

GHANA HIGHWAY AUTHORITY DECREE, 1974

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IN pursuance of the National Redemption Council (Establishment) Proclamation, 1972 this Decree is hereby made:

PART I—ESTABLISHMENT OF GHANA HIGHWAY AUTHORITY

1. (1) There is hereby established a body corporate to be known as the Ghana Highway Authority in this Decree referred to as "the Authority". Establishment of Authority.

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

(3) The Authority may for and in connection with the carrying out of its functions under this Decree, purchase, hold, manage or dispose of any immovable property and may enter into such contracts and transactions as may be expedient.

PART II—FUNCTIONS OF AUTHORITY

2. (1) Notwithstanding any existing enactment to the contrary the Authority shall have responsibility for the administration, control, development and maintenance of all public highways and related ferries in Ghana. Functions of Authority.

(2) For the purposes of discharging the responsibility described in subsection (1) of this section, the Authority shall have the following powers—

- (a) to plan, develop, maintain, protect and administer the public highways, ferries, road camps, traffic devices and any related works;
- (b) to control vehicle usage on public highways with the aim of providing safe and adequate infrastructure for road transportation commensurate with the economic development of Ghana;
- (c) to advise the Ministry responsible for Transport on the characteristics and use of vehicles;
- (d) to classify and lay down design standards on the different classes of public highways and ferries;
- (e) to undertake research or collaborate with any research organisation with a view to facilitating its planning, development, and maintenance activities;
- (f) to maintain and preserve such records relating to its functions as it considers expedient; and

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- (g) to carry on such other activities as appear to the Authority to be conducive or incidental to the attainment of its responsibility under subsection (1).

Delegation
of functions
of Authority
to local
authorities,
etc.

3. (1) The Authority may, with the approval of the Commissioner, by executive instrument, delegate to any local authority or any competent body or person the control, maintenance and protection of any public highway or ferry or part thereof:

Provided that in the case of a local authority no such instrument shall be made except after consultation with the Commissioner responsible for Local Government.

(2) A local authority shall not be entitled to refuse any delegation effected under subsection (1) of this section.

(3) While any delegation is in force under this section the local authority or any other body or person to which or to whom the delegation is made may exercise all ancillary functions of the Authority under this Decree relating to the exercise of the functions delegated concerning the public highway or ferry or part thereof affected by the delegation.

(4) The instrument effecting the delegation may, for the removal of doubts, specify the ancillary functions to be exercised by the local authority or body or person under subsection (3) of this section.

Traffic
control
devices.

4. (1) The Authority may cause traffic control devices to be erected, placed or maintained on, over, under or near any public highway or ferry for the guidance of drivers of vehicles and other users of the public highway or ferry, and may remove or alter such devices.

(2) Such devices shall conform to any international requirement relating thereto and in the absence of such requirement shall be of such size, colour and type as may be prescribed by regulations made under section 43 of this Decree.

(3) The Authority may by writing require the owner or occupier of land on which there is any traffic control device or any object which so clearly resembles a traffic device that it might be reasonably taken to be such device to remove it; and if any person fails to comply with such notice the Authority may effect the removal, doing as little damage as possible and may recover summarily as a civil debt from the person so in default the expense incurred in so doing.

Control of
vehicular
traffic on
bridges.

5. The Authority may cause to be placed in a conspicuous place on or near any bridge a notice to the effect that—

- (a) the bridge is insufficient to carry more than a certain weight;

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(b) a vehicle exceeding a certain breadth or height cannot, with safety, be driven on or over such bridge;

and thereafter any person who contravenes or fails to comply with the terms of such notice shall be guilty of an offence and liable to imprisonment not exceeding six months or to a fine not exceeding ₵200.00 or to both.

6. (1) The Authority or any person authorised by it may at any time by notice displayed on, or over or adjacent to such public highway or ferry or part thereof restrict or prohibit temporarily the use of any public highway, ferry or part thereof by any vehicle, class of vehicle or vehicle of a specified construction where owing to the likelihood of serious damage to the highway or ferry or injury or danger to the public the Authority or such person considers it necessary that the restriction or prohibition should be enforced immediately.

Closing of road.

(2) Any such notice shall contain such information as may be necessary relating to an alternative route, if any, available for traffic.

(3) Any person who uses any public highway or ferry in contravention of this section shall be guilty of an offence and liable to imprisonment not exceeding six months or to a fine not exceeding ₵200.00 or to both.

7. (1) No person shall, without the written consent of the Authority, construct any bridge over, or other means of crossing, any open public water or sewer in or contiguous to, any public highway.

Construction of bridges over open sewers.

