



REPUBLIC OF GHANA

**ROAD MAINTENANCE
TRUST FUND ACT, 2025
(ACT 1147)**

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REPUBLIC OF GHANA

THE ONE THOUSAND ONE HUNDRED AND FORTY-SEVENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

ROAD MAINTENANCE TRUST FUND ACT, 2025

AN ACT to establish the Road Maintenance Trust Fund to provide sustainable financing for the maintenance and rehabilitation of public roads, bridges and related infrastructure in the country and for related matters.

DATE OF ASSENT: 14th August, 2025.

PASSED by Parliament and assented to by the President:

Road Maintenance Trust Fund

Establishment of the Road Maintenance Trust Fund

1. (1) There is established by this Act, the Road Maintenance Trust Fund as a body corporate.

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

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

Object of the Fund

2. The object of the Fund is to provide sustainable financing for the maintenance and rehabilitation of public roads, bridges and related infrastructure in the country.

Functions of the Fund

3. To achieve the object under section 2, the Fund shall

- (a) finance routine, periodic and emergency maintenance and rehabilitation of public roads, bridges and related infrastructure in the country as determined by the Minister;
- (b) allocate resources to implementing agencies using a formula-based system that ensures equity, efficiency and transparency as determined by the Minister;
- (c) support the preparation and harmonisation of Annual Maintenance Plans by implementing agencies;
- (d) prioritise performance-based road maintenance contracts and ensure that disbursements of moneys of the Fund are linked to independently verified performance outputs;
- (e) fund climate-resilient and environmentally sustainable road maintenance solutions including drainage, slope protection and the use of green materials, based on guidelines issued by the Minister;
- (f) support inclusive road maintenance programming that enhances employment for women, the youth and vulnerable groups and improves accessibility for persons with disabilities;
- (g) establish systems for the receipt of feedback from citizens, including a public dashboard and mobile platforms for the purposes of
 - (i) submission of reports on the condition of public roads, bridges and related infrastructure; and
 - (ii) monitoring the execution of road maintenance works;
- (h) prepare periodic reports and annual performance audits on the operations of the Fund;

- (i) promote performance-based and timely maintenance to preserve public roads, bridges and related infrastructure;
- (j) ensure the equitable distribution of moneys of the Fund for the maintenance and rehabilitation of public roads, bridges and related infrastructure in the regions and districts;
- (k) integrate digital and transparent fund management systems;
- (l) contribute to public safety and economic efficiency through improved conditions of public roads, bridges and related infrastructure;
- (m) support District Assemblies through relevant implementing agencies in the regions in executing the maintenance of public roads, bridges and related infrastructure;
- (n) facilitate citizen oversight and performance monitoring for public roads, bridges and related infrastructure; and
- (o) perform any other function ancillary to the attainment of the object of the Fund.

Governance of the Fund

Board of Trustees

4. (1) The governing body of the Fund is a Board of Trustees consisting of

- (a) the Minister as chairperson, or a person nominated by the Minister as chairperson;
- (b) the Administrator;
- (c) a representative of the Ministry, not below the rank of a Director, nominated by the Minister;
- (d) a representative each of the Ministries responsible for
 - (i) Finance,
 - (ii) Local Government,
 - (iii) Transport, and
 - (iv) Roads and Highwaysnot below the rank of a Director, nominated by the respective Ministers;
- (e) a representative from the Office of the Attorney-General not below the rank of Chief State Attorney, nominated by the Attorney-General;

- (f) a representative each of the following:
 - (i) the Association of Road Contractors, Ghana, nominated by the Association of Road Contractors, Ghana;
 - (ii) the Ghana Institution of Engineering, nominated by the Ghana Institution of Engineering;
 - (iii) the Ghana Institution of Surveyors, nominated by the Ghana Institution of Surveyors;
 - (iv) a road user, nominated by the Minister; and
 - (v) civil society organisations with expertise in road infrastructure governance, nominated by the Minister; and
- (g) three other persons nominated by the President, at least two of whom are women.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board of Trustees.

(3) The President shall, in appointing the members of the Board of Trustees, have regard to the knowledge, expertise and experience of a person, and in particular, knowledge in matters relevant to the functions of the Fund.

