

National Road Safety Authority Bill, 2019

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National Road Safety Authority Bill, 2019

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ENTITLED

NATIONAL ROAD SAFETY AUTHORITY ACT, 2019

AN ACT to establish a National Road Safety Authority to develop and promote road safety in the country, to co-ordinate and regulate activities, procedures and standards related to road safety and to provide for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the National Road Safety Authority

Establishment of the Authority

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the National Road Safety Authority.

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

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Object of the Authority

2. The object of the Authority is to reduce the incidence of road crashes, fatalities and injuries through

- (a) the promotion of road safety,
- (b) the development and co-ordination of policies in relation to road safety, and
- (c) the implementation of standards for road safety.

Functions of the Authority

3. (1) To achieve the object under section 2, the Authority shall perform the following functions:

- (a) develop a long term plan for the promotion of road safety and the reduction of road traffic deaths and injuries and collaborate with the Driver and Vehicle Licensing Authority, road agencies, enforcement agencies, crash response agencies and road transport service providers to implement the plan;
- (b) undertake nationwide road safety education, campaigns and publicity;
- (c) collaborate with the Ghana Education Service and other relevant bodies to develop road safety education as part of the curriculum for pre-tertiary level schools and colleges of education;
- (d) carry out special projects for the improvement of road safety;
- (e) co-ordinate, monitor and evaluate road safety activities, programmes and strategies;
- (f) develop and maintain a comprehensive database on road safety for the information of the public;
- (g) promote studies, research, surveys and analysis for road safety improvement and publish reports and information relating to road safety;
- (h) ensure compliance with any laid down road safety standards and procedures for the development, use and provision of any road safety related infrastructure, service or undertaking;

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- (i) collaborate with the Building and Road Research Institute, any regulatory body responsible for road transport, the Standards Authority and other bodies with relevant knowledge and expertise on road safety to develop standards for road safety equipment and ensure compliance with the standards;
- (j) issue notices in the form of directives, procedures or cautions to persons to provide for or correct irregularity in procedures, standards, practices and operations in order to prevent or minimize road traffic crashes, fatalities and injuries;
- (k) recommend to the Minister the minimum standards and guidelines for the safe use of roads by all categories of road users that the Authority may consider necessary;
- (l) establish the procedure for road safety audit with the road authorities and collaborate with the road agencies to ensure implementation of findings of road safety audits in accordance with existing design, construction and maintenance procedures and standards for the provision of road infrastructure;
- (m) liaise with the Driver and Vehicle Licensing Authority, road agencies, enforcement agencies, District Assemblies and any other public or private bodies that the Authority may determine to ensure compliance with existing procedures and standards to reduce the risk of road traffic crashes in the design, construction and use of public roads;
- (n) receive complaints and investigate violations of road safety standards and best practices and advise the Minister on the measures required to prevent or minimise the road safety risks;
- (o) in consultation with the Minister, monitor the importation and sale of road safety equipment or devices for the safe use of roads;
- (p) collaborate with foreign and international bodies that the Authority considers necessary to achieve the object of this Act; and
- (q) perform any other function that is necessary for the attainment of the object of the Authority.

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(2) In the performance of the functions of the Authority under subsection (1), the Authority shall take into consideration the interest of the general public and in particular the interest of the owners of properties on adjoining roads.

Governing body of the Authority

4. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson;
 - (b) one representative each of
 - (i) the Ministry responsible for Transport, not below the rank of a Director nominated by the Minister;
 - (ii) the Ministry responsible for Roads and Highways, not below the rank of a Director nominated by the Minister responsible for Roads and Highways;
 - (iii) the Ministry responsible for Education, not below the rank of a Director nominated by the Minister responsible for Education; and
 - (iv) the Office of the Attorney-General, not below the rank of a Chief State Attorney nominated by the Attorney-General and Minister responsible for Justice;
 - (c) the Director-General of the Authority;
 - (d) the Inspector-General of Police or a representative of the Inspector-General of Police not below the rank of Assistant Commissioner of Police nominated by the Inspector-General of Police;
 - (e) one representative not below the rank of a Director
 - (i) from the Building and Road Research Institute nominated by the Institute;
 - (ii) from the Driver and Vehicle Licensing Authority nominated by the Authority; and
 - (iii) of the Local Government Service nominated by the Service;
 - (f) one representative from each of the following organisations nominated by the organisation concerned:
 - (i) the Ghana Insurers Association; and
 - (ii) National Insurance Commission; and
 - (g) one communication specialist nominated by the National Media Commission.

