

# **PROVISIONAL NATIONAL DEFENCE COUNCIL DECREE**

## **GHANA PORTS AND HARBOURS AUTHORITY LAW, 1986 (PNDCL 160)**

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##### Schedule

In pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

#### PART I—DECLARATION OF PORTS

##### **Section 1—Existing Ports, Harbours and New Ports.**

(1) The Ports within the limits specified in the Schedule to this Law are hereby declared to be ports for the purposes of this Law and any other enactment.

(2) The Council may by executive instrument, vary or extend the boundaries of any port specified in the Schedule to this Law, and of any other port so declared under subsection (3) of this section.

(3) The Council may, by executive instrument, declare that any port, roadstead, bay, place or any inland water shall be a port for the purposes of this Law and any other enactment, and may define the area of the port so declared.

## PART II—ESTABLISHMENT OF PORTS AND HARBOURS AUTHORITY

### **Section 2—Ports and Harbours Authority.**

(1) There is hereby established a body corporate to be known as the Ghana Ports and Harbours Authority in this Law referred to as the "the Authority".

(2) The Authority shall have perpetual succession and a common seal and may sue and be sued in its own name.

(3) The Authority shall have power for the discharge of its functions to acquire and hold any movable property (including electric motive power) or immovable property, to dispose of such property and enter into any contract or other transaction.

(4) Where there is any hindrance to the acquisition of any property under subsection (3) of this section, the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) or any other law.

(5) The Council may give directions of a general nature to the Authority and the Authority shall give effect to them.

### **Section 3—The Board.**

(1) The governing body of the Authority shall be the Board whose members including the Chairman shall be appointed by the Council.

(2) The Board shall consist of:

- (a) a Chairman;
- (b) the Director-General of the Authority;
- (c) the two Directors of the Ports of Tema and Takoradi;
- (d) a representative of the Ministry of Transport and Communications;
- (e) four representatives of Port Users, consisting of:
  - (i) the Shippers Council;
  - (ii) the Chamber of Commerce;
  - (iii) the Private Shipping Companies;

(iv) the Managing Director of Railways Corporation;

(f) two other persons, one of whom shall be an employee of the Authority.

(3) The term of office of members of the Board other than the Director-General and the two Directors shall be two years, and they shall be eligible for re-appointment.

(4) Members of the Board shall be paid such allowances as may be determined by the Secretary.

(5) The Chairman and any member of the Board other than the Director-General and the two Directors may resign his office by writing addressed to the Secretary, and any such person may be removed from office by the Council acting in accordance with the advice of the Secretary.

#### **Section 4—Meetings of the Board.**

(1) The Board shall meet once a month but may be summoned to transact any extraordinary business at the request of three members of the Board and such a request shall be made to the Chairman in writing with a summary of the business to be transacted at least five days before the date of such meeting.

(2) At every meeting of the Board at which he is present, the Chairman shall preside, and in his absence a member of the Board appointed by the members present from among themselves.

(3) The quorum for any meeting of the Board shall be six.

(4) At any meeting of the Board, the Chairman shall have a casting vote.

(5) Decisions at meetings of the Board shall be taken by a majority of the members present.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(7) Any member of the Board who has any interest in a contract proposed to be made with the Authority shall disclose the nature of his interest to the Board and shall be disqualified from participating in any deliberations of the Board in respect of such contract.

(8) Subject to the provisions of this Law, the Board shall regulate its own procedure.

### **PART III—FUNCTIONS OF THE AUTHORITY**

#### **Section 5—Functions of the Authority.**

(1) The Authority shall plan, build, develop, manage, maintain, operate and control ports in Ghana and in particular shall:

(a) provide in a port such port facilities as appear to it to be necessary for the efficient and proper operation of the port;

(b) maintain the port facilities and extend and enlarge any such facilities as it shall deem fit;

(c) regulate the use of any port and of the port facilities;

(d) maintain and deepen as necessary the approaches to, and the navigable waters within and outside the limits of any port, and also maintain lighthouses and beacons and other navigational service and aids as appear to it to be necessary;

(e) provide facilities for the transport, storage, warehousing, loading, unloading and sorting of goods passing through any port, and operate road haulage services for hire or reward;

(f) carry on all of the business of stevedoring, master portering and lighterage services; and

(g) generally discharge any other functions which are necessary or incidental to the foregoing.

(2) Subject to the provisions of this Law, the Authority shall carry on such activities as it deems necessary for the discharge of its functions under this section and it may in addition:

(a) carry on the business of pilotage;

(b) supervise stevedoring, lighterage and container services, where these are provided by persons other than the Authority;

(c) operate tugs, dredgers and other craft for towerage, salvage, fire-prevention and protection of life;

(d) supply water to shipping and generate and supply electricity;

(e) license small ships to lie, ply for hire or otherwise be used within a port upon such terms and conditions as the Authority may deem fit;

(f) control the erection and use of wharves, groynes, stairs or stages in any port or its approaches;

(g) enter into any agreement with any person:

(i) for the supply, construction, manufacture, maintenance or repair by that person of any property which the Authority may require for the efficient discharge of its functions under this Law; and

(ii) for the operation or provision of any port facilities which the Authority by this Law is empowered to operate or provide;

(h) appoint, license and regulate stevedores, master porters to operate in the container terminals;

(i) establish pilotage districts, direct that pilotage shall be compulsory in any such district, determine the pilots (including Authority pilots) to operate in such districts, license pilots for work in such districts and establish pilotage boards and specify their duties including the duty of inquiring into the conduct of pilots;

(j) within such limits as may be fixed by the Secretary prescribe rates, charges and dues for services provided by the Authority or specify the persons liable to pay such rates, charges and dues prescribed under section 75 of this Law.

## **PART IV—ASSETS**

### **Section 6—Vesting of Assets and Transfer of Liabilities.**

(1) All shares, debentures, securities, properties and other assets of the Ghana Ports Authority, Ghana Cargo Handling Company Limited and the Takoradi Lighterage Company Limited in existence immediately before the coming into force of this Law shall vest in the Authority.

(2) The Council may, by executive instrument, add the assets of any other port declared under subsection (3) of section 1 of this Law to the assets of the Authority.

(3) Notwithstanding anything to the contrary in this Law or in any other enactment land which is included in the assets of the ports specified in the Schedule to this Law and is referred to in the Smelter Site Lease or the Port Agreement shall not be deemed to be vested in the Authority; and the Council or any person duly authorised in that behalf may enter into any lease in respect of such land with any other person.

(4) For the purposes of subsection (3) of this section "Smelter Site Lease" and "Port Agreement" shall have the same meanings as in the Volta River Project (Supplementary Provisions) Act, 1962 (Act 96).

### **Section 7—Liability for Contracts.**

Subject to section 2 of this Law, every contract subsisting immediately before the commencement of this Law between the erstwhile Ghana Cargo Handling Company Limited or Takoradi Lighterage Company Limited and the Ports Authority and any other party, and entered into for the purposes of its functions in respect of the ports shall, on and after the commencement of this Law continue to subsist between the Authority and that other party as if the Authority had entered into the contract.

## **PART V—STAFF**

### **Section 8—Director-General of Ports, his two Deputies, Secretary and other Members of Staff.**

(1) There shall be a Chief Executive of the Authority to be known as the Director-General, who shall be appointed by the Council and shall be responsible for the direction of the day-to-day business of the Authority and control of its employees, and subject to such directions as may be given by the Board, its administration and organisation.

(2) There shall be two Directors-in-charge of the Ports of Tema and Takoradi who shall be appointed by the Council.

(3) The Authority shall have an officer to be designated as the Secretary of the Authority, who shall perform such functions as the Board or the Director-General may direct.

(4) The Authority may engage such officers and other employees as may be necessary for the proper and efficient conduct of the business and functions of the Authority on such terms and conditions as the Authority may determine.

(5) Public officers may be transferred or seconded to the Authority.

### **Section 9—Pensions, Etc.**

Subject to the provisions of the Social Security Decree, 1972 (N.R.C.D. 127), the Board may provide by regulations for any matter relating to pensions, gratuities or retiring allowances to its officers and other employees, and require them to contribute to any pension or provident fund or superannuation scheme.

### **Section 10—Rules for Conduct of Port Officer, Etc.**

The Authority may make rules for the guidance and conduct of port officers and other persons who are employed in the service of the Authority.

## **PART VI—FINANCE**

### **Section 11—Funds.**

Funds of the Authority shall include:

- (a) moneys provided to the Authority by the Government representing the agreed budgeted amount;
- (b) any loan granted to the Authority by the Government;
- (c) any loan granted to the Authority by a bank, or other recognised financial institution;
- (d) any moneys accruing to the Authority by way of revenue;
- (e) any moneys accruing to the Authority as proceeds from investment;
- (f) such other moneys as may be prescribed as moneys of a fund of the Authority by regulation made under this Law.

### **Section 12—Application of the Funds.**

The funds of the Authority in any year shall be applied in payment of the following:

- (a) all working, management, and establishment expenses of the Authority properly chargeable to income;
- (b) payments in respect of interest on or repayments of the principal of any moneys borrowed by the Authority;
- (c) such sums as the Authority may think proper to set aside for payments to reserve funds and for developments, renewals, depreciation and such-like purposes.

### **Section 13—Power to Maintain Foreign Account.**

- (1) The Authority shall with the approval in writing of the Secretary responsible for Finance and Economic Planning maintain and keep a foreign exchange account into which such part of the revenue accruing to the Authority by way of foreign exchange may be paid.
- (2) The application of such foreign moneys shall be for the purchase and maintenance of the Authority's equipment with the approval of the Secretary.
- (3) The foreign exchange account of the Authority shall be subject to audit under section 15 of this Law.