Functions of the Board of Trustees

5. The Board of Trustees shall

- (a) exercise general oversight responsibility for the strategic direction of the Fund;
- (b) approve annual budgets and disbursement schedules;
- (c) ensure compliance with financial regulations and performance benchmarks;
- (d) promote transparency, accountability and stakeholder engagement;
- (e) approve procedures for allocation and withdrawal of moneys from the Fund;

- (f) issue operational guidelines consistent with this Act and Regulations made under this Act; and
- (g) ensure the effective and efficient performance of the functions of the Fund.

Duties and liabilities of a member of the Board of Trustees

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

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

- (a) to act honestly and in the best interest of the Fund in the performance of the functions of the Fund;
- (b) to exercise the degree of care and diligence in the performance of functions that a person in that position would reasonably be expected to exercise in the circumstances;
- (c) not to disclose information acquired in the capacity of the member as a member of the Board of Trustees to any person or make use of that information, except in the performance of functions;
- (d) not to abuse the position of the office; and
- (e) not to pursue personal interests at the expense of the Fund.

(3) A member of the Board of Trustees who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than twenty thousand penalty units.

(4) Where a court determines that the Fund has suffered a loss or damage as a result of the act or omission of a member of the Board of Trustees, the court may, in addition to the imposition of a fine, order the member to pay appropriate compensation to the Fund.

Tenure of office of members of the Board of Trustees

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

(2) Subsection (1) does not apply to the Administrator.

(3) A member of the Board of Trustees may, at any time, resign from office in writing, addressed to the President through the Minister.

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

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

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

(7) Where there is a vacancy

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

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

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

the Minister shall notify the President of the vacancy and the President shall appoint another person to fill the vacancy for the unexpired term.

Meetings of the Board of Trustees

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

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

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

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

(5) Matters before the Board of Trustees 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 of Trustees may co-opt a person with relevant expertise to attend a meeting of the Board of Trustees but that person shall not vote on any matter for decision at the meeting.

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

(8) Subject to this section, the Board of Trustees may determine the procedure for the meetings of the Board of Trustees.

Disclosure of interest

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

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

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

(2) A member ceases to be a member of the Board of Trustees if that member has an interest in a matter before the Board of Trustees and

(a) fails to disclose that interest; or

(b) is present at or participates in the deliberations of the Board of Trustees in respect of that matter.

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

Establishment of committees

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

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

(3) Without limiting subsection (1), the Board of Trustees shall establish the following committees:

- (a) Technical Committee;
- (b) Finance Committee;
- (c) Risk Committee; and
- (d) Monitoring and Evaluation Committee.

(4) The Board of Trustees shall determine the composition and functions of the committees established under subsection (3).

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

Allowances

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

Policy directives

12. The Minister may, in writing, give directives to the Board of Trustees on matters of policy in line with the object and functions of the Fund and the Board of Trustees shall comply.

Administrative Provisions

Divisions, directorates, departments and units of the Fund

13. (1) The Fund may establish divisions, directorates, departments and units of the Fund as determined by the Board of Trustees for the effective and efficient performance of the functions of the Fund.

(2) The Fund may, as determined by the Board of Trustees, merge or realign any division, directorate, department or unit as may be necessary for the effective and efficient performance of the functions of the Fund.

Offices of the Fund

14. (1) The Fund may, on the recommendation of the Board of Trustees, establish regional offices of the Fund as determined by the Board of Trustees.

(2) A regional office shall perform functions of the Fund as the Board of Trustees may direct.

Appointment of Administrator

15. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Administrator for the Fund.

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

Functions of the Administrator

16. (1) The Administrator

- (a) is responsible for the day-to-day administration of the affairs of the Fund;
- (b) shall ensure the implementation of the decisions of the Board of Trustees; and
- (c) shall perform any other function assigned by the Board of Trustees.

(2) The Administrator may, in writing, delegate a function of the Administrator to an officer of the Fund but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Deputy Administrator

17. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Administrator for the Fund.

(2) The Deputy Administrator shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Administrator

18. The Deputy Administrator shall

- (a) assist the Administrator in the performance of the functions of the Administrator;
- (b) act in the absence of the Administrator; and
- (c) perform any other function that may be assigned by the Administrator.

Secretary to the Board of Trustees

19. (1) The Board shall designate a staff of the Fund as secretary to the Board of Trustees.

