

NATIONAL ROAD SAFETY AUTHORITY ACT, 2019 (ACT 993)

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REPUBLIC OF GHANA

**THE NINE HUNDRED AND NINETY-THIRD
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
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.

DATE OF ASSENT: 2nd August, 2019.

PASSED by Parliament and assented to by the President:

Establishment of the National Road Safety Authority

Section 1—Establishment of the Authority

- (1) There is established by this Act the National Road Safety Authority as a body corporate with perpetual succession.
- (2) In 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 landed property, the landed property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Section 2—Object of the Authority

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

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

Section 3—Functions of the Authority

(1) To achieve the object under section 2, the Authority shall—

- (a) develop a long term plan for the promotion of road safety and the reduction of road traffic crashes, fatalities 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) collaborate with other relevant agencies to co-ordinate, monitor and evaluate road safety activities, programmes and strategies;
- (e) develop and maintain a comprehensive database on road safety for the information of the public;
- (f) collaborate with other relevant agencies to promote studies, research, surveys and analysis for road safety improvement and publish reports and information relating to road safety;
- (g) ensure compliance with laid down road safety standards and procedures for the development, use and provision of road safety related infrastructure, service or undertaking;
- (h) collaborate with the Building and Road Research Institute, the Standards Authority and other bodies with relevant knowledge and expertise in road safety to develop standards for road safety equipment and ensure compliance with the standards;
- (i) 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 minimise road traffic crashes, fatalities and injuries;
- (j) recommend to the Minister the minimum standards and guidelines for the delivery of quality road transport services by all categories of road users that the Authority may consider necessary;
- (k) establish the procedure and standards 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;
- (l) collaborate with the Driver and Vehicle Licensing Authority, road agencies, enforcement agencies, District Assemblies and 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, fatalities and injuries in the design, construction and use of public roads;
- (m) receive complaints and investigate violations of road safety standards, Regulations and best practices and advise the Minister on the measures required to prevent or minimise the road safety risks;

- (n) monitor the importation and sale of road safety equipment or devices for the safe use of roads;
 - (o) collaborate with relevant foreign and international bodies to achieve the object of this Act;
 - (p) ensure institutional compliance with procedures and standards related to road safety; and
 - (q) perform any other relevant function for the attainment of the object of the Authority.
- (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.

Section 4—Governing body of the Authority

- (1) The governing body of the Authority is a Board consisting of—
- (a) a chairperson;
 - (b) one representative each of the
 - (i) Ministry responsible for Transport, not below the rank of a Director nominated by the Minister;
 - (ii) Ministry responsible for Roads not below the rank of a Director nominated by the Minister responsible for Roads;
 - (iii) Ministry responsible for Education, not below the rank of a Director nominated by the Minister responsible for Education; and
 - (iv) Office of the Attorney-General, not below the rank of a Chief State Attorney nominated by the Attorney-General;
 - (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 from the—
 - (i) Driver and Vehicle Licensing Authority nominated by the Minister responsible for Transport;
 - (ii) Local Government Service nominated by the Minister responsible for Local Government; and
 - (iii) National Insurance Commission nominated by the Minister responsible for Finance;
 - (f) one representative from the
 - (i) Ghana Standards Authority nominated by the Authority; and
 - (ii) Ghana Insurers Association nominated by the Association; and
 - (g) one communication specialist nominated by the National Media Commission.

(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.

Section 5—Tenure of office of members of the Board

(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 by letter 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 another person to complete the unexpired term in accordance with this Act.

Section 6—Meetings of the Board

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

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

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

(4) The chairperson shall preside at a meeting 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) A matter 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 meetings of the Board.

Section 7—Disclosure of interest

(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 deliberations of the Board in respect of that matter.

(2) Where in the course of deliberations of the Board, a member of the Board or another member realises that the member or a member has an interest in a matter that is to be or is being considered, that member who has the interest shall—

(a) disclose to the Board orally, the nature of the interest;

(b) be recused from the deliberations of the Board in respect of the matter; and

(c) not participate in the deliberations of the Board in respect of the matter.

