

FISHERIES REGULATIONS, 1979 (LI 1235).

IN exercise of the powers conferred on the Commissioner responsible for Agriculture by section 23 of the Fisheries Decree, 1979 (A.F.R.C.D. 30) these Regulations are made this 15th day of September 1979.

Regulation 1—Licences.

- (1) A licence for a motor fishing vessel shall be in the form set out in the First Schedule to these Regulations.
- (2) The fee payable for a licence in respect of a motor fishing vessel shall be in accordance with the Second Schedule to these Regulations.
- (3) Where in the case of tuna vessels a motor vessel operates with catchers as a unit the fee prescribed shall apply to the motor vessel.
- (4) Notwithstanding anything to the contrary, the provisions of this regulation shall apply to any vessel affected by any agreement entered into under the proviso to paragraph (a) of subsection (1) of section 3 of the Fisheries Decree, 1972 (N.R.C.D. 87) in respect of any period falling after the commencement of these Regulations.

Regulation 2—Use of Explosives or of Poisonous Matter Prohibited.

No person shall within Ghana take or destroy or attempt to take or destroy any fish by the use of dynamite, gelignite or other explosive substance, or by the use of any noxious or poisonous matter.

Regulation 3—No seine net to be used without permit.

- (1) No person shall use a seine net in any river unless a permit in the form set out in the Third Schedule to these Regulations for the use of such net has been granted by the Director of Fisheries or any persons authorised by him to act on his behalf; and any reference to the Director of Fisheries shall be construed as including any such person.
- (2) No permit shall be issued in respect of a seine net having a bag the mesh of which is less than 50 millimetres in stretched diagonal length.
- (3) A permit for the use of a seine net may for good cause be revoked by the Director of Fisheries.
- (4) For the purposes of this regulation, "seine net" means any net having two wings joined to a bag at its centre, and which for the purposes of taking fish is drawn through the water by means of ropes attached to the outer end of each wing.

Regulation 4—No set Net to be used unless of Specified Mesh.

- (1) No person shall use a set net in any river or dam unless the mesh of such net is not less than 50 millimetres in stretched diagonal length.

(2) For the purpose of this regulation "set net" means any net that for the purpose of taking fish is anchored to the bed of the river.

Regulation 5—Importation and Selling of Certain Type of Fishing Net Prohibited.

No person shall import into or sell in Ghana any fishing net or netting, the mesh of which is less than 25 millimeters in stretched diagonal length.

Regulation 6—Permit to Import or Export Live Fish.

(1) No person shall import into or export out of Ghana any live fish except under and in accordance with the terms of a permit issued by the Licensing Officer.

(2) The permit to be issued under this regulation shall be subject to such conditions as the Licensing Officer may think necessary or expedient and shall be in the form set out in the Fourth Schedule to these Regulations.

Regulation 7—Minimum Requirements of Mesh.

No person shall operate from or carry upon or in any motor fishing vessel a trawl net the mesh of which is less than 70 millimetres in stretched diagonal length.

Regulation 8—Seaworthiness.

(1) A motor fishing vessel shall be sound and seaworthy and its engine shall be kept in serviceable and good condition.

(2) The Licensing Officer may cancel or suspend the licence of any motor fishing vessel which in his opinion does not comply with the requirements of this regulation.

Regulation 9—Lights to be Carried by Motor Vessels.

A motor fishing vessel, according to its waterline length as hereunder specified, shall carry the following lights between sunset and sunrise: —

(1) exceeding 12 metres in waterline length:

(a) When under way—

(i) a white light showing ahead from 22 1/2 degrees abaft the starboard beam to 22 1/2 degrees abaft the port beam;

(ii) a green light carried below the white light showing from right ahead to 22 1/2 degrees abaft the starboard beam;

(iii) a red light carried below the white light showing from right ahead 22 1/2 degrees abaft the port beam;

(iv) a white light at stern showing from right abaft to $67\frac{1}{2}$ degrees on either side of the vessel.

(b) When trawling—

(i) a tricolour lantern showing a white light ahead from $22\frac{1}{2}$ degrees on the starboard bow to $22\frac{1}{2}$ degrees on the port bow; a green light showing from $22\frac{1}{2}$ degrees on the starboard bow to $22\frac{1}{2}$ degrees abaft the starboard beam, and a red light showing from $22\frac{1}{2}$ degrees on the port bow to $22\frac{1}{2}$ degrees abaft the port beam.

