

4) INSTITUTIONAL PROVISIONS
5) SUPPLEMENTARY LEGISLATION

(a) Fisheries Marketing Corporation Act 1977, as amended in 1980.

1. (1) This Act may be cited as the Fish Marketing Corporation Act, 1977, and shall come into force on such date as the Minister may, by notice in the Gazette, appoint.
(2) This Act shall be read as one with the Fisheries Act, 1977, or any regulations made under that Act and shall be carried out to comply with the purposes and policies prescribed under the Fisheries Act, 1977.
2. In this Act, unless the context otherwise requires, the terms and phrases defined in the Fisheries Act, 1977, shall have the same meaning as assigned to them under that Act, and in addition :
 - "Board" means the Board of the Corporation ;
 - "Chairman" means the Chairman of the Board ;
 - "Commercial fishing operations" means any commercial fishing venture carried out in The Gambia by local or foreign interests and includes any industrial or traditional fishing by local or foreign fishings vessels, any aquaculture establishment, and any export fish processing establishment ;
 - "Minister" means the Minister for the time being responsible for the administration of this Act.
3. There is hereby established a body corporate which shall be known as the Fish Marketing Corporation which shall have perpetual succession and which may sue or be sued in its own name.
4. The functions of the Corporation shall be :
 - (a) to engage in the business of distribution and marketing of fish and fish products and to provide secure marketing outlets for fisheries in The Gambia, and in particular for traditional fisheries ;
 - (b) to develop and regulate export markets for fish and fish products from The Gambia ;
 - (c) to engage in commercial fishing operations ;
 - (d) to engage in the processing of fish ;
5. The Corporation shall have the power generally to do all things reasonably necessary or incidental to the discharge of its function under section 4 and shall, in particular, have the power -
 - (a) to construct and operate cold stores, marketing facilities and processing establishments ;
 - (b) to purchase or construct, operate and supply fishing vessels ;
 - (c) to enter into any contract, including contracts for the supply of fish, the marketing of fish products and any management contract ;
 - (d) with the approval of the Minister, to enter into any equity participation or other joint venture arrangement with any local or foreign enterprises ;
 - (e) to acquire, hold, sell, transfer, dispose of or otherwise deal with any real or personal property ;
 - (f) to purchase, sell or contract to hire vehicles in connection with the carrying on of its business ;
 - (g) to invest the moneys of the Corporation in accordance with the directions of the Board ;
 - (h) to borrow money for the purpose of fulfilling any of its functions ;
 - (i) to make loans to persons or enterprises on commercial terms during the course of its operations ;
 - (j) with the approval of the Minister, to sell or otherwise transfer all or any part of its business or any share thereof to any person, company, cooperative or other group of persons on such terms and conditions as may be appropriate.
6. (repealed)

7. (1) No person shall export from The Gambia any fish or fish products except :
- (a) fish or fish products which are the property of the Corporation ; or
 - (b) fish or fish products, the export of which has been permitted in writing by the Corporation ;
- and then only to such places and in such quantities and at such prices as the Corporation shall from time to time permit in writing .
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding five thousand Dalasis or to imprisonment for a term not exceeding one year, or to both.
8. (1) The operations of the Corporation shall be controlled by a Board consisting of the following members, who shall be appointed by the Minister
- (a) a chairman ;
 - (b) a Managing Director, who shall be a person having considerable commercial experience and competence ;
 - (c) the Permanent Secretary of the Ministry of Agriculture and Natural Resources or his representative ;
 - (d) one member nominated by the National Investment Board ;
 - (e) not more than three other members, of whom at least two shall be persons having commercial experience .
- (2) Each member of the Board shall, unless he sooner resigns or his appointment is revoked, hold office for such period of time as may be specified in the instrument of appointment .
- (3) The Board, with the approval of the Minister, may determine the amount of salaries, remuneration or allowances if any, to be paid to the Chairman or any other member of the Board, and such salaries, remunerations or allowances shall be paid out of the funds of the Corporation .
- (4) Where any member of the Board is temporarily incapacitated from performing his functions by reason of his absence from The Gambia or illness or any other cause, the Minister may appoint another person to hold office in his place, and such person shall have all the powers of the member until such time as the member is again able to perform his duties .
- (5) Where the Chairman is for any reason unable to attend a meeting of the Board, the Board may elect one of its members to act as Chairman for the duration of that meeting .
9. Any member of the Board shall cease to be a member if -
- (a) he becomes of unsound mind ;
 - (b) he is declared insolvent or bankrupt ;
 - (c) he is guilty of serious misconduct in connection with his duties as a member of the Board or if he is convicted of a serious criminal offence .
10. (1) The Board shall meet at such times and places as the Chairman may determine or at the request of at least one third of the members of the Board :
- (2) The Chairman and three other members shall form a quorum ;
 - (3) The decisions of the Board shall be by majority vote, and, in the event of a tie vote, the Chairman shall have a casting vote in addition to his original vote .
 - (4) The Chairman shall preside at all meetings of the Board, where subsection (5) of section 8 of this Act applies .

11. Any member of the Board who has any interest, directly or indirectly in any contract or other matter in which the Corporation is involved, shall disclose the nature of his interest to the Board and shall be disqualified from participating in any deliberations or voting of the Board on such contract or matter.
12. The Board shall adopt its own rules of procedure.
13. The Managing Director shall be the Chief Executive of the Corporation and shall be responsible for the day to day administration and management of the business of the Corporation, subject to the general direction of the Board.
14. (1) The Board may appoint such officers and other employees as it may consider necessary for the efficient conduct of the business of the Corporation, upon such terms and conditions of service as it may think fit.
(2) The appointment by the Board of persons as employees or officers of the Corporation in respect of any post the maximum salary attached to which exceeds D 5,000 per annum and the terms and condition of service of such employees or officers shall be subject to the prior approval of the Minister.
(3) Subject to the provisions of subsection (2) of this section, the Managing Director shall be responsible for all aspects of personnel matters, and shall be accountable therefor to the Board.
15. The Corporation shall at all times conduct its affairs on a commercial basis and in accordance with sound commercial principles.
16. (1) The funds and assets of the Corporation shall consist of :
 - (a) moneys earned by the Corporation in the discharge of its functions under section 4 ;
 - (b) moneys earned or arising from any investments made by the Corporation in accordance with the provisions of section 5 ;
 - (c) sums borrowed by the Corporation in accordance with the provisions of section 5 (h) or the proceeds of any sale or transfer under section 5 (j) ;
 - (d) such fixed and other assets as may transferred to the ownership of the Corporation ;
 - (e) such sums as may be appropriated to the Corporation by Parliament as capital, or as may be further appropriated to it from time to time as necessary.(2) There shall be paid out of the funds of the Corporation.
 - (a) all expenditures (including capital expenditures) incurred by the Corporation in the performance of its functions and in the course of its business transactions ;
 - (b) moneys for the repayment of any loan made to the Corporation in accordance with the provisions of section 5.(3) The funds of the Corporation shall, in so far as they are not required to be expended for the purposes of its day to day operations, be invested in such manner as the Board may direct.
17. (1) The Corporation shall keep proper books of account and other records in respect of its operations and shall prepare statements of accounts as the end of each financial year.
(2) The accounts of the Corporation shall be audited each year by the Auditor General or by an independent Auditor appointed by the Board with the approval of the Minister responsible for financial matters ;
(3) At the end of each financial year and as soon as the accounts of the Corporation have been audited, the Board shall transmit to the Minister a copy of the statement of accounts of the Corporation in such form as the Minister may require, together with a copy of any comments or observations thereon made by the auditors.
(1) The Board shall at the end of each financial year submit a report to the Minister

- on the activities of the Corporation, including the operations of any companies in which it has equity participation, in such form as the Minister may require.
- (2) The Minister shall lay the statement of accounts and annual report of the Corporation before Parliament.
19. (1) Any person who contravenes any provisions of this Act or any regulations made under this Act shall be guilty of an offence and shall if no specific penalty is prescribed under this Act or any regulations made under this Act or under the Fisheries Act, 1977, or any regulations made under that Act, be liable to a fine not exceeding two thousand Dollars or to imprisonment for a term not exceeding six months, or to both.
- (2) Any second or subsequent offence against this Act or any regulations made thereunder shall be punishable by a fine not exceeding twice the amount prescribed for the first such offence or by imprisonment for a term not exceeding three years, or to both.
20. The Corporation is hereby exempt from all provisions of the Income Tax Act, with the exception of sections 46(2) and 50(2).
21. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Fisheries Act, 1977, and any other Act.
22. The Board may with the approval of the Minister, make regulations generally for the proper and efficient implementation of the provisions and purposes of this Act, and may in particular and without prejudice to the generality of the foregoing, make regulations for the following purposes:
- (a) to develop, organize, and manage the marketing and distribution of fish and fish products for domestic and foreign markets ;
 - (b) to prescribe the conditions, forms, and procedures of application for any licence, permit or other document required by the Corporation to carry out its licensing functions under this Act and the Fisheries Act, 1977 ;
 - (c) to regulate and place conditions on the export of fish and fish products.

(b) The Ports Act, 1972 (No. 21 of 1972).*

* Title only/Titre seulement