

WILD ANIMALS PRESERVATION ACT, 1961 (ACT 43)

As amended by

WILD ANIMALS PRESEVATION (AMENDMENT) LAW, 1983 (PNDCL 55).1

FORESTRY COMMISSION ACT, 1999 (ACT 571).2

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THE FORTY-THIRD

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED
THE WILD ANIMALS PRESERVATION ACT, 1961

AN ACT to consolidate and amend the law relating to wild animals, birds and fish and to continue the observance of the Convention signed at London on the nineteenth day of May, 1900.

DATE OF ASSENT: 22nd March, 1961

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

Section 1—Appointment Of Officers

The President may in accordance with the advice of the Forestry Commission given in consultation with the Public Services Commission appoint officers to carry out all or any of the purpose of this Act; [As substituted by Forestry Commission Act, 1999 (Act 571) s. 35 ss. 2a].

Section 2—Permit for Collection of Specimens. No 2 of 1901, s.5.

Notwithstanding any regulations made under paragraphs (d), (e), (f), (g) and (l) of section eleven of this Act the Minister may, by permit under his hand, allow the collection of specimens of animals referred to in such regulations for museums or zoological gardens or for any other scientific purpose.

Section 3—Power to Vary Schedules. No. 2 of 1901, s.6. No. 21 of 1915, s.5. No. 30 of 1935, s.2.

The Minister may upon the recommendations of the Forestry Commission by legislative instrument, remove the name of any animal from any of the Schedules to this Act or declare that the name of any species, variety, or sex of animal, whether beast or bird, not mentioned in any Schedule, shall be added to a particular Schedule, or that the name of any species or variety of animal mentioned or included in one Schedule shall be transferred to another Schedule, and may apply such legislative instrument to the whole of Ghana, or to any Region, or any area of a Region: [As substituted by Forestry Commission Act, 1999 (Act 571) s. 35 ss. 2b].

Provided always that a legislative instrument made under the provisions of this section shall be laid before the National Assembly.

Section 4—Restrictions on Export and Import of Trophies. No. 2 of 1901, s.7. No. 3 of 1939, s.4.

(1) No person shall export or attempt to export from Ghana any trophy unless he has been granted a certificate by a Superior Police Officer not below the rank of Assistant Superintendent permitting the export of the same.

(2) The certificate shall not be issued unless the Superior Police Officer is satisfied that the trophy has been lawfully imported or otherwise lawfully obtained.

(3) No person shall import into Ghana, except on production of a certificate of lawful export, any trophy which has been exported from any territory which the Minister has notified in the Gazette

as being a territory to which the terms of the International Convention for the protection of Fauna and Flora made at London on the 8th day of November, 1933 applies.

(4) The import or export of any trophy except at places where there is a Customs station is prohibited.

(5) Any person contravening any of the provisions of this section commits an offence and shall be liable on summary conviction to a fine of ₪2million or to imprisonment for six months and any trophy imported or being exported in contravention of the provisions of subsections (2), (3) and (4) of this section shall be forfeited. [As substituted by Forestry Commission Act, 1999 (Act 571) s. 35 ss. 2c].

Section 5—Marking of Trophies. No. 2 of 1901, s.8. No. 3 of 1939, s.4.

(1) Every trophy consisting of ivory exported in accordance with the provisions of section four of this Act shall be identified by marks which, together with the weight of the trophy, shall be recorded in the export certificate.

(2) Every other trophy shall, if possible, be similarly marked and recorded but shall in any event be described in the export certificate so as to identify it with as much certainty as possible.

Section 6—Prohibition of Hunting by Motor Vehicle or Aircraft. No. 2 of 1901, s.9. No. 3 of 1939, s.4.