(ii) a white light showing all-round the horizon, such white light being carried below the tricolour lantern

(c) When at anchor, a white light showing all-round the horizon.

(2) not exceeding 12 metres but exceeding 8 metres—

(a) When under way—

(i) a white light showing ahead from $22\frac{1}{2}$ degrees abaft the starboard beam to $22\frac{1}{2}$ degrees abaft the port beam;

(ii) a green light carried below the white light showing from right ahead to $22\frac{1}{2}$ degrees abaft the port beam.

(b) When trawling or at anchor, a white light showing all-round the horizon.

(3) A motor fishing vessel not exceeding 8 metres in waterline length or a fishing vessel including a canoe not being a motor fishing vessel when under way or at anchor between sunset and sunrise shall carry a white light showing all-round the horizon.

Regulation 10—Equipment to be carried by Motor Vessels.

A motor fishing vessel according to its waterline length as hereunder specified shall carry the following items of equipment, each of which shall be of a type approved by the Licensing Officer for such vessels: —

(1) exceeding 8 metres in waterline length—

(a) one anchor and chain cable:

(b) one compass;

(c) one horn or other instrument for producing sound signals;

(d) two fire extinguishers, one of which shall be placed near the engine and one forward thereof. Where the engine is situated in a closed compartment or below the deck the fire extinguisher near it shall be of the foam, carbon dioxide or powder type.

(2) not exceeding 12 metres but exceeding 8 metres in waterline length: life belts or lifebuoys or other buoyant apparatus sufficient to support all the members of its normal crew. Such lifebelts, lifebuoys or buoyants shall be of a type approved by the Licensing Officer.

(3) exceeding 12 metres in waterline length—

(a) an inflatable life raft of a size to accommodate all the members of the vessel's normal crew, the type of life raft to be approved by the Licensing Officer;

(b) flares or other pyrotechnic distress signals of a type and in such quantity as the Licensing Officer may specify;

(c) a tow rope, chain or wire approved by the Licensing Officer as suitable for towing such vessel.

Regulation 11—Light and Equipment to be Carried by Small Vessels.

(1) The following lights shall be carried by all small fishing vessels including canoes whether operative under paddle or sail or driven by outboard motor between the hours of dusk and dawn, that is to say

(a) a white light of a pattern approved by the Director of Fisheries such as a well-made hurricane lantern visible all-round the horizon and suspended from the mast as high as possible.

(b) a flare up light such as a piece of cloth soaked in kerosene or other inflammable oil which can be ignited to produce a substantial flare in time to avoid a collision.

(2) All small fishing vessels including canoes which are driven by an outboard motor shall at all times whilst at sea carry—

(a) a sail and rigging of normal pattern; and

(b) a normal complement of paddles or oars.

Regulation 12—Fishing Coxswain's Certificate of Competency.

(1) A motor fishing vessel exceeding 8 metres in waterline length when under way or fishing shall be in the charge of a person holding a certificate of competency as a Fishing Coxswain.

(2) The certificate of competency required under this regulation shall be in the form set out in the Fifth Schedule to these Regulations and shall be issued by the Licensing Officer to any person who, having applied for such a certificate—

- (a) passes such examination as the Licensing Officer may prescribe;
- (b) satisfies the Licensing Officer that he is a fit and proper person to be in charge of a motor fishing vessel; and
- (c) pays a fee of fifty pesewas for such examination and a further fee of fifty pesewas for the issue of such certificate of competency.

Regulation 13—Penalties.

(1) Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and liable upon summary conviction to a fine not exceeding ₵50,000.00 or to imprisonment for a term not exceeding two years or to both, and in the case of a continuing contravention or failure to comply with these Regulations, an additional fine not exceeding ₵200.00 in respect of each day on which the offence continues.

(2) In addition to any fine imposed under subsection (1) of this regulation the court before which any person is convicted of an offence under this regulation may order the forfeiture to the State of the fish, vessel, apparatus or thing whatsoever involved in the commission of the offence.

(3) Notwithstanding the provisions of sub-regulation (1) of this regulation the Commissioner responsible for Agriculture may impose a civil penalty not exceeding ₵1,000,000.00 in lieu of or in addition to other penalty already prescribed.