### **Section 14—General Reserve Fund and Investment of Money.**

- (1) The Authority shall carry to a general reserve fund such part of the receipts on revenue account as is available for the purpose until the fund reaches an amount prescribed by the Secretary, and if the fund is subsequently reduced below that amount, the Authority shall carry to the fund so much of any receipts as is required to restore the fund to that amount and is available for the purpose.
- (2) The application of the general reserve fund shall be as the Authority may, with the approval of the Secretary determine.
- (3) No part of the moneys comprised in the general reserve fund shall be applied otherwise than for the purposes of the Authority.
- (4) The amount of the general reserve fund shall be such as the Secretary may from time to time prescribe.
- (5) The Authority may invest all or any portion of the moneys of the Authority in such manner as may be approved by the Secretary, and with the prior approval of the Secretary re-invest any of its investments.

### **Section 15—Accounts and Audit.**

- (1) The Authority shall keep proper books of account and proper records in relation thereto and the account books and records of the Authority shall be in such form as the Auditor-General may approve.

(2) The books and accounts of the Authority shall each year be audited by the Auditor-General or an auditor appointed by him.

(3) The Authority shall pay in respect of such audit such fees (if any) as the Auditor-General and the Authority may agree.

(4) The Board shall as soon as possible but in any case not later than three months after receipt of the report of the Auditor-General forward a copy of the report to the Secretary.

(5) The Secretary shall, as soon as practicable upon receipt thereof, cause to be laid before the Council a copy of the Auditor-General's report together with his observations thereon.

### **Section 16—Annual Reports and Periodical Returns.**

(1) The Board shall, as soon as possible after the end of each financial year, submit to the Secretary a report dealing with the activities of the Authority during the year.

(2) The Secretary shall lay a copy of every such annual report before the Council.

(3) The Board shall furnish to the Secretary such returns as he may from time to time require.

### **Section 17—Borrowing Powers.**

(1) The Authority may with the approval of the Secretary responsible for Finance and Economic Planning borrow money for the purpose of the discharge of all or any of its functions under this Law.

(2) The Authority may charge its assets, undertakings and revenues with the repayment of any money borrowed together with interest thereon and may do all such other things necessary in connection with or incidental to such borrowing.

## **PART VII—POWER OF ENTRY TO DISCHARGE FUNCTIONS**

### **Section 18—Secretary's Consent Necessary for Disposal of Land.**

Notwithstanding anything to the contrary in this Law or in any other enactment, the Authority shall not, without the consent in writing of the Secretary dispose of any land or other immovable property.

### **Section 19—Power to Erect Beacons and make Surveys.**

(1) The Authority may for the purpose of its functions under this Law:

(a) enter upon any land for the purpose of erecting or maintaining any beacon, or of examining, repairing altering or removing any beacon;

(b) erect and maintain beacons upon or in any land or place or the shore, or bed or any tidal or other water and alter or remove any beacon so erected; and

(c) survey and take levels of any land, and erect and remove all trees and underwood which may interfere with the surveys.

(2) No beacon shall be so placed on any road as to hinder or interfere with free passage along the road.

### **Section 20—Power of entry and Execution of other Works.**

(1) Any person authorised in that behalf by the Authority for the discharge of any of its functions under this Law may:

(a) enter, inspect and survey any land or premises;

(b) dig or bore into the sub-soil and open, construct or repair any road, sewer, drain, funnel or other works relating to the ports;

(c) specify levels, boundaries and lines by placing marks and digging trenches;

(d) remove or cut the branches of any tree or underwood;

(e) with the prior approval of the Secretary, alter the course of any rivers, streams or water-courses for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them;

(f) stop, divert, widen, narrow or alter, temporarily or permanently, the course of any roads, streets, or ways or raise or sink the level thereof;

(g) take, carry away and use any earth, stone, gravel, sand or timber or any other materials or things out of any land contiguous to a port, which may be necessary for making, maintaining, altering, repairing or using a port, and pay reasonable compensation therefor;

(h) sink wells, and construct dams and all other works necessary for providing a water supply;

(i) take or cause to be taken water for the purposes of a port from any river, streams or other natural source or from any dam or artificial works; and

(j) carry out any other function reasonably necessary for giving effect to the provisions of this Law.

### **Section 21—Removal of Obstruction to Visibility of Lighthouse or Beacons.**

Any person authorised by the Authority may enter on any land and cut and remove all trees, underwood and vegetation which may interfere with the visibility of any lighthouse or beacon from any other point or place.

**Section 22—When Notice of Entry on Land to be given.**

The Authority shall, as far as practicable, give notice to the occupier of any land upon which it is intended to enter in exercise of any of the powers conferred by section 19, 20 or 21 of this Law.

**Section 23—Compensation for Damage.**

(1) Where in the discharge of any functions under sections 19, 20 and 21 of this Law, damage is done to the property of any person, the Authority shall pay reasonable compensation for such damage.

(2) The amount of any compensation payable under this section shall, in the case of a dispute, be settled by arbitration in accordance with the Arbitration Act, 1961 (Act 38).

**PART VIII—REGULATION OF PORTS**

**Section 24—Port of Authority to make Port Regulations.**

(1) The Authority may, with the prior approval of the Secretary by legislative instrument make regulations for the maintenance, control and management of any port and for their maintenance of good order therein, and in particular for all or any of the following purposes:

- (a) regulating traffic within the limits of a port or the approaches to a port;
- (b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within which such removal shall be effected;
- (c) regulating ships whilst in or discharging ballast or cargo;
- (d) keeping free passages of such width as is deemed necessary, within any port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the same; and for marking out the spaces to be kept free;
- (e) regulating the anchoring, fastening, mooring and unmooring and warping of all ships and the use of warps, mooring buoys, chains and other moorings;
- (f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves and cargo thereon;
- (g) regulating the use of fires and lights, and the signals to be used and measures to be taken in case of fire in any port by day and by night;

(h) enforcing and regulating the use of navigating lights or signals and of signals light by ships;

(i) regulating the flags and signals to be used by ships arriving at, lying in or departing from any port;

(j) regulating the manner in which ships arriving shall be boarded by the Harbour Master and the information to be supplied to him by the master of the ship;

(k) regulating the use by ships of steam whistles, steam sirens and other-like instruments;

(l) prohibiting chipping, scaling or noisy repairs on ships except at such times as may be prescribed or as the harbour master may appoint;

(m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and providing for the licensing of persons authorised to erect and maintain the stakes and prescribing the fees which shall be paid for such licence;

(n) regulating the floating of timber, casks or other objects in any port or the approach to any port and the casting or depositing of any dead body, ballast, rubbish, or any other thing into any port, and providing for the forfeiture of anything found in any port or the approach to any port in contravention of this Law and for the redemption or payment of expenses and a penalty within a time limit to be fixed, or anything so forfeited;

(o) prescribing the duties of masters of ships carrying gunpowder or other explosive or dangerous cargo, and of persons engaged in or supervising the shipping, unshipping, landing and transport of any such cargo;

(p) regulating the placing and maintenance of moorings buoys;

(q) regulating and licensing, weighing and metering of goods;

(r) regulating and licensing the porters and carriers and other labourers employed in the working of port facilities.

(2) For the breach of any regulations made under this section the Authority may prescribe as penalty a fine not exceeding fifty thousand cedis and in the case of a continuing breach, a further fine not exceeding five thousand cedis a day for every day after the first during which the breach continues.

### **Section 25—Power of Ports Operations Officer.**

(1) The Authority shall have at each of its ports a Ports Operations Officer who may give directions for all or any of the following purposes:

(a) regulating the time at which and the manner in which a ship shall enter into, go out of, or lie in or at a port and its position, anchoring, mooring or unmooring or placing whilst therein;

(b) regulating the time at which and the manner in which a ship shall move from one place to another within a port;

(c) regulating the position and the manner in which a ship within a port shall take in or land its passengers or shall load or discharge its cargo or any part thereof, or shall take in or deliver ballast;

(d) prohibiting the mooring of vessels in any particular parts or part of a port;

(e) removing unserviceable ships, and other obstructions from a port and keeping the port clear for navigation.

(2) Nothing in this section shall authorise a Ports Operations Officer to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to customs and excise.

#### **Section 26—Limits of Ports Operations Officer's Jurisdiction.**

The jurisdiction of the Ports Operations Officer of a Port for the purposes of this Law shall extend to the water area of the port and sea within a distance of four hundred metres from the seaward limits of the port.

#### **Section 27—Restrictions on moving Ship.**

(1) Subject to subsection (2) of this section, no person shall move or attempt to move or cause a ship to be moved from any berth or place in a port contrary to the directions of the Ports Operations Officer, in the case of a ship exceeding seventy-five feet in length, without the permission of the Ports Operations Officer.

(2) This section shall not apply in a case of emergency not covered by existing directions when it is not practicable to obtain the further directions of the Ports Operations Officer.

(3) Any person who fails to comply with the directions of a Ports Operations Officer given under subsection (1) of this section or fails to obtain the permission of a Ports Operations Officer as required by that subsection shall be liable on summary conviction to pay a pecuniary penalty not exceeding fifty thousand cedis or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

#### **Section 28—Penalty for not Complying with Directions of Ports Operations Officer.**

The master of a ship within a port or within four hundred metres from the seaward limits of a port who fails to comply with any directions of the Ports Operations Officer after notice of such directions has been given to him shall be liable to pay a pecuniary penalty not exceeding one thousand dollars or its equivalent in cedis.

## **Section 29—Power to remove Vessels or Slacken Ropes.**

(1) When the master of a ship within a port does not anchor, weigh anchor, moor, unmoor, place or move the ship in compliance with the directions of the Ports Operations Officer, the Ports Operations Officer may take any reasonable action necessary for securing compliance with such directions and may employ a sufficient number of persons for that purpose and any expenses thereby incurred shall be paid by the master to the Authority and shall be recoverable by the Authority from him, and if necessary by civil action.