(2) The Authority may, if requested so to do by any person and upon the cost thereof as estimated by the Authority being paid in advance, construct such bridge or other means of crossing such water or sewer, and may execute all works necessary for the purpose.

(3) Any person who contravenes the provisions of subsection (1) of this section, shall be guilty of an offence and liable to a fine not exceeding ₵200.00 or to imprisonment not exceeding six months or to both.

(4) The Authority may remove any such bridge or other means of crossing such water or sewer constructed in contravention of the said subsection and may repair any damage done by its construction or removal, and shall recover the expenses from such offender as if it were a debt due from the offender to the Authority.

8. (1) No person shall, without the written consent of the Authority, make any excavation in any public highway.

Excavations in public highways.

(2) Where with such consent any person makes any excavation in any public highway, he shall—

(a) at his own expense, cause it to be sufficiently fenced;

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- (b) maintain a sufficient light in a proper place on or near it every night from sunset to sunrise; and
- (c) fill it up and restore the surface of the public highway to the satisfaction of the Authority as soon as possible after completing any works for which the excavation was required, or within such time as the Authority may specify.

(3) Any person who contravenes subsection (1) or (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₵500.00 or to imprisonment not exceeding six months or to both, and the Authority shall, immediately thereafter, fill the excavation and recover the expense from the offender as if it were a debt due from the offender to the Authority.

(4) Where the Authority makes any excavation in any public highway, or delegates to any person power to make any such excavation, it shall be the duty of the Authority or such person—

- (a) to cause it to be sufficiently fenced;
- (b) to maintain a sufficient light in a proper place on or near it every night from sunset to sunrise; and
- (c) fill it up and restore the surface of the public highway as soon as possible after completing any works for which the excavation was required.

PART III—THE BOARD

Board of
directors.

9. (1) The governing body of the Authority shall be a Board of Directors.

(2) The Board shall consist of—

- (a) a Chairman and eight other members all of whom shall be appointed by the National Redemption Council; and
- (b) the person appointed Chief Executive under section 15 of this Decree.

Composition
of Board.

10. The members of the Board other than the Chief Executive shall include the following:—

- (a) a representative of each of the following Ministries nominated by the Commissioner responsible for the Ministry and not being an officer below the rank of Principal Assistant Secretary or its equivalent:—
 - (i) the Ministry responsible for Works,
 - (ii) the Ministry responsible for Transport,
 - (iii) the Ministry responsible for Economic Planning,
 - (iv) the Ministry responsible for Local Government;

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- (b) the Police Officer for the time being in charge of the Police Motor Traffic Unit;
- (c) a Civil Engineer who is a member of the Ghana Institution of Engineers, nominated by the Council of that Institution;
- (d) the Director of the Building and Road Research Institute of the Council for Scientific and Industrial Research or his representative; and
- (e) a representative of the Ghana Private Road Transport Union nominated by the Union.

11. (1) The members of the Board other than the Chief Executive and the person appointed to the Board by virtue of paragraph (b) of section 10 of this Decree shall hold office for a term of three years.

Qualifica-
tion and
tenure of
office of
members of
the Board.

(2) Of the first members of the Board other than the Chief Executive and the person appointed to the Board by virtue of paragraph (b) of section 10 of this Decree, half shall serve for two years which shall be specified when they are appointed.

(3) Any person who is nominated to the Board under paragraph (a), (c), (d) or (e) of section 10 of this Decree shall cease to be a member of the Board upon his nomination being cancelled by the authority responsible for the nomination and, except where such cancellation is effected by the Commissioner himself, notice of every such cancellation shall be given to the Commissioner.

(4) No person shall be qualified to be a member of, or continue to be a member of the Board if—

- (a) he is adjudged to be a person of unsound mind;
- (b) he is declared insolvent or bankrupt under any law for the time being in force in Ghana or any other country and is an undischarged insolvent or bankrupt;
- (c) he has been sentenced to death or a term of imprisonment exceeding twelve months without the option of a fine or has been convicted of an offence involving dishonesty or moral turpitude and has not in each case been granted a free pardon; or
- (d) in the case of a person possessed of professional qualifications, he is disqualified or suspended, otherwise than at his request, from practising his profession by the order of any competent authority, made in respect of him personally.

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(5) Any member of the Board other than the Chief Executive and the person appointed by virtue of paragraph (b) of section 10, may resign his office as a member of the Board by notice in writing addressed to the Commissioner and, without prejudice to the general effect of subsections (3) and (4) of this section, the appointment of any such member may be terminated by the National Redemption Council if the Council is satisfied that it is in the public interest so to do.

(6) Without prejudice to the generality of subsection (5) of this section, the National Redemption Council may remove the Chairman or any other member of the Board if the Council is satisfied upon a certificate in writing signed by not less than two-thirds of the members of the Board that the said member is guilty of any serious misconduct in respect of his duties as Chairman or member of the Board.