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

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

(4) The Board shall ensure the proper and effective performance of the functions of the Authority.

Tenure of office of members of the Board

5. (1) A member of the Board shall hold office for a period of three years and is eligible for re-appointment, but a member shall not be appointed for more than two terms.

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

(3) A member of the Board may at any time resign from office 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 letter addressed to a member, revoke the appointment of that member.

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

(7) Where there is a vacancy

(a) under subsection (3) or (4) or subsection (2) of section 7,

(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 appoint a person to fill the vacancy.

Meetings of the Board

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

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

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(3) The quorum at a meeting of the Board is seven members of the Board.

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

(5) Matters before the Board shall be decided by a 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 Board meeting in an advisory capacity but that person shall not vote on a matter for decision at the meeting and the presence of that person shall not count in the constitution of a quorum.

(7) Subject to this Act, the Board may determine the procedure for its meetings.

Disclosure of interest

7. (1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations 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 the benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Establishment of committees

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

(2) A committee composed exclusively of non-members is advisory only.

(3) Section 7 applies to members of a committee of the Board.

Allowances

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

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Ministerial directives

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

Administrative Provisions

Directorates of the Authority

11. (1) The Authority may, for the performance of the functions of the Authority under this Act, establish directorates of the Authority.

(2) Without limiting subsection (1), the Board shall establish the following directorates of the Authority:

- (a) Planning and Programmes Directorate,
- (b) Research, Monitoring and Evaluation Directorate,
- (c) Finance and Administration Directorate, and
- (a) Inspectorate and Compliance Directorate.

(3) A directorate of the Authority shall

- (a) be headed by a Director; and
- (b) consist of other employees that the Board may determine.

Regional offices of the Authority

12. (1) The Board shall establish an office of the Authority in each region.

(2) A Regional Road Safety Director shall head a regional office.

(3) A regional office of the Authority shall be provided with the public officers that the President shall appoint in accordance with article 195 of the Constitution.

(4) A regional office of the Authority shall perform the functions of the Authority as the Board may direct.

(5) The Regional Road Safety Director shall collaborate with the Road Safety Units of the Metropolitan, Municipal and District Assemblies for the purpose of the establishment of road safety committees in the districts.

Appointment of the Director-General

13. (1) The Authority shall have a Director-General.

(2) The President shall, in accordance with article 195 of the Constitution, appoint the Director-General for 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 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 this Act.

(2) The Director-General shall

(a) ensure the implementation of the decisions of the Board;
and

(b) perform any other function determined by the Board.

(3) The Director-General may delegate a function to an officer of the Authority but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

Road safety inspectors

15. (1) The President shall, in accordance with article 195 of the Constitution, appoint road safety inspectors for the Inspectorate and Compliance Directorate of the Authority.

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

(a) inspect the premises and equipment,

(b) carry out a function imposed on the inspector under this Act, or

(c) ensure that the provisions of this Act are complied with.

(3) A road safety inspector shall, in order to ensure compliance with

(a) road safety standards;

(b) this Act; or

(c) any other enactment;

produce evidence of the authority of that road safety inspector to a person who requests for the evidence.

(4) A road safety inspector who enters any premises under subsection (2), may

(a) examine whether any procedure, standard, rule or regulation that is reasonably required for the endeavour is being complied with;

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- (*l*) examine the books, documents, or any other records found in a place mentioned in paragraph (*a*) which the inspector believes contains information relevant to the enforcement of this Act and make copies of or take extracts from the books, documents or other records; and
- (*c*) seize and detain for the period that the inspector considers necessary, an equipment or device by means of or in relation to which it is believed that a road safety standard, a provision of this Act or any other enactment has been contravened.

Secretary to the Board

16. (1) The Director-General shall, acting in consultation with the Board, designate a person appointed under section 17 as Secretary to the Board.

(2) The Secretary to the Board shall arrange the business for and record and keep the minutes of the meetings of the Board.

(3) The Secretary shall perform any other functions that the Board may, on the advice of the Director-General in writing, direct.

Appointment of other staff

17. (1) The President shall, in accordance with article 195 of the Constitution, appoint other public officers that are necessary for the effective performance of the functions of the Authority.

(2) The President may, in accordance with clause (2) of article 195 of the Constitution, delegate to the Board, the power to appoint other public officers.