(2) The Secretary shall

- (a) provide administrative and secretarial support to the Board of Trustees;

- (b) issue notices of meetings of the Board of Trustees and keep records of the proceedings of the Board of Trustees;
- (c) maintain a register of minutes, decisions and resolutions of the Board of Trustees;
- (d) ensure the custody and efficient archiving of all official records and documents of the Board of Trustees;
- (e) facilitate communication between the Board of Trustees, the implementing agencies and relevant stakeholders;
- (f) coordinate documentation required for the reporting, compliance and oversight functions of the Board of Trustees; and
- (g) perform any other function as the Board of Trustees may direct.

Appointment of other staff

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

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

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

Internal Audit Unit

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

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

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

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

- (a) prepare and submit to the Board of Trustees a report on the

internal audit carried out during the period of three months immediately preceding the preparation of the report; and

- (b) make recommendations in each report with respect to matters necessary for the conduct of the affairs of the Fund.

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

Financial Provisions

Moneys of the Fund

22. The sources of moneys for the Fund include

- (a) moneys approved by Parliament;
- (b) a road maintenance levy on petroleum products as determined by Cabinet with the approval of Parliament;
- (c) tolls collected on public roads and bridges;
- (d) vehicle registration and inspection fees;
- (e) transit fees from foreign carriers;
- (f) axle-load penalties; and
- (g) donations, grants and gifts.

Prohibition on investment

23. The moneys of the Fund shall not be invested, securitised or subjected directly or indirectly to any form of financial arrangement.

Bank account of the Fund

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

Expenses of the Fund

25. The expenses of the Fund shall be charged on the Fund.

Withdrawal of moneys from the Fund

26. (1) Moneys shall not be withdrawn from the Fund unless the withdrawal is jointly authorised by

- (a) the Administrator; and
- (b) the chairperson of the Board of Trustees or a member of the Board of Trustees designated in writing by the Board of Trustees for this purpose.

(2) Where a withdrawal is executed through an electronic system, the system shall ensure dual approval, incorporating appropriate audit trails and internal controls.

Exemption from taxes

27. Subject to article 174 of the Constitution and the Exemptions Act, 2022 (Act 1083), the Fund is exempt from the payment of taxes that the Minister responsible for Finance may, in writing, determine with the prior approval of Parliament.

Accounts and audit

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

(2) The Board of Trustees shall submit the accounts of the Fund 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 of the Fund and forward a copy of the report to the Minister and the Board of Trustees.

(4) Despite the responsibilities of the Internal Audit Unit or any other body under this Act, the Auditor-General shall

- (a) confirm that proper books of accounts have been maintained;
- (b) verify that all payments made are consistent with authorised expenditure;
- (c) assess the effectiveness of internal controls; and
- (d) include in the audit report of the Auditor-General an opinion on the conformity of disbursement procedures with this Act.

(5) The financial year of the Fund shall be the same as the financial year of the Government.

Annual report and other reports

29. (1) The Board of Trustees 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 Fund for the year to which the report relates.

- (2) The annual report shall include
 - (a) the report of the Auditor-General;
 - (b) an assessment of the targets of the Fund; and
 - (c) a summary of challenges and feedback from stakeholders and recommendations to improve the efficiency and effectiveness of the Fund.
- (3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.
- (4) The Board of Trustees shall submit to the Minister any other report that the Minister may require in writing.

Road Maintenance Activities

Classification of road maintenance activities

30. (1) For the purposes of this Act, road maintenance activities shall be classified into the following categories:

- (a) routine maintenance;
 - (b) periodic maintenance;
 - (c) emergency maintenance; and
 - (d) rehabilitation works.
- (2) The Minister shall,
 - (a) in consultation with the implementing agencies, determine the various activities that constitute each category of maintenance under subsection (1), and
 - (b) publish the list of activities under paragraph (a) in the *Gazette*.
 - (3) The Minister shall, in consultation with implementing agencies, develop and publish operational guidelines for
 - (a) the planning, prioritisation and implementation of each category of maintenance activity;
 - (b) the procurement procedures applicable to each category of maintenance activity; and
 - (c) the technical and performance standards to be applied to each category of maintenance activity.

(4) The Fund shall ensure that all implementing agencies incorporate the classification under subsection (1) into the Annual Maintenance Plans of the implementing agencies submitted to the Fund.

(5) The Fund shall prioritise disbursements of moneys from the Fund in accordance with the classification under this section, with regard to

- (a) technical audits;
- (b) equity criteria; and
- (c) emergency response needs.

Allocation and Disbursement of Funds

Allocation of moneys from the Fund

31. (1) The Board of Trustees shall allocate at least ninety per cent of the annual revenue accruing to the Fund exclusively for routine, periodic and emergency road maintenance and rehabilitation activities.