(7) Where the office of a member of the Board becomes vacant, the Commissioner shall notify the National Redemption Council of the occurrence of such vacancy and, in the case of a member other than the Chief Executive or the member appointed to the Board by virtue of paragraph (b) of section 10, where the vacancy occurs before his term of office expires under subsection (1) or (2) of this section, a person shall, subject to the requirements of this part of this Decree, be appointed to hold that office for the unexpired portion of the previous holder's term of office.

(8) Subject to the provisions of this Decree, where any member of the Board is incapacitated by reason of his absence from Ghana or illness or any other sufficient cause from the performance of the duties of his office, the National Redemption Council may appoint another person to hold office in his place until the incapacity of that person has terminated or until the expiry of the term of office of such member, whichever first occurs.

(9) Every member ceasing to hold office shall, unless otherwise disqualified by this Decree, be eligible for re-appointment.

Meetings of
Board.

12. (1) The Board shall meet for the despatch of business at such times and at such places as the Chairman may appoint but the Board shall meet at least once in every three months.

(2) The Chairman shall, at the written request of the Chief Executive or not less than four members of the Board, convene a special meeting of the Board to transact any extraordinary business on a date specified in the request.

(3) Where such request is made by members other than the Chief Executive the request shall be transmitted to the Chief Executive with a summary of the business to be transacted at least five working days before the said date.

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(4) The quorum of the Board at any meeting shall be four which shall include the Chairman or the Chief Executive or both.

(5) Every question proposed at a meeting of the Board shall be determined by a majority of the votes of the members present and voting, and in the event of an equality of votes the person presiding shall have a second or casting vote.

(6) At every meeting of the Board at which he is present the Chairman shall preside and in his absence, a member of the Board appointed by the members present and voting from among themselves shall preside.

(7) The minutes of every meeting of the Board shall be recorded in a register and signed by the Chairman of the meeting after confirmation.

(8) The Board may, at any time, co-opt any person or persons to act as an adviser or advisers at any of its meetings, so however, that no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Board.

(9) The validity of any proceedings of the Board shall not be affected by any vacancy among the members thereof, or by any defect in the appointment of a member thereof.

(10) Any member of the Board who has any interest in any company or undertaking with which the Authority proposes to enter into any contract shall disclose the nature of his interest to the Board and shall be disqualified from participating in any deliberations and voting of the Board in respect of such contract.

(11) Any person who contravenes the provisions of subsection (10) of this section shall be liable to be removed from the Board.

13. The Board may pay to members of the Board and also to persons co-opted by the Board under subsection (8) of section 12 of this Decree such subsistence, travelling and other allowances and at such rates as the Commissioner may after consultation with the Commissioner responsible for Finance approve.

Allowances payable to members of Board and co-opted members.

PART IV—MANAGEMENT AND STAFF

14. The Board shall, subject to the provisions of this Decree, have general control of the management, property, business and funds of the Authority and any other affairs and concerns thereof.

Board to be in control of policy of Authority.

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Chief
Executive.

15. (1) The Authority shall have a Managing Director to be designated Chief Executive who shall be assisted by three Deputy Chief Executives to be designated respectively as Deputy Chief Executive (Administration), Deputy Chief Executive (Development) and Deputy Chief Executive (Maintenance).

(2) The Chief Executive shall be responsible for the day-to-day direction of the business of the Authority, for the implementation of the decisions of the Board and for the administration, organisation and control of all the employees of the Authority.

(3) The Chief Executive shall be a civil engineer and a person of a recognised technical and professional standing and shall be appointed by the National Redemption Council on the recommendation of the Commissioner and shall hold office for a period of five years upon such terms and conditions as the Council may specify in his instrument of appointment, and may be re-appointed for further periods of five years.

(4) The appointment of the Chief Executive may be determined by the National Redemption Council by six months' notice or the payment to him of six months' emoluments in lieu of such notice and he shall thereupon be entitled to all benefits accrued to him at the time of such determination:

Provided that nothing in this subsection shall be deemed to prevent the Council from dismissing the Chief Executive for misconduct duly established.

(5) The Chief Executive may, by writing, addressed to the Commissioner, resign his appointment by giving six months' notice.

(6) Where the office of the Chief Executive becomes vacant the Board shall notify the Commissioner who shall in turn notify the National Redemption Council of the occurrence of the vacancy.

(7) Where the Chief Executive is incapacitated from the performance of his functions under this Decree the Board may authorise any Deputy Chief Executive of the Authority to perform those functions for the duration of the incapacity.

Delegation
of certain
functions
of Board
and of Chief
Executive.