(2) A Ports Operations Officer may—

(a) if the master of a ship moored or fastened within a port of any other person on board the ship fails to comply with a direction given by the Ports Operations Officer to unloose or slacken a rope or chain by which the ship is moored or fastened; or

(b) if there is no person or sufficient number of persons on board the ship;

unloose or slacken the rope or chain by which the ship is moored or fastened and cause, if necessary, a sufficient number of persons to be put on board the ship for the protection of this ship, and all expenses thereby incurred shall be paid by the master to the Authority and shall be recoverable by the Authority from him and if necessary by civil action.

## **PART IX—REGULATION OF WHARVES AND PREMISES**

### **Section 30—Customs Area.**

Where any part of the wharves or premises vested in or in the possession of the Authority are appointed a customs area for the purposes the Customs and Excise Law, 1972 (N.R.C.D. 114) the Authority shall provide office accommodation therein in such manner as the Commissioner of Customs, Excise and Preventive Service may require for the use of the person entitled to collect duties of customs, and such accommodation shall be maintained by the Commissioner.

### **Section 31—Rules by Authority.**

(1) The Authority may, by executive instrument, with the prior approval by the Secretary make rules for the control and management of the wharves and premises vested in or in the possession of the Authority and the maintenance of good order therein, and in particular, and without prejudice to the generality of the foregoing may make rules for all or any of the following purposes:

(a) regulating, declaring and defining the wharves, docks, piers and places vested in, or in the possession of, the Authority on, and from which goods shall be landed and shipped;

(b) regulating the manner in which, and the conditions under which, the loading and discharging of ships shall be carried out;

(c) regulating the use of any sheds and warehouses vested in, or in the possession of the Authority;

(d) the excluding and removing from the premises of the Authority idle and disorderly or other undesirable persons and trespassers;

(e) regulating the conduct of persons employed on wharves and premises vested in, or in the possession of, the Authority;

(f) regulating any ferry services maintained by the Authority;

(g) managing lighthouses of the Authority.

(2) For the breach of any rule made under this section the Authority may prescribe as penalty a fine not exceeding fifty thousand cedis and, where the breach is a continuing breach, a further fine not exceeding five thousand cedis for every day after the first day during which the breach continues.

(3) A copy of the rules made under this section and for the time being in force shall be kept at the office of the Authority in the port and the Authority shall allow any person to inspect it free of charge at all reasonable times.

## PART X—PILOTAGE

### **Section 32—Pilot District.**

(1) The Secretary may, with the prior approval of the Council by legislative instrument, establish a pilotage district in any port, the approaches to any port or in territorial waters.

(2) An instrument made under subsection (1) of this section may—

(a) provide that in any pilotage district, or in any part of a pilotage district pilotage shall be compulsory;

(b) define the limits of any pilotage district, and where pilotage is compulsory in a part of such district designate the part of the district in which pilotage is compulsory.

### **Section 33—Obligations where Pilotage Compulsory.**

(1) Unless otherwise exempted under subsection (2) of this section, every ship while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving or making use of the port in the district shall be under the pilotage of—

(a) an Authority pilot; or

(b) a licensed pilot of the district.

(2) For the purposes of this section the following ships are exempted ships:

(a) ships belonging to the Republic;

- (b) ships owned or operated by the Authority;
- (c) pleasure yachts;
- (d) ships not exceeding ten tons gross tonnage;
- (e) tugs, dredgers, barges, or similar vessels whose ordinary course of navigation does not extend beyond the limits of any port; and
- (f) ships exempted from compulsory pilotage under section 45 of this Law.

(3) Except as otherwise provided by the rules made under section 45 of this Law, a ship while being moved within a port which is or forms part of a pilotage district shall be deemed to be a ship navigating in a pilotage district.

### **Section 34—Power of Authority in Relation to Pilots.**

Subject to the provisions of this Part, the Authority may license pilots for a pilotage and may do all such other things in relation to the pilots as are necessary or expedient for carrying into effect the Authority's functions under this Part.

### **Section 35—Pilotage Boards.**

The Authority may, by executive instrument, establish a pilotage board for a pilotage district, and in a pilotage district in which or in any part of which pilotage is compulsory, the Authority shall establish a pilotage board for that district.

### **Section 36—Membership of Pilotage Boards.**

(1) A pilotage board shall consist of—

- (a) the harbour master of the port who shall be the Chairman of the board; and
- (b) not less than two and not more than four persons appointed by the Authority with the approval of the Secretary.

(2) A member of a pilotage board other than the harbour master may be appointed for a period not exceeding three years and may be reappointed.

(3) A member of a pilotage board other than the harbour master may at any time resign his office by writing under his hand addressed to the Authority.

### **Section 37—Duties of Pilotage Boards.**

A pilotage board shall—

- (a) hold inquiries concerning the conduct of pilots in the discharge of their duties in the pilotage district;
- (b) license pilots for the pilotage district on behalf of the Authority;
- (c) hold examinations in connection with the licensing of pilots for the pilotage districts.

**Section 38—Meeting of Pilotage Boards.**

- (1) A pilotage board shall meet for the despatch of business at such time and place as the Chairman may from time to time appoint.
- (2) Three members of a pilotage board shall form a quorum.
- (3) The Chairman, if present, shall preside at every meeting of the pilotage board and in his absence the pilotage board shall appoint one of its members to preside.
- (4) Decisions at any meeting of a pilotage board shall be taken by a majority of votes of the members.
- (5) The Chairman, or as the case may be, the member presiding at any meeting shall have a vote and, in the case of an equality of votes, a second vote.
- (6) Minutes of the proceedings of a pilotage board shall be regularly entered in a book to be kept for that purpose and shall, after approval be signed at the next meeting by the Chairman, or as the case may be, by the member who presided at that meeting.

**Section 39—Inquiries into Misconduct of a Pilot.**

A pilotage board may, or shall when so directed by the Secretary, hold an inquiry into the conduct of a pilot against whom any allegation of misconduct is made, or a pilot in charge of a ship which:

- (a) touches the ground;
- (b) runs foul of any ship;
- (c) runs foul of any wharf, buoy, mole or beacon.

**Section 40—Evidence.**

A pilotage board holding an inquiry under section 39 may summon witnesses and examine witnesses on oath and may call for production of any documents before the board.

**Section 41—Misconduct of a Witness.**

(1) When any person summoned as a witness before a pilotage board—

- (a) fails to attend;
- (b) refuses to take an oath when required to do so by the pilotage board during an inquiry;
- (c) refuses to produce any document in his power or control lawfully required by the pilotage board during an inquiry;
- (d) refuses to answer any question to which a pilotage board may lawfully require an answer; or
- (e) during an inquiry is, in the opinion of the pilotage board, guilty of contempt of the board;

the Chairman of the pilotage board may make a written complaint concerning the conduct of that person to any Court which has power to punish persons if guilty of like conduct in that Court.

(2) A Court to which an application is made under subsection (1) of this section shall inquire into the alleged conduct, and after—

- (a) examination of any witnesses that may be produced for or against the person complained against; and
- (b) hearing any statement that may be offered in defence, may if it deems just punish the person complained against, as if he had been guilty of such conduct.

#### **Section 42—Punishment by Pilotage Board.**

(1) Where a pilotage board after due inquiry in accordance with the provisions of this Part finds that a pilot has—

- (a) been guilty of misconduct affecting his capability as a pilot;
- (b) failed in or neglected his duty as pilot; or
- (c) become incompetent to act as a pilot,

the pilotage board may, with respect to paragraph (a) or paragraph (b) of this subsection, impose a fine not exceeding ten thousand cedis or reprimand the pilot and may, in any case, whether in addition to any such fine or reprimand or not, suspend the pilot from duty until such time as the Authority may confirm the suspension or revoke the pilot's licence or permit him under paragraph (b) of subsection (1) of section 43 of this Law to resume his duties as a Pilot in the pilotage district.

(2) Where a pilot is suspended from duty by a pilotage board under subsection (1) of this section the board shall make such recommendations to the Authority concerning the continued discharge

by the pilot of his duties in the pilotage district, as the board considers appropriate in the circumstances of the particular case.

(3) Copies of the record of an inquiry shall be supplied by the pilotage board to the Secretary and the pilot concerned.

#### **Section 43—Revocation of Pilot's Licence.**

(1) The Board of Directors of the Authority shall consider any recommendation made by a pilotage board concerning any pilot who has been suspended by the board under section 42 and having considered the recommendation and the record of the inquiry may:—

(a) suspend or revoke the pilot's licence; or

(b) inform the pilot and the pilotage board that the pilot may resume his duties as a pilot in the pilotage district.

(2) The licence of a pilot shall be suspended or revoked under subsection (1) of this section, and the Authority shall take other action in relation to any pilot as a result of a recommendation made by a pilotage board unless:

(a) in the case of the Authority pilot or licensed pilot he has lodged an appeal with the Secretary within the time prescribed by section 44;

(b) in the case of an Authority pilot he has informed the Authority in writing that he intends to exercise his right of appeal; or

(c) an appeal has been lodged with and determined by the Secretary in accordance with the provisions of section 44.

#### **Section 44—Appeal to Secretary.**

(1) If a pilot is aggrieved by a decision or recommendation of a pilotage board he may within thirty days from the date of the decision or recommendation appeal to the Secretary.

(2) The Secretary after considering the appeal may:

(a) confirm or reverse the finding of the board;

(b) subject to the provisions of section 42, alter the nature of the punishment; or

(c) in the case of a recommendation to the Authority under subsection (2) of section 42, support, comment on or reject the recommendation; and the decision of the Secretary shall be final.