(2) The remaining moneys of the Fund shall be used solely for administrative costs, technical support and capacity building, provided that the total costs do not exceed five per cent of total disbursements from the Fund in any financial year.

Allocation criteria

32. (1) The Board of Trustees shall allocate funds to implementing agencies using an allocation formula comprising the following factors:

- (a) Road Condition Index;
- (b) the length of road network in a region;
- (c) the traffic load;
- (d) the climate and terrain vulnerability;
- (e) Equity and Access Index for underserved regions; and
- (f) institutional performance including audit and utilisation compliance.

(2) The Minister shall,

- (a) in consultation with implementing agencies, determine the weight to be assigned to each factor listed under subsection (1) every two years; and

(b) publish the weights under paragraph (a) in the *Gazette*.

(3) For the purposes of the application of the formula under subsection (1), the Board of Trustees shall, in consultation with the Minister, establish the Road Maintenance Allocation Unit.

(4) The Road Maintenance Allocation Unit shall

(a) coordinate with implementing agencies and relevant public bodies to collect and validate data necessary for the application of the formula;

(b) compute an annual allocation ceiling for each region in the country based on the weights determined and published under subsection (2); and

(c) prepare a composite scoring sheet for each financial year showing the scores, weights and allocation outcomes for each region.

(5) An implementing agency shall submit an Annual Maintenance Plan in accordance with the respective ceiling determined under subsection (4).

(6) Subsection (5) does not apply where the Board of Trustees grants a justified variation based on emergencies or exceptional performance.

(7) A regional allocation under subsection (4) shall not be adjusted or re-allocated unless authorised by the Minister in writing.

(8) The Board of Trustees shall, every two years, review the factors listed under subsection (1) and submit recommendations to the Minister on the revision of the factors and the corresponding weights assigned to each factor in the allocation formula.

Payment from the Fund

33. A payment for a road maintenance activity shall not be made outside an approved Annual Maintenance Plan unless the road maintenance activity was designated as emergency works by the Minister prior to the execution of the activity

(a) on the written advice of the Chief Director of the Ministry in consultation with the head of the implementing agency; and

- (b) subject to ex-post audit and inclusion in the next reporting cycle.

Release of moneys for emergency works

34. The Board of Trustees shall, in consultation with the Minister, develop a criteria for the release and monitoring of moneys for emergency road works.

Planning and Contracting Framework

Annual Maintenance Plan and funding criteria

35. (1) A disbursement from the Fund shall be based on an Annual Maintenance Plan submitted by an implementing agency and informed by an annual road condition survey.

(2) An Annual Maintenance Plan shall include

- (a) pavement condition indices;
- (b) traffic volumes;
- (c) cost-efficiency analysis; and
- (d) considerations of regional equity.

(3) The Fund shall develop and publish key performance indicators for the monitoring and evaluation of road maintenance activities.

(4) An implementing agency shall, not later than 30th September of each year, submit an electronic version of the Annual Maintenance Plan and a performance report to the Fund in a format determined by the Fund.

(5) An Annual Maintenance Plan submitted under this section shall be accompanied with

- (a) a detailed expenditure justification for each proposed project or activity;
- (b) projected revenue implications and traffic volumes for the roads covered;
- (c) a statement on equity and environmental considerations; and
- (d) a summary of stakeholder inputs received during the formulation of the Annual Maintenance Plan.

Performance-based maintenance contracts

36. (1) The Minister shall, in consultation with implementing agencies,

- (a) prioritise performance-based maintenance contracts; and

- (b) develop key performance indicators for performance-based contracts including
 - (i) pavement roughness;
 - (ii) response time to defects;
 - (iii) traffic disruption; and
 - (iv) durability metrics.
- (2) A performance-based contract shall be
 - (a) awarded in accordance with the Public Procurement Act, 2003 (Act 663);
 - (b) subject to annual technical audits; and
 - (c) linked to outcome-based disbursements verified by independent engineers or auditors.
- (3) The Fund shall not make a payment under a performance-based contract unless a performance and a payment certificate in relation to the contract has been issued by the relevant implementing agency.
- (4) The Fund shall, on an annual basis, prepare a list of contractors engaged under performance-based contracts, indicating
 - (a) the amounts paid to each contractor; and
 - (b) the performance scores achieved by each contractor.