(1) No person shall use any motor vehicle or aircraft (including aircraft lighter than air) for the purpose of hunting, killing or capturing animals or in such manner as to drive, stampede or disturb them for any purpose whatsoever, including that of filming or photographing:

Provided that nothing in this section contained shall affect the right of any occupier in respect of land occupied by him to use motor vehicles or aircraft for the purpose of driving away, capturing or destroying animals found on such land in any case where such ejection, capture or destruction is not prohibited under any other provision of this Act.

(2) Any person contravening the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding ₪2million or to a term of imprisonment not exceeding six months or to both such fine and imprisonment. [As substituted by Forestry Commission Act, 1999 (Act 571) s. 35 ss. 2d].

Section 7—Surrounding Animals by Fires Prohibited. No. 2 of 1901, s. 10. No. 3 of 1939, s.4.

(1) It shall be unlawful to surround animals by fires for hunting purposes.

(2) Any person contravening the provisions of this section commits an offence and shall be liable on summary conviction to a fine of ₪2million or imprisonment for six months or to both such fine and imprisonment. [As substituted by Forestry Commission Act, 1999 (Act 571) s. 35 ss. 2c].

Section 8—Power to Arrest Without Warrant. No. 10 of 1952, s.4.

A Game Officer may arrest without a warrant any person whom he reasonably suspects to have been concerned in any offence punishable under this Act, if such person refuses to give his name

and address or gives a name and address which the Game Officer reasonably believes to be false, or if the Game Officer has reason to believe that such person will abscond:

Provided that any person so arrested shall be taken before a District Magistrate or to the nearest police station without any unnecessary delay.

Section 9—Indemnity for Acts done in Good Faith. No. 10 of 1952, s.4.

No action shall lie against any public officer in respect of any act done by him in good faith in the execution or intended execution of his duties or powers under this Act.

Section 10—Government Trophies.

Trophies of animals shot by a Game Officer in the execution of his duties shall be the property of the Government.

Section 11—Regulations. No. 2 of 1901, s.3. No. 10 of 1952, s.3. No. 3 of 1939, s.3. No. 23 of 1926, s.2. No. 10 of 1907, s.2. No. 18 of 1911, s.2. No. 21 of 1915, s.2.

The Minister on the advice of the Forestry Commission may by legislative instrument make regulations for the administration of this Act and in particular for the— [As substituted by Forestry Commission Act, 1999 (Act 571), s. 35 ss. 2 f (a)].

- (a) establishment of close seasons with the view to facilitate the rearing of young animals;
- (b) application of measures for preventing the transmission of contagious diseases from domestic to wild animals;
- (c) destruction of the eggs of crocodiles, poisonous snakes, and pythons;
- (d) prohibition of the hunting and destruction of the animals mentioned in the First Schedule to this Act and also of any other animals whose protection, whether owing to their rarity or threatened extermination, may be considered necessary;
- (e) prohibition of the hunting and destruction of young animals of the species mentioned in the Second Schedule to this Act;
- (f) prohibition of the hunting and destruction of the species mentioned in the Third Schedule to this Act, when accompanied by their young;
- (g) prohibition, to a certain extent, of the destruction of any females, when they can be recognised as such, with the exception of those of the species mentioned in the Fifth Schedule to this Act;
- (h) prohibition of the hunting and destruction, except in limited numbers, over a limited area and for a limited period of time, of animals of the species mentioned in the Fourth Schedule to this Act;
- (i) prohibition of the hunting of wild animals by any persons except holders of licences issued by the competent Government authority on such terms as shall by the regulations be prescribed;

