

*IN THE FOURTH SESSION OF THE THIRD
PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA*

**REPORT OF THE COMMITTEE ON
ROADS & TRANSPORT**

ON THE

**ROAD TRAFFIC (AMENDMENT)
BILL**

JUNE 2004

1.0 INTRODUCTION

Pursuant to Article 103 of the 1992 Constitution of Ghana and Standing Order No.188 of the House, the Road Traffic (Amendment) Bill was laid before Parliament on Tuesday, 2nd December 2003 and accordingly referred to the Committee on Roads & Transport for consideration and report.

1.2 The Committee, in its deliberations, met with officials from the Ministry of Roads and Transport, Ministry of Finance, Controller and Accountant General's Department, Mrs Ofori-Boateng of the Attorney General's Department and the following stakeholders in the transport industry and road safety activities:

- i. Motor Traffic and Transport Unit (MTTU) of the Ghana Police Service
- ii. Progressive Road Transport Owner's Association (PROTOA)
- iii. Ghana Road Transport Co-ordinating Council (GRTCC)
- iv. Driver and Vehicle Licensing Authority (DVLA)
- v. National Road Safety Commission (NRSC)
- vi. Accra Metropolitan Assembly (AMA)
- vii. Tema Municipal Assembly (TMA)
- viii. Ghana National Bureau of Brown Card
- ix. The 24 Hour Towing Services

2.0 REFERENCE DOCUMENTS

The Committee availed itself of the following documents in its deliberations:

- i. The 1992 Constitution of the Republic of Ghana.
- ii. The Standing Orders of the House.
- iii. The Road Traffic Ordinance, 1952 (No.55).
- iv. The Road Traffic Offences Regulations, 1974 (No.952)
- v. The Road Traffic Regulations, 1974 (No.953)

3.0 PURPOSE OF THE BILL

The Road Traffic (Amendment) Bill seeks to amend the Road Traffic Ordinance, 1952 (No.55) in order to provide for spot fine for specified minor traffic offences.

4.0 BACKGROUND INFORMATION

The Road Traffic Ordinance of 1952 has over the years, been the only law relied on to deal with the misbehaviour of motorists on our roads and the use of our roads. This Ordinance has since its enactment been amended several times to address the deficiencies and inconsistencies in the law and to incorporate new provisions to enhance motor traffic regulations and its enforcement.

In spite of the many measures adopted to discipline drivers who breach the rules and regulations relating to motor traffic and the use of the road, motorists still flout these regulations with impunity resulting in the high fatality rate on our roads.

Thus, the introduction of "Spot Fine" aims at:

- ❖ dealing expeditiously with and reducing the level of indiscipline among motorists and other road users.
- ❖ increasing compliance with Road Traffic Regulations in the country.
- ❖ facilitating and quickening the administration of justice for traffic offenders and reducing the pressure on the police and the courts with respect to the processing and adjudication of minor traffic offences.

5.0 OBSERVATIONS AND RECOMMENDATIONS

In deliberating on the Bill the Committee observed that:

- a. the road safety situation in Ghana is a serious problem which needs to be looked at critically. Statistics available to NRSC indicate that ninety-eight (98) deaths were recorded through road accidents from January 2003 to March 2003 in the Ashanti

Region alone as against one hundred and eighty-seven (187) deaths recorded from January to March this year. Records also indicate that an average of one hundred and twenty-four (124) people die on our roads every month. Most of the causes of these accidents are avoidable minor traffic offences. Lives are being lost every now and then because of the negligence of drivers on our roads.

Despite the alarm being raised by the increasing death toll on our roads, motorists still keep to their bad driving habits. Thus, there is an urgent need for measures to be put in place to ensure the enforcement of road traffic regulations.

- b. the use of spot fines has been in existence in the legislative history of Ghana since 1983. By the Road Traffic (Amendment) Law (P.N.D.C.L.43), the Road Traffic Ordinance No.55 of 1952, which is still the main law on road traffic, was amended to allow new regulations to be made that permitted the imposition of civil penalties by authorized police officers for motor traffic offences instead of pursuing court actions.