Use of approved contract templates

37. (1) A road maintenance contract financed in whole or in part by the Fund shall be based on standard contract templates or model forms developed or approved by the Attorney-General in consultation with the Minister.

(2) An implementing agency shall not amend or depart from an approved contract template without the prior written consent of the Attorney-General given in consultation with the Minister.

(3) A road maintenance contract that deviates from an approved contract template, without the prior written approval of the Attorney-General given in consultation with the Minister, is void and unenforceable, and payment shall not be made under the contract from the Fund.

(4) The Fund shall not honour or reimburse any request for payment arising under a contract in contravention of this section.

*Oversight and Accountability****Public accountability and reporting**

38. (1) The Fund shall support mechanisms to solicit regular feedback from road users and members of the public on the condition and performance of road infrastructure.

(2) An implementing agency, in consultation with the Fund, shall conduct public hearings in each region at least once every two years, prior to the approval by the Fund of the Annual Maintenance Plan of the implementing agency.

(3) An implementing agency shall maintain a publicly accessible complaints resolution mechanism for the receipt and address of grievances related to road maintenance.

(4) The Fund shall establish and operate a dedicated mobile or other appropriate digital platform through which members of the public may report road defects and related conditions directly to the Fund.

Digital and institutional integration

39. (1) The Fund shall, as determined by the Minister, interface with national infrastructure systems including

- (a) the Ghana Integrated Financial Management Information System;
- (b) the Road Asset Management System; and
- (c) geographical information system platforms.

(2) The Fund shall, in consultation with the Minister, develop protocols for data sharing with

- (a) the Ministry; and
- (b) the Ministries responsible for
 - (i) Finance;
 - (ii) Local Government;
 - (iii) the Interior; and
 - (iv) Transport.

*Offences and Penalties***Misappropriation or unauthorised use of moneys from the Fund**

40. (1) A person shall not

- (a) misapply,

(b) divert, or

(c) use

any money from the Fund for a purpose not approved under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years, or to both.

Submission of false data or reports

41. (1) A person shall not knowingly submit false, misleading, manipulated data, reports, form, certificate or any other information or document for the purpose of

(a) obtaining moneys from the Fund; or

(b) influencing the allocation of moneys from the Fund.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than three thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years, or to both.

Failure to disclose conflict of interest

42. (1) An employee of the Fund shall disclose a material interest in a matter under consideration by the Fund.

(2) An employee who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than two years and not more than five years, or to both.

(3) For the purposes of subsection (1), "material interest" means any personal, financial or other beneficial interest held by a person that is significant enough to potentially influence the judgment, action or decision of the person in the performance of official duties or functions under the Act.

Withholding or non-submission of mandatory data

43. (1) A public officer or an officer of an implementing agency shall not, without reasonable excuse, fail to submit data, information, documentation or reports required for

(a) the application of the allocation formula; or

(b) the monitoring of the utilisation of moneys from the Fund.

(2) A public officer or an officer of an implementing agency who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than ten thousand penalty units.

Obstruction of audit or monitoring

44. (1) A person shall not obstruct, hinder or refuse to provide access to an authorised person to audit or monitor the operations of the Fund or an implementing agency.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than three years and not more than five years, or to both.

Unauthorised disclosure of confidential information

45. (1) A person shall not disclose or use confidential information obtained in the performance of functions under this Act for personal gain or to the detriment of the Fund or an implementing agency.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than three years and not more than five years, or to both.

Non-compliance with technical audit requirements

46. (1) An officer of an implementing agency shall comply with a request for documents, explanations or access made by a person who conducts a technical audit.

(2) An officer of an implementing agency who without reasonable cause fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than three years and not more than five years, or to both.

Submission of fraudulent performance certificate

47. (1) A contractor, a consultant or an officer of an implementing agency shall not submit a forged or fraudulent payment or performance certificate to secure disbursement of moneys from the Fund.

(2) A contractor, a consultant or an officer of an implementing agency who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years, or to both.

Tampering with road condition survey or maintenance data

48. (1) A person shall not intentionally manipulate, tamper with or fabricate results from a road condition survey or data of an Annual Maintenance Plan.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years, or to both.

Liability of body corporate

49. Where an offence under this Act is committed by a body corporate and the body corporate is convicted, a director, general manager, secretary or any other senior officer of that body corporate shall be deemed to have also committed that offence.