16. (1) The Board shall, for the purposes of the due discharge of its functions under section 14 of this Decree, delegate to the Chief Executive the following powers:—

- (a) to sign any contract for or on behalf of the Authority;
- (b) to collect any moneys due to the Authority and to discharge all debts owed by the Authority;

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- (c) to sign, accept, negotiate, endorse and receipt any negotiable instrument;
- (d) to make or authorise the acquisition of any movable or immovable property and the transfer or allocation of any funds of the Authority;
- (e) to authorise the disposal of securities of any kind belonging to the Authority;
- (f) to open and operate all current accounts, deposit or credit accounts at any Bank or financial institution;
- (g) to negotiate and obtain loans and determine the nature and conditions of such loans;
- (h) to enter into any arrangement with any other person for jointly giving specialised consultancy and constructing services in certain restricted fields approved by the Board.

(2) Nothing in subsection (1) of this section shall be deemed to exclude any requirement to comply with any machinery or procedure established or laid down for the time being by the Government for tenders in relation to Government contracts.

(3) The Chief Executive shall further be responsible to the Board for the due execution of any functions delegated to him under subsection (1) of this section.

(4) Subject to the general directions of the Board, the Chief Executive may delegate to any employee of the Authority any of his functions under this Decree and may impose such conditions with respect to the exercise of such delegated functions as he may think fit:

Provided that nothing in this subsection shall be construed so as to absolve the Chief Executive from ultimate responsibility for any act done by any person in pursuance of any such delegation.

17. (1) The use of the seal of the Authority shall be authenticated by two signatures, namely—

Execution of
contracts,
etc.

- (a) the signature of the Chief Executive or some other member of the Board authorised by the Board to authenticate the application of the seal, and
- (b) the signature of the Secretary or some other officer of the Authority authorised by the Board to act in the Secretary's place for that purpose.

(2) The Authority may by instrument in writing under its common seal empower any person either generally or in respect of

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any specified matters as its attorney, to execute deeds on its behalf in any place not situated in Ghana, and every deed signed by such attorney on behalf of the Authority and under his seal, shall be binding on the Authority and have the same effect as if it were under the common seal of the Authority.

(3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Authority by the Chief Executive or any member of the Board if such person has previously been authorised by a resolution of the Board to execute or enter into that particular instrument or contract:

Provided that if the Authority thinks fit it may by writing under its common seal appoint any person outside Ghana as agent to execute or enter into the instrument or contract and the instrument or contract if executed or entered into on behalf of the Authority shall have effect as if it had been duly executed or entered into as prescribed for the purpose of this subsection.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Authority and to be—

- (a) sealed with the common seal of the Authority authenticated in the manner provided by subsection (1) of this section; or
- (b) signed by and under the seal of a person appointed as attorney under subsection (2) of this section; or
- (c) signed by the Chief Executive or by a member of the Board or other person authorised in accordance with subsection (3) of this section to act for that purpose,

shall be deemed to be so executed or issued until the contrary is shown.

(5) The provisions of this section shall have effect subject to the provisions of sections 15 and 16 of this Decree and of section 12 of the Contracts Act, 1960 (Act 25).

Staff of the
Authority.

18. (1) The Authority may engage such officers and other employees as may appear expedient for the proper and efficient conduct of the business and functions of the Authority and on such terms and conditions as the Authority may determine.

(2) Subject to the provisions of the Architectural and Engineering Services Corporation Decree, 1973 (N.R.C.D. 193), the Authority may also engage the services of such consultants and advisers as the Board may, on the recommendation of the Chief Executive determine.

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(3) The Commissioner shall, on the recommendation of the Board, be responsible for the appointment, discipline and removal of any person in respect of each post of Deputy Chief Executive.

(4) The appointment and promotion of all other employees of the Authority shall be by the Board acting on the recommendation of the Chief Executive and with the approval of the Public Services Commission.

(5) The Board acting on the recommendation of the Chief Executive shall be responsible for the discipline and removal of employees referred to in subsection (4) of this section.

(6) The Board may delegate to the Chief Executive the power to appoint, discipline and remove any person in respect of any post below the level of a divisional head or any other similar post.

(7) Public officers may be transferred or seconded to the Authority or may otherwise give assistance thereto.

(8) Public officers on secondment to the Authority shall be subject to the disciplinary rules of the Authority.

(9) If a public officer, eligible to receive on retirement a pension, is seconded to the Authority, the period during which he serves with the Authority shall, for the purposes of computation of the time and amount of pension under any enactment relating to pensions for the time being in force and applicable to him, be deemed to be service in a pensionable office.