(4) Where the contravention involves the carrying on of fishing operations in Ghana without a licence and the vessel involved is a vessel registered in a country other than Ghana or owned wholly by persons other than Ghanaians, the penalty imposed by the Commissioner under sub regulation (3) of this regulation may be prescribed to be paid in convertible foreign currency.

(5) The amount of any civil penalty imposed by the Commissioner under sub regulation (3) of this regulation shall take into account the nature, circumstances, extent and gravity of the contravention, and with respect to the person responsible for the contravention the degree of culpability, any history of previous offences and such other matters as justice may require.

Regulation 14—Revocation

The Fisheries Regulations, 1964 (LI 364) is hereby revoked.

Regulation 15—Commencement

These Regulations shall come into force on the 15th day of September 1979.

SCHEDULES

FIRST SCHEDULE

Regulation 1 (1)

FISHERIES DECREE, 1979 (A.F.R.C.D. 30)

FISHERIES REGULATIONS, 1979

(Motor Fishing Vessel Licence (granted under regulation 1(1))

Gross registered tonnage in metric tonnes.....Fee paid: C.....The motor fishing vessel (name).....bearing (letter and number).....and.....owned by..... of.....is hereby licensed to be operated and navigated within Ghana for the purpose of taking fish therein from the day of 19

2. This licence is subject to the following conditions: —

Issued at this day of 19

.....

Licensing Officer

SECOND SCHEDULE

Regulation 1 (2)

(A)—LICENCE FEES FOR FISHING VESSELS OTHER THAN TUNA VESSELS BUILT OR REGISTERED IN GHANA

LICENSING FEE

Gross Registered Tonnage	Annual	Quarter
up to	CC	
-15 tonnes.	64.00	18.00
16-50	112.00	30.00
51-80	128.00	35.00
81-100	184.00	50.00
101-150	24.00	60.00
151-200	272.00	72.00

201-300 .	..	..	..	..	..	304.00	80.00
301-400 .	..	..	..	..	..	336.00	88.00
401-500 .	..	..	..	..	..	368.00	95.00
501-600 .	..	..	..	..	..	480.00	125.00
601-700 .	..	..	..	..	..	500.00	135.00
701-800 .	..	..	..	..	..	550.00	145.00
800 and above ..	..	..	..	..	..	600.00	160.00

(B)—LICENCE FEES FOR TUNA VESSELS

Category	Licence Fee
(1) Tuna vessels wholly owned by Ghanaians vessels other than tuna vessels	Same as specified in Part (A) for motor fishing vessels other than tuna vessels
(2) Tuna vessels partly owned by Ghanaians per annum.	¢50.00 per gross registered tonnage of vessels per annum.
(3) Chartered tuna vessels	US \$150.00 per gross registered tonnage of vessel per annum.
(4) Foreign tuna vessels or carriers used for tuna transshipment	US \$200.00 per call.
(5) Ghanaian-owned tuna vessels or carriers used for tuna transshipment	¢200.00 per call.
(6) Long liner tuna vessels which call at Ghana ports for not more than twice a year	US \$2,000.00 per call.

THIRD SCHEDULE

FISHERIES REGULATIONS, 1979

Regulation 3 (1)

SEINE NET PERMIT

(granted under regulation 3 (1))

Permit No.....

Permission is hereby granted to of

to use one seine net in the..... river, within the..... district until the 31st December, 19.... subject to the following conditions: —

Issued this day of , 19

.....

Director of Fisheries

FOURTH SCHEDULE

FISHERIES REGULATIONS, 1979

Regulation 6(2)

IMPORT/EXPORT PERMIT FOR LIVE FISH

(granted under regulation 6(2))

Permission is hereby granted to..... of..... to *import into/export out of Ghana live fish of the description and in the quantity specified hereon.

Description

Quantity

This permit is subject to the following conditions: —

Issued at this day of , 19.....

.....

Licensing Officer

*Strike out whichever is inapplicable.

FIFTH SCHEDULE

FISHERIES REGULATIONS, 1979

CERTIFICATE OF COMPETENCY - FISHING COXWAIN

(granted under regulation 12(2))

I hereby certify that..... of..... is competent to serve as
a Fishing Coxswain in charge of a motor fishing vessel.....

Licensing Officer

Photograph of Holder

.....

Signature or right thumbprint of Holder

ABAYIFAA KARBO

Commissioner responsible for Agriculture

Date of Gazette Notification: 23rd October 1979.