Miscellaneous Provisions

Publication of notices, guidelines and directives

50. (1) Where a provision of this Act or Regulations made under this Act requires publication of a notice, guidelines or a directive in the *Gazette*,

the Fund may, in addition to publication in the *Gazette*, publish the notice, guidelines or directive

- (a) in a daily newspaper of nationwide circulation;
- (b) on radio and television; and
- (c) on the website of the Fund.

(2) The Fund shall ensure that the notice, guideline or directive is accessible to members of the public and other relevant stakeholders.

Supervision at the district level

51. Technical personnel engaged in a road maintenance activity at the district level shall be subject to professional supervision and technical reporting to the respective implementing agencies in accordance with standards set by the Minister.

Technical audit

52. (1) The Fund shall commission independent technical audits of maintenance projects at least once every two years.

- (2) The audit findings shall be
- (a) submitted to Parliament through the Minister; and
 - (b) published on the website of the Fund.

(3) The Board of Trustees shall take corrective action based on recommendations from the technical audits.

Immunity from suit and attachment

53. (1) Despite anything to the contrary in any enactment, the moneys, properties and assets of the Fund shall not be subject to execution, attachment or seizure in satisfaction of any judgment, decree or order of a court relating to payment for a road maintenance contract.

- (2) The Fund shall not
- (a) enter into a contract for the execution of road maintenance activities financed by the Fund; and
 - (b) be liable for any act or omission arising under a contract referred to under paragraph (a).

- (3) The Fund shall
- (a) operate solely as a financial mechanism for the receipt, allocation and disbursement from the Fund for road maintenance; and

- (b) have no contractual obligations or liability relating to procurement, performance or disputes under a road maintenance contract.

(4) The immunity conferred under this section does not apply to contractual obligations that the Fund expressly and voluntarily undertakes in the name of the Fund to support the operations of the Fund, provided that the obligations are unrelated to road maintenance contracts and payments.

Regulations

54. The Minister may, by legislative instrument, make Regulations to provide for

- (a) procedures for the application and disbursement of moneys of the Fund;
- (b) technical standards for classification of road maintenance;
- (c) formats and timelines for submission of Annual Maintenance Plans;
- (d) minimum data quality standards for the allocation formula;
- (e) redress mechanisms;
- (f) sanctions for non-compliance with a notice, a guideline or a directive;
- (g) criteria and indicators for performance-based allocations;
- (h) modalities for data sharing among implementing agencies; and
- (i) any other matter necessary for the effective and efficient implementation of this Act.

Interpretation

55. In this Act, unless the context otherwise requires,

- “Administrator” means the person appointed under section 15;
- “allocation” means the assignment of moneys from the Fund to an implementing agency based on criteria established under this Act or Regulations made under this Act;
- “Annual Maintenance Plan” means the maintenance programme submitted annually by an implementing agency to the Fund, incorporating road condition assessments, cost estimates,

- traffic volumes, prioritised interventions and equity considerations, in accordance with the formats and criteria determined by the Fund in consultation with the Minister;
- “Board of Trustees” means the governing body of the Fund established under section 4;
- “bridge” means a permanent structure designed to carry a road, pedestrian walkway or other traffic infrastructure across an obstacle such as a river, ravine, valley, road or railway, including its approaches, abutments, piers, decks, parapets and guardrails;
- “climate and terrain vulnerability” means the susceptibility of road infrastructure to damage or deterioration due to climatic conditions and topographical features, assessed for the purposes of allocation of moneys from the Fund;
- “consultant” means a person or firm engaged to provide technical, advisory or monitoring services under this Act;
- “contractor” means a person or an entity engaged by an implementing agency under a contract to perform road maintenance activities financed in whole or in part by the Fund;
- “digital platform” means any information and communication technology system, mobile application or web-based interface developed or approved by the Fund for data collection, disbursement, public feedback or monitoring purposes;
- “disbursement” means the release or transfer of moneys from the Fund to an implementing agency, a contractor or a consultant in settlement of road maintenance activities or works executed pursuant to this Act;
- “District Assembly” includes a Metropolitan Assembly and a Municipal Assembly;
- “emergency maintenance” includes immediate and unplanned interventions required to restore road functionality, prevent danger to users or secure infrastructure following extreme events including flood damage restoration, landslides and collapsed structures;

“emergency works” include road maintenance activities designated by the Minister in accordance with section 33 as requiring urgent intervention;

“Fund” means the Road Maintenance Trust Fund established under section 1;

“Ghana Integrated Financial Management Information System” means the electronic platform used by the Government to