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

(4) Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefit derived by the member who contravenes subsection (1) or (2) in addition to the revocation of the appointment of the member.

Section 8—Establishment of committees

(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.

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

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

Section 9—Allowances

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.

Section 10—Policy directives

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

Administrative Provisions

Section 11—Directorates of the Authority

(1) The Authority shall, for the effective performance of the functions under this Act, have directorates.

(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
- (d) Regulatory, 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.

Section 12—Regional offices of the Authority

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

(2) A Regional Road Safety Director shall head the office of the Authority in a region.

(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.

(5) The regional office of the Authority shall collaborate with the Road Safety Unit of the Metropolitan, Municipal and District Assemblies for the purpose of the establishment of road safety committees in the districts.

Section 13—Appointment of the Director-General

(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.

Section 14—Functions of the Director-General

(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.

Section 15—Road safety inspectors

(1) The President shall, in accordance with article 195 of the Constitution, appoint road safety inspectors for the Regulatory 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 road transport sector to—

(a) inspect the premises and equipment of road transport operators,

(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 standard, procedure, rule or regulation that is reasonably required for the endeavour is being complied with;

(b) 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, equipment or a device by means of or in relation to which it is believed that a road safety standard, procedure, rule, regulation or a provision of this Act or any other enactment has been contravened.

Section 16—Qualification of a road safety inspector

A person is qualified for appointment as a road safety inspector if that person holds a minimum qualification of Higher National Diploma in a relevant subject area determined by the Board.

Section 17—Secretary to the Board

(1) The Director-General shall, acting in consultation with the Board, designate a person appointed under section 18 who is not below the rank of a Deputy Director 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.

Section 18—Appointment of other staff

- (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, 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 the functions of the Authority.

Financial Provisions

Section 19—Funds of the Authority

- (1) The funds of the Authority include
 - (a) moneys approved by Parliament;
 - (b) two and a half percent of traditional sources 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;
 - (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 Driver and Vehicle Licensing Authority as approved on an annual basis by the Minister and the Minister responsible for Finance;
 - (d) a percentage of moneys accruing to the National Insurance Commission in respect of insurance stickers for motor insurance, as determined on annual basis by the National Insurance Commission and the Ghana Insurers Association in consultation with the Authority;
 - (e) loans and grants obtained for the Authority with the approval of the Minister responsible for Finance; and
 - (f) internally generated funds.
- (2) For the purpose of paragraph (d) of subsection (1), the Authority, the National Insurance Commission and the Ghana Insurance Association shall meet annually for the review of—
 - (a) insurance stickers determined for motor insurance; and
 - (b) the beneficiaries of moneys accruing to the National Insurance Commission in respect of insurance stickers for motor insurance.

Section 20—Borrowing powers of the Authority

Subject to article 181 of the Constitution and section 76 of the Public Financial Management Act, 2016 (Act 921), the Authority may obtain a loan or other credit facility from a bank or any other financial institution which may be guaranteed by the Government.

Section 21—Bank account of the Authority

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

Section 22—Expenses of the Authority

The expenses of the Authority shall be paid from moneys provided for the Authority under section 19.

Section 23—Budget estimates

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

Section 24—Accounts and audit

(1) The Authority shall keep the books, records, [sic]retuns 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,

(a) audit the accounts and submit the report to Parliament; and

(b) 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.

Section 25—Annual report and other reports

(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 thirty days 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

Section 26—Conduct of investigation into road transport systems

(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 or a standard that constitutes a threat or risk to public safety.

(2) The Authority may, in collaboration with other relevant agencies, investigate road traffic crashes that the Authority considers necessary to establish the contributory cause or lapse in road safety operational standards and make recommendations to the Minister for implementation.

(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.