(10) Subject to the provisions of this section and of the Social Security Decree, 1972 (N.R.C.D. 127), the Board may provide by regulations made under this Decree for any matter relating to pensions, gratuities, and other allowances including, if the Board thinks fit, a contributory provident fund.

(11) The Authority shall, for the purpose of achieving maximum efficiency in the discharge of its functions under this Decree, institute arrangements for the training of its employees in administrative, technical, managerial and other capacities with a view to securing the benefit of their knowledge and experience in the conduct of the operations of the Authority.

19. (1) The Deputy Chief Executive (Administration) shall be the Secretary to the Authority and shall act as Secretary to the Board.

Secretary
of the
Authority.

(2) The Secretary shall, subject to the directions of the Board, arrange the business for and cause to be recorded and kept minutes of all meetings of the Board in the form prescribed by subsection (7) of section 12 of this Decree.

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(3) The Secretary shall also as Secretary, perform such functions as the Board may by writing direct or as the Chief Executive may by writing delegate to him and shall be assisted in his functions by such employees of the Authority as the Board may, on the recommendations of the Chief Executive, direct.

Internal
Auditor.

20. (1) The Authority shall have an Internal Auditor who shall be appointed by the Board with the approval of the Auditor-General.

(2) Subject to the provisions of this Part of this Decree, the Internal Auditor shall be responsible to the Chief Executive for the performance of his functions.

(3) As part of his functions, the Internal Auditor shall prepare and submit to the Chief Executive as soon as practicable after the end of each month, a report on the internal audit work carried out during that month.

(4) The Internal Auditor shall make in such report such observations as appear to him necessary as to the conduct of the financial affairs of the Authority during the month to which the report relates.

(5) In addition to the requirement of subsection (3) of this section, the Internal Auditor shall prepare and forward quarterly a summary of reports prepared under that subsection to the following:—

- (i) the Auditor-General, and
- (ii) the Board.

PART V—FINANCIAL PROVISIONS

Funds of
Authority.

21. The funds of the Authority shall include—

- (a) all moneys accruing to the Authority from the Government by way of grant or endowment or otherwise;
- (b) any loan granted to the Authority by the Government or any person or institution;
- (c) any moneys accruing to the Authority in the course of its operations; and
- (d) such other moneys as may be prescribed as part of the funds of the Authority by regulations made under section 43 of this Decree.

Borrowing
powers.

22. (1) The Authority may, with the approval of the Commissioner and the Commissioner responsible for Finance, borrow funds from any financial institution for the development of public highways, ferries and other incidental works.

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(2) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as it may require for meeting its current obligations or discharging its functions.

(3) The Authority may charge its assets, undertakings and revenues with the repayment of any money borrowed together with interest thereon and may issue debentures, bonds, or other securities in order to secure the repayment of any money so borrowed together with interest thereon and may do all such other things necessary in connection with or incidental to such borrowings as are authorised by this section.

(4) For the purpose of any technical arrangement in connection with the raising of any loan under this section, the Authority shall, if the National Investment Bank agrees, use the services of that Bank.

(5) The Commissioner responsible for Finance may, on behalf of the Government, guarantee the performance of any obligation of the Authority under this section.

(6) The said Commissioner may from time to time prescribe the maximum sums which the Authority may borrow under this section.

23. (1) With the approval of the Government, the Authority shall collect tolls on any road, bridge or ferry. Collection of tolls.

(2) The Authority shall, subject to Government approval, create commercial institutions for the management of toll roads, bridges and ferries owned by it or under its control.

(3) The Authority shall—

(a) retain any tolls collected by it in respect of any road, bridge or ferry developed with a loan, and use such tolls for repayment of the loan after deduction of reasonable administrative expenses incurred by it in such collection;

(b) pay into the Consolidated Fund all toll money collected from any road, bridge or ferry financed by Government subvention after deduction of administrative expenses agreed between the Government and the Authority.

(4) For the purposes of this Decree the Commissioner responsible for Works shall, upon the written request of the Authority, exercise his functions under sections 1 and 2 of the Tolls Decree, 1973 (N.R.C.D. 153) in relation to any road, bridge or ferry.

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(5) Where any toll road, bridge or ferry is under the control and management of the Authority the functions of the Commissioner under sections 4 and 6 of the said Decree shall be exercised by the Authority in relation to such road, bridge or ferry.

Financial
year.

24. The financial year of the Authority shall end on the 30th day of June in each year, so, however, that the period between the commencement of this Decree and the 30th day of June, 1975 shall be the Authority's first financial year.

Annual
budget of
Authority.

25. (1) The Authority shall, not later than two months before the end of each financial year, cause to be prepared and submitted to the Commissioner and the Commissioner responsible for Finance for the approval of the Government, an annual budget or financial plan in respect of the ensuing financial year comprising estimates of expected recurrent, development and capital expenditure of the Authority in the said financial year.