#### **Section 45—Regulations for Pilotage Districts.**

Subject to the provisions of this Part, the Authority may by legislative instrument, make rules for any pilotage district for all or any of the following purposes:

- (a) exempting any class of ship from compulsory pilotage;
- (b) prescribing the occasions on which a ship being moved within a port which forms part of a pilotage district shall not be deemed to be navigating in the port;
- (c) providing that in respect of any class of ship prescribed in the rules only Authority pilots shall undertake pilotage;
- (d) determining the qualifications to be required of licensed pilots;
- (e) providing for a code of conduct for pilots licensed by the Authority;
- (f) prescribing the fees which shall be payable upon the grant or renewal of a licence;
- (g) providing for bonds (the penalty of which shall) not in any case exceed one hundred thousand cedis being given by pilots for the purpose of the provisions of section 47 of this Law limiting a pilot's liability; and
- (h) generally regulating pilotage districts.

#### **Section 46—Liability of the Master or Owner.**

The master or owner of a ship navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

#### **Section 47—Limitation of Pilot's Liability.**

(1) A pilot who has given a bond under rules made under this Part shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Any bond given by a pilot in accordance with regulations or rules made under this Law shall not be liable to stamp duty.

(3) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made in respect of the same neglect or want of skill, the Court in which the proceedings are taken may—

- (a) determine the amount of the pilot's liability and upon payment by the pilot of that amount into Court, may distribute that amount proportionately among the several claimants;

(b) stay any proceedings pending in any other Court in relation to the same matter.

## PART XI—PORT AND WHARFAGE DUES AND RATES

### *Wharfage Dues*

#### **Section 48—Levy of Port Dues.**

Subject to the provisions of this Part, the Authority may levy upon every ship entering or leaving any port such port dues in respect of the passengers, animals or cargo carried in such ship as the Authority may prescribe.

#### **Section 49—Information on Arrival.**

(1) The master of the ship arriving in any port shall produce to the Authority—

- (a) the ship's register and the ship's papers;
- (b) a list of all inward passengers and animals, the name of the consignee of the cargo intended to be unshipped and
- (c) if the whole cargo is intended to be unshipped, a copy of the bill of lading or manifest of the cargo; or
- (d) if part only of the cargo is intended to be unshipped, the account in writing of the kind, weight and quantity of the cargo intended to be unshipped;

and shall also supply such other information in relation to the ship, passengers, animals and cargo thereof as may be prescribed.

#### **Section 50—Information on Proceeding Outwards.**

(1) When applying for the clearance of his ship outwards from any port, the master shall produce to the Authority—

- (a) a list of all outward passengers and animals;
- (b) an account in writing of the kind, quantity and weight of all cargo shipped on board in such port;

and shall also supply to the Authority such other information in relation to the ship, passengers, animals or cargo thereof as may be prescribed.

(2) The particulars required under subsection (1) of this section shall be delivered to the Authority, and in such form as may be prescribed.

#### **Section 51—Payment of Port Dues.**

(1) Port dues payable in respect of passengers, animals and cargo inwards shall be paid at the time of the report of the ship inwards.

(2) Port dues payable in respect of passengers, animals and cargo outwards shall be paid at the time of the report of the ship outwards.

**Section 52—Persons Liable for Payment of Port Dues.**

The following persons shall be liable for the payment of port dues—

(a) the master or owner of the ship;

(b) in the case of port dues payable in respect of passengers, animals or cargo inwards, every consignor or agent of the ship who is liable to pay any charge on account of the ship in the port of arrival or discharge;

(c) in the case of port dues payable in respect of passengers, animals or cargo outwards, every consignee or agent of the ship who is liable to pay any charge on account of the ship in the port of departure.

**Section 53—Retention of Port Dues out of Owner's Moneys.**

Where any port dues are paid by any person, not being the owner or master of the ship under paragraph (b) or paragraph (c) of section 52, that person may retain out of any moneys received on account of such ship or her owner, the amount of the port dues paid by him together with any reasonable expenses or liability.

*Ship's Dues*

**Section 54—Levy of Ship's Dues.**

Subject to the provisions of this Part, the Authority may levy on any ship—

(a) in relation to any port such ships' dues by way of buoyage, anchorage, mooring buoy, berthing or other ships' dues;

(b) in relation to any pilotage district such ships' dues by way of pilotage dues;

as the Authority may prescribe.

**Section 55—Person Liable to Pay Ships' Dues.**

(1) The following persons shall be liable to pay ships' dues levied on a ship under paragraph (a) of section 54—

(a) the master or owner;

(b) every consignee or agent who is liable to pay any dues on account of the ship in the port of arrival or discharge.

(2) The following persons shall be liable to pay ships' dues levied on a ship under paragraph (b) of section 54—

(a) the master or owner;

(b) as to pilotage inwards, every consignee or agent who shall have paid or made himself liable to pay any dues on account of the ship in the port of her arrival or discharge;

(c) as to pilotage outwards, every consignee or agent who shall have paid or made himself liable to pay any dues on account of the ship in the port of departure.

### **Section 56—Retention of Ships' Dues out of Owners' Moneys.**

When any ships' dues are paid by any person, not being the master or owner of the ship, who is liable under paragraph (b) of subsection (1) of section 55 or paragraph (c) of subsection (2) of section 55, that person may retain, out of any moneys received on account of the ship or her owner, the amount of the dues paid by him together with any reasonable expenses he may have incurred by reason of the payment or liability.

### *Levy of Rates*

### **Section 57—Levy of Rates.**

The Authority may, subject to the provisions of this Law, charge reasonable rates as it may from time to time determine for the use of any tugs, launches, lighters, sheds, buildings, yards, weighing machines, moorings, cranes, mooring buoys or other equipment, works and conveniences belonging to, or provided by the Authority for the supply of water, electricity and in respect of any other services whatsoever, provided by the Authority at a port.

### **Section 58—Authority's Lien for certain Rates.**

(1) For the recovery of all rates payable under this Law in respect of any goods, the Authority shall have lien on the goods and shall be entitled to seize and detain such goods until the rates are fully paid.

(2) Rates in respect of goods to be landed shall become payable immediately on the landing of the goods.

(3) Rates in respect of goods to be removed from premises of the Authority, or to be shipped, shall be payable before the goods are removed or shipped.

(4) The lien for the rates shall have priority over all other liens and claims, except claims for money payable to the State.

### **Section 59—Lien for Freight.**

(1) Where goods are landed or intended to be landed at any wharf or other premises of the Authority, and the master or owner of any ship, or his agent, or the person for whom the goods are landed gives notice in writing at or before the time of landing from the ship that the goods are to remain subject to a lien for freight, primage or general average or charges, the goods shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof.

(2) The Authority shall retain the goods at the risk and expense of the owner of the goods until the lien is discharged under section 60 or the goods are disposed of under section 61.

### **Section 60—Discharge of Lien.**

Upon production to the Authority of a document purporting to be a receipt for the amount claimed as due, or a release for the amount of any lien to which goods are liable under section 59 from the person by whom or on whose behalf the notice has been given, the Authority may permit the goods to be removed without regard to the lien, if it has used reasonable care with respect to the authenticity of the document.

### **Section 61—Sale by Authority.**

(1) Subject to subsection (2) of this section, if:

(a) the rates payable to the Authority in respect of any goods are not paid; or

(b) the lien for freight, primage, general average or charges, when the notice as aforesaid has been given, is not discharged,

the Authority may, if required by or on behalf of the person claiming the lien for freight, primage, general average or charges,

(i) at the expiration of sixty days from the time when the goods were placed in its custody;  
or

(ii) if the goods are of a perishable nature at such earlier period, not being less than twenty-four hours after the landing of the goods, as it thinks fit,

sell by public auction the goods or so much of the goods as it is necessary to satisfy the expenses, rates and other claims to be paid out of the proceeds of the sale.

(2) Where the goods have not been entered for customs purposes they shall be removed to the Government warehouse to be kept under customs control and shall be dealt with under the provisions of the Customs and Excise Decree, 1972 (N.R.C.D. 114).

(3) A notice of the sale shall be published in the Gazette for a period of ten days before the sale unless the goods are of such perishable nature as, in the opinion of the Authority, may render their immediate sale necessary or advisable, and in any such case the notice shall be given as the urgency of the case admits.

(4) Where the address of the owner of the goods or his agent—

(a) has been stated on the manifest of the cargo or in any of the documents which have been received by the Authority; or

(b) is otherwise known,

and the address is within Ghana, notice shall also be given to the owner of the goods by letter delivered at such address or sent by post but the title of a bona fide purchaser shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to inquire whether the notice has been given.

### **Section 62—Application of Proceeds Sale.**

(1) The proceeds of any sale under section 61 shall be applied as follows, and in the following order—

(i) firstly, in payment of the expenses of the sale;

(ii) secondly, in payment of the rates and expenses due to the Authority, in respect of the goods; and

(iii) lastly, in payment of the freight and other claims or lien of which a notice has been given under section 62;

and the surplus, if any, shall be paid to the owner of the goods on demand.

(2) Where no such demand is made within one year from the date of the sale of the goods, the surplus shall be paid to the general account of the Authority, and all rights of the owner to such surplus shall be extinguished.

### *General Provisions as to Dues and Rates*

### **Section 63—Power of Entry to Ascertain Dues, Etc.**

The Authority may, either alone or with any other person, enter into any ship within the limits of any port, in order to ascertain the dues or rates payable in respect of that ship.

### **Section 64—Weighing and Measuring of Goods in Event of Dispute.**

If any difference arises between the Authority and the master of any ship or owner of any goods, concerning the weight or quantities of the goods in respect of which any port dues or rates are payable, the Authority shall cause all the goods to be weighed and measured and may, if necessary, detain the ship containing the goods until the goods have been weighed or measured.

