

Section Thirty-one

Tema Metropolitan Assembly (Operation of Commercial Vehicles) Bye-Laws, 2017

IN exercise of the powers on the Tema Metropolitan Assembly by section 181 of the Local Governance Act, 2016 (Act 936) hereby made this Bye-Law:

Title

1. This Bye-law may be cited as Tema Metropolitan Assembly (Operations of Commercial Vehicles) Bye-Laws, 2017.

Application and Fees

2. (a) every application for commercial vehicle registration shall be made to the licensing officer of the TMA by the responsible executives of the local union or branch under which it intends to operate.

(b) No commercial vehicle registration shall be approved under these bye-laws unless the vehicle in respect of which the registration is required has been licensed as a commercial vehicle and certified as road worthy in accordance with the provisions of the Road Traffic Act any other appropriate enactment at the time in force

(c) A person shall not paint or spray or equip any vehicle or cause or allow any vehicle painted or sprayed or equipped for use as a commercial vehicle without the authority of the licensing officer.

The evidence of the registration shall be:

(i) A sticker affixed to the windscreen of the vehicle.

ii) The sticker shall be renewed annually valid until the date (one year after the expiration of the previous permit) upon renewal of the appropriate permit.

(d) a commercial passenger vehicle registration shall not be approved unless the vehicle in respect for the registration has been licensed by the Driver Vehicle Licensing Authority for commercial operations. This shall be evidenced by the official colour of vehicle registration number plate affixed to the plate. Every vehicle registered under these bye-laws shall remain equipped and fitted in the manner under which it was originally licensed under the Driver Vehicle Licensing Authority for commercial operations.

(e) All commercial vehicles must operate from an approved station and shall pay a daily toll for the use of the loading station.

(f) A commercial vehicle registration shall be completed by paying the requisite fee fixed by the resolution of the TMA.

Issue and display of license

3. The licensing officer shall issue a vehicle sticker with the registration number of the vehicle inscribed on it which shall be displayed on the front windscreen of the vehicle.

Display of License

5. The driver of every vehicle operating bus services, minibus will be required to boldly display a destination board in front of the vehicle at all times and the vehicle shall have a sticker

issued by the union which shall be affixed to it indicating the lorry station it is registered under.

(a) The driver named in the operating permit to drive a commercial vehicle have in his possession the commercial driver's license issued by the TMA whenever he is using the vehicle to work.

(b) Where the owner or driver or union decides to allow another driver to drive the commercial vehicle that driver must have a valid driving license and a valid TMA driver's license

Number of passengers

6. A licensed commercial vehicle shall not be permitted to carry more than the permitted capacity of the vehicle as determined by the Driver Vehicle Licensing Authority.

Duties of licensees

7. (a) every driver permitted to drive a commercial vehicle under this bye-law shall:

(i) Observe all traffic regulations including pedestrian crossing;

(ii) Display a valid sticker on the windscreen of the commercial vehicle in respect of which the permit has been granted.

(iii) Notify the TMA of any change in his postal, residential or office address within seven days of such change.

(iv) Keep and maintain the commercial vehicle in good repairs.

(b) A person permitted to drive a commercial vehicle under this bye-law shall not:

(c) Permit any person other than the person licensed under this Bye-law to drive the commercial vehicle unless the person also holds a commercial driver's license from the TMA but has no car.

(d) Remove, deface, alter, mutilate or cancel the license or any notice mark affixed to the commercial vehicle in pursuance of this Bye-law nor, allow or permit any other person to do same.

(e) Permit the commercial vehicle to be used for any unlawful purpose.

(f) Display any advertisement inside or outside the coach or taxi without the consent of TMA or the appropriate authorities as required by the bye-laws of TMA with regard to fees.

Revocation of license

8. (a) A commercial vehicle registered under a permit shall be revoked by the TMA if the vehicle is not road worthy or otherwise in contravention with any road traffic regulations in force at the time of or any other provisions of this bye-law.

(b) The Court may make an order for the suspension or the prohibition of the use of the vehicle for transport services where the driver has been convicted under this bye-law on two or more occasions for-

(i) Using the coach, minibus, bus or taxi for illicit purposes;

(ii) Dishonesty; or

(iii) Failing to keep or maintain the coach or taxi in a manner required by any enactment for the time being force.

Records

9. (a) A licensed driver shall, on being requested to do so by an authorized enforcement officer of the TMA produce his TMA commercial driving license for inspection.
- (b) The licensing officer of the TMA shall keep a record of all commercial vehicles, buses and taxis registered under this bye-law.

Monitoring and Enforcement

10. A task force established under this Bye-law at the transport department of the TMA shall routinely visit and mount road check points in conjunction with the police and the road safety committee to inspect the possession of vehicles stickers and TMA commission driver license by drivers.

Duty to produce license

11. (a) A vehicle without such permit shall pay a spot fine to be fixed by a resolution of the TMA before being allowed to regularize its registration under the appropriate operating permit;
- (b) Every licensed driver shall, on being requested so to do by a member of the police service or officers duly authorized by the TMA produce his commercial driving license and sticker to the task force.