(2) The budget or financial plan shall be in such form as the Commissioner and the Commissioner responsible for Finance may from time to time approve.

(3) After the budget or financial plan has been approved by the Government, the Government shall release moneys thereunder to the Authority as follows:—

- (a) moneys approved in respect of recurrent expenditure shall be released quarterly, in advance;
- (b) moneys approved in respect of development expenditure shall be released on presentation by the Authority of valid certificates; and
- (c) moneys approved in respect of capital expenditure shall be released on presentation by the Authority of evidence of commitments for purchases.

(4) Any moneys approved by the Government in respect of the budget or financial plan of the Public Works Department for roads before the commencement of this Decree shall be deemed to be approved for the purposes of this section.

Expenditure
outside
budget
to be
funded by
requesting
agency.

26. Where any person, body or Government agency requires the Authority to carry out any development or expenditure outside such budget or financial plan the money to meet such development or expenditure shall be provided by such person, body or agency.

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27. The Authority shall, subject to any regulations for the time being in force governing the use thereof, be entitled to use the Government revolving fund facilities for granting of advances on contracts and for indenting into unallocated stores and for personal loans.

Authority
to use
Government
revolving
fund
facilities.

28. (1) The Authority shall keep proper books of accounts and other records in relation thereto.

Accounts
and Audit.

(2) The Authority shall prepare an annual statement of accounts in such form and containing such particulars as the Auditor-General may from time to time direct.

(3) The books and accounts of the Authority shall be audited each year by the Auditor-General.

(4) The Auditor-General shall, not later than 30th day of September in each year forward to the Commissioner a copy of the audited accounts of the Authority for the financial year ending 30th June immediately preceding and his report thereon.

(5) The report of the Auditor-General shall state whether in his opinion—

(i) proper books of accounts have been kept by the Authority;

(ii) the financial statement of the Authority was prepared on a basis consistent with that of the preceding year and is in agreement with the books of accounts of the Authority.

(6) The Auditor-General shall call attention of the Commissioner to any matter falling within the scope of his examination which in his opinion should be brought to the attention of the Council.

(7) The Authority may with the approval of the Commissioner responsible for Finance and after consultation with the Auditor-General make, under section 43 of this Decree, financial orders or regulations not inconsistent with this Decree, to govern the financial practices of the Authority.

PART VI—ACQUISITION OF LAND AND PROPERTY

29. (1) All rights-of-way for public highway purposes existing immediately before the commencement of this Decree shall be vested in the Authority.

Compulsory
acquisition
of property.

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(2) Where there is any hindrance to the acquisition by the Authority of any property the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A. 6) or as the case may be, under the State Lands Act, 1962 (Act 125) and each such Act shall, as the case may be, apply in relation to any such acquisition with such modifications as may be necessary to provide for the vesting of the property required thereunder in the Authority and for the cost of such acquisition to be defrayed by the Authority.

Vesting of
assets.

30. On the commencement of this Decree, there shall vest in the Authority, at a valuation to be fixed by the Commissioner, such assets of the Public Works Department which the Commissioner may determine by executive instrument.

Powers of
entry and
performance
of other
works.

31. Any person authorised in that behalf by the Authority for the discharge of any of its functions under this Decree may, after 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 any public highway;
- (c) specify levels, boundaries and lines by placing marks and digging trenches;
- (d) remove or cut branches of any tree or underwood;
- (e) with the prior approval of the Commissioner, alter the course of any river, stream or watercourse for the purpose of constructing and maintaining any public highway or ferry;
- (f) stop, divert, widen or narrow temporarily or permanently, the course of any river, stream or watercourse or any road, street, way, bridge or ferry or raise or sink the level thereof;
- (g) take, haul and use any earth, stone, gravel, sand or timber or any other material or thing out of any land contiguous to any road, bridge, ferry or road camp which may be necessary for making, maintaining, altering, repairing or using such road, bridge, ferry or road camp;
- (h) exercise any right of way or entry already acquired or paid for and demolish any encroachments, crops or structures thereon without payment of any further compensation except as provided by the Lands (Statutory Wayleaves) Act, 1963 (Act 186):

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- (i) sink wells and construct dams and all other works necessary for providing a water supply;
- (j) carry out any other power or duty reasonably necessary for giving effect to the provisions of this Decree.

32. (1) The Authority shall pay any compensation in money or in non-monetary assistance or both for any property acquired under section 29 of this Decree and no person shall be entitled to dispute the compensation offered to him by reason only that it is not in money whether in whole or in part. Compensation.

(2) Where in the discharge of any functions of the Authority, damage is done to the property of any person, the Authority shall pay reasonable compensation for such damage.