### **Section 65—Payment of Expenses of Weighing and Measuring.**

(1) If the weight or measurement of the goods is more than that shown by the particulars delivered by the master in accordance with section 49 or section 50 of this Law the expenses of the weighing or measuring shall be paid to the Authority by the master of the ship, and shall be recoverable in the same manner as dues payable under this part.

(2) If the weight or quantity of the goods is the same as or less than that shown by the particulars so delivered, the Authority shall pay all the expenses of the weighing or measuring and of any unreasonable delay of the ship.

#### **Section 66—Distress for Non-payment of Dues and Rates.**

(1) If the master of any ship in respect of which any dues or rates are payable refuses or neglects to pay the dues or rates on demand, the Authority may distrain or arrest the ship and the tackle, apparel or furniture thereof and may detain the ship until the amount due is paid.

(2) If for a period of fourteen days following the distraint or arrest—

(a) any such dues or rates; or

(b) any of the expenses of distraint or arrest or the detention of the ship, tackle, apparel or furniture remain unpaid, the Authority may cause the ship or other things distrained or arrested to be sold.

(3) The Authority may, out of the proceeds of the sale, retain the amount of dues, rates or costs owed and shall deliver the balance to the master of the ship on demand.

#### **Section 67—Clearance to be Withheld until Dues or Rates are Paid.**

(1) Where the Authority has given notice to the proper officer of the Customs, Excise and Preventive Service stating that an amount therein specified is due in respect of dues or rates payable under this Law against any ship, or the master or owner of the ship, the proper officer shall not give any discharge or clearance outwards until—

(a) the amount of the dues or rates has been paid; or

(b) security has been given to the satisfaction of the Authority for the payment of the dues or rates.

(2) In this section "proper officer" means the officer whose duty it is to grant clearance from the port outwards of the ship in respect of which notice is given.

#### **Section 68—Recovery of Dues, Rates.**

Notwithstanding the provisions of sections 58 to 67 the Authority may recover by civil action any dues, rates, expenses, costs or, in the case of sale, the balance thereof, when the proceeds of sale are insufficient.

### **Section 69—Port Rates on Passengers, Goods, and Shed Rates.**

Where any goods remain on or in any wharf, shed or other work or place of the Authority for more than twenty-four hours after the time when the goods are left thereon or therein, the Authority may charge in respect of the goods, quay and shed rates not exceeding the appropriate amount for the time being prescribed by the Authority under section 75 of this Law.

### **Section 70—Unclassified Goods.**

Any goods not specified in regulations made under section 75 of this Law shall, for the purpose of the payment of port rates on goods and quay and shed rates, be classified by the Authority under the same head as goods specified in the regulations to which, in the opinion of the Authority, they are most similar in matter, value and quality and the rate for the time being chargeable for such specified goods shall accordingly be charged by the Authority in respect of the goods not specified in the regulations.

### **Section 71—Power to vary Dues and Rates.**

- (1) The Authority may from time to time vary any dues or rates which it is for the time being authorised to charge in such manner as it deems expedient.
- (2) Any dues or rates so varied under the provisions of this section shall not exceed the appropriate amount for the time being specified in regulations made under section 75 of this Law.
- (3) Dues and rates shall at all times be charged equally to all persons in respect of the same description of ship and the same description of goods.

### **Section 72—Power to Compound for Rates on Goods.**

- (1) The Authority may from time to time compound, for such period and on such terms (including the basis of calculation) as the Authority thinks fit, with any person liable to pay rates on goods with respect to the payment of any such rates.
- (2) The Authority shall if so required by any person liable to pay rates on goods imported or exported in like circumstances from or to the same place compound with that person for the payment of such rates within the same period and on the same terms as may be prescribed under subsection (1) of this section.

### **Section 73—Shippers to give Account of Goods.**

- (1) Any person intending to load any goods on board a ship within a port shall give to the collectors a true account of the kind, quantity and weight of the goods intended to be loaded.
- (2) Any person who fails to comply with the provisions of the subsection (1) of this section or who knowingly or recklessly gives a false account commits an offence and shall be liable on summary conviction, to a fine not exceeding one hundred thousand cedis, or three years imprisonment or to both such fine and imprisonment.

#### **Section 74—Removal of Goods to Warehouse.**

(1) Whenever goods which have been landed have, without of any default on the part the Authority been left for five clear days, on or in any wharf or place belonging to or occupied by the Authority, the Authority may cause the goods to be removed either to a warehouse or other place belonging to or occupied by it, or to any other warehouse; and the removal to and detention in such warehouses of the goods shall be at the risk and expense of the owner thereof.

(2) Whenever any goods are so removed the Authority shall give notice of the removal to the consignee of the goods or his agent, if the address of either is known, by letter sent by post to such address or left thereat.

#### **Section 75—Regulations for Levy of Dues and Rates.**

(1) Subject to the provisions of this Part, the Authority may with the prior approval of the Secretary, by legislative instrument, make Regulations—

(a) for the levying and payment of dues and rate in convertible currency or cedis for the purposes of sections 5(2)(j), 48, 54 and 57 of this law;

(b) prescribing the conditions upon which any work or services in respect of which a rate is levied will be performed or provided by the Authority.

(c) prescribing the officer of the Authority to whom any returns or information required under this Part shall be delivered and place of such delivery and the time within which it shall be made;

(d) prescribing the officer of the Authority to whom dues or rates shall be paid, the place of payment and the time within which payment shall be made;

(e) providing for the exemption of any ship, or class of ships, passengers, animals or goods from all or any part thereof;

(f) generally for giving effect to the provisions of this Part.

(2) For the avoidance of doubt it is hereby declared that Regulations made under this section may—

(a) prescribe different dues or rates from different ports;

(b) prescribe different dues or rates for different classes of ships, passengers, animals or goods;

(c) provide that the Authority may enter into a special agreement in respect of any matter referred to in section 57 of this Law instead of charging the rate in accordance with the rate prescribed by regulations.

(3) All port dues and stevedoring charges shall be paid in convertible currency except that Ghanaian registered ships may pay in cedis.

**Section 76—Free access to copies of Regulations on Dues and Rates, kept at Offices of Authority.**

The Authority shall keep at the office of the Authority in each port a book specifying the dues and rates for the time being in force and shall allow any person to inspect it free of charge at all reasonable times.

**Section 77—Exemptions.**

The provisions of this Part of this Law shall not apply to—

- (a) any ship belonging to the Republic; or
- (b) any ship belonging to a foreign Government.

**Section 78—Application to Government Goods.**

The provision of this Part of this Law shall apply to goods which are the property of the Government.

**PART XII—LIABILITY OF THE AUTHORITY**

*As a Carrier of Passengers*

**Section 79—Liability of Authority for Loss of Life or Injury to Passengers.**

(1) The Authority shall not be liable for the loss of life of, or personal injury to, any passenger except where the loss of life or personal injury is caused by want of ordinary care, diligence or skill on the part of the Authority or any of its employees.

(2) The Authority shall not in any circumstances be liable for the loss of life of, or personal injury to, any passenger—

- (a) who is travelling by special permission, whether verbal or written, in any part of a ship, vehicle, or train other than a part normally provided for the use of passengers;
- (b) who is travelling on a free pass;
- (c) who at the time the loss of life or injury occurred was being carried by any transport service other than one provided by the Authority or under control of the Authority.

(3) Except as otherwise provided in sub-section (4) of this section, the Authority shall not be liable for the loss of life or personal injury which occurs to any passenger during carriage by ship arising from—

- (a) an act of God
- (b) an act of war or an enemy of the State;
- (c) fire, or accident on the seas, inland waters, or navigation, of whatsoever nature or kind and whatsoever cause arising.

(4) Subject to any condition expressed in the contract of carriage, the Authority shall be liable for any loss of life or personal injury which occurs during the carriage by ship to the extent to which it would have been liable under the Merchant Shipping Act, 1963 (Act 183) if the ship were registered under that Act and the Authority were the owner of that ship and not to any greater extent.

(5) Where the Authority disclaims liability under subsection (4) of this section the burden of proving that any such loss of life or injury occurred during the carriage by ship shall lie upon the Authority.

(6) For the purposes of this section the expression "passenger" includes every person, other than an employee of the Authority on duty, lawfully travelling on any ship, vehicle or train owned or operated by the Authority.

#### **Section 80—Delay to Passengers.**

The Authority shall not be liable for any loss arising from the delay to any passenger caused by—

- (a) the failure of any ship, vehicle or train to start on any journey;
- (b) the late starting or late arrival of any ship, vehicle or train.

#### **Section 81—Liability for Loss or Damage to Goods.**

(1) Subject to the provisions of this Law, the Authority shall not be liable for any loss or damage to goods carried by the Authority solely by ship or partly by train or vehicle and partly by ship and arising from—

- (a) an act of God;
- (b) an act of war or of an enemy of the State;
- (c) fire, or accident from machinery, boilers or steam;
- (d) any peril or accident on the seas, inland waters or navigation, of whatsoever nature or kind and from whatsoever cause arising.

(2) Subject to the provisions of any enactment relating to the carriage of goods by sea and to any conditions expressed in the contract of carriage, the Authority shall be liable for any loss or damage which occurs during the carriage by ship to the extent to which it could have been liable under the

Merchant Shipping Act, 1963 (Act 183) if the ship were registered under that Act and the Authority were the owner of that ship and not to any greater extent.

(3) Where the Authority disclaims liability under the (subsection 2) of this section the burden of proving that any loss or damage occurred during the carriage by ship shall lie upon the Authority.

### **Section 82—Liability for delay, Etc. of Goods.**

(1) Subject to subsection (2) of this section, the Authority shall not be liable for any loss arising from delay to, detention of, or deviation in, the carriage of goods unless the delay, detention or deviation is caused by want of reasonable foresight and care on the part of the Authority or of any employee of the Authority.