- (j) restriction or prohibition of the use of nets, pits or enclosures, gins, traps or snares or of set guns and missiles containing explosives for hunting animals;
- (k) application of measures for effecting the sufficient reduction of the numbers of the animals of the species mentioned in the Fifth Schedule to this Act;
- (l) establishment of reserves within which it shall be unlawful to hunt, capture, or kill any bird or other wild animal except those which shall be specially exempted from protection;
- (m) imposition of export duties, on, and the prohibition of the sale or exportation of, any trophy;
- (n) prohibition of hunting or killing young elephants and the confiscation of all elephant tusks weighing less than twenty-five pounds;
- (o) the protection and preservation of reserves and of the animals therein;
- (p) prohibition of the use of dazzling lights, flares, poison or poisoned weapons for hunting animals;
- (q) protection of eggs of such birds as may be specified in the regulations made under this section;
- (r) the imposition of penalties not exceeding €2million or imprisonment with or without hard labour for a term not exceeding twelve months or to both for breach of any regulation made under this section. [As substituted by Wild Animals Preservation (Amendment) Law, 1983 (PNDCL 55) s.1 and amended by the Forestry Commission Act, 1999 (Act 571)s. 35 ss. 2 f (b)].

Section 12—Interpretation. No. 2 of 1901, s.2. No. 3 of 1939, s.2.

In this Act, unless the context otherwise requires—

"animal" or "species" means all vertebrates and

invertebrates (including non-edible fish) their nests, eggs, eggshells and plumage;

"officer" means an officer of the Forestry Commission so designated; [As substituted by the Forestry Commission Act, 1999 (Act 571), s. 35 (2)(g)].

"Minister" means the Minister responsible for forestry and wildlife. [As substituted by the Forestry Commission Act, 1999 (Act 571) s. 35 ss. 2g].

"trophy" means any animal, dead or alive, mentioned in any of the Schedules or any thing being part of, or produced from, any such animal when dead and the eggs, eggshells, nests or plumage of any bird mentioned therein but shall not include any trophy or part of a trophy which by a process of bona fide manufacture has lost its original identity.

Section 13—Repeals.

The Wild Animals Preservation Ordinance (Cap. 246) and the Wild Animals Preservation (Amendment) Ordinance, 1952 (No. 10) are hereby repealed.

SCHEDULES

FIRST SCHEDULE

(Sections 3 and 11)

GENERA COMPLETELY PROTECTED

No. 21 of 1915, s.3. No. 13 of 1916. No. 32 of 1929. No. 9 of 1954. No. 13 of 1956, s.2. No. 3 of 1959, s.6.

Series A—Birds

Genera Completely Protected.

1. Birds used in the plumage trade, not specifically mentioned in another Schedule.
2. Egrets.
3. Marabouts.
4. Owls.
5. Oxpeckers (*Buphagus*).
6. Secretary-bird.
7. Crested or Crowned Cranes.
8. Whale-headed Stork or Shoe-bill.
9. Bald-headed Ibis.
10. White-breasted Guinea Fowl.
11. Bare-headed Rock Fowl (*Picathartes gymnocephalus*).

Series B.—Mammals

1. Chimpanzee—*PAN*.
2. Colobid Monkeys—*COLOBUS PROCOLOBUS*.
3. Aardvaark—*ORYCTEROPUS*.
4. Senegal Hartebeest—*DAMALISCUS*.
5. Elephant—*LOXODONTA*—with tusks below a total weight of 5 kilogrammes.
6. Hippopotamus—*HIPPOPOTAMUS*.
7. Water Chevrotain—*HYEMOSCHUS*.
8. Manatee—*TRICHECHUS*.

SECOND SCHEDULE

(Section 11 (e))

GENERA OF WHICH THE YOUNG ARE SPECIFICALLY PROTECTED

No. 21 of 1915, s.3. No. 9 of 1934. No. 3 of 1939, s.7.

Genera of which the young are specifically protected.

1. All Bovoid Ungulates specifically mentioned in Schedule 1, and in addition Antelopes, Gazelles, Duikers, Buck and Buffalo.
2. All Pholidont Pangolins of the genus MANIS (= UROMANIS. PHATAGINUS).
3. All Cercopithecoid Monkeys with the exception of the Baboon - PAPIO.

THIRD SCHEDULE

(Section 11 (f))

No. 21 of 1915, s.3. No. 9 of 1934.