(3) The amount of any compensation to be paid under subsection (2) of this section shall, in the case of dispute, be settled by arbitration in accordance with the Arbitration Act, 1961 (Act 38).

PART VII—LEGAL PROCEEDINGS, ETC.

33. (1) No suit shall be commenced against the Authority until one month at least after written notice of intention to commence it has been served upon the Authority by the intending plaintiff or his agent. Notice of action.

(2) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

34. The notice referred to in section 33 and any summons, notice or other document required or authorised to be served upon the Authority in connection with any suit by or against the Authority may be served by delivering it to, or sending it by registered post addressed to the Chief Executive of the Authority or to such other officer of the Authority as may be prescribed by regulations made under section 43 of this Decree. Service of documents.

35. In any action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sums of money which may by the judgment of the Court be awarded against the Authority shall be paid by the Authority from its funds. Restriction of execution.

36. A person connected with the direct working of the Authority shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in execution of a warrant or otherwise, while actually engaged in the performance of his duties until the head of the department in which he is Stay of arrest in certain cases.

GHANA HIGHWAY AUTHORITY DECREE, 1974

employed or the officer in immediate charge of the work in which such person is engaged has been given an opportunity to provide a substitute.

Representa-
tion of
Authority in
proceedings.

37. In any suit pending before a Court the Authority may be represented in Court at any stage of the proceedings by any officer or other employee of the Authority who shall satisfy the Court that he is duly authorised in writing by the Authority in that behalf.

Protection
of officers.

38. No matter or thing done by any officer or employee of the Authority shall, where the matter or thing is done bona fide for the purpose of executing any provisions of this Decree, render personally liable to any civil liability any such officer or employee or any person acting by his directions.

PART VIII—MISCELLANEOUS

Annual
report.

39. (1) The Authority shall, as soon as possible after the expiration of each financial year, but within six months after the expiration of that financial year, submit to the Commissioner an annual report dealing generally with the activities and operations of the Authority within that year which shall include—

- (a) such information with regard to the proceedings of and policy of the Authority as the Authority considers may properly be given without detriment to the commercial interests of the undertaking of the Authority; and
- (b) a copy of the audited accounts of the Authority in respect of that year together with the Auditor-General's report thereon;
- (c) each report submitted in relation to that financial year by the Internal Auditor under section 20 of this Decree;
- (d) a statement of all directions given by the Commissioner to the Authority under section 42 of this Decree within that year;
- (e) such other information as the Commissioner may reasonably request in writing.

(2) The Commissioner shall as soon as possible after receiving the annual report cause it to be laid before the National Redemption Council.

(3) The Chief Executive shall also from time to time provide to the Commissioner such information relating to the affairs of the Authority as the Commissioner may reasonably request in writing.

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40. In the discharge of its functions under this Decree the Authority shall co-operate fully with all Government departments and agencies and other public authorities.

Co-operation
with other
public
agencies.

41. No person shall exercise any statutory power or duty inconsistently with the exercise of the functions conferred on the Authority by or under this Decree.

Statutory
powers to be
exercised
consistently
with
Decree.

42. The Commissioner may by writing give to the Authority directions of a general character not inconsistent with the provisions of this Decree, on matters of policy and the Authority shall comply with such directions.

Commis-
sioner's
power of
direction.

43. (1) The Authority may by the Board, by legislative instrument, with the prior approval of the Commissioner, make regulations relating to public highways and ferries generally and in particular but without prejudice to the generality of the foregoing—

Making of
regulations,
etc. by
Authority.

- (a) relating to the use, safety or maintenance of public highways and ferries; and
- (b) relating to the erection of structures on or near, over, or under public highways and ferries; and
- (c) for the designation of streets as shopping streets or business streets (and prescribing special requirements to be satisfied by buildings constructed therein);
- (d) for the drainage of streets, lands, compounds and new buildings adjacent to public highways;
- (e) respecting the level, width and construction of streets;
- (f) for the removal, demolition or alteration of any projection, structure or thing obstructing a public highway or ferry or likely to cause danger or inconvenience to users of the public highway or ferry;
- (g) providing for the towing or removal of any vehicle obstructing a public highway or ferry;

(2) Any instrument made under subsection (1) of this section may prescribe in respect of any contravention of any provision thereof, a penalty of imprisonment not exceeding two years or a fine not exceeding ₵5,000.00 or both and may also prescribe in the case of a continuing offence, an additional penalty in respect of each day on which the offence continues.

(3) The Board may also make such rules and standing orders as it may deem necessary or expedient for the purpose of carrying into effect the provisions and principles of this Decree.