(2) The Authority shall not in any circumstances be liable for any loss arising from delay to, detention of, or deviation in, the carriage of goods—

(a) where there has been fraud on the part of the consignor; or

(b) unless a document acknowledging the receipt of the goods for carriage by the Authority has been given; or

(c) which at the time when the delay, detention or deviation occurred were being carried by any transport service other than one provided by the Authority; or

(d) where there is a loss in a particular market whether held daily or at intervals; or

(e) where the delay, detention or deviation arises from—

(i) insufficient or improper packing;

(ii) riots, civil, commotion, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general.

### **Section 83—Limitation of Liability for Loss of Animals.**

(1) The liability of the Authority in respect of any animal shall not in any case exceed—

(a) in the case of any horse, ten thousand cedis;

(b) in the case of any cattle, five thousand cedis;

(c) in the case of any other animal, one thousand cedis,

unless at the time of acceptance of the animal by the Authority for the carriage the consignor or his agent declared that the value of the animal exceeded the appropriate amount and paid, or agreed to such additional charge as may be prescribed in respect of such excess value, and the liability of the Authority shall not in any case exceed such declared value.

(2) In any proceedings, against the Authority for the recovery of the sum in respect of any animal, the burden of proving the value of the animal, and extent of the injury where the animal has been injured shall be upon the claimant.

(3) The Authority may, with the prior approval of the Secretary, by legislative instrument vary the provisions of paragraphs (a), (b) and (c) of subsection (1) of this section.

#### **Section 84—Further Provision Relating to the Liability for Loss of Goods.**

(1) Subject to the provisions of this Law or any contract, the Authority shall not be liable for the loss, misdelivery or detention of, or damage to, or deterioration of, goods—

(a) delivered to, or in the custody of, the Authority otherwise than for the purpose of carriage;

(b) accepted by the Authority for carriage where the loss, misdelivery, detention or damage occurs otherwise than when the goods are in transit;

except where the loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of the Authority or any employee of the Authority;

(2) The Authority shall not be liable for the loss, misdelivery, detention or damage or deterioration arising from—

(i) seizure under any legal process;

(ii) an act or order of the Government;

(iii) an act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person;

(iv) fire, flood, tempest, riots, civil commotion, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general;

(v) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;

(vi) deficiency in the contents of unbroken packages;

(vii) insufficient or improper packing, or leakage from defective drums, containers or packages.

(3) The provisions of subsections (1) and (2) of this section shall apply to any master porter licensed by the Authority under paragraph (h) of subsection (2) of section 5 of this Law to the extent that they would apply if the Authority were handling or were in control of the goods at a port.

### **Section 85—Liability in Connection with Pilotage.**

(1) The liability of the Authority in relation to its duties in connection with pilotage under Part X or any rules made thereunder shall, where without its actual fault or privity, any loss or damage is caused to any ship or to any merchandise or other things whatsoever on board any ship or to any other property or rights of any kind, whether on land or on water or whether fixed or movable, be limited to the amount of ten thousand cedis multiplied by the number of Authority and licensed pilots entitled to pilot ships in the pilotage district where the loss or damage occurred on the date when the loss or damage occurred.

(2) Nothing in this section shall be construed to impose a liability on the Authority for any loss or damage under subsection (1) of this section, where no liability would have existed but for the section.

### **Section 86—Limitation of Liability for Several Claims.**

The limitation of liability under section 85 shall relate to the whole of any loss or damage which may arise upon any one distinct occasion, although the loss or damage may be sustained by more than one person, and shall apply whether the liability arises at common law or under any enactment, and notwithstanding anything contained in any such enactment.

### **Section 87—Consolidation of Claims.**

Where any liability is alleged to have been incurred by the Authority in respect of any loss or damage to which section 85 applies, and several claims are made in respect of that liability, the Authority may apply to the Court concerned and that Court may—

- (a) determine the amount of the liability of the Authority, and distribute that amount proportionately among the several claimants;
- (b) stay any proceedings pending in any other Court in relation to the same matter; or
- (c) proceed in such manner and subject to such directions:
  - (i) as to making persons interested parties to the proceedings;
  - (ii) as to the exclusion of any claimants;
  - (iii) as to requiring security from the Authority and as to the payment of any costs, as the Court thinks fit.

### **Section 88—Sections 85, 86 and 87 Inapplicable in certain Cases.**

In any case where the Authority is entitled to limit its liability as the owner of a ship, the provisions of sections 85, 86 and 87 shall not apply to any loss or damage the liability for which can be so limited by the Authority.

### **Section 89—Liability in Respect of Licensing Pilots.**

(1) The grant or renewal of a licence to a pilot by the Authority under the powers conferred upon the Authority by this Law shall not impose any liability on the Authority for any loss occasioned by any act or default of the pilot.

(2) The Authority shall not be liable for any loss occasioned by any act or default of any Authority pilot.

### *Miscellaneous*

### **Section 90—Exclusion of Liability for Dangerous Goods.**

The Authority shall be under no liability whatsoever to any person for any loss, damage, costs or expenses incurred by that person howsoever arising and which occurs as a result of the loading, discharging, handling or transport of dangerous goods within a port.

### **Section 91—Removal of Goods from a Port.**

(1) No person shall remove goods from a port unless he has first obtained a waybill in a form approved by the Authority authorising the removal of the goods.

(2) A person removing goods from a port under the authority of a waybill shall, before leaving the port, supply to the police officer on duty for the purpose of checking the removal of goods a copy of the waybill.

(3) A police officer or any other authorised person may—

(a) detain any person attempting to remove goods from a port without having in his possession a waybill authorising the removal of the goods for such reasonable time as may be necessary to investigate the circumstances in which the goods are being removed;

(b) detain any goods which are being removed from a port without authority and, in the case of goods being removed in or on a vehicle, shall remove the goods from the vehicle.

(4) Any person who fails to comply with the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand cedis or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

## **PART XIII—LEGAL PROCEEDINGS**

### **Section 92—Limitation of Suits against Authority.**

(1) Any civil action against the Authority or any employee of the Authority for any act done in pursuance or execution, or intended pursuance or execution of any enactment, duty or authority shall abate unless it is commenced within twelve months after the act, neglect, or default complained of, or where the injury or damage continues, within twelve months after it ceases.

(2) No civil suit shall be commenced against the Authority until one month at least after written notice of intention to commence the action has been served upon the Authority by the intending plaintiff or his agent.

(3) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

### **Section 93—Service of Documents.**

The notice referred to in section 92 and any summons, notice or other document required or authorised to be served upon the Authority in connection with any suit by or against the Authority may be served by delivering it to, or sending it by registered post addressed to the Director-General.

### **Section 94—Stay of Arrest in certain Cases.**

A person on duty with the Authority shall not be removed under arrest if his immediate removal from duty might result in danger to life or goods, unless the head of the department in which he is employed or the officer in immediate charge of the work in which such person is engaged has been given an opportunity of providing a substitute.

### **Section 95—Representation of Authority in Proceedings.**

In any civil action pending before a Court the Authority may be represented in Court at any stage of the proceedings by any employee or person who shall satisfy the Court that he is duly authorised in writing by the Authority in that behalf.

## **PART XIV—OFFENCES**

### *Offences in Connection with Lighthouses, Etc.*

### **Section 96—Damage to Lighthouses, Buoys and Beacons.**

Any person who wilfully or negligently—

- (a) damages any lighthouse or any light exhibited therein or any buoy or beacons;
- (b) removes or alters any lighthouse, buoy or beacons; or
- (c) rides by, makes fast to, or runs foul of any lighthouse, buoy or beacon;

commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand cedis in addition to his liability to make good the damage thereby caused.

### **Section 97—Prohibition of false Lights.**

(1) Whenever any fire or light is burned or exhibited at any place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, buoy or beacon, the Authority may serve a notice upon the owner or occupier of the place where the fire or light is burned or exhibited, or on the person having charge of the fire or light, directing the owner, occupier, or person, within a reasonable time to be specified in the notice, to take effectual means from extinguishing or effectually screening the fire or light and for preventing the same or any similar fire or light being burned or exhibited thereafter.

(2) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or affixing the same in a conspicuous manner near the fire or light to which the notice relates.

(3) Any person on whom a notice is served under this section who fails, without reasonable cause the proof whereof shall lie on him, to comply with the direction contained in the notice, commits an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand cedis or imprisonment for a term of three years or to both such fine and imprisonment.

(4) If any person on whom a notice under this section is served neglects for a period of twenty-four hours to extinguish or effectually screen the fire or light an authorised employee of the Authority, with workmen or other assistants may enter upon the place where the fire or light is, and forthwith extinguish it doing no unnecessary damage, and may recover the expenses incurred by him in so doing from the person on whom the notice has been served in the same manner as fines may be recovered under this Law.

#### **Section 98—Penalty for Obstructing Authorised Entry, Etc.**

Any person who wilfully obstructs any other person in doing any act authorised by this law commits an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand cedis or imprisonment for a term of three years or to both such fine and imprisonment.

#### *Offences in Connection with Pilotage*

#### **Section 99—Penalty for Compulsory District without Pilot.**

(1) If any ship not being in the charge of a pilot authorised to pilot the ship, enters, leaves or changes her berth in any pilotage district in which pilotage has been made compulsory under this Law, the pilotage dues which would have been paid if an Authority pilot had been employed shall nevertheless be paid together with a penalty of five thousand dollars or its equivalent in cedis.

(2) The dues and penalty shall be payable by the person declared by this Law to be liable to pay the pilotage dues.