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

(4) The Authority may engage the services of experts and consultants that the Board considers necessary for the effective discharge of its functions.

Financial Provisions

Funds of the Authority

18. (1) The funds of the Authority include

- (*a*) moneys approved by Parliament for the Authority;
- (*b*) three percent of moneys accruing to the Road Fund as approved on an annual basis by the Board of the Road Fund, the Minister responsible for Finance and the Minister;

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- (c) two percent of moneys accruing to the Driver and Vehicle Licensing Authority in respect of vehicle testing and driver testing services provided by the Authority as approved on an annual basis by the Minister and the Minister responsible for Finance;
- (a) the amount of moneys accruing to the National Insurance Commission in respect of insurance premiums for motor insurance, as determined by the Authority, the National Insurance Commission and the Ghana Insurance Association;
- (e) one percent of moneys accruing to certified driving schools in respect of fees paid by trainee drivers;
- (j) loans granted to the Authority with the approval of the Minister; and
- (g) any other moneys accruing to the Authority in the course of the performance of its functions under this Act or any other enactment.

(2) For the purpose of paragraph (a) of subsection (1), the Authority, the National Insurance Commission and the Ghana Insurance Association shall meet at periods the Authority, the National Insurance Commission and the Ghana Insurance Association consider necessary for the review of

- (a) insurance premiums determined for motor insurance; and
- (b) the beneficiaries of moneys accruing to the National Insurance Commission in respect of insurance premiums for motor insurance.

Borrowing powers of the Authority

19. Subject to article 181 of the Constitution and section 76 of the Public Financial Management Act, 2016 (Act 921), the Authority may obtain loans and any other credit facilities on the guarantee of the Government from a bank or any other financial institution approved by the Minister.

Bank account of the Authority

20. Moneys for the Authority shall be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General.

Budget estimates

21. The Board shall prepare estimates of revenue and expenditure for each financial year and submit them to the Minister responsible for Finance through the Minister for approval by Parliament.

Accounts and audit

22. (1) The Board shall keep books of account and proper records in relation 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 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 the Government.

Annual report and other reports

23. (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 the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary and shall cause the report to be published in a manner that the Minister determines.

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

Investigations, Compliance and Control

Conduct of investigation into road transport systems

24. (1) The Authority shall, on its own accord or on receipt of a complaint, conduct an investigation into a road transport system to ascertain a violation of a procedure and a standard that constitutes a threat or a risk to public safety.

(2) The Authority may, in collaboration with other agencies, investigate fatal road traffic crashes that the Authority considers necessary to establish the contributory lapses in road safety operational standards

that result in deaths and make recommendations to the Minister to ensure the implementation of the recommendations.

(3) For the purposes of this section, “road transport system” includes services associated with the design, construction, maintenance and use of roads by vehicles and other road users.

Compliance notice

25. (1) Where it appears to the Authority that

- (a) the condition of a road or an undertaking within the road environment including
 - (i) the construction of the road,
 - (ii) the erection or placement of physical structures or objects in the nature of billboards, building construction materials and other related objects or obstructions;
- (b) the condition of a motor vehicle or a component of a motor vehicle or equipment;
- (c) the level of competence of a driver in terms of the knowledge and skill of the driver in relation to driving and road safety; or
- (a) the quality of service being rendered by a road transport service provider constitutes a road safety risk to motorists and pedestrians, the Authority may serve on the person, institution or organisation responsible, a compliance notice that requires that person, institution or organisation to comply with existing procedures and standards or necessary best practices to prevent or reduce the road safety risk.

(2) Where the person, institution or organisation fails to comply with the compliance notice, the Authority shall issue a notice to the responsible public authorising agency to

- (a) direct the immediate cessation of the offending activity or undertaking, or
- (b) revoke or cancel the licence, certificate or permit that empowers the person, institution or organisation to carry out the undertaking.

(3) A compliance notice shall specify

- (a) the nature of the offending activity;
- (b) the public safety threat;
- (c) the steps required to be taken; and
- (a) the time within which the steps are required to be taken.

(4) A person authorised by this Act to issue or act on a notice under this section shall, in collaboration with the responsible public authorising agency, ensure compliance with the notice.

(5) Where the Authority or an agent of the Authority reasonably incurs an expense in the process of preventing an activity in contravention of this Act, the amount expended shall be surcharged to the person responsible for the activity.