- (a) manage commitments made against appropriation;
- (b) process payment claims;
- (c) record revenue and expenditure transactions; and
- (d) produce monthly, quarterly and annual financial reports;

“implementing agency” means a public body or authority responsible for planning, procuring, or executing road maintenance activities under this Act including any other public entity designated by the Minister;

“independent engineer” means a professionally certified engineer not affiliated with an implementing agency or a contractor, engaged to verify performance for the purposes of disbursement, monitoring or audit under this Act;

“institutional performance” means the composite score of an implementing agency based on audit results, fund utilisation compliance, timely reporting and adherence to performance indicators under this Act;

“Minister” means the Minister responsible for Roads and Highways;

“Ministry” means the Ministry responsible for Roads and Highways;

“performance certificate” means a written confirmation issued by an independent engineer, auditor, or other designated monitoring authority, which certifies that road maintenance works under a road maintenance contract meet the specified service standards and key performance indicators or outputs required for disbursement;

- “performance-based maintenance contract” means a road maintenance contract under which the contractor is responsible for maintaining road assets to specified service standards for a defined period, and for which payment is linked to performance outputs rather than input quantities;
- “periodic maintenance” includes activities of a planned and cyclical nature aimed at restoring a road to the original or near-original condition of the road and extending the lifespan of a road including surface dressing, resealing and regravelling;
- “public dashboard” means a publicly accessible online platform managed by the Fund which provides real-time or periodic updates on maintenance activities, financial disbursements, project status, performance metrics and citizen feedback;
- “rehabilitation” includes road maintenance and construction-related interventions undertaken to restore a public road, bridge or related infrastructure that has deteriorated due to age, wear or external damage to a condition that meets the required serviceability standards, but excludes routine or periodic maintenance;
- “related infrastructure” means structures and systems that support or are integral to the operation and safety of roads and bridges including culverts, road signs, traffic signals, retaining walls, slopes, drainage systems and road furniture;
- “road” means a public road, a street or a highway designated by law or government authority for use by motor vehicles or pedestrians including the associated land, pavement, shoulders, medians and road reserves;
- “Road Asset Management System” means a digital platform used for tracking, monitoring and evaluating the condition and performance of road networks;
- “road assets” mean all physical components of a road network including roads, bridges and related infrastructure that are subject to maintenance, rehabilitation or upgrading under this Act;

- “Road Condition Index” means a composite measure used to quantify the surface condition of roads as determined by operational guidelines issued under this Act;
- “road condition survey” means a structured technical assessment conducted to determine the physical condition, performance and serviceability of road infrastructure;
- “routine maintenance” includes activities of a continuous and preventive nature aimed at preserving the condition of a road and related infrastructure;
- “technical audit” means a systematic review of maintenance works, contracts and performance outcomes conducted by an independent person or an entity commissioned by the Fund to assess technical compliance, value for money and adherence to approved standards and procedures; and
- “traffic load” means the average annual daily traffic volume calculated for a specific road section and used to inform allocation criteria under this Act.

Repeal and savings

56. (1) The Road Fund Act, 1997 (Act 536) is repealed.

(2) Despite the repeal of Act 536, any Regulations, bye-laws, directives, notices, appointments or other act lawfully made or done under the repealed enactment and in force immediately before the coming into force of this Act which are not inconsistent with this Act shall be considered to have been made under this Act and shall continue to have effect until revoked, reviewed, cancelled or terminated.

(3) This Act shall not affect the repealed enactment in the operation of offences committed, penalties imposed or proceedings commenced before the coming into force of this Act.

Transitional provisions

57. (1) The rights, assets and liabilities that have accrued in respect of the properties vested in the Road Fund in existence immediately before the coming into force of this Act are transferred to the Fund established under this Act.

(2) A person in the employment of the Road Fund immediately before the coming into force of this Act shall, on the coming into force of this Act, be deemed to have been duly employed by the Fund established under this Act on the terms and conditions which are not less favourable in aggregate to the terms and conditions attached to the post held by the person before the coming into force of this Act.

(3) The Fund shall verify and validate all outstanding arrears and liabilities of the Road Fund and honour the payment of verified outstanding arrears and liabilities in accordance with a phased payment schedule approved by the Minister.

(4) The Minister shall, in consultation with the Minister responsible for Finance, within six months after the coming into force of this Act, issue guidelines for the transition of the Road Fund to the Fund.

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