Under that law, the police officer had the choice to impose a civil fine or pursue a criminal action in respect of a motor traffic offence depending on the seriousness of the offence. Where the offender is able to pay the fine, no criminal action was

pursued. The implementation of that law was however discontinued after a few months without it being repealed.

On the contrary, this new amendment seeks to give the offender the right to make a choice as to whether to pay a penalty on the spot or to have a criminal action taken against him. Once payment is made, no court action will follow. However, where the offender refuses to pay the penalty or denies committing the offence, a court process would be set in motion by the police officer who witnessed the offence.

It is therefore the opinion of the Committee that the repeal of the Road Traffic (Amendment) Law, 1983 (P.N.D.C.L.43) as contained in paragraph 2 of the Bill will not create any vacuum since the new Amendment will take care of the objective of that law.

- c. since the procedure of arrest and treatment of motor traffic offenders are about the same as other criminal cases, there is the need to reduce the number of road traffic offences taken to our courts which are already choked with civil and criminal cases. Most of these traffic offences being prosecuted are usually minor traffic offences such as "jumping of red traffic lights, driving at night without proper lighting, parking at unauthorized places," etc. These are avoidable traffic offences,

and offenders should be made to pay fines on the spot rather than the unending hours the offender and the police have to spend in settling these cases at the courts.

Thus, the introduction of the spot fine will reduce the pressure on the courts in terms of the number of cases they have to deal with.

- d. the Bill stipulates that a police officer of the rank of an Inspector or above may impose a spot fine on a person who commits any of the specified Road Traffic offences. It further indicates that the offence should be committed in the presence of a police officer.

The Committee however noted that there are currently only about one hundred and sixty (160) police officers of the rank of an Inspector in the Police Service. This means that police officers of the rank of Inspectors in the MTTU are thinly spread out within the country. The Committee was therefore of the opinion that, the cut-off point for the rank of a police officer who can impose a spot fine should be from the rank of a Sergeant. This situation would increase the number of police officers who can impose a spot fine and thereby increase the level of enforcement of road traffic regulations and also reduce motor traffic accidents.

Again, the Committee was of the view that since police officers have other statutory obligations to fulfil other than enforcing road traffic regulations, a mechanism should be put in place whereby trained personnel would be recruited to supplement the work of the police in enforcing motor traffic regulations. However, these personnel selected for such an exercise should be of high repute and good character.

Finally, the Committee urges the government to institutionalize the Motor Traffic Unit within the MTTU in order to have dedicated motor traffic policing in the country.

6.0 AMENDMENTS PROPOSED

In view of the observations and recommendations made above, the Committee proposes the following amendment:

Section 32A(1)

1. Insert "*not below the rank of a Sergeant or any other person authorized by the Minister*" after "*officer*" in line one (1) and delete "*of the rank of an Inspector or above*".
2. Delete "*may*" in line two (2) and insert "*shall*".


Thus, Section 32A(1) will read as:


"A police officer not below the rank of a Sergeant or any other person authorized by the Minister shall impose a spot fine on a person who commits an offence provided for in Regulations made under this Ordinance where"

7.0 CONCLUSION

The level of indiscipline among drivers on our roads leaves much to be desired. There is therefore the need for concerted efforts by all to ensure compliance of road traffic regulations. This, when done, will reduce the level of indiscipline on our roads, prevent many minor traffic offences that leads to serious accidents and above all, save lives.

Accordingly, the Committee recommends to the House for passage, the Road Traffic (Amendment) Bill.


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HON. S. K. SARFOH
(CHAIRMAN, COMMITTEE ON
ROADS & TRANSPORT)


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ABIGAIL ABA ANSO (Ms.)
(CLERK TO THE COMMITTEE)

15TH JUNE 2004