Enforcement of directives of the Authority

26. Where the Authority, whether before or after an investigation, gives a directive that requires a person to carry out or refrain from carrying out an act and the person fails to comply with the directives of the Authority, within the specified period, the Authority may apply to the High Court for an enforcement of the directive.

Collaboration with Authority

27. (1) A person authorised by an enactment to grant licences for the provision of road transport services shall collaborate with the Authority in the performance of its functions under this Act.

(2) The Authority shall, in the performance of its functions under this Act, consult with any person authorised by an enactment to grant licences for road safety related services in the road transport sector.

Access to information

28. A Ministry, Department, Agency or private organisation shall, on request, provide the Authority with information or records that the Authority reasonably requires to ensure road safety.

Co-ordination and collaboration

29. (1) The Authority shall co-ordinate and collaborate with public and private organisations to

- (a) initiate, carry out and pursue formal and non-formal education programmes for the creation of public awareness of road safety and the importance of road safety to the economic and social life of the country;
- (b) prepare and implement fully integrated programmes of public information by means of an appropriate medium of mass communication; and
- (c) educate road users on particular hazards, how they arise and how to cope with them.

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- (2) The Authority may grant approval for
 - (a) a road safety initiative;
 - (b) a road safety educational programme;
 - (c) a road safety advertisement; and
 - (a) a road safety campaign.

Miscellaneous Provisions

Offences and penalties

30. (1) A person who

- (a) disregards a compliance notice issued by the Authority under subsection (1) of section 25, or
- (b) continuously acts contrary to a directive from the public agency concerned commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than eighteen months and not more than three years or to both.

(2) A person who fails to comply with the request to provide information under section 28, commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or in default to a term of imprisonment of not less than eighteen months and not more than three years or to both.

(3) A person who fails to

- (a) comply with safety standards established by the Authority;
- (b) carry out any recommendation or measure of the Authority calculated to prevent road crashes involving vehicles on the road;
- (c) carry out a notice, directive or instruction of the Authority arising out of an investigation or a procedure established for road safety audit of projects, road construction, reconstruction or improvement of a road;
- (a) prepare and submit to the Authority any return or information required under this Act; or
- (e) answer a question relevant to a matter which is the subject of an investigation by the Authority

commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than one thousand penalty units or to both.

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(4) Where the person under subsection (3) is a body corporate and the person defaults in the payment of the fine, the principal officer of the body corporate is liable to a term of imprisonment of not less than twelve months and not more than four years and is in addition, liable for the payment of compensation for any damage resulting from the breach unless the principal officer proves to the satisfaction of the court that

- (a) the principal officer exercised due diligence to secure compliance with the provisions of the Act; and
- (b) the offence was committed without the knowledge, consent or connivance of the principal officer.

(5) A public or private organisation that makes a return or provides information to the Authority which is false in any material particular commits an offence and is liable on summary conviction to a fine of not less than twenty-five penalty units and not more than fifty penalty units or to a term of imprisonment of not less than six months and not more than one year or to both.

(6) A person who

- (a) obstructs or interferes with a road safety inspector or an employee of the Authority in the exercise of the functions under this Act,
- (b) assaults an inspector, or
- (c) prevents an inspector from the execution of the functions of the inspector by means of a bribe, promise or any other inducement,

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

(7) Where a public or private organisation convicted of an offence under this Act continues to commit the offence after the conviction, that organisation shall be liable to a fine of not less than ten penalty units for each day that the offence continues and in default of payment within thirty days after the conviction, the principal officer shall, on summary conviction, be liable to a term of imprisonment of not less than two years and not more than five years or to both.

Regulations

31. The Minister may, on the recommendation of the Board, by legislative instrument, make Regulations

- (a) to prescribe conditions for the approval of road safety initiatives, programmes, adverts, campaigns and educational programmes;
- (b) to prescribe the procedure for the conduct of investigation of the road transport system and road traffic crashes;
- (c) to provide for the management of the funds of the Authority;
- (d) to prescribe the procedure for the issuance of notices; and
- (e) generally for the effective implementation of this Act.