#### **Section 100—Penalty on Pilot Endangering a Ship.**

Where any pilot in charge of a ship—

(a) by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act which is likely to cause loss, destruction or serious damage to any ship or immediate danger to life or limb of any person on board the ship; or

(b) refuses or omits to do any lawful act required to be done by him for preserving the ship from loss, destruction or serious damage, or preserving any person on board the ship from danger to life or limb;

he commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding two years.

### **Section 101—Penalty for Illegal Pilotage.**

Where any person holds himself out as a pilot authorised to pilot a ship in a district which he is not authorised to pilot under this Law, or pilots any ship in a pilotage district which he is not so authorised to pilot, shall be liable to a penalty not exceeding fifty thousand cedis or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.

*Offences in Connection with Dues, Rates, Returns, Etc.*

### **Section 102—Evasion of Dues and Rates.**

Any master or owner of any ship, or any owner, consignor or consignee of any goods who evades or attempts to evade any of the dues or rates chargeable under this Law commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or its equivalent in cedis or to both, and shall in addition be liable to pay in dollars in case of foreign registered ships or its equivalent in cedis in case of Ghanaian registered ships to the Authority a penalty double the amount of the dues or rates he evaded or attempted to evade.

### **Section 103—Failure to Comply with Section 49 or 50.**

Any master of a ship who contravenes any of the provisions of section 49 or 50 of this Law commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars in the case of foreign registered vessels or its equivalent in cedis in the case of Ghanaian registered vessels or to both such fine and imprisonment.

### **Section 104—False Returns.**

Any person who knowingly or recklessly, makes any statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under the provisions of this Law commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand cedis or to both.

### **Section 105—General Offences.**

(1) Any person who within a port—

- (a) trespasses or being a trespasser refuses to leave after being warned to do so by an officer or other employee of the Authority;
- (b) is drunk or behaves in an offensive or disorderly manner;
- (c) commits a nuisance or act of indecency or uses profane, indecent or abusive language;
- (d) writes, or affixes any profane, indecent or abusive word or matter on any property of the Authority;
- (e) knowing or being in a position to know that a room or other place is reserved for the exclusive use of males or females or different classes of persons enter it without lawful excuse or having so entered remains therein after having been requested by an officer or other employee of the Authority to leave;
- (f) refuses to obey a lawful request of an officer or other employee of the Authority;
- (g) fails to deliver at the earliest opportunity any property found by, and not belonging to, him or removes such property;
- (h) carries, places or houses, except in accordance with regulations made under this Law, a loaded fire-arm of any kind or any receptacle containing any inflammable, explosive or corrosive gas, liquid or spirit or any dangerous or offensive goods;
- (i) without the permission of the Authority, hawks, sells or exposes or offers for sale any goods or touts, plies for, or solicits custom or employment of any description;
- (j) without lawful excuse, loiters or remains on such port;
- (k) does or attempts to do anything which may cause injury to any person;
- (l) wilfully gives false name or address to a police officer or an officer or other employee of the Authority for the purpose of avoiding prosecution;
- (m) wilfully molests, hinders or obstructs an officer or other employee of the Authority in the execution of any work to be done within a port;

shall be liable on summary conviction to a fine not exceeding ten thousand cedis or to imprisonment for a term not exceeding twelve months or to both.

(2) Any person who within a port—

- (a) wilfully damages, injures, defaces or in any way interferes with any property of the Authority;

(b) wilfully obstructs any work, way, rolling stock, ship, vessel or any other property of the Authority;

(c) removes or attempts to remove any property of the Authority or unlawfully keeps any such property in his possession or on his premises;

(d) discharges any fire-arm, or throws anything likely to damage any property of the Authority or obstructs or injures any other person employed within a port;

(e) smokes in a goods shed, warehouse, or such other place in proximity to any goods or inflammable material where notices prohibiting smoking are exhibited; or

(f) makes use of any form of artificial heat for sealing or repairing petrol or kerosene tins within a port in a place not specially assigned for that purpose,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three years or a fine not exceeding fifty thousand cedis or to both.

(3) Except in accordance with regulations made under section 110 of this Law the Authority may refuse to allow within any port any person who—

(a) appears to be insane or suffering from contagious or infectious disease;

(b) appears to be under the influence of liquor;

(c) commits any nuisance or act of indecency or uses obscene or abusive language;

(d) interferes with any officer or other employee of the Authority in the exercise of his duty.

### **Section 106—Penalty for Unlawful Loosing Moorings.**

Any person who for the purpose of obtaining salvage, or for any other purpose, wilfully sets adrift, or cuts, breaks or unfastens the moorings of any ship commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand cedis or to imprisonment for a term not exceeding one year or to both.

### **Section 107—Wilfully Sinking Vessels and Damage by Ship to Works, Etc.**

(1) Any person who wilfully sinks any ship in a port or in the approach thereto without the permission in writing of the harbour master, shall, in addition to paying the expenses incurred by the Authority in removing the ship, commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand cedis or to a term of imprisonment not exceeding ten years or to both.

(2) Where through the wilful act or default of the master of a ship or the person having charge of a float of timber or any person employed by the owner of the ship or float of timber, a damage is

done to a quay or other work belonging to or occupied by the Authority the owner of the ship or float of timber shall be jointly and severally liable with the master of the ship or the person having charge of the float of timber or the person employed by him to repay to the Authority the cost of repairing any damage so done to the quay or other work belonging to or occupied by the Authority.

(3) The provision of subsections (2) and (3) of this section shall not apply to a ship which at the time when the damage is caused is in the charge of an authority pilot whom the master of the ship was bound by this Law to employ.

(4) The Authority may detain the ship or float of timber until the cost of repairing the damage done has been paid to the Authority or security has been given to the Authority for the amount thereof.

## PART XV—MISCELLANEOUS

### **Section 108—Rating.**

(1) Notwithstanding the provisions of any enactment, the wharves vested in or in the possession of the Authority shall not be regarded as property for rating purposes, nor shall the Authority pay any rates under the enactment in respect of such wharves.

(2) The exemption conferred by this section shall not extend to any property situated in any wharves vested in or in the possession of the Authority.

### **Section 109—Saving of Powers under Customs Laws.**

Nothing in this Law shall be deemed to derogate from the powers conferred upon any person under the Customs and Excise Decree, 1972 (N.R.C.D. 114).

### **Section 110—Regulations for Management and Good order and Government.**

(1) The Secretary may, by legislative instrument, make Regulations for the management, and for the good order and government of the traffic by sea or by land to, in, or from ports, and with regard to the use of the terms and conditions on which the sale may be used, and in particular, and without prejudice to the generality of the foregoing may make Regulations—

(a) with regard to vessels entering, leaving, or being in or near any port;

(b) prescribing anchorage and moorings either generally or in relation to any class of vessels carrying any class of cargo;

(c) for declaring, and defining, the decks, wharves, quays, jetties, or landing places on which goods or passengers shall be landed from vessels, or shipped or embarked on board vessels, and for regulating the use of the sheds, warehouses, railways, tramways, and other parts of a port;

(d) for the loading and discharge of vessels;

(e) the landing, reception, portage, warehousing, storage, depositing, and removal of goods brought within any port for loading or shipping or otherwise;

(f) the landing and embarkation of passengers;

(g) for the admission of vessels into or near any port or any part thereof, and their removal out of or from the port, and for the good order and government of such vessels while within a port or at or near any part thereof;

(h) prescribing the cases in which vessels approaching, entering, moving in, or leaving any port shall employ a pilot, as to the pilots to be so employed, and generally for regulating pilotage in or in the neighbourhood of a port;

(i) for preventing damage or injury to any port or any part thereof or to any vessel or goods within a port;

(j) for the removal of any wrecks and other obstructions from or near any port, keeping a port clean, and for preventing ballast, rubbish, or other substances being thrown, discharged, or put therein or thereon, and for prescribing the mode in which, and the parties by whom or by which, any expenses incurred in connection with any of the matters mentioned in this paragraph shall be borne and paid;

(k) prescribing the duties of masters of ships carrying gunpowder or other explosive or supervising the shipping, unshipping, landing, and transport of any such cargo;

(l) regulating the exhibition of lights by vessels;

(m) regulating the approach, or making fast, of any boats to any ship or wharf;

(n) as to the registration and licensing of ships and boats under fifty tons burden plying in a port;

(o) the licensing of porters and carriers and any other labourers working in a port;

(p) as to the fees to be paid for any registration or licence provided registration or licence provided for, or in respect of, any other matter or thing prescribed;

(q) for the exclusion and removal from a port of disorderly or other undesirable persons and of trespassers;

(r) for prescribing a scale of rates, and the conditions under which these are to be levied in respect of:

(i) port dues on vessels and goods respectively;

(ii) the use of anchorages and mooring;

(iii) permission for vessels to approach or lie alongside any wharf, quay, pier, dock, land, building, or place;

(iv) wharfage, crantage, rent, warehousing, storage, depositing, or demurrage of goods at or within any wharf, quay, pier, dock, land, building, or place;

(v) passengers landing and embarking;

(vi) any other facilities or services;

(s) exempting any vessels or classes of vessels, or any goods or classes of goods, either wholly or partly from the payment of such rates, and annexing conditions to any such exemption;

(t) for the payment and collection of the rates leviable under this section, and for the purpose of facilitating the collection of such rates;

(u) generally for more effectually carrying into effect any of the purposes or provisions of this Law.

(2) For the breach of any regulation made under this section the Secretary may prescribe as a penalty a fine not exceeding one thousand dollars or its equivalent in cedis, as the case may be, or imprisonment for a term not exceeding one year or both, and in the case of continuing breach a fine not exceeding fifty dollars or its equivalent in cedis a day, as the case may be, for every day after the first during which the breach continues or a term of imprisonment with or without hard labour not exceeding six months, or to both.