Section 27—Compliance notice

(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, buildings 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 or the [sic]physical condition of the driver in relation to driving and road safety; or
- (d) the quality of service being rendered by a road transport service provider

constitutes a road safety threat or risk to motorists and pedestrians, the Authority may serve on a person, an organisation or institution responsible a compliance notice that requires that person, organisation or institution to comply with existing procedures and standards or necessary best practices to prevent or reduce threat or risk to the road safety.

(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 activity or undertaking.

(3) A compliance notice shall specify

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

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

Section 28—Enforcement of directives of the Authority

Where the Authority, before or after an investigation, gives a directive that requires a person to carry out or refrain from carrying out an activity or undertaking within a specified period and the person fails to comply with the directive of the Authority, within the specified period, the Authority may apply to a court for an enforcement of the directive.

Section 29—Collaboration with Authority

(1) A person authorised by an enactment to grant a licence for the provision of road transport services shall collaborate with the Authority in the performance of the functions of the Authority.

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

Section 30—Access to information

A person, an institution or organisation shall, on request, provide the Authority with information or records that the Authority reasonably requires to ensure road safety.

Section 31—Public education

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

(a) initiate, develop and conduct 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 people;

(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.

(2) The Authority may grant approval for—

(a) a road safety initiative;

(b) a road safety educational programme;

(c) a road safety advertisement; and

(d) a road safety campaign.

Miscellaneous Provisions

Section 32—Offences and penalties

(1) A person who—

(a) disregards a compliance notice issued by the Authority under subsection (1) of section 27, or

(b) acts contrary to a directive from the public agency concerned is liable to pay to the Authority an administrative penalty of not less than five thousand penalty units and not more than ten thousand penalty units as determined by the Authority.

(2) A person who fails to comply with the request to provide information under section 30 is liable to pay to the Authority an administrative penalty of not less than two thousand penalty units and not more than five thousand penalty units as determined by the Authority.

(3) A person who fails to

(a) comply with safety standards established by the Authority or any other relevant authority;

(b) carry out any recommendation or measure of the Authority calculated to prevent road traffic crashes involving vehicles on the road; or,

(c) comply with 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, is liable to pay to the Authority an administrative penalty of not less than five thousand penalty units and not more than twenty thousand penalty units as determined by the Authority in the first instance and a further administrative penalty of ten percent of the administrative penalty determined by the Authority for each day that the administrative penalty remains unpaid.

(4) A person, an institution or an organisation that makes a return or provides information to the Authority which is false in any material particular is liable to pay to the Authority an administrative penalty of not less than two thousand penalty units and not more than ten thousand penalty units as determined by the Authority.

(5) 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 two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than two years and not more than three years or to both.

(6) An administrative penalty imposed under this Act by the Authority shall be a debt due from that person to the Authority and shall in the case of a principal officer of a body corporate or any other person, be recoverable by personal action against the principal officer of that body corporate or that other person if the debt is not paid within sixty days after demand as determined by the Authority.

Section 33—Regulations

The Minister shall, within twelve months after the date of the coming into force of this Act, in consultation with the Board, by legislative instrument, make Regulations

(a) to prescribe conditions for the approval of road safety initiatives, programmes, advertisements, campaigns [sic]and 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;

(e) to provide for the operations of road transport operators and related service providers;

(f) to prescribe the procedure for issuing permits and licences to road transport operators and related service providers; and

(g) generally for the effective implementation of this Act.

Section 34—Interpretation

In this Act, unless the context otherwise requires,

"activity" means an undertaking;

"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;

(g) National Disaster Management Organisation; and

(h) 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" include the Motor Traffic and Transport Directorate of the Ghana Police Service;

"injury" means an injury resulting from a road traffic crash where

(a) in the case of a minor 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 health care facility 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 procedure, standard, practice or operation 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" includes the Ghana Highway Authority, Department of Urban Roads and Department of Feeder Roads;

"road safety inspector" means a person appointed under section 15 of this Act;

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

"road transport service provider" means a person, an institution or organisation which provides passenger or road freight transport services; and

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

Section 35—Repeal and savings

(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.

Section 36—Transitional provisions

(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: 2nd August, 2019.