

**ACT 165**  
**WHOLESALE FISH MARKETING ACT, 1963**

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**ACT 165 WHOLESALE FISH MARKETING ACT, 1963(1)**

**AN ACT to establish fish marketing zones and to regulate the wholesale marketing of fish landed in those zones and to provide for related matters.**

**1. Fish marketing zones**

For the purposes of this Act each of the following areas shall be a fish marketing zone, that is to say,

- (a) the area of the port of Takoradi as delimited by the Ghana Ports and Harbours Authority Act, 1986;2(2)
- (b) the area of the port of Tema as delimited by the Act referred to in paragraph (a);
- (c) the area of the port of Elmina as delimited in the Schedule; and
- (d) any other area specified as a fish marketing zone by the Minister by executive instrument published in the *Gazette*.

**2. Marketing of fish landed in a fish marketing zone**

(1) Subject to subsection (2), fish landed in a fish marketing zone shall not, in the first instance, be offered for sale or sold except in a market designated by the Minister as the wholesale fish market for that zone.

(2) The Minister may grant an exemption from subsection (1), as respects

- (a) fish landed for the purpose of being despatched to a cannery or any other fish processing factory, or
- (b) fish which is landed having been frozen and packed on board the fishing vessel, and which is to be despatched to a cold store outside the zone for distribution.

(3) An exemption granted by the Minister under subsection (2) shall be in writing and may be absolute or subject to the conditions determined by the Minister including a condition requiring the person to whom the exemption is granted to pay to a person specified in the exemption a fee or any other charge.

(4) A fee or any other charge for the purposes of this Act, is recoverable as a civil debt.

(5) A designation made by the Minister under subsection (1) shall be published in the *Gazette* and shall be given any other publicity in the fish marketing zone concerned as directed by the Minister.

(6) A person who

- (a) offers for sale or sells fish in contravention of this section, or
- (b) contravenes a condition attached to an exemption granted under this section, other than a condition requiring the payment of a fee or other charge,

commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

### 3. Regulations

The Minister may, by legislative instrument, make Regulations providing for any of the following matters, that is to say,

- (a) the establishment, organisation, management and operation of a wholesale fish market;
- (b) the registration of a person using a wholesale fish market, the cancellation of the registration and the incidental or connected matters;
- (c) despite anything in subsection (1) of section 2, the transfer of fish landed in one fish marketing zone to another fish marketing zone;
- (d) the imposition of charges in respect of fish offered for sale or sold in a wholesale fish market, or in respect of fish transferred from one market to another, or in respect of fish kept or stored in a wholesale fish market;
- (e) the making, for the prescribed purposes and subject to the prescribed conditions and limitations, of by-laws by a person appointed by the Minister to be responsible for the management and operation of a wholesale fish market, including by-laws imposing penalties for the breach of a by-law or requiring the payment of any fee or other charge; but a regulation made under this paragraph shall not
  - (i) authorise the making of a by-law imposing as a penalty a fine exceeding one hundred and fifty penalty units or, in default of payment of the fine, a term of imprisonment exceeding three months;
  - (ii) permit a by-law to have effect unless that by-law has been approved by the Minister; and
- (f) any other matter in respect of which the Minister considers it necessary or expedient to make Regulations for the purpose of giving effect to the provisions of this Act.

### 4. Interpretation

In this Act, unless the context otherwise requires,

“**fish**” means an aquatic animal, including shellfish, crustaceans, turtles and aquatic mammals, and a reference to fish landed in a fish marketing zone shall be construed as a reference only to fish landed in that zone from a motor fishing vessel, whether or not the actual landing involves the transfer of the fish from the motor fishing vessel to any other craft of any description;

“**Minister**” means the Minister responsible for Fisheries;

“**motor fishing vessel**” does not include a canoe propelled by an outboard motor; “**prescribed**” means prescribed by or under this Act or the Regulations.

## 5. Customs legislation

A provision of this Act shall not be construed as derogating from the powers conferred on a person under any of the customs legislation.

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### Schedule AREA OF PORT OF ELMINA

All that piece of land at Elmina in the Cape Coast District of the Central Region of Ghana the boundary whereof commencing at a pillar marked SGW.37/59/11 which pillar is approximately 50 feet south-west of the western corner of St. George’s Castle and is 77.8 feet on a bearing of 33° 53’—which bearing together with all further bearings hereinafter mentioned is referred to the Meridian of 1° West Longitude—from a pillar marked GCS.CP.9/25/61 which pillar is approximately 120 feet south-west of the south-western corner of the bridge (Benya Lagoon) runs on a bearing of 323° 03’ for 63.9 feet to a pillar marked SGW.37/59/12 and thence on a bearing of 263° 08’ for 1132.3 feet to a pillar marked GCS.CP. 9/25/63 and thence on a bearing of 263° 56’ for 565.8 feet to a pillar marked SGW.37/59/1 and thence on a bearing of 358° 58’ for 426.6 feet to a pillar marked SGW.37/592 which pillar is at the northern edge of the Benya Lagoon and thence on a bearing of 82° 56’ for 319.5 feet on a pillar marked GCG.CP.3B/33/8 which pillar marks the south-western corner of Sanitary Site No. 3 and thence on a bearing of 179° 29’ for 12.0 feet to a point on a retaining wall which wall forms the northern edge of the said Benya Lagoon and thence follows the said retaining wall in a general direction of the aforesaid retaining wall for approximately 500 feet to a pillar marked SGW.37/59/13 and thence follows the aforesaid retaining wall on a bearing of 107° 20’ for 201.5 feet to a pillar marked SGW.37/59/14 and thence follows the said retaining wall on a bearing of 97° 29’ for 462.4 feet to a pillar marked SGW.37/59/3 and thence on a bearing of 29° 54’ for 117.2 feet following the said retaining wall to a pillar marked SGW.37/59/4 and thence on a bearing of 92° 45’ for 88.1 feet to a pillar marked SGW.37/59/5 and thence on a bearing of 157° 33’ for 88.1 feet to a pillar marked SGW.37/59/6A and thence on a bearing of 49° 59’ for 345.9 feet to a pillar marked SGW.37/59/7 and thence follows the Low Water mark in a north-easterly direction for approximately 210 feet and thence follows the said Low Water mark of the Gulf of Guinea in a general direction of the Low Water mark for approximately 2870 feet to a point approximately 116 feet due south from a pillar marked SGW.37/59/15 and thence on a bearing of 180 degrees for approximately 2340 feet to a point and thence on a bearing of 270 degrees for approximately 900 feet to a pillar marked SGW.37/59/16 and thence on a bearing of 328° 37’ for 66.5 feet to a pillar marked SGW.37/59/8 which pillar is on the breakwater and thence on a bearing of 237° 01’ for 262.3 feet to a pillar marked SGW.37/59/9 and thence on a bearing of 221° 40’ for 279.7 feet to a pillar marked SGW.37/59/10 and thence on a bearing of 196° 57’ for 55.5 feet to the point of commencement thus enclosing an area of 68.400 acres be the same several dimension little more or less as the same premises are more particularly delineated and shewn edged pink on a Cadastral Plan numbered Y.844.

### Endnotes

#### 1 (Popup - Footnote)

1. This Act was assented to on 3rd January, 1963.

#### 2 (Popup - Footnote)

2. [P.N.D.C.L. 160.](#)