### **Section 111—Interpretation.**

In this Law, unless the context otherwise requires—

"animal" means any animate thing of every kind except human beings;

"approach to a port" means any navigable channel normally used by a ship when entering or leaving a port;

"Authority pilot" means a pilot appointed by the Authority;

"ballast" includes every kind of gravel, sand and soil and every commodity or thing commonly used for the ballasting of ships;

"beacon" means any light, mark or sign used as an aid to navigation other than a lighthouse or buoy;

"buoy" includes any floating light, mark or sign used as an aid to navigation, other than a lighthouse;

"cargo" includes all kinds of movable personal property, other than animals;

"Council" means the Provisional National Defence Council;

"dollars" means United States of America dollars;

"dues" includes ships' dues and port dues'

"ferry" means any ship plying from one side of a waterway to the other for the purposes of the carriage of passengers or goods;

"goods" includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;

"licensed pilot" means a pilot licensed by the Authority;

"Secretary" means the Provisional National Defence Council Secretary for Transport and Communications;

"lighthouse" includes a lightship;

"master" means when used in relation to any ship, the person having a command or charge of the ship for the time being, but does not include a pilot;

"perishable goods" means goods liable to rapid deterioration and includes fish, fruits, vegetables, potatoes, plants, bread, meat, game, butter, eggs, milk, cheese, ice and any other thing which may be declared by regulation under this Law to be perishable goods;

"navigable channel" means any channel where navigation is possible;

"pilot" means a person not belonging to a ship who has conduct thereof;

"pilotage districts" means—

(a) any pilotage district established before the commencement of this Law and continuing as such immediately before such commencement;

(b) any pilotage district established by the authority under this Law; and

(c) any such district, subject to such variation of its limits as may have been made by regulation under this Law;

"Port" means—

(a) any port declared and continuing as such immediately before the commencement of this Law;

(b) any port declared as such by regulation under this Law; and

(c) any such port, subject to such variation of its limits as may have been made by regulation under this Law;

"Ports Operation Officer" is any officer of the Authority authorised by the Authority to perform the functions of the Ports Operation Officer under this Law;

"rates" means rates levied by the Authority by virtue of section 57 of this Law;

"ship" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed;

"vehicle" means any vehicle other than a train or ship;

"warehouse" includes any building, place, wagon, ship or vehicle when used by the Authority for the purpose of warehousing or depositing goods.

### **Section 112—Power of Authority Exercisable by Servants and Agents.**

(1) When powers are conferred or duties imposed by or under this Law or any other enactment on the Authority, such powers may be exercised or such duties performed by or through any servant or agent of the Authority authorised in that behalf by the Authority.

(2) No matter or thing done by any servant or employee of the Authority shall, if the matter or thing be done bona fide for the purpose of executing any provision of this Law, subject the servant or employee or any person acting by his directions, personally to any civil liability.

### **Section 113—Repeal and Saving.**

(1) The Ghana Ports Authority Decree, 1977 (S.M.C.D. 96) is hereby repealed.

(2) Notwithstanding the repeal of the said Decree, every statutory instrument made thereunder or deemed to be made thereunder and in force immediately before the commencement of this Law shall, until altered, revoked or modified under this Law, continue in force as if made under the corresponding provisions of this Law, with such modifications as may be necessary having regard to the provisions of this Law.

## **SCHEDULE**

### **TAKORADI**

From a point on the main break water 7.92m (26 feet) 221 degrees from Ghana Survey Point WP.7/30/18, thence in a direction 331° for 20.42m (67 feet) thence 060.50° for 3.81m (12.5 feet) thence 324° for 7.62m (25 feet) thence 270° for 11.43m (37.50 feet) thence 000° for 162.46m (533 feet) thence 335.5° for 135.33m (444 feet) thence 342° for 41.45m (136 feet) thence in the area of a circle radius 156.06m (512 feet) for a distance of 78.53m (257 feet) thence 353.5° for 17.68m (58 feet) thence 000° for (56 feet) 17.07m thence 355.5° for 25.91m (86 feet) thence 003° for 762m (25 feet) thence 089° for 25.72m for (150 feet) thence in the area of a radius 228.60m (250 feet) in a northerly direction for 129.54m (425 feet thence) 007° for 10.06m (33 feet) thence 143° for

48.61m (158 feet) thence 054° for 28.04m (92 feet) thence 359.5° for 68.56m (225 feet) thence 354° for 430.38m (1412 feet) thence 082° for 6.10m (20 feet) thence 356° for 22.86m (75 feet) thence 050° for 43.28m (142 feet) thence 079° for 13.72 (45 feet) thence 172° for 203.00m (666 feet) thence 077° for 823m (27 feet) thence 009.5° for 21.95m (72 feet) thence 009.5° for 21.95m (72 feet) thence 103° for 123.14m (404 feet) thence 069° for 120.70m (396 feet) thence 339° to the low water line thence following the low water line to the North-East corner of the reclaimed area, thence in a direction of 117.5° to the low waterline at the head of the main break water and thence along the outside of the main breakwater following the low water line to the starting point 7.92m (26 feet) 221° from Ghana Survey Point W.P. 7/30/18.

All that piece of land surrounded with palisade commencing at a point approximately 169.77m (557 feet) South of the Ghana Survey pillar marked GSC.71 (which pillar is fixed near the Butua River Bridge) on the Takoradi-Kumasi main line of the Ghana Railway Corporation approximately 2.01 kilometres (1.25 miles) from the Takoradi Railway station buildings; thence on a bearing of 90° for a distance of 14.63m (48 feet) thence on a bearing of 164° 56' for a distance of 76.20m (250 feet) thence on a bearing of 156° 36" for a distance of 67.06m (220 feet) thence on a bearing of 167° 90" for a distance of 100.58m (330 feet) thence on a bearing of 190°-48" for a distance of 30.48m (100 feet) thence on a bearing of 198°-25" for a distance of 27.43m (90 feet) thence on a bearing of 211°-55" for a distance of 85.34m (280 feet) thence on a bearing of 205°-10" for a distance of 5.79m (19 feet) thence on a bearing of 10°-05" for a distance of 21.64m (71 feet) thence on a bearing of 16°-24" for a distance of 51.82m (170 feet) thence on a bearing of 6° 15" for a distance of 67.06m (220 feet) thence on a bearing of 000° 00" for a distance of 310.20m (1,020 feet) to the aforesaid commencing Point South of Ghana Survey Pillar marked GSC.71.

## **TEMA**

The area of land commencing at a point on the High Water Mark of the Gulf of Guinea and approximately 195.07m (640 feet) South-east of the Centre line of the motor road from the Harbour to Accra which point i.e. marked with a wall which forms the limits of the Security fence of the Western boundary of the port in the Harbour Area in the Accra District of Greater Accra Region of Ghana the boundary follows the said wall on a bearing of 323° for approximately 103.63m (340 feet) to a point which is approximately 91.44m (300 feet) South-east of the Centre line of the said motor road from the Harbour to Accra and thence follows a wall a north-easterly direction on a bearing of 55° for approximately 245.84m (800 feet) to a point hence follows a wall on a bearing of 71° 00" for approximately 231.65m (760 feet) to a point and thence follows a wall for approximately 272.00m (940 feet) to a point thence follows a bearing of 247° 00" for approximately 60.96m (200 feet) to a point and thence follows a wall for approximately 152.40m (500 feet) to a point and thence follows a wall on a bearing of 333° 00' for approximately 146.32m (480 feet) to a point and thence follows a wall for approximately 512.06m (1050 feet) to a point and thence follows a wall on a bearing of 270° 00' for approximately 448.06m (1470 feet) to a point thence follows a wall for approximately 76.20m (250 feet) to a point which point is approximately 9.44m (300 feet) north-east of the main roundabout of the Port area and thence follows a wall on a bearing of 28° 00' for approximately 158.50m (520 feet) to a point and thence follows a wall on a bearing of 102° 00' for approximately 45.72m (150 feet) to a point and thence follows a wall in a general north-eastern direction for approximately 405.38m (1330 feet) to a point approximately 18.29m (60 feet) east of the Railway crossing to a motor road to the Tema Centre and thence follows on wall in a general north-eastern direction, south-east of the main roadway line leading to the Shai Hills for approximately 984.50m (3230 feet) to a point and thence

follows the eastern gate of the railway line leading to the Shai Hills for approximately 633.98m (2080 feet) to appoint which point is on the north-western edge of an unnamed motor road from Tema Town Centre to the Fishing Harbour Area and thence follows to north-western edge of the south motor road in a north-easterly direction for approximately 731.52m (24 feet) to a point near a bridge and thence on a bearing of 128° 00' for approximately 335.28m (1100 feet) to a pillar marked SGE 19/59/12 which pillar is situated on the shore close to the East of Chemu Lagoon and thence on a bearing of 90° 00' for approximately 326.75m (10720 feet) to a point and thence on a bearing of 262° 00' for approximately 5958.84m (19550 feet) to a point of commencement thus enclosing and approximately area of 2171.83 Hecters (5366.516 acres or 8.385 square miles) be the same several dimensions little more or less as the same boundary is more particular delineated on a plan numbered C.176 and deposited with the Chief Survey Officer.

**WINNEBA**

Lat. 50° 20' N; Long 0° 38' : W.

**ACCRA**

Lat. 50° 31' N; Long 0° 12' W.

**AXIM**

Lat. 4° 52' N; Long 2° 15' E. On West side of Cape Three Points.

**CAPE COAST**

Lat. 5° 9' N; Long 1° 16' West.

**KETA**

Lat. 5° 54' N; Long. 1° E.

Made this 26th day of June, 1986.

FLT.-LT. JERRY JOHN RAWLINGS

Chairman of Provisional National Defence Council

Date of Gazette Notification: ..... , 1986.