by the Department of Urban Roads, the Department of Feeder Roads, and the Ghana Highway Authority and the staff of the Department of Feeder Roads and the Department of Urban Roads as specified under the Thirteenth Schedule of the Local Governance Act, 2016 (Act 936) immediately before the coming into force of this Act shall, on the coming into force of this Act, be considered to have been duly employed by the National Roads Authority established under this Act on terms and conditions which are not less favourable in aggregate to the terms and conditions attached to the post held by the person before the coming into force of this Act.

(3) A contract subsisting between the Department of Urban Roads, the Department of Feeder Roads, and the Ghana Highway Authority and another person and in effect immediately before the coming into force of this Act shall subsist between the National Roads Authority established under this Act and that other person.

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Date of *Gazette* notification: 6th December, 2023.