Restrictions

12. (a) every commercial driver providing transport services within the TMA shall obtain a TMA commercial driver's license.
- (a) A person shall not drive or hold himself out as a commercial driver within the jurisdiction of TMA unless the driver has obtained TMA commercial driver's license.
- (c) A driver permitted under this Bye-law as a commercial driver must possess a license to drive commercial vehicles issued by the Driver Vehicle Licensing Authority.

Duration of License

13. A commercial vehicle driver's license shall remain force for a person for one year unless revoked or suspended.

Lost license

14. Where a license is lost or destroyed the Licensing Officer shall issue a duplicate license upon the production by the applicant of a satisfactory police report supported by an affidavit duly sworn to by the applicant and upon payment of the prescribed fee.

Production of license

15. Every commercial vehicle driver shall have his commercial vehicle driver's license in his possession wherever the driver is acting as a commercial vehicle or when appearing before any court and shall on request produce the license for inspection by police officer or any officer duly authorized by the TMA

Renewal of license

16. (a) An applicant submitting an application for the renewal of a license shall submit to the licensing officer.

- (i) His current driver's license and
- (ii) Payment of prescribed fees

Suspension or withdrawal of license

17. (a) A commercial vehicle driving license shall not be suspended or withdrawn under this Bye-law unless-

- (i) The driver's license of the holder has become suspended or withdrawn or
- (ii) A court law so orders.

18. (a) This Bye-laws shall not apply to-

- (i) Any vehicle which is the property of the Government statutory body, board or Corporation; or an
- (ii) Any commercial vehicle operating under a permit other than by TMA which is in transit through the Metropolis of Accra, provided that the driver of such coach, minibus, bus or taxi shall not be guilty of an offence under this Bye-law.

False declarations

19. Any license obtained under these Bye-laws as a result of false declarations or misrepresentations shall be null and void and any fee paid for such license shall not be recoverable.

Excess passengers

20. (a)(i) A commercial vehicle shall not carry any number of persons in excess of the number allowed to be carried by the vehicle provided that for the purpose of this Bye-law an infant in arms shall not count as a person and every child of twelve shall count as one person.

(ii) Not more than two persons including the driver in case of taxi or three in that of a coach (the driver inclusive) shall sit on the front seat.

(iii) A driver of a taxi shall not carry luggage on the roof or on the bonnet.

(iv) A person suffering from an infectious disease shall not be allowed carried with other passengers on a coach, minibus, bus or taxi.

21. A commercial vehicle or taxi shall not stop, halt or slow down his vehicle in such a way that his conduct amounts to an unreasonable obstruction of traffic.

22. (a)(i) any commercial passenger vehicle shall not when a passenger has reached his destination, take steps to ensure that no article or luggage belonging to the passenger is left in the vehicle;

(ii) A commercial vehicle or taxi driver shall not retain portion of or otherwise unlawfully deal with, any article or luggage left in his vehicle.

Prohibitions

23. (a)(i) Every driver commercial passenger vehicle shall convey passengers to their destination without alighting them along the way and re-boarding them and charging respective fares for each stretch

(ii) Every driver of a commercial passenger vehicle shall conduct themselves in a non-abusive manner to passengers and other road users

(iii) A commercial vehicle or taxi shall not charge more than the fares prescribed and approved by the Tema Metropolitan Assembly in consultation with representatives of the major transport operator unions.

Taxi Ranks

24. The TMA may provide taxi ranks subject to such conditions and rules as to the use thereof as it may prescribe.

Nuisance

25. A driver shall not blow the horn of his vehicle nor make any unnecessary noise to other users of the road.

Monitoring and enforcement

26. (a) The Transport Department of TMA shall have a standing task force to monitor and ensure compliance with this bye-law.

(b) The Transport Department shall constitute a taskforce to monitor and ensure that all provisions of these bye-laws are properly adhered to.

(C) The Transport Department shall maintain an effective call center to receive comments, complaints and other feedback from stakeholders and the general public.

(d) All complaints arising out of application of these bye-laws should be forwarded to the Metro Chief Executive for investigation and redress

Application

27. These rules and bye-laws shall apply to the markets listed hereunder in the Schedule.

Offence and penalty

28. Any person who contravenes any of these Bye-laws shall be guilty of an offence and upon conviction be liable to a fine of not less than **120** penalty units or to a term of imprisonment not exceeding six months.

Interpretation

29. In these Bye-laws unless the context otherwise requires-
“Coach”, minibus or bus means any motor vehicle not being a taxi and not being a Government vehicle or that of any corporation, used or intended to be used for carrying passengers for reward.
“Taxi” means any motor vehicle designed to carry not more than five persons and used for carrying passengers for reward under a contract expressed or implied for the use of the vehicle as a whole or for an agreed sum.

“Licensing Officer” means the City Manager or any Officer authorized by him to act as such.

Made at a meeting of the Tema Metropolitan Assembly held on the

SIGNED

*Presiding Member
Tema Metropolitan Assembly*

SIGNED

*Metropolitan Co-ordinating Director
and Secretary of TMA*

Approved by the Regional Co-ordinating Council, Greater Accra on behalf of the
Ministry of Local Government.

SIGNED *Regional Co-ordinating Director and Secretary to R.C.C.*