GENERA OF WHICH FEMALES ACCOMPANIED BY YOUNG ARE PROTECTED

Genera of Which Females Accompanied by Young are Protected.

1. Elephant—LOXODONTA.
2. All Bovoid Ungulates as in Schedule 2, subsection 1.
3. All Pangolins as in Schedule 2, subsection 2.
4. All Cercopithecoid Monkeys with the exception of the Baboon - PAPIO as in Schedule 2, subsection 3.

FOURTH SCHEDULE

(Section 11(h))

No. 21 of 1915, s.3. No. 9 of 1934. No. 13 of 1936, s.3.

GENERA OF WHICH ONLY A LIMITED NUMBER MAY BE KILLED

Genera of Which Only a Limited Number May be Killed.

1. Carnivora:
 - (a) Ratel or Honey Badger—MELLIVORA
 - (b) Clawless Otter—AONYX
 - (c) Lynx—CARACAL
 - (d) Serval Cat—LEPTAILURUS
 - (e) Golden Cat—PROFELIS
 - (f) Jackal—THOS

(g) Cheetah—ACINONYX (=CYNAELURUS).

2. Primates:

(a) Lorisiformes of the genera

(i) DALAGOIDES. GALAGO—Bush Babies

(ii) PERODICTUCUS—POTTO.

(b) Monkeys of the Genera

(i) CERCOPITHECUS — Diana. Spot-nosed. Mona. Green, etc.

(ii) ERYTHROCEBUS—Patas.

(iii) CERCOCEBUS—Mangabey.

3. Pholidonta—Pangolins of the genus Manis (—UROMANIS PHANTAGNUS).

4. Glives:

(a) Lagomorpha of the Genus LEPUS—Togo Hare

(b) Rodents of the Genera

(i) ANOMALURUS—Flying Squirrel

(ii) HYSTRIX—Crested Porcupine

(iii) ATHERURA—Brush Tailed Porcupine.

5. Ungulata:

(a) Paeungulata

(i) PROCAVIA DENDROHYRAX—Tree Bear. Hyrax

(ii) LOXODONTA—Elephant in which the tusks exceed 5 kilogrammes in weight.

(b) Paraxonia—Suiformes

(i) PHACOCOERUS—Wart Hog

(ii) POTAMOCHOERUS—Bush Pig

(iii) HYLOCHOERUS—Forest Hog.

(c) Paraxonia—Ruminantia—Bovoidea

(i) STREPSICEROS (=TRAGELAPHUS) Bush buck

(ii) TAUROTRAGUS—Bongo

(iii) SYNCERUS—Bush Cow or Buffalo.

(iv) CEPHALOPHUS—Black, Bay, Red Flank Duikers, etc.

(v) SYLVICAPRA—Crowned Duiker

(vi) PHILATOMBA—Maxwell Duiker

(vii) REDUNCA—(=CERUICAPRA)—Reedbuck

(viii) HIPPOTRAGUS—Roan Antelope

(ix) ALCEPHALUS—(=BUBALIS)—Hartebeeste

(x) KOBUS—Waterbuck

(xi) ADENOTA—Kob

(xii) OUREBIA—Oribi

(xiii) NEOTRAGUS—Royal Antelope

(xiv) GAZELLA—Gazelle.

FIFTH SCHEDULE

(Section 11 (g) and (k))

No. 13 of 1916. No. 32 of 1929.

GENERA AS TO WHICH MEASURES MAY BE TAKEN TO REDUCE THE NUMBERS

Genera as to Which Measures May be Taken to Reduce the Numbers.

1. Rodents.

2. Lions.

3. Leopards.

4. Poisonous Snakes.

5. Pythons (Python Sebae).

6. Crocodiles.

7. Hunting Dog (Lycaon).

8. Any other animal whose numbers rise to a level sufficient to threaten agriculture or to constitute a danger to the human population, may be reduced in numbers at the discretion of the Game Warden.