GHANA HIGHWAY AUTHORITY DECREE, 1974

(4) Any instrument made under subsection (1) or (3) of this section may prescribe fees to be charged for any service performed by the Authority.

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44. (1) Where any bridge is damaged—

- (a) by reason of any vehicle passing over it in contravention of the provisions of section 5 of this Decree; or
- (b) by reason of any vehicle passing over the bridge coming into contact with any portion thereof other than the surface of the roadway,

the owner of the vehicle and any person driving or propelling it shall jointly and severally be liable to the Authority for any damage done thereto.

(2) A certificate under the hand of any person authorised in that behalf by the Authority stating the amount of the cost of making good such damage shall, without proof of signature, be prima facie evidence of such cost.

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45. The Government, the Authority, a local authority or any other body or person responsible for the maintenance of any public highway under this Decree shall not incur any civil liability in respect of any injury, damage or loss which may accrue to any person or property through the failure of any such public highway or ferry to sustain any vehicle.

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taxes
uties.

46. The Authority shall be exempted from such taxes and duties as the Commissioner responsible for Finance may, with the approval of the National Redemption Council, prescribe.

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acts.

47. (1) Unless otherwise directed by the Commissioner, the Government shall be responsible for such liabilities as may have been incurred by the Public Works Department before the commencement of this Decree in respect of any functions to be performed by the Authority under this Decree.

(2) Subject to subsection (1) of this section, any matter relating to continued contracts shall be carried out on and after that date by the Authority as if the Authority entered into those contracts.

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48. Any enactment in force at the coming into force of this Decree shall have effect with such modifications as may be necessary to give effect to the provisions of this Decree.

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49. No District Council shall exercise any of the functions under sections 42, 43 and 45 and the First Schedule of the Local Government Act, 1971 (Act 359) in relation to any public highway or ferry except where the power of control, management or protection in relation to such highway or ferry is delegated to it under section 3 of this Decree.

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50. (1) No District Council shall exercise the power to make bye-laws under section 11 of the Road Traffic Ordinance, 1952 (No. 55) in relation to any public highway except in relation to any highway or part thereof the control, management or protection of which has been delegated to it under section 3 of this Decree.

Modifications of Road Traffic Ordinance, 1952 (No. 55).

(2) In sub-section (1) of section 33 of the said Ordinance for the words "the Commissioner may make regulations" there is hereby substituted the words "the Commissioner may, by legislative instrument, acting on the recommendations of the Ghana Highway Authority, make regulations."

51. The Criminal Code, 1960 (Act 29) is hereby amended by the substitution for the words "Engineer-in-Chief of Public Works" appearing in paragraphs (17) and (20) of section 296 of the words "Ghana Highway Authority."

Criminal Code, 1960 (Act 29) amended.

52. (1) In this Decree unless the context otherwise requires—

Interpretation.

"Authority" means the Ghana Highway Authority established by section 1 of this Decree;

"Chief Executive" means the Managing Director;

"Commissioner" means the Commissioner responsible for Works;

"public highway" means a public way or strip of land open to the public for 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;

"construction" means supervising, inspecting, and actual building, including locating, surveying, and mapping, and elimination of hazards of railway-grade crossings;

"maintenance", in the case of a public highway, means the preservation of the entire highway, including surface, shoulders, roadsides, structures and such traffic-control devices as are necessary for the safe and efficient utilization of the highway;

"vehicle" has the same meaning as it has in the Road Traffic Ordinance, 1952 (No. 55).

(2) For the purposes of sections 5 and 44 of this Decree, the weight of a vehicle which is drawing any other vehicle shall be deemed to be the gross weight of that vehicle and the vehicle or vehicles drawn by it.

GHANA HIGHWAY AUTHORITY DECREE, 1974

- Repeals.** 53. The following enactments are hereby repealed:—
- (a) sections 4, 5, 6, 8, 9 and paragraphs (o), (p), (q) and (w) of section 11 of the Towns Ordinance (Cap. 86);
 - (b) sections 12, 13, 14, 15 and 16 of the Road Traffic Ordinance.
- Transitional provisions.** 54. Any act lawfully done by any person under section 12, 13, 14 or 16 of the Road Traffic Ordinance, 1955 shall, after the commencement of this Decree be deemed to be the act of the Authority.
- Commencement.** 55. This Decree shall come into force on such day as the Chairman of the National Redemption Council may, by legislative instrument, appoint.

Made this 7th day of November, 1974.

COLONEL I. K. ACHEAMPONG
Chairman of the National Redemption Council

Date of Gazette notification: 15th November, 1974.

PRINTED BY THE GHANA PUBLISHING CORPORATION (PRINTING DIVISION)
ACCRA-TEMA, GHANA

GPC/A351/4,900/10/74

Price 20p