Interpretation

32. 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 established under section 4;

“crash response agency” includes

- (a) the Ghana National Fire Service;
- (b) the National Ambulance Service;
- (c) Ghana Police Service;
- (d) registered towing companies;
- (e) the Ghana Red Cross Society;
- (f) St. John Ambulance Service; and
- (g) any other public or private organisations authorised to provide response to road crashes;

“District Assembly” includes a Metropolitan and a Municipal Assembly;

“Driver and Vehicle Licensing Authority” means the Authority established under the Driver and Vehicle Licensing Authority Act, 1999 (Act 569);

“enforcement agencies” includes the Motor Traffic and Transport Directorate of the Ghana Police Service;

“fatality” means a situation where a person who is involved in a road traffic crash dies within thirty days of the crash as a result of the crash;

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“injury” means an injury resulting from a road traffic crash where

(a) in the case of a slight injury, the most severe injury sustained is minor requiring at most first aid attention; and

(b) in the case of a serious injury, a person is detained in a hospital for more than twenty-four hours;

“Minister” means the Minister responsible for Transport;

“National Insurance Commission” means the National Insurance Commission established under the Insurance Act, 2006 (Act 724);

“offending activity” means an activity that constitutes a breach of an existing road safety standard, or process that poses a threat to road safety;

“public authorising agency” means a public organisation authorised to issue permits or licences related to road safety undertakings;

“road agency” means the Ghana Highway Authority, Department of Urban Roads and Department of Feeder Roads;

“road safety inspector” includes a person authorised by the Authority to perform the duties of a road safety inspector;

“road traffic crash” means an accident that involves at least one vehicle resulting in injury, death or damage to property;

“road transport service provider” means a public or private organisation which provides freight transport services for a fee; and

“undertaking” means a road safety related activity, enterprise, project, service or work that poses a threat to the public and to road safety.

Repeal and savings

33. (1) The National Road Safety Commission Act, 1999 (Act 567) is repealed.

(2) Despite the repeal of the National Road Safety Commission Act, 1999 (Act 567), any Regulations, bye-laws, notices, orders, directions, appointments or other act lawfully made or done under Act 567 and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until revoked, reviewed, cancelled or terminated.

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Transitional provisions

34. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Commission established under the National Road Safety Commission Act, 1999 (Act 567) immediately before the commencement of this Act and persons employed by the Commission shall be transferred to the National Road Safety Authority established under this Act and accordingly proceedings taken by or against the Commission may be continued by or against the Authority.

(2) A contract subsisting between the Commission established under the National Road Safety Commission Act, 1999 (Act 567) and another person and in effect immediately before the commencement of this Act shall subsist between the Authority established under this Act and that other person.

Date of *Gazette* notification: 25th March, 2019.

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MEMORANDUM

The purpose of the Bill is to establish a National Road Safety Authority to develop and promote road safety and to co-ordinate and regulate activities, procedures and standards related to road safety.

The National Road Safety Commission was established by the National Road Safety Commission Act, 1999 (Act 567) to develop and promote road safety in the country. As the lead public agency for road safety, the Commission provides requisite direction and collaborates with agencies and departments responsible for road design, driver licensing and recruitment, driver training programmes and road transport services, among others, in the interest of public safety. This checks and prevents the poor road designs, ineffective driver training programmes, inefficient road transport services and unworthy vehicles that contribute to avoidable injuries and deaths on the roads.

Global best road safety practices show that to achieve an improvement in road safety and a reduction in road crashes, fatalities and injuries, there must be an increased education and an effective implementation of road safety standards, procedures and policies by road safety related bodies or institutions.

Over the years, the Commission has put together a series of data led strategies that require several public or private institutions to implement existing road safety standards, procedures and policies intended to reduce deaths and injuries caused by road accidents.

However, under Act 567, the Commission lacks the mandate to demand compliance with these standards or their implementation in the interest of public safety. The Bill therefore seeks to put in place the legal framework to mandate the Authority to implement standards, procedures and policies that would impact positively on road safety.

Clause 1 establishes the National Road Safety Authority as a body corporate with perpetual succession.

Clause 2 states the object of the Authority. The object of the Authority is to reduce the incidence of road crashes, fatalities and injuries through

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the promotion of road safety, the development and co-ordination of policies in relation to road safety and the implementation of standards in relation to road safety.

The functions of the Authority are spelt out in *clause 3* and include, among others, to develop a long term plan for the promotion of road safety and reduction of road traffic deaths and injuries, collaborate with the Driver and Vehicle Licensing Authority, road agencies, enforcement agencies, crash response agencies and road transport service providers to implement the plan, undertake nationwide road safety education and campaigns, carry out special projects for the improvement of road safety and ensure compliance with any laid down road safety standards and procedures for the development, use and provision of any road safety related infrastructure.

Clause 4 provides for the governing body of the Authority which is a Board, comprising thirteen members appointed by the President.

Standard provisions on the tenure of office of members of the Board, meetings of the Board, disclosure of interest by members of the Board, establishment of committees of the Board and allowances payable to members of the Board and committees of the Board are dealt with in *clauses 5, 6, 7, 8 and 9* respectively, whilst *clause 10* provides for Ministerial oversight responsibility.

Clause 11 provides for the establishment of directorates of the Authority namely the Planning and Programmes Directorate, Inspectorate and Compliance Directorate, Research, Monitoring and Evaluation Directorate, and Finance and Administration Directorate.

Clause 12 makes provision for the Board to establish an office of the Authority in each region. A regional office is to be headed by a Regional Road Safety Director. A regional office of the Agency is to perform functions of the Authority as the Board may direct.

Clause 13 provides for the appointment by the President of a Director-General of the Authority in accordance with article 195 of the Constitution. The Director-General is to hold office in accordance with the terms and conditions specified in the letter of appointment.

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Clause 14 deals with the functions of the Director-General. The Director-General 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 Act.

Under *clause 15*, the President is to appoint road safety inspectors for the Inspectorate and Compliance Directorate. A road safety inspector may at a reasonable time enter any premises to inspect the premises and ensure that the provisions of the Act are complied with.

Clause 16 makes provision for the Director-General, acting in consultation with the Board, to designate a person appointed under *clause 17* to act as Secretary to the Board. The functions of the Secretary are spelt out in the clause.

Clause 17 provides for the appointment of other staff of the Authority. The President may, in accordance with article 195 of the Constitution, appoint officers and other employees that are necessary for the effective implementation of the functions of the Authority.

Clause 18 provides for the funds of the Authority. The funds of the Authority include moneys approved by Parliament, percentages of moneys accruing to the National Insurance Commission and the Driver and Vehicle Licensing Authority and any other moneys accruing to the Authority in the course of the performance of its functions under the Act or any other enactment.

The Authority may, subject to article 181 of the Constitution and section 76 of the Public Financial Management Act, 2016 (Act 921), obtain loans and any other credit facility on the guarantee of the Government from a bank or any other financial institution approved by the Minister, *clause 19*.

Clause 20 deals with the bank account of the Authority.

Clause 21 mandates the Board to prepare budget estimates for each financial year and present the estimates for approval by Parliament.

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The standard provisions relating to accounts and audit and annual report and other reports are provided for in *clauses* 22 and 23 respectively.

Clause 24 specifies the conduct of investigation into road transport systems. The Authority is required to, on its own accord or on receipt of a complaint, conduct an investigation into a road transport system to ascertain a violation of a procedure and a standard that constitutes a threat or risk to public safety.

In addition, the Authority may, in collaboration with other agencies investigate fatal road traffic crashes that the Authority considers necessary to establish the contributory lapses in road safety operational standards that may result in deaths and make recommendations to the Minister to ensure the implementation of the recommendations.

Clause 25 makes provision for the issue of a compliance notice. The Authority may serve a compliance notice on a person, institution or organisation to comply with existing procedures and standards or best practice to prevent or reduce the road safety risk. A compliance notice is required to specify the nature of the offending activity, the public safety threat, the steps required to be taken, the time within which the steps are required to be taken and the penalties for non-compliance.

Clause 26 enables the Authority to apply to the High Court for the enforcement of a directive of the Authority.

Clause 27 requires other bodies to collaborate with the Authority in the performance of its functions under the Act.

A Ministry, Department or Authority or a private organisation is, on request, required to provide the Authority with information and records that the Authority reasonably requires to ensure road safety, *clause 28*.

Clause 29 provides for the co-ordination and collaboration between the Authority and public and private organisations. The Authority is required to co-ordinate and collaborate with other bodies including public and private agencies to, among others, carry out, initiate and pursue

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formal and non-formal education programmes for the creation of public awareness of road safety and the importance of road safety to the economic and social life of the country and to prepare and implement fully integrated programmes of public information by means of an appropriate medium of mass communication. The Authority may grant approval for a road safety initiative, a road safety educational programme, a road safety advertisement and a road safety campaign.

Clause 30 provides for offences and penalties.

Clause 31 is on matters that may require Regulations.

Clause 32 deals with the interpretation of words used in the Bill and *clauses 33* and *34* provide for repeal and savings and transitional provisions respectively.

KWAKU OFORI ASIAMAH
Minister responsible for Transport

Date: 